

SCHEDULE 1

Rule 3(2)

THE CONSTITUENCY MEMBERS ELECTION RULES

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PART 1

General Provisions

Citation

1. This Schedule may be cited as the Constituency Members Election Rules.

Interpretation

2. In the rules in this Schedule—
 - (a) unless the context indicates otherwise, “election” means an election of a constituency member;
 - (b) reference to a rule by number alone is a reference to the rule so numbered in this Schedule.

PART 2

Provisions As To Time

Timetable

3. The proceedings at the election must be conducted in accordance with the following timetable:

Timetable

| <i>Proceedings</i> | <i>Time</i> |
|---|---|
| Publication of notice of election | Not later than the thirtieth day before the day of election. |
| Delivery of nomination papers | Not later than noon on the twenty-fourth day before the day of election. |
| Publication of statement as to persons nominated | Not later than noon on the twenty-second day before the day of election. |
| Delivery of notices of withdrawals of candidature | Not later than noon on the twenty-first day before the day of election. |
| Notice of poll | Not later than the sixth day before the day of election. |
| Polling | Between the hours of 7 in the morning and 10 at night on the day of election. |

Computation of time

- 4.—(1) In computing any period of time for the purposes of the timetable—
 - (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
 - (c) a day appointed for public thanksgiving or mourning,must be disregarded, and any such day must not be treated as a day for the purpose of any proceedings up to the completion of the poll nor may the CRO be obliged to proceed with the counting of the votes on such a day.

(2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in England and Wales.

PART 3

Stages Common To Contested And Uncontested Elections

Notice of election

5.—(1) The CRO must publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must state the arrangements (if any) which apply for the payment of the deposit required by rule 8 by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer for local government electors in order that they may be effective for the election.

Nomination of candidates

6.—(1) Each candidate must be nominated by a separate nomination paper, which must be—

- (a) in the appropriate form, and
- (b) delivered to the place fixed for the purpose by the CRO, which must be at the offices of a local authority within the Assembly constituency, before the last time for the delivery of nomination papers.

(2) The nomination paper must state the candidate’s—

- (a) full names,
- (b) home address, in full, and
- (c) if desired, description,

and the surname must be placed first in the list of names.

(3) If a candidate commonly uses—

- (a) a surname which is different from any other surname he has, or
- (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename, or both surname and forename, in addition to the other name.

(4) The description (if any) can only be—

- (a) one authorised as mentioned in paragraph (5) or (7), or
- (b) the word “Independent”.

(1) 1971 c. 80.

(5) A nomination paper may not include a description of a candidate that is likely to lead electors to associate the candidate with a registered party unless—

- (a) the party is a qualifying party in relation to the electoral area, and
- (b) the description is authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of the party, and
 - (ii) received by the CRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.

(6) In paragraph (5) an authorised description may be either—

- (a) the name of the party registered under section 28 of the 2000 Act⁽²⁾, or
- (b) a description of the party registered under section 28A⁽³⁾ of that Act.

(7) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of each of the parties, and
- (b) received by the CRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.

(8) For the purposes of paragraph (7), a description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Act ⁽⁴⁾.

(9) A person will be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (5) or (7) on behalf of a registered party's nominating officer.

(10) For the purposes of the application of these rules in relation to an election—

- (a) “registered party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election,
- (b) a registered party is a qualifying party in relation to an electoral area if on the relevant day the party was registered in respect of England in the Great Britain register maintained under that Part of that Act.

(11) For the purposes of paragraph (10)(a), any day falling within rule 4(1) must be disregarded.

Consent to nomination

7.—(1) A person will not be validly nominated unless his consent to nomination—

- (a) is given in writing in the appropriate form, or a form to like effect, on or within one month before the last day for the delivery of nomination papers;
- (b) is attested by one witness whose name and address must be given; and
- (c) is delivered at the place and within the time for delivery of nomination papers.

(2) A candidate's consent given under this rule must—

- (a) state the day, month and year of his birth; and

(2) Section 28 of the Political Parties, Elections and Referendums Act 2000 (c.41) was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006 (c.22).

(3) Section 28A of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

(4) Section 28B of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

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- (b) contain a statement that to the best of the candidate's knowledge and belief he is not disqualified from being elected by reason of—
 - (i) any disqualification set out in section 21 (disqualification from being the Mayor or an Assembly member) of the 1999 Act, or
 - (ii) any decision made under section 79 (decisions of case tribunals) the Local Government Act 2000.

Deposits

8.—(1) A person will not be validly nominated unless the sum of £1,000 is deposited by him, or on his behalf, with the CRO at the place and within the time for delivery of nomination papers.

- (2) The deposit may be made either—
 - (a) by the deposit of any legal tender, or
 - (b) by means of a banker's draft, or
 - (c) with the CRO's consent, in any other manner including by means of a debit or credit card or the electronic transfer of funds,

but the CRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit must at the time he makes it give his name and address to the CRO, unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act.

Decisions as to validity of nomination papers

9.—(1) Where a nomination paper and the candidate's consent to it are delivered, and the deposit is made, in accordance with this Part of these Rules, the candidate must be deemed to stand nominated unless and until—

- (a) the CRO decides that the nomination paper is invalid, or
- (b) proof is given to the CRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

- (2) The CRO is entitled to hold a nomination paper invalid only on the grounds—
 - (a) that the particulars of the candidate on the nomination paper are not as required by law; or
 - (b) that the paper breaks rule 6(5) or (7).

(3) Subject to paragraph (4), the CRO must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.

(4) If in the CRO's opinion a nomination paper breaks rule 6(5) or (7), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the end of the period for the delivery of nomination papers set out in the timetable in rule 3.

(5) Where the CRO decides that a nomination paper is invalid, he must endorse and sign on the paper the fact and the reasons for his decision.

(6) The CRO must, as soon as practicable after making a decision under paragraph (3) or (4) that a nomination paper is valid or invalid, send notice of that decision to the candidate at his home address as given in his nomination paper.

(7) The CRO's decision that a nomination paper is valid is final and must not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

10.—(1) The CRO must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated together with the reason why they no longer stand nominated.

(2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) If a person's nomination paper gives a commonly used surname or forename, or both surname and forename, in addition to another name, the statement must show the person's commonly used surname or forename, or both surname and forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the CRO thinks—

(a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or

(b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the CRO must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(7) In the case of a person nominated by more than one nomination paper, the CRO must take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the CRO in default of the candidate) may select.

(8) At an ordinary election, in addition to publishing the statement under paragraph (1), the CRO must arrange for a copy of the statement to be delivered to the GLRO as soon as possible after all decisions which are required to be made under rule 9 have been made.

Correction of minor errors

11.—(1) A CRO may, if he thinks fit, at any time before the publication under rule 10 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

(a) errors as to a person's electoral number,

(b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by a CRO in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.

(4) A CRO must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Inspection of nomination papers and consent to nomination

12.—(1) During ordinary office hours, in the period starting 24 hours after the latest time for the delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

(2) Inspection under paragraph (1) may not take place on a day that is specified in rule 4(1).

Nomination in more than one Assembly constituency

13.—(1) At an ordinary election, the GLRO must, before the last time for delivery of notices of withdrawal, review the statements of persons nominated which are delivered under rule 10(8).

(2) If, having reviewed the statements in accordance with paragraph (1), it appears to the GLRO that a candidate has been validly nominated for more than one Assembly constituency, the GLRO must, before the last time for delivery of notices of withdrawal, inform the CRO for each Assembly constituency in which that candidate has been validly nominated of—

- (a) the candidate's name and particulars in the statement of persons nominated, and
- (b) the name of each Assembly constituency in which the candidate appears to have been validly nominated.

(3) If practicable, before the last time for delivery of notices of withdrawal, the GLRO may also inform each candidate who is the subject of the communication under paragraph (2)—

- (a) that he appears to have been validly nominated in more than one Assembly constituency, and
- (b) of the name of each Assembly constituency in which he appears to have been validly nominated.

(4) A candidate who is validly nominated for more than one Assembly constituency, must withdraw from his candidature, in accordance with rule 14, in all those Assembly constituencies except one.

(5) If a CRO is notified of a candidate's name in accordance with paragraph (2), and he receives a notice of withdrawal in respect of that candidate in accordance with rule 14, he must, before the last time for delivery of notices of withdrawal, inform—

- (a) the CRO of each Assembly constituency in which that candidate has been validly nominated, and
- (b) the GLRO.

(6) If a candidate does not comply with paragraph (4), each CRO who has been informed of the candidate's name under paragraph (2) must, after the last time for the delivery of notices of withdrawal, deem that candidate to have withdrawn from his candidature in each Assembly constituency.

(7) If a candidate is deemed to have withdrawn his candidature in accordance with paragraph (6), each CRO must, as soon as practicable, notify that candidate in writing that his candidature has been deemed to be withdrawn in respect of that Assembly constituency.

Withdrawal of candidates

14.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address must be given, and
- (b) delivered to the CRO at the place for delivery of nomination papers,

by the end of the period for the delivery of notices of withdrawals of candidature in the timetable in rule 3.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom will be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph will be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

15.—(1) If, after any withdrawals in accordance with rule 14, the number of persons remaining validly nominated for the Assembly constituency exceeds one, a poll must be taken in accordance with Part 4 of these Rules.

(2) If, after any withdrawals in accordance with rule 14, only one person remains validly nominated for the Assembly constituency, that person must be declared to be elected in accordance with Part 5.

PART 4

Contested Elections

Poll to be taken by ballot

16. The votes at the poll must be given by ballot, the result must be ascertained by counting the votes given to each candidate, and the candidate to whom more votes have been given than to the other candidates must be declared to have been elected.

The ballot papers

17.—(1) The ballot of every voter must consist of a ballot paper that must be in the appropriate form.

(2) Each person remaining validly nominated for the election, after any withdrawals, and no other, is entitled to have their name inserted in the ballot paper.

(3) Every ballot paper—

- (a) must be printed in accordance with the directions set out in the Forms Schedule,
- (b) must contain the names and other particulars of the candidates as shown in the statement of persons nominated,
- (c) must have a number and other unique identifying mark printed on the back, and
- (d) may, in the case of ballot papers for use at polling stations, be marked with the words “do not fold”.

(4) If a candidate who is the subject of a party’s authorisation under rule 6(5) so requests, the ballot paper must contain, against the candidate’s particulars, the party’s registered emblem (or, as the case may be, one of the party’s registered emblems).

(5) The candidate’s request under paragraph (4) must—

- (a) be made in writing to the CRO, and
- (b) be received by him within the period for delivery of nomination papers set out in the timetable in rule 3.

(6) The order of the names in the ballot paper must be the same as in the statement of persons nominated.

(7) At an ordinary election, the GLRO must supply the ballot papers for use at the election to the CRO by such date as may be agreed between them.

(8) The ballot papers supplied under paragraph (7) must be of a different colour from those used at any other Authority election with which the election is taken.

The corresponding number list

18.—(1) The CRO must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 23(1) or provided by him in pursuance of rule 28(1).

- (2) The list must be in the appropriate form or a form to like effect.
- (3) At an ordinary election, the same list may be used for each Authority election.

The official mark

19.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at any Authority election.

(3) The CRO, or at an ordinary election the GLRO, may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

20. No person who has voted at the election may, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

21.—(1) The CRO may use, free of charge, for the purpose of taking the poll 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,
- (b) a room the expense of maintaining which is met by any local authority.

(2) The CRO must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

Notice of poll

22.—(1) The CRO must, in accordance with the timetable in rule 3, publish notice of the poll stating—

- (a) the day and hours fixed for the poll, and
- (b) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated).

(2) The CRO must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station, and
- (b) the description of voters entitled to vote there,

and he must as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(3) At an ordinary election, the notice of poll must include the heading “GREATER LONDON AUTHORITY ELECTION”.

Postal ballot papers

23.—(1) The CRO must, in accordance with regulations made under the 1983 Act⁽⁵⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement, together with such envelopes for their return as may be prescribed in such regulations.

(2) The postal voting statement must be in the appropriate form or a form to like effect.

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).

(4) The CRO 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 of any directions to or 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,

(d) the directions or guidance in any other form (including any audible form).

(5) In the case of a ballot paper issued to a person at an address in the United Kingdom, the CRO must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

(6) Where the proceedings on the issue and receipt of postal ballot papers at the election are taken together with any other Authority election the appropriate form of postal voting statement under paragraph (2) may be the joint postal voting statement which must be in the appropriate form or form to like effect.

Provision of polling stations

24.—(1) The CRO must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must 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 parliamentary polling district wholly or partly within the Assembly constituency must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the Assembly constituency.

(4) The CRO must 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

25.—(1) The CRO must appoint and pay a presiding officer to attend at each polling station and such clerks and technical assistants as may be necessary for the purposes of the election, but he must not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The CRO may, if he thinks fit, preside at a polling station and the provisions of this Part relating to a presiding officer apply to a CRO so presiding with the necessary modifications as to things to be done by the CRO to the presiding officer or by the presiding officer to the CRO.

(3) 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 this Part to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

(5) See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [S.I. 2006/2910](#).

Issue of official poll cards

26.—(1) The CRO must as soon as practicable after the publication of the notice of election, send to electors and their proxies an official poll card.

(2) An elector’s official poll card must be sent or delivered to his qualifying address, and a proxy’s to his address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form or a form to like effect, and must set out—

- (a) the name of the Assembly constituency for which a constituency member is to be elected,
- (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 as the CRO thinks appropriate,

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

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the polling card must contain such matter as is specified in the appropriate form.

(5) At an ordinary election, the CRO must issue a combined poll card in the appropriate form.

(6) In this rule “elector” means—

- (a) an elector with an entry on the register to be used at the election on the last day for the publication of the notice of the election, and
- (b) includes a person then shown in the 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.

Information for voters

27.—(1) At an ordinary election, the GLRO may, in addition to a statement by him in an election booklet, include in the booklet information for voters that has been agreed by him with the Electoral Commission.

(2) The information for voters given in the election booklet may include information about—

- (a) the office of the Mayor and the London Assembly,
- (b) the system of voting at each Authority election,
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast, and

subject to paragraph (3), may include any other information given in exercise of the GLRO’s duty under section 69 (encouraging electoral participation) of the 2006 Act.

(3) The information for voters must not contain—

- (a) any advertising material,
- (b) any material referring to a candidate or a registered party, other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election,
- (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

Equipment of polling stations

28.—(1) The CRO must provide each presiding officer with—

- (a) such ballot papers as may be necessary, and

- (b) such ballot boxes as may be necessary having taken account of any direction made by the GLRO in accordance with paragraph (9).
- (2) Every ballot box must be so constructed that the ballot papers 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.
- (3) The CRO must provide each polling station with—
- (a) materials to enable voters to mark the ballot papers,
 - (b) copies of the register of electors for the Assembly constituency 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 for the Assembly constituency or the part of it provided under sub-paragraph (b),
 - (d) a list consisting of that part of the list prepared under rule 18 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.
- (4) The reference in paragraph (3)(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⁽⁶⁾ in respect of alterations to the register.
- (5) The CRO must also provide each polling station with a device 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 40.
- (6) The device referred to in paragraph (5) above 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,
 - (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 candidate to whom each such space refers, and
 - (iii) mark his vote on the space he has chosen.
- (7) The enlarged sample copies of the ballot paper that the CRO provides to, or causes to be displayed at, every polling station (in accordance with section 199B(5) and (7) of the 1983 Act) must be printed on paper of the same colour as the ballot paper at the election.
- (8) The CRO must also provide each polling station with notices for the guidance of voters, which must be exhibited—
- (a) outside the polling station,
 - (b) inside the polling station—
 - (i) in the communal areas, and
 - (ii) in every voting compartment.
- (9) If the GLRO thinks fit he may, not later than the date of the notice of election, direct the CRO that joint ballot boxes must be used for the ballot papers at the election and any or all Authority elections with which the election is taken.

(6) Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

Notices for the guidance of voters

29.—(1) The CRO must prepare the notices to be exhibited under rule 28(8).

(2) The CRO may prepare versions of the notices in such other form as he thinks appropriate, in accordance with section 199B (translations etc of certain documents) of the 1983 Act.

(3) Notices for the guidance of voters exhibited under rule 28(8) or paragraph (2) must be in the appropriate form, but may include such alternative information relating to Authority elections as—

- (a) meets with the requirements of the Notices Schedule, and
- (b) the CRO may decide.

(4) Notices provided under paragraph (2) may, if the CRO agrees, be exhibited at any polling station—

- (a) outside the polling station,
- (b) inside the polling station—
 - (i) in the communal areas,
 - (ii) in every voting compartment.

(5) At an ordinary election, the GLRO must prepare the notices and versions of notices to be exhibited under rule 28(8) and supply them to the CRO, and for paragraph (3)(b) there must substituted—

“(b) the GLRO may decide.”

Appointment of polling and counting agents

30.—(1) Before the commencement of the poll, each candidate may 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 votes.

(2) The same person may be appointed as a polling agent or counting agent by more than one candidate.

(3) For the count, one (but no more than one) counting agent of each candidate may be authorised by the terms of his appointment to require a re-count at that count.

(4) Not more than four polling agents, or such greater number as the CRO may by notice allow, may be permitted to attend at any particular polling station.

(5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO must determine by lot which agents are permitted to attend, and only the agents on whom the lot falls will be deemed to have been duly appointed.

(6) The CRO may limit the number of counting agents, but in doing so must ensure that—

- (a) the number is the same in the case of each candidate, and
- (b) the number allowed to a candidate must 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.

(7) For the purposes of the calculations required by paragraph (6), a counting agent who has been appointed by more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(8) Notice in writing of the appointment of polling and counting agents, stating the names and addresses of the persons appointed, must be given by the candidate to the CRO and must be so given not later than the fifth day (computed in accordance with rule 4) before the day of the poll.

(9) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and must forthwith give to the CRO notice in writing of the name and address of the agent appointed.

(10) Any appointment authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.

(11) In the following provisions of this Part references to polling agents and counting agents must 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.

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

(13) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(14) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.

(15) 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 agent or agents at the time and place appointed for the purpose will not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

31. The CRO must make such arrangements as he thinks fit to ensure that—

- (a) every person attending 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 of the provisions of subsections (1), (3) and (6) of section 66 (requirement of secrecy) of the 1983 Act⁽⁷⁾, 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 of the provisions of subsections (2) and (6) of that section.

Return of postal ballot papers

32.—(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 CRO must mark the list in the manner prescribed by regulations made under the 1983 Act⁽⁸⁾.

(2) Rule 49(2) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

⁽⁷⁾ 1983 c. 2; Section 66 of that Act was amended by the Electoral Administration Act 2006 (c. 22).

⁽⁸⁾ 1983 c. 2; Regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910 provides the circumstances in which a postal vote should be treated as returned for this purpose.

Admission to polling station

33.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- (g) the constables on duty, and
- (h) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable or person employed by the CRO must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the appropriate form and signed by an officer of the police of or above the rank of inspector or by the CRO, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

34.—(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the CRO to remove him,

and the person so removed must not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station 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 must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

35. Immediately before the commencement of the poll, the presiding officer must—

- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty,
- (b) lock up such of the boxes as have locks,
- (c) place his seal—
 - (i) on each lock, and
 - (ii) on each ballot box which has no lock,

in such a manner as to prevent its being opened without breaking the seal,

- (d) place each box in his view for the receipt of ballot papers, and
- (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

36.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put.

| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|--|
| 1 | A person applying as an elector | <ul style="list-style-type: none"> (a) —Are you the person registered in the register of local government electors for this election as follows (<i>read the whole entry from the register</i>)? [R] (b) —Have you already voted, here or elsewhere at this election for a constituency member, otherwise than as proxy for some other person? [R] |
| 2 | A person applying as proxy | <ul style="list-style-type: none"> (a) Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] (b) Have you already voted here or elsewhere at this election for a constituency member, as proxy on behalf of C.D.? [R] (c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R] |
| 3 | A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2) | <ul style="list-style-type: none"> (a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (b) —Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R] |
| 4 | A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative | Have you already voted here or elsewhere at this election for a constituency member, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R] |

Status: This is the original version (as it was originally made).

| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|---|
| 5 | A person applying as an elector in relation to whom there is an entry in the postal voters list | (a) —Did you apply to vote by post? (b) —Why have you not voted by post? |
| 6 | A person applying as proxy who is named in the postal voters list | (a) —Did you apply to vote by post as proxy? (b) —Why have you not voted by post as proxy? |

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under those subsections.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry may be permitted as to the right of any person to vote.

Challenge of voter

37. A person must not be prevented from voting because—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

38.—(1) A ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 28(3)(d) beside the number of the ballot paper to be issued to him,
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been applied for but without showing the particular ballot paper which may be delivered,
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number may be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper into the ballot box in the presiding officer's presence, but so as to conceal his vote.

(5) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

(6) A voter who has had a ballot paper delivered to him under paragraph (1), but has decided not to mark it, may return it to the presiding officer and where the voter does so, the presiding officer must—

- (a) immediately cancel the ballot paper, and for the purposes of these rules treat it as a spoilt ballot paper,
- (b) place a mark beside the number of that ballot paper on the corresponding number list to show that the ballot paper has been cancelled.

(7) At an ordinary election, the same copy of—

- (a) the list of proxies,
- (b) the list mentioned in rule 28(3)(d),
- (c) the register of electors,
- (d) any notice issued under section 13B(3B) or (3D) of the 1983 Act (marked in the case of an elector who is added to the register in pursuance of such a notice),

may be used for each Authority election and one mark may be placed in the list, register or notice (as the case may be) to denote that a ballot paper has been delivered in respect of each Authority election; except that, where a ballot paper has not been issued in respect of any Authority election, a different mark must be placed in the list, register or notice so as to identify the elections in respect of which a ballot paper was issued.

Votes marked by presiding officer

39.—(1) The presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or
- (b) who declares orally that he is unable to read,

must, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name must be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act⁽⁹⁾, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

(4) At an ordinary election, the same list may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that the ballot papers were so marked in

(9) Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

respect of each Authority election, unless the list identifies the election for which the ballot paper was so marked.

Voting by persons with disabilities

40.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

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

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, 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 election,

the presiding officer must 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 purpose of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person may be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election, or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as the “list of voters with disabilities assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name must be the elector’s number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The declaration made by the companion—

- (a) must be in the appropriate form,
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

(7) No fee or other payment may be charged in respect of the declaration.

(8) At an ordinary election, the same list of voters with disabilities assisted by companions may be used for each Authority election, and where it is so used, an entry in that list must be taken to

mean that the votes were so given in respect of each Authority election, unless the list identifies the election for which the vote was so given.

Tendered ballot papers: circumstances where available

41.—(1) If a person, representing himself to be—

- (a) a particular elector named in the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named in the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named in the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

42.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers,
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

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(3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name must be the number of that elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 41 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the voter must be ignored,
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears in the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 41 apply as if—

- (a) in rule 41(1)(a), (2)(a) and (5)(a), for “named in the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”,
- (b) in paragraph (1)(b) of this rule for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) At an ordinary election, the same list may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that tendered ballot papers were marked in respect of each Authority election, unless the list identifies the election for which a tendered ballot paper was delivered.

Spoilt and replacement ballot papers

43.—(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain a replacement for the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

(2) If a voter decides, after he has returned his ballot paper and it has been cancelled in accordance with rule 38(6), but before the close of the poll, that he wishes to vote in the election, he may obtain a replacement for the returned ballot paper.

(3) Before a replacement ballot paper is obtained, the presiding officer must mark the corresponding number list that was marked under rule 39(1) (the corresponding number list)—

- (a) in the case of a ballot paper being replaced under paragraph (1) or (2), beside the number of the replacement ballot paper obtained to show—
 - (i) the number of the elector, and
 - (ii) the number of the ballot paper which is being replaced; and
- (b) in the case of a ballot paper being replaced under paragraph (1), beside the number of the spoilt ballot paper to show that the ballot paper was replaced.

(4) At an ordinary election, the voter must only receive a replacement for a spoilt or returned ballot paper.

(5) If the same corresponding number list is used for more than one Authority election in accordance with rule 38(7)—

- (a) the marks made under paragraph (3) must identify the election for which a ballot paper has been replaced, and

- (b) any ballot paper which the voter has not applied for or obtained as a replacement, but which bears the same ballot paper number as a ballot paper delivered under rule 38(1), or obtained under paragraph (1) or (2) of this rule—
 - (i) must not be delivered to the voter,
 - (ii) must be cancelled, and
 - (iii) for the purposes of these rules, must be treated as a spoilt ballot paper.

Correction of errors on day of poll

44.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) At an ordinary election, the same list may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that ballot papers were delivered in respect of each Authority election, unless the list identifies the election for which a tendered ballot paper was delivered.

Adjournment of poll in case of riot

45.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith inform the CRO.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
- (b) references in these Rules to the close of the poll must be construed accordingly.

(3) As soon as practicable after being informed of the adjournment of a poll, the CRO must inform the GLRO of that fact and of the cause of its adjournment.

Procedure on close of poll

46.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with any key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the list prepared under rule 18, including the part completed in accordance with rule 38(1)(b) (together referred to in these Rules as “the completed corresponding number list”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 44, and the declarations made by the companions of voters with disabilities,

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and must deliver the packets or cause them to be delivered to the CRO to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the CRO, the arrangements for their delivery must be approved by the CRO.

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any other Authority election.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number list or the certificates as to employment on duty on the day of the poll.

(4) The packets must be accompanied by a statement (“the ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

(5) At an ordinary election, the statement referred to in paragraph (4) may be combined with the statements produced in relation to other Authority elections and the combined statement must be arranged in such manner as the GLRO may direct.

Attendance at verification and the counting of votes

47.—(1) As soon as practicable after the close of the poll, the CRO must make arrangements for carrying out, in the presence of the counting agents, the verification and counting of votes at the election and must give to the counting agents notice in writing of the time and place at which he will begin to verify and count the votes.

(2) No person other than—

- (a) the CRO and his clerks and technical assistants,
- (b) the GLRO,
- (c) the candidates and one other person chosen by each of them,
- (d) the election agents,
- (e) the counting agents,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

may be present at the verification and counting of the votes, unless permitted by the CRO to attend.

(3) A person not entitled to attend at the verification and counting of the votes must not be permitted to do so by the CRO unless the CRO—

- (a) is satisfied that the efficient conduct of those proceedings will not be impeded, and
- (b) has either consulted the candidates or thought it impracticable to do so.

(4) The CRO must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Use of the electronic counting system

48.—(1) The GLRO may provide the CRO with an electronic counting system consisting of computer hardware, software and other equipment or services, for the purpose of counting the number of ballot papers, to verify the ballot paper accounts and to count the votes cast on them.

(2) Any verification of ballot paper accounts, count or re-count at the election conducted using the electronic counting system must be conducted in accordance with rule 49.

(3) If the GLRO has provided the CRO with an electronic counting system for use at the election, the CRO must obtain the prior written consent of the GLRO before he may conduct the verification of ballot paper accounts or count the votes manually.

(4) If the verification of ballot paper accounts, count or re-count has commenced using the electronic counting system but has not been completed, the CRO may, if he considers it appropriate, discontinue the count and instead count the votes manually.

(5) Where the count or a re-count has been conducted using the electronic counting system, the CRO may, if he considers it appropriate, conduct any re-count without using that system.

(6) Where verification or any count or re-count is conducted using the electronic counting system, any of the steps referred to rule 49, in so far as practicable, may be undertaken—

- (a) concurrently with any other of those steps, or
- (b) in a different order.

Verification and the count

49.—(1) The CRO must—

- (a) open the ballot boxes from each polling station together, in the presence of the counting agents appointed for the purposes of the election and any other Authority election with which is its combined,
- (b) cause the electronic counting system to count such of the postal ballot papers as have been duly returned in accordance with paragraphs (2) and (3) and record separately the number counted,
- (c) not mix the contents of any ballot box with the contents of any other ballot box during the conduct of any count or re-count.

(2) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (3) and reaches the CRO or any polling station in the Assembly constituency that includes the electoral area for which the elector is registered as a local government elector, before the close of the poll,
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (3) and reaches him or such polling station before that time,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) in a case where the steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act⁽¹⁰⁾, the CRO (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(3) The manner in which any postal paper or postal voting statement may be returned—

- (a) to the CRO, is by hand or by post,
- (b) to a polling station in the Assembly constituency, is by hand.

(4) After completing the proceedings under paragraph (1), the CRO must cause the electronic counting system to process the ballot papers so as to count—

- (a) the number of ballot papers, and

⁽¹⁰⁾ See regulation 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

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(b) votes given on the ballot papers.

(5) The CRO must not cause the electronic counting system to count any tendered ballot paper.

(6) The CRO must verify each ballot paper account by comparing it with the number of ballot papers processed by the electronic counting system, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any election agent may copy.

(7) The CRO, while verifying the ballot paper accounts and counting the votes, must take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(8) The CRO must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the hours between 5 in the afternoon and 10 on the following morning may be excluded.

(9) At an ordinary election, the hours between 5 in the afternoon and 10 on the following morning may only be excluded with the prior consent of the GLRO.

(10) During the time so excluded the CRO must—

(a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and

(b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

50.—(1) Any ballot paper—

(a) which does not bear the official mark,

(b) on which votes are given for more than one candidate,

(c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back,

(d) which is unmarked, or

(e) which is void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

(a) elsewhere than in the proper place, or

(b) otherwise than by means of a cross, or

(c) by more than one mark,

must not for such reason be void if an intention that the vote be given for one only of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) Where the electronic counting system identifies a ballot paper that has been marked, but which appears for whatever reason to be void, it must be examined by a clerk appointed by the CRO in the manner referred to in paragraph (6).

(4) If the clerk, having examined the ballot, considers that the vote is void then the CRO must examine it in the manner referred to in paragraph (6).

(5) After the CRO examines the ballot paper, he must give his decision as to the validity of the vote.

(6) An examination under paragraph (3) or (4) is to be made by the clerk or CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count.

(7) The CRO may examine any ballot paper that he is not required to examine in accordance with paragraph (4)—

- (a) either in the manner referred to in paragraph (6), or
- (b) by examining a paper copy,

and where the CRO does so, he must give a decision on that paper in accordance with paragraph (5).

(8) No person attending the count is to be entitled to require the clerk or CRO to examine a ballot paper or to provide a paper copy for inspection.

(9) A record of the CRO's decision must be retained in the electronic counting system together with, in the case of a decision that the ballot paper is void, his reasons by reference to paragraph (1).

(10) If a counting agent objects to the CRO's decision the CRO must record on the electronic counting system that the decision was objected to.

(11) The CRO must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of an official mark,
- (b) voting for more than one candidate,
- (c) writing or mark by which the voter could be identified,
- (d) unmarked ballot paper, or
- (e) void for uncertainty.

(12) As soon as practicable after the completion of the statement under paragraph (11) the CRO must inform—

- (a) such candidates, election agents and counting agents as are present at the count, and
- (b) the GLRO,

of its contents.

Decisions on ballot papers

51. The decision of the CRO on any question arising in respect of a ballot paper will be final, but may be subject to review on an election petition.

Re-count

52.—(1) A candidate or his election agent or a counting agent authorised under rule 30(3) may, if present when the counting or any re-count of the votes, is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

(2) No step may be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(3) The CRO may determine the extent to which any re-count involves the electronic counting of votes.

(4) When the returning officer uses the electronic counting system for the re-counting of votes, he must not re-consider any decision made on any ballot paper under rule 50(5).

Equality of votes

53. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the CRO must forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

PART 5

Final Proceedings In Contested And Uncontested Elections

Declaration of result

54.—(1) In a contested election, when the result of the poll has been ascertained, the CRO must forthwith—

- (a) declare to be elected the candidate to whom the majority of votes has been given,
- (b) give public notice of—
 - (i) the name of the person declared to be elected,
 - (ii) the person’s authorised description, if any, within the meaning of rule 6(5) or (7),
 - (iii) the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) Subject to paragraph (3), after the CRO complies with paragraph (1), he may give public notice of the information referred to paragraph (1)(b)(iii) so as to set out the number of votes falling under each of the heads in that subparagraph, in respect of each ward.

(3) Where the sum of first preference votes given for all candidates in any ward does not exceed 500, the GLRO must not give notice under paragraph (2) in respect of that ward alone, but must amalgamate the figures for that ward with those for any other ward in which more than 500 votes have been given, in the same Assembly constituency.

(4) In an uncontested election, the CRO must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the candidate remaining validly nominated,
- (b) give public notice of—
 - (i) the name of the person declared to be elected, and
 - (ii) the person’s authorised description, if any, within the meaning of rule 6(5) or (7).

(5) The CRO must as soon as practicable notify the GLRO and the proper officer of the Authority of the information in the notice given under (1)(b).

Return or forfeiture of candidate’s deposit

55.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 8 must be returned to the person making it or his personal representative.

(2) Subject to paragraphs (3) and (4), the deposit must be returned not later than the next day after that on which the result of the election is declared.

- (3) For the purposes of paragraph (2)—
 - (a) a day must be disregarded if, in accordance with rule 4, it would be disregarded in computing any period of time for the purposes of the timetable for the election, and

- (b) the deposit must be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.
- (4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, the deposit must be returned as soon as practicable after the publication of the statement or after his death, as the case may be.
- (5) Where a poll is taken, if, after the counting of the votes by the CRO (including any re-count) is completed, the candidate is found not to have polled more than one-twentieth of the total number of votes polled by all the candidates, the deposit must be forfeited to the Greater London Authority.

PART 6

Disposal of Documents

Sealing up of ballot papers

56.—(1) On the completion of the counting at a contested election the CRO must seal up in separate packets the counted and rejected ballot papers.

(2) Where some or all of the votes have been counted using the electronic counting system, the CRO must also seal up in a separate packet a complete electronic record (“the electronic record”) of the information stored in the electronic counting system, held in such device as may be suitable for the purpose of its storage.

(3) After making the electronic record under paragraph (2), the CRO must arrange for the original records in the electronic counting system to be removed from it and destroyed in a manner that ensures that the secrecy of those records is preserved.

(4) The CRO must not open the sealed packets of—

- (a) tendered ballot papers,
- (b) certificates as to employment on duty on the day of the poll,
- (c) the completed corresponding number lists, or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and list of proxies.

Delivery and retention of documents

57.—(1) The CRO must then forward the following documents to the relevant registration officer—

- (a) the packets of ballot papers in his possession,
- (b) the packet containing the electronic record (if any),
- (c) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (d) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 44 and the declarations made by the companions of voters with disabilities,
- (e) the packets of the completed corresponding number lists,
- (f) the packets of certificates as to employment on duty on the day of the poll, and
- (g) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

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endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the Assembly constituency for which the election was held.

Orders for production of documents

58.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer, or
- (b) for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers, in the custody of the relevant registration officer,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An election court may make an order for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates or for the inspection of any counted ballot papers in the custody of the relevant registration officer.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order thinks expedient; but in making and carrying into effect an order for the opening of a packet containing the electronic record or a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

- (i) that his vote was given, and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document or electronic record in his custody relating to any specified election—

- (a) the production by him or his agent of the document or electronic record ordered in such manner as may be directed by that order will be conclusive evidence that the document or electronic record relates to the specified election, and
- (b) any endorsement on any packet of ballot papers or so produced will be *prima facie* evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any election, or
- (b) a copy of the electronic record which purports to record that a particular ballot paper was used at any election, and

a completed corresponding number list with a number written beside the number of the ballot paper, will be *prima facie* evidence that the elector whose vote was given by that ballot paper was the

person who, at the time of the election, had affixed to his entry in the register of electors or on the notice issued under section 13B(3B) or (3D) of the 1983 Act, the same number as was written on the completed corresponding number list.

(8) Unless authorised by this rule, no person may be allowed to inspect any rejected or counted ballot papers in the custody of the relevant registration officer or open any sealed packets of completed corresponding number lists, certificates of employment on the day of the poll or containing the electronic record.

Retention and destruction of documents and records

59. The relevant registration officer must retain or cause to be retained for one year all documents and, where applicable, the electronic record relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrate's court or an election court, must cause them to be destroyed.

PART 7

Death Of Candidate

Countermand or abandonment of poll on death of candidate

60.—(1) If at a contested election proof is given to the CRO's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, the CRO—

- (a) must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned,
- (b) must inform the GLRO of the countermand or abandonment of the poll and of the name of the candidate who has died.

(2) Subsection (1) of section 39 (local elections void etc. in England and Wales) of the 1983 Act applies in respect of any vacancy which remains unfilled as if for the reference to the returning officer there were substituted a reference to the CRO.

(3) Where the poll is abandoned by reason of a candidate's death, no further ballot papers may be issued, and the presiding officer at any polling station must take the like steps (so far as not already taken) for the delivery to the CRO of ballot boxes and of ballot papers and other documents in his possession as he is required to take on the close of the poll in due course.

(4) The CRO must dispose of the ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, subject to paragraphs (5) and (6).

(5) It is not necessary for any ballot paper account to be prepared or verified.

(6) The CRO must seal up all the ballot papers, whether the votes on them have been counted or not, and it will not be necessary to seal up counted and rejected ballot papers in separate packets.

(7) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, subject to paragraphs (8) and (9).

(8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(9) No order may be made for—

- (a) the production or inspection of any ballot papers, or

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(b) for the opening of a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll, unless the order is made by a court with reference to a prosecution.

SCHEDULE 2

Rule 3(3)

THE LONDON MEMBERS ELECTION RULES

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PART 1

General Provisions

Citation

1. This Schedule may be cited as the London Members Election Rules.

Interpretation

- 2.—(1) In the rules in this Schedule, unless the context indicates otherwise—
“election” means an election for the return of the London members;
“individual candidate” means a candidate other than a list candidate at an election for the return of London members;
“list candidate” means a person included on a party list;
“local count” means the count of the London votes given for a registered party or, as the case may be, an individual candidate, at an election in an Assembly constituency;
“London vote” has the same meaning as in Part 1 of the 1999 Act;
“party list” means a list delivered to the GLRO in accordance with paragraph 5 (party lists and individual candidates) of Part 2 of Schedule 2 to the 1999 Act on behalf of a party registered under Part 2 (registration of political parties) of the 2000 Act.
- (2) Reference to a rule by number alone is a reference to the rule so numbered in this Schedule.

PART 2

Provisions As To Time

Timetable

3. The proceedings at the election must be conducted in accordance with the following timetable:

Timetable

| <i>Proceedings</i> | <i>Time</i> |
|---|---|
| Publication of notice of election | Not later than the thirtieth day before the day of election. |
| Delivery of nomination papers | Not later than noon on the twenty-fourth day before the day of election. |
| Publication of statement as to persons nominated | Not later than noon on the twenty-second day before the day of election. |
| Delivery of notices of withdrawals of candidature | Not later than noon on the twenty-first day before the day of election. |
| Notice of poll | Not later than the sixth day before the day of election. |
| Polling | Between the hours of 7 in the morning and 10 at night on the day of election. |

Computation of time

4.—(1) In computing any period of time for the purposes of the Timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

must be disregarded, and any such day must not be treated as a day for the purpose of any proceedings up to the completion of the poll nor must the CRO be obliged to proceed with the counting of the votes on such a day.

(2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(11) in England and Wales.

PART 3

Stages Common To Contested And Uncontested Elections

Notice of election

5.—(1) The GLRO must publish in each Assembly constituency notice of the election stating—

- (a) the place and times at which nomination papers and party lists are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers and party lists may be obtained at that place and those times.

(2) The notice of election must state the arrangements (if any) which apply for the payment of the deposit required by rule 10 by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

- (a) applications to vote by post or proxy, and
- (b) other applications and notices about postal or proxy voting,

(11) 1971 c. 80

must reach the registration officer for local government electors in order that they may be effective for the election.

Nomination of candidates: individual candidates

6.—(1) Each individual candidate must be nominated by a separate nomination paper that must be—

- (a) in the appropriate form, and
 - (b) delivered to the GLRO in accordance with the following provisions of this rule and rule 8.
- (2) The nomination paper of an individual candidate must state the candidate's—
- (a) full names,
 - (b) home address, in full, and
 - (c) if desired, a description consisting of the word “independent”,

and the surname must be placed first in the list of names.

Nomination of candidates: list candidates

7.—(1) A registered party which is a qualifying party and is to stand at the election of London members must be nominated by the delivery of a nomination paper which must be—

- (a) in the appropriate form, and
 - (b) delivered to the GLRO by the party's registered nominating officer, or a person authorised in writing by him, in accordance with the following provisions of this rule and rule 8.
- (2) The registered party's nomination paper must—
- (a) state the authorised description by which the registered party is to stand for election,
 - (b) include a statement, signed by the person issuing the paper, that it is issued either—
 - (i) by the party's registered nominating officer, or
 - (ii) on behalf of the party's registered nominating officer by a person authorised in writing by him, and
 - (c) be accompanied by a party list which sets out the full names and home addresses of each candidate included in that list.
- (3) An authorised description for the purposes of paragraph (2)(a) must be either—
- (a) the name of the party registered under section 28 of the 2000 Act⁽¹²⁾, or
 - (b) a description of the party, registered under section 28A⁽¹³⁾ of that Act.

(4) A person will be guilty of a corrupt practice if he fraudulently purports to be authorised to make the statement required by paragraph (2)(b) by or on behalf of a registered party's nominating officer.

- (5) For the purposes of the application of these rules in relation to an election—
- (a) “registered party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers and party lists at that election,
 - (b) a registered party is a qualifying party if on the relevant day the party was registered in respect of England in the Great Britain register maintained under that Part of that Act.

⁽¹²⁾ Section 28 of the Political Parties, Elections and Referendums Act 2000 (c.41) was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006 (c.22).

⁽¹³⁾ Section 28A of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

Nomination papers: general provisions

8.—(1) The following provisions of this rule have effect in relation to nomination papers delivered under rules 6 and 7.

(2) If an individual candidate or a candidate included on a party list commonly uses—

- (a) a surname which is different from any other surname he has, or
- (b) a forename which is different from any other forename he has,

the nomination paper and party list may state the commonly used surname or forename, or both surname and forename in addition to the other name.

(3) Each nomination paper must be delivered to the GLRO at the place specified by him in the notice of election, which must be at one of the offices of the Greater London Authority, and must be received by the GLRO before the last time for the delivery of nomination papers.

(4) Where a nomination paper is delivered in respect of—

- (a) the same registered party, or
- (b) the same individual candidate,

after an earlier nomination paper has been delivered, that later paper must be deemed to supersede the earlier one.

(5) In this rule and in the following provisions of these rules, unless the context requires otherwise—

- (a) “nomination paper” includes a reference to—
 - (i) the nomination paper of a registered party, and
 - (ii) the nomination paper of an individual candidate;
- (b) “nomination paper of a registered party” includes a reference to a party list.

Consent to nomination

9.—(1) A person will not be validly nominated (whether as an individual candidate or a list candidate) unless his consent to nomination—

- (a) is given in writing in the appropriate form, or a form to like effect, on or within one month before the last day for the delivery of nomination papers;
- (b) is attested by one witness whose name and address must be given; and
- (c) is delivered at the place and within the time for delivery of nomination papers.

(2) A candidate’s consent given under this rule must—

- (a) state the day, month and year of his birth;
- (b) contain a statement that he has read whichever of sub-paragraphs (5) and (6) of paragraph 5 of Schedule 2 to the 1999 Act (persons who may not be candidates) applies in his case; and
- (c) contain a statement that to the best of the candidate’s knowledge and belief he is not disqualified from being elected by reason of—
 - (i) any disqualification set out in section 21 (disqualification from being the Mayor or an Assembly member) of the 1999 Act, or
 - (ii) any decision made under section 79 (decisions of case tribunals) the Local Government Act 2000.

Deposits

10.—(1) A person will not be validly nominated as an individual candidate at the election unless the sum of £5,000 is deposited by him, or on his behalf, with the GLRO at the place and during the time for delivery of nomination papers and party lists.

(2) A registered party (and anyone on its party list) will not be validly nominated unless the sum of £5,000 is deposited on its behalf with the GLRO at the place and during the time for delivery of nomination papers and party lists.

(3) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker’s draft, or
- (c) with the GLRO’s consent, in any other manner including by means of a debit or credit card or the electronic transfer of funds,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker’s draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(4) Where the deposit is made on behalf of an individual candidate, the person making the deposit must at the time he makes it give his name and address to the GLRO, unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act.

Decisions as to validity of nomination papers

11.—(1) Where, in the case of an individual candidate, a nomination paper (“individual nomination paper”) and the candidate’s consent to it are delivered, and a deposit is made, in accordance with these Rules, the candidate will be deemed to stand nominated unless and until—

- (a) the GLRO decides that the nomination paper is invalid, or
- (b) proof is given to the GLRO’s satisfaction of the candidate’s death, or
- (c) the candidate withdraws.

(2) Where the nomination paper of a registered party and the consent of each candidate included in that party’s list are delivered, and a deposit is made, in accordance with these Rules, that party and (subject to paragraph (6)) each candidate on its list must be deemed to stand nominated unless and until the GLRO decides that the nomination paper is invalid.

(3) As soon as practicable after each nomination paper has been delivered, the GLRO must examine it and decide whether the individual candidate, or as the case may be each registered party and each candidate included in that party’s list, has been validly nominated.

(4) The GLRO is entitled to hold an individual nomination paper invalid only on the grounds that the particulars of the candidate on the nomination paper are not as required by law.

(5) The GLRO is entitled to hold the nomination paper of a registered party invalid only on one of the following grounds—

- (a) that the authorised description stated under rule 7(2)(a) breaches rule 7(3);
- (b) that the nomination paper does not contain the statement referred to in rule 7(2)(b);
- (c) that the number of candidates on the list is greater than 25.

(6) Where, in respect of a candidate included in a party list—

- (a) proof is given to the GLRO’s satisfaction of his death;
- (b) he withdraws or his candidature is withdrawn in accordance with rule 15;
- (c) his particulars in that list are not as required by law;
- (d) the consent to nomination of that candidate is not delivered in accordance with rule 9,

the GLRO must delete the name and address of that candidate from the list.

(7) Where the GLRO has decided under paragraph (3)—

- (a) that an individual nomination paper is invalid,
- (b) that the nomination paper of a registered party is invalid or that the name and address of a list candidate must be deleted from the list,

he must endorse and sign on the nomination paper to record that decision and the reasons for his decision.

(8) The GLRO must, as soon as practicable after making such a decision under paragraph (3) that a nomination paper is valid or invalid, send notice of that decision—

- (a) to the candidate at his home address as given in his nomination paper, and
- (b) in the case of a list candidate, also to the nominating officer.

(9) Where in the GLRO's opinion the nomination paper of a registered party is invalid on the grounds in paragraphs (5)(a) or (b), then he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the end of the period for the delivery of nomination papers set out in the timetable in rule 3.

(10) The GLRO's decision that a nomination paper is valid is final and may not be questioned in any proceeding whatsoever.

(11) Subject to paragraph (10), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

12.—(1) The GLRO must prepare and publish a statement showing—

- (a) each registered party which has been and stands nominated, together with that party's list,
- (b) the persons who have been and stand nominated as individual candidates, and
- (c) any other parties or persons who have been nominated, together with the reason why they no longer stand nominated.

(2) If an individual's nomination paper or person's entry on a party list gives a commonly used surname or forename, or both surname and forename, in addition to another name, the statement must show the person's commonly used surname or forename, or both surname and forename (as the case may be) instead of any other name.

(3) Paragraph (2) does not apply if the GLRO thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(4) If paragraph (3) applies, the GLRO must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(5) The statement must show, in the following order—

- (a) the registered parties which have been and stand nominated, set out in alphabetical order according to the authorised descriptions given in the nomination papers,
- (b) the names and home addresses of the list candidates as given in party lists, arranged in the order in which their names appear in those lists,

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(c) the names, addresses and descriptions (if any) of the persons standing nominated as individual candidates, arranged alphabetically in the order of their surnames and, if there are two or more of them with the same surname, of their other names.

(6) In the case of an individual candidate nominated by more than one nomination paper, the GLRO must take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the GLRO in default of the candidate) may select.

Correction of minor errors

13.—(1) The GLRO may, if he thinks fit, at any time before the publication under rule 12 of the statement of parties and persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

(a) errors as to a person’s electoral number,

(b) obvious errors of spelling in relation to the details of a party or candidate.

(3) Anything done by the GLRO in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.

(4) The GLRO must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Inspection of nomination papers and consent to nomination

14.—(1) During ordinary office hours, in the period starting 24 hours after the latest time for the delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from—

(a) a nomination paper, or

(b) the consents to nomination.

(2) Inspection under paragraph (1) may not take place on a day that is specified in rule 4(1).

Withdrawal or death of candidate

15.—(1) An individual candidate or a candidate on a party’s list may withdraw his candidature by notice of withdrawal—

(a) signed by him and attested by one witness, whose name and address must be given, and

(b) delivered to the GLRO at the place for delivery of nomination papers and party lists,

by the end of the period for the delivery of notices of withdrawals of candidature in the timetable in rule 3.

(2) The nominating officer of a registered party, or a person authorised in writing by him may withdraw that party’s nomination by a notice of withdrawal signed by him and delivered to the returning officer at the place for delivery of nomination papers and party lists.

(3) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate’s absence from the United Kingdom will be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph will be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate’s behalf during his absence from the United Kingdom.

(4) If before the result of the election is declared, proof is given to the GLRO’s satisfaction that an individual candidate who is named (or is to be named) in the ballot papers or a candidate whose

name appears on a party list has died, then (in addition to complying with any other requirement of these rules relevant to that event) the GLRO must—

- (a) inform each CRO of the death of the candidate;
- (b) in the case of a person whose name is included in a party list, remove that person's name from that list.

Method of election

16. If, after any withdrawals under rule 15, the number of persons remaining validly nominated exceeds the number of seats available for allocation to London members, then, unless all of those persons are named on the same party list, a poll must be taken in accordance with Part 4 of these Rules.

PART 4

Contested Elections

Poll to be taken by ballot

17. The votes at the poll must be given by ballot to enable the seats for London members to be allocated to registered parties and individual candidates in accordance with paragraphs 7 and 8 of Part 2 of Schedule 2 to the 1999 Act.

The ballot papers

18.—(1) The ballot of every voter must consist of a ballot paper which must be in the appropriate form.

(2) Each registered party that remains validly nominated at the election and whose party list includes a person who remains validly nominated as a list candidate, after any withdrawals, and no other, is entitled to have its authorised description inserted in the ballot paper.

(3) Each person remaining validly nominated as an individual candidate at the election, after any withdrawals, and no other, is entitled to have their name inserted in the ballot paper.

(4) Every ballot paper—

- (a) must be printed in accordance with the directions set out in the Forms Schedule,
- (b) must contain the authorised descriptions of the registered parties; and the names and other particulars of the individual candidates as shown in the statement of persons nominated,
- (c) must have a number and other unique identifying mark printed on the back, and
- (d) may, in the case of ballot papers for use at polling stations, be marked with the words “do not fold”.

(5) If a request is made by or on behalf of a registered party's nominating officer, the ballot paper must contain, against the party's authorised description, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(6) The request under paragraph (5) must—

- (a) be made in writing to the GLRO, and
- (b) be received by him during the period for delivery of nomination papers and party lists set out in the timetable in rule 3.

(7) The order of the authorised descriptions of the registered parties and the names of the individual candidates must be in the same order as in the statement of parties and persons nominated.

(8) The GLRO must supply the ballot papers for use at the election to the CRO by such date as may be agreed between them.

(9) The ballot papers supplied under paragraph (8) must be of a different colour from those used at any other Authority election.

The corresponding number list

19.—(1) The CRO must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 24(1) or provided by him in pursuance of rule 29(1).

(2) The list must be in the appropriate form or a form to like effect.

(3) At an ordinary election, the same list may be used for each Authority election with which the election is combined.

The official mark

20.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at any Authority election.

(3) The GLRO may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

21. No person who has voted at the election may, in any legal proceeding to question the election, be required to state for which candidate or party he has voted.

Use of schools and public rooms

22.—(1) The CRO may use, free of charge, for the purpose of taking the poll 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,

(b) a room the expense of maintaining which is met by any local authority.

(2) The CRO must make good any damage done to, and defray an expense incurred by the persons having control over, any such room as mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

Notice of poll

23.—(1) The GLRO must, in accordance with the timetable in rule 3, publish notice of the poll stating—

(a) the day and hours fixed for the poll,

(b) the number of seats for London members available for allocation at that election,

(c) the authorised description of each registered party whose party list includes persons who remain validly nominated as list candidates, and

(d) the name and description (if any) of each individual candidate remaining validly nominated,

and rule 12(5) applies in relation to the order in which that information appears on the notice of the poll as it applies in relation to the statement of persons nominated.

(2) The CRO must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station, and
- (b) the description of voters entitled to vote there,

and he must as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(3) The notice of poll must include the heading “GREATER LONDON AUTHORITY ELECTION”.

Postal ballot papers

24.—(1) The CRO must, in accordance with regulations made under the 1983 Act⁽¹⁴⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement, together with such envelopes for their return as may be prescribed in such regulations.

(2) The postal voting statement must be in the appropriate form, or a form to the like effect.

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).

(4) The CRO 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 of any directions to or 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,
- (d) the directions or guidance in any other form (including any audible form).

(5) In the case of a ballot paper issued to a person at an address in the United Kingdom, the CRO must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

(6) Where the proceedings on the issue and receipt of postal ballot papers at the election are taken together with any other Authority election the appropriate form of postal voting statement under paragraph (2) may be the joint postal voting statement which must be in the appropriate form or form to like effect.

Provision of polling stations

25.—(1) The CRO must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must 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 parliamentary polling district wholly or partly within the Assembly constituency must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the Assembly constituency.

(4) The CRO must provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

⁽¹⁴⁾ See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [S.I. 2006/2910](#).

Appointment of presiding officers and clerks

26.—(1) The CRO must appoint and pay a presiding officer to attend at each polling station and such clerks and technical assistants as may be necessary for the purposes of the election, but he must not appoint any person who has been employed in or about the election by or on behalf of a candidate or a registered party which has been nominated.

(2) The CRO may, if he thinks fit, preside at a polling station and the provisions of this Part relating to a presiding officer apply to the CRO so presiding with the necessary modifications as to things to be done by the CRO to the presiding officer or by the presiding officer to the CRO.

(3) 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 this Part 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

27.—(1) The CRO must as soon as practicable after the publication of the notice of election, send to electors and their proxies an official poll card.

(2) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form or a form to like effect, and must set out—

- (a) that the election is of the London members of the London Assembly at an ordinary election,
- (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 as the CRO thinks appropriate,

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

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the polling card must contain such matter as is specified in the appropriate form.

(5) Where the ordinary elections for constituency members and the Mayor are contested, the CRO must issue a combined poll card in the appropriate form.

(6) In this rule "elector" means—

- (a) an elector with an entry on the register to be used at the election on the last day for the publication of the notice of the election, and
- (b) includes a person then shown in the 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.

Information for voters

28.—(1) At an ordinary election, the GLRO may, in addition to a statement by him in an election booklet, include in the booklet information for voters that has been agreed by him with the Electoral Commission.

(2) The information for voters given in the election booklet may include information about—

- (a) the office of the Mayor and the London Assembly,
- (b) the system of voting at each Authority election,
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast, and

subject to paragraph (3), may include any other information given in exercise of the GLRO's duty under section 69 (encouraging electoral participation) of the 2006 Act.

(3) The information for voters must not contain—

- (a) any advertising material,
- (b) any material referring to a candidate or a registered party, other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election,
- (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

Equipment of polling stations

29.—(1) The CRO must provide each presiding officer with—

- (a) such ballot papers as may be necessary, and
- (b) such ballot boxes as may be necessary having taken account of any direction made by the GLRO in accordance with paragraph (9).

(2) Every ballot box must be so constructed that the ballot papers 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.

(3) The CRO must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,
- (b) copies of the register of electors 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),
- (d) a notice of the death of any person of whose death he has been informed as mentioned in rule 15(4),
- (e) a list consisting of that part of the list prepared under rule 19 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.

(4) The reference in paragraph (3)(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⁽¹⁵⁾ in respect of alterations to the register.

(5) The CRO must also provide each polling station with a device 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 41.

(6) The device referred to in paragraph (5) above 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,
- (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote,

⁽¹⁵⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

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- (ii) identify the candidate to whom each such space refers, and
- (iii) mark his vote on the space he has chosen.

(7) The enlarged sample copies of the ballot paper that the GLRO is required to provide, or cause to be displayed at every polling station (in accordance with section 199B(5) and (7) of the 1983 Act) must—

- (a) be provided to the CRO who will deliver them to the polling stations, and
- (b) be of the same colour as the ballot paper at the election.

(8) The CRO must also provide each polling station with notices for the guidance of voters, which must be exhibited—

- (a) outside the polling station,
- (b) inside the polling station—
 - (i) in the communal areas, and
 - (ii) in every voting compartment.

(9) If the GLRO thinks fit he may, not later than the date of the notice of election, direct the CRO that joint ballot boxes must be used for the ballot papers at the election and any or all Authority elections with which the election is taken.

Notices for the guidance of voters

30.—(1) The GLRO must prepare and provide each CRO with the notices to be exhibited under rule 29(8).

(2) The GLRO may also provide each CRO with versions of the notices in such other form as he thinks appropriate, in accordance with section 199B (translations etc of certain documents) of the 1983 Act.

(3) Notices for the guidance of voters exhibited under rule 28(8) or paragraph (2) must be in the appropriate form, but may include such alternative information relating to Authority elections as—

- (a) meets with the requirements of the Notices Schedule, and
- (b) the GLRO may decide.

(4) Notices provided under paragraph (2) may, if the CRO agrees, be exhibited at any polling station—

- (a) outside the polling station,
- (b) inside the polling station, or
- (c) in every compartment of the polling station.

Appointment of polling and counting agents

31.—(1) Before the commencement of the poll—

- (a) each individual candidate, and
- (b) the election agent of each list candidate,

may appoint—

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

(2) The same person may be appointed as a polling agent or counting agent by, or in the case of list candidates on behalf of, more than one candidate.

(3) For each local count, one (but no more than one) counting agent of each registered party standing nominated or individual candidate, as the case may be, may be authorised by the terms of his appointment to require a re-count at that count.

(4) Not more than four polling agents, or such greater number as the CRO may by notice allow, may be permitted to attend at any particular polling station.

(5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO must determine by lot which agents are permitted to attend, and only the agents on whom the lot falls will be deemed to have been duly appointed.

(6) The CRO may limit the number of counting agents, but in doing so must ensure that—

- (a) the number is the same in the case of each candidate, and
- (b) the number allowed to a candidate must 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.

(7) For the purposes of the calculations required by paragraph (6)—

- (a) a counting agent appointed for more than one list candidate must be deemed to be appointed for all the candidates on that list,
- (b) a counting agent appointed for more than one candidate (other than a list candidate) is a separate agent for each of the candidates for whom he has been appointed.

(8) Notice in writing of the appointment of polling and counting agents, stating the names and addresses of the persons appointed, must be given by the candidate to the CRO and must be so given not later than the fifth day (computed in accordance with rule 4) before the day of the poll.

(9) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and must forthwith give to the CRO notice in writing of the name and address of that other person.

(10) Any appointment authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.

(11) In the following provisions of these Rules references to polling agents and counting agents must 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.

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

(13) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(14) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.

(15) 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 agent or agents at the time and place appointed for the purpose will not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

32. The CRO must 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 of the provisions of subsections (1), (3) and (6) of section 66 (requirement of secrecy) of the Representation of the People Act 1983⁽¹⁶⁾, 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 of the provisions of subsections (2) and (6) of that section.

Return of postal ballot papers

33.—(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 CRO must mark the list in the manner prescribed by regulations made under the 1983 Act⁽¹⁷⁾.

(2) Rule 50(2) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

Admission to polling station

34.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- (g) the constables on duty, and
- (h) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same party or individual candidate.

(4) A constable or person employed by the CRO must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the appropriate form and signed by an officer of the police of or above the rank of inspector or by the CRO, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

35.—(1) It is the presiding officer's duty to keep order at his polling station.

⁽¹⁶⁾ 1983 c. 2; Section 66 of that Act was amended by the Electoral Administration Act 2006 (c. 22).

⁽¹⁷⁾ 1983 c. 2; Regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910 provides the circumstances in which a postal vote should be treated as returned for this purpose.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer’s lawful orders, he may immediately, by the presiding officer’s order, be removed from the polling station—

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the CRO to remove him,

and the person so removed must not, without the presiding officer’s permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station 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 must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

36. Immediately before the commencement of the poll, the presiding officer must—

- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty,
- (b) lock up such of the boxes as have locks,
- (c) place his seal—
 - (i) on each lock, and
 - (ii) on each ballot box which has no lock,
 in such a manner as to prevent its being opened without breaking the seal,
- (d) place each box in his view for the receipt of ballot papers, and
- (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

37.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put.

| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|---|
| 1 | A person applying as an elector | (a) —Are you the person registered in the register of local government electors for this election as follows (<i>read the whole entry from the register</i>)? [R] (b) —Have you already voted, here or elsewhere in Greater London at this election for London members, otherwise than as proxy for some other person? [R] |
| 2 | A person applying as proxy | (a) —Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] |

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| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|--|
| | | (b) —Have you already voted here or elsewhere in Greater London at this election for London members, as proxy on behalf of C.D.? [R] |
| | | (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R] |
| 3 | A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2) | (a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (b) —Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R] |
| 4 | A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative | Have you already voted here or elsewhere in Greater London at this election for London members, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R] |
| 5 | A person applying as an elector in relation to whom there is an entry in the postal voters list | (a) — Did you apply to vote by post? (b) — Why have you not voted by post? |
| 6 | A person applying as proxy who is named in the proxy postal voters list | (a) — Did you apply to vote by post as proxy? (b) — Why have you not voted by post as proxy? |

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under those subsections.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry may be permitted as to the right of any person to vote.

Challenge of voter

38. A person must not be prevented from voting because—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

39.—(1) A ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be delivered to him,
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been applied for but without showing the particular ballot paper which may be delivered,
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number may be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper into the ballot box in the presiding officer’s presence, but so as to conceal his vote.

(5) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

(6) A voter who has had a ballot paper delivered to him under paragraph (1), but has decided not to mark it, may return it to the presiding officer and where the voter does so, the presiding officer must—

- (a) immediately cancel the ballot paper, and for the purposes of these rules treat it as a spoilt ballot paper,
- (b) place a mark beside the number of that ballot paper on the corresponding number list to show that the ballot paper has been cancelled.

(7) Where any other ordinary Authority election in the Assembly constituency is contested, the same copy of—

- (a) the list of proxies,
- (b) the list mentioned in rule 29(3)(e),
- (c) the register of electors,
- (d) any notice issued under section 13B(3B) or (3D) of the 1983 Act (marked in the case of an elector who is added to the register in pursuance of such a notice),

may be used for each Authority election and one mark may be placed in the list, register or notice (as the case may be) to denote that a ballot paper has been delivered in respect of each Authority election; except that, where a ballot paper has not been issued in respect of any Authority election, a different mark must be placed in the list, register or notice so as to identify the elections in respect of which a ballot paper was issued.

Votes marked by presiding officer

40.—(1) The presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or
- (b) who declares orally that he is unable to read,

must, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name must be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act⁽¹⁸⁾, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

(4) The same list of votes marked by the presiding officer may be used for the election and each Authority election, and where it is so used, an entry in that list must be taken to mean that the ballot papers were so marked in respect of each Authority election, unless the list identifies the election for which the ballot paper was so marked.

Voting by persons with disabilities

41.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

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

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as "the companion"), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, 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 election,

the presiding officer must 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.

⁽¹⁸⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

(3) For the purpose of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person may be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election, or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as the “list of voters with disabilities assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name must be the elector’s number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The declaration made by the companion—

- (a) must be in the appropriate form,
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

(7) No fee or other payment may be charged in respect of the declaration.

(8) Where any other ordinary Authority election in the Assembly constituency is contested, the same list of voters with disabilities assisted by companions may be used for the election and each Authority election, and where it is so used, an entry in that list must be taken to mean that the votes were so given in respect of each Authority election, unless the list identifies the election for which the vote was so given.

Tendered ballot papers: circumstances where available

42.—(1) If a person, representing himself to be—

- (a) a particular elector named in the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 43, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named in the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and

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(c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 43, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named in the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 43, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

43.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers,
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

(3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name must be the number of that elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 42 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the voter must be ignored,
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears in the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 42 apply as if—

- (a) in rule 42(1)(a), (2)(a) and (5)(a), for “named in the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”,
- (b) in paragraph (1)(b) of this rule for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) Where any other ordinary Authority election in the Assembly constituency is contested, the same tendered votes list may be used for the election and each Authority election, and where it is so used, an entry in that list must be taken to mean that tendered ballot papers were marked in respect of each Authority election, unless the list identifies the election for which a tendered ballot paper was delivered.

Spoilt and replacement ballot papers

44.—(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain a replacement for the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

(2) If a voter decides, after he has returned his ballot paper and it has been cancelled in accordance with rule 39(6), but before the close of the poll, that he wishes to vote in the election, he may obtain a replacement for the returned ballot paper.

(3) Before a replacement ballot paper is obtained, the presiding officer must mark the corresponding number list that was marked under rule 39(1) (the corresponding number list)—

(a) in the case of a ballot paper being replaced under paragraph (1) or (2), beside the number of the replacement ballot paper obtained to show—

(i) the number of the elector, and

(ii) the number of the ballot paper which is being replaced; and

(b) in the case of a ballot paper being replaced under paragraph (1), beside the number of the spoilt ballot paper to show that the ballot paper was replaced.

(4) Where any other ordinary Authority election in the Assembly constituency is contested, the voter must only receive a replacement for a spoilt or returned ballot paper.

(5) If the same corresponding number list is used for more than one Authority election in accordance with rule 39(7)—

(a) the marks made under paragraph (3) must identify the election for which a ballot paper has been replaced, and

(b) any ballot paper which the voter has not applied for or obtained as a replacement, but which bears the same ballot paper number as a ballot paper delivered under rule 39(1), or obtained under paragraph (1) or (2) of this rule—

(i) must not be delivered to the voter,

(ii) must be cancelled, and

(iii) for the purposes of these rules, must be treated as a spoilt ballot paper.

Correction of errors on day of poll

45.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) Where any other ordinary Authority election in the Assembly constituency is contested, the same list referred to in paragraph (1) may be used for the election and each Authority election, and where it is so used, an entry in that list must be taken to mean that ballot papers were delivered in respect of each Authority election, unless the list identifies the election for which a tendered ballot paper was delivered.

Adjournment of poll in case of riot

46.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the CRO.

(2) Where the poll is adjourned at any polling station—

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- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
 - (b) references in these Rules to the close of the poll must be construed accordingly.
- (3) As soon as practicable after being informed of the adjournment of a poll, the CRO must inform the GLRO of that fact and of the cause of its adjournment.

Procedure on close of poll

47.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the list prepared under rule 19, including the part completed in accordance with rule 39(1)(b) (together referred to in these Rules as “the completed corresponding number list”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 45, and the declarations made by the companions of voters with disabilities,

and must deliver the packets or cause them to be delivered to the CRO to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the CRO, the arrangements for their delivery must be approved by the CRO.

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any other Authority election.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number list or the certificates as to employment on duty on the day of the poll.

(4) The packets must be accompanied by a statement (“ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoilt ballot papers, and
- (d) tendered ballot papers.

(5) The statement referred to in paragraph (4) may be combined with the statements produced in relation to other Authority elections and the combined statement must be arranged in such manner as the GLRO may direct.

Attendance at verification and the local count

48.—(1) As soon as practicable after the close of the poll, the CRO must make arrangements for carrying out, in the presence of the counting agents, the verification and the counting of the votes at the election and must give to the counting agents notice in writing of the time and place at which he will begin to verify and count the votes.

(2) No person other than—

- (a) the CRO and his clerks and technical assistants,
- (b) the GLRO,
- (c) the candidates and one other person chosen by each of them,
- (d) the election agents,
- (e) the counting agents,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

may be present at the verification and counting of the votes, unless permitted by the CRO to attend.

(3) A person not entitled to attend the local verification and count must not be permitted to do so by the CRO unless he—

- (a) is satisfied that the efficient conduct of those proceedings will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

(4) The CRO must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Use of the electronic counting system

49.—(1) The GLRO may provide the CRO with an electronic counting system consisting of computer hardware, software and other equipment or services, for the purpose of counting the number of ballot papers, to verify the ballot paper accounts and to count the votes cast on them.

(2) Any verification of ballot paper accounts, count or re-count at the election conducted using the electronic counting system must be conducted in accordance with rule 50.

(3) If the GLRO has provided the CRO with an electronic counting system for use at the election, the CRO must obtain the prior written consent of the GLRO before he may conduct the verification of ballot paper accounts or count the votes manually.

(4) If the verification of ballot paper accounts, count or re-count has commenced using the electronic counting system but has not been completed, the CRO may, if he considers it appropriate, discontinue the count and instead count the votes manually.

(5) Where the count or a re-count has been conducted using the electronic counting system, the CRO may, if he considers it appropriate, conduct any re-count without using that system.

(6) Where verification or any count or re-count is conducted using the electronic counting system, any of the steps referred to rule 50, in so far as practicable, may be undertaken—

- (a) concurrently with any other of those steps, or
- (b) in a different order.

Verification and the local count

50.—(1) The CRO must—

- (a) open the ballot boxes from each polling station together, in the presence of the counting agents appointed for the purposes of the election and any other Authority election,

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- (b) cause the electronic counting system to count such of the postal ballot papers as have been duly returned in accordance with paragraphs (2) and (3) and record separately the number counted,
 - (c) not mix the contents of any ballot box with the contents of any other ballot box during the conduct of any count or re-count.
- (2) A postal ballot paper must not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (3) and reaches the CRO or any polling station in the Assembly constituency that includes the electoral area for which the elector is registered as a local government elector, before the close of the poll,
 - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (3) and reaches him or such polling station before that time,
 - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
 - (d) in a case where the steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act⁽¹⁹⁾, the CRO (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).
- (3) The manner in which any postal paper or postal voting statement may be returned—
- (a) to the CRO, is by hand or by post,
 - (b) to a polling station in the Assembly constituency, is by hand.
- (4) After completing the proceedings under paragraph (1), the CRO must cause the electronic counting system to process the ballot papers so as to count—
- (a) the number of ballot papers, and
 - (b) votes given on the ballot papers.
- (5) The CRO must not cause the electronic counting system to count any tendered ballot paper.
- (6) The CRO must verify each ballot paper account by comparing it with the number of ballot papers processed by the electronic counting system, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any election agent may copy.
- (7) The CRO, while verifying the ballot paper accounts and counting the votes, must take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.
- (8) The CRO must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the hours between 5 in the afternoon and 10 on the following morning may be excluded with the prior consent of the GLRO.
- (9) During the time so excluded the CRO must—
- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and
 - (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

51.—(1) Any ballot paper—

⁽¹⁹⁾ See regulation 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

- (a) which does not bear the official mark,
- (b) on which votes are given for more than one party or individual candidate,
- (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back,
- (d) which is unmarked, or
- (e) which is void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

must not for such reason be void if an intention that the vote be given for one only of the party or individual candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) Where the electronic counting system identifies a ballot paper that has been marked, but which appears for whatever reason to be void, it must be examined by a clerk appointed by the CRO in the manner referred to in paragraph (6).

(4) If the clerk, having examined the ballot, considers that the vote is void then the CRO must examine it in the manner referred to in paragraph (6).

(5) After the CRO examines the ballot paper, he must give his decision as to the validity of the vote.

(6) An examination under paragraph (3) or (4) is to be made by the clerk or CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count.

(7) The CRO may examine any ballot paper that he is not required to examine in accordance with paragraph (4)—

- (a) either in the manner referred to in paragraph (6), or
- (b) by examining a paper copy,

and where the CRO does so, he must give a decision on that paper in accordance with paragraph (5).

(8) No person attending the count is to be entitled to require the clerk or CRO to examine a ballot paper or to provide a paper copy for inspection.

(9) A record of the CRO's decision must be retained in the electronic counting system together with, in the case of a decision that the ballot paper is void, his reasons by reference to paragraph (1).

(10) Where a counting agent objects to the CRO's decision the CRO must record on the electronic counting system that the decision was objected to.

(11) The CRO must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of an official mark,
- (b) voting for more than one party or individual candidate,
- (c) writing or mark by which the voter could be identified,
- (d) unmarked ballot paper, or
- (e) void for uncertainty.

(12) As soon as practicable after the completion of the statement under paragraph (11) the CRO must inform—

- (a) such candidates, election agents and counting agents as are present at the count, and
 - (b) the GLRO,
- of its contents.

Decision on ballot papers

52. The decision of the CRO on any question arising in respect of a ballot paper is final, but may be subject to review on an election petition.

Re-count

53.—(1) A candidate or his election agent (including, in the case of a list candidate, the election agent for that list) or a counting agent authorised under rule 31(3) may, if present when the counting or any re-count of the votes is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

(2) No step may be taken on the completion of the counting or any re-count of votes until the candidates and election agents and counting agents authorised under rule 31(1) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(3) The CRO may determine the extent to which any re-count involves the electronic counting of votes.

(4) When the returning officer uses the electronic counting system for the re-counting of votes, he must not re-consider any decision made on any ballot paper under rule 51(5).

Procedure at conclusion of local count

54.—(1) As soon as practicable after the conclusion of the local count (including any re-count), the CRO must draw up a statement showing—

- (a) the total number of votes cast,
- (b) the total number of votes rejected under rule 51,
- (c) the number of votes given for each registered party, and
- (d) the number of votes cast for each individual candidate.

(2) As soon as practicable after the statement is drawn up under paragraph (1), the CRO must inform the GLRO of its contents, and if it is practicable to do so, must also provide that information so as to show the total number of votes under each of those heads in each ward.

(3) As soon as practicable after the GLRO has authorised him to do so, the CRO must—

- (a) inform such of the candidates and their election agents as are then present of the content of the statements prepared in accordance with rule 51 and paragraph (1) of this rule, and
- (b) give public notice of the contents of those statements.

Attendance at allocation of seats

55.—(1) The GLRO must make arrangements for making the allocation of seats in the presence of the election agents of the individual candidates (including, in the case of a list candidate, the election agent for that list), and he must give to those agents notice in writing of the time and place at which he will begin the allocation.

(2) No person other than—

- (a) the GLRO and his clerks,
- (b) the CROs and a clerk or technical assistant chosen by each of them,

- (c) the individual candidates and one person chosen by each of them,
- (d) candidates included on a party list and one person chosen by each of them,
- (e) the election agents,
- (f) the nominating officers of those registered parties standing nominated at the election,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- (h) persons permitted to be present at the central calculation at the election of the Mayor of London,

may be present at an allocation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend an allocation must not be permitted to do so by the GLRO unless the GLRO—

- (a) is satisfied that the efficiency of the allocation will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

The calculation

56.—(1) As soon as the GLRO has received from every CRO the information required by rule 54 he must calculate the London figure for each registered party and individual candidate.

(2) As soon as the GLRO has ascertained the result of the calculation, he must inform such of the election agents for the candidates as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) Where information of the description mentioned in paragraph (4)(e) is given in accordance with paragraph (2), the GLRO must provide the persons to whom it was given with a statement containing—

- (a) the names of the persons concerned, and
- (b) with respect to each such person, the name of the party from whose list his name has been omitted or treated as omitted, and the reason therefor.

(4) In this rule, “the relevant figures” means—

- (a) the number of London votes given in the Assembly constituencies for each registered party and for each individual candidate at that election,
- (b) in respect of each party, the number of successful candidates to be constituency members, who were the subject of that party’s authorisation under rule 6(5) or 6(7) of the Combined Constituency Members Election Rules,
- (c) the calculation of the London figure,
- (d) any recalculation required by paragraph 8(3), or carried out in the circumstances mentioned in paragraph 8(8), of Schedule 2 to the 1999 Act, and
- (e) the number of persons whose names have been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) who are to be treated as ceasing to be on, a party list.

(5) Paragraph (6) applies where the GLRO is notified under rule 54(5) of the Constituency Members Election Rules that a candidate who is returned as a constituency member is the candidate with a description authorised under rule 6(7)(a) of those rules (a using a description registered by more than one party).

(6) Where this paragraph applies, the GLRO must, in calculating the London figure of each registered party whose nominating officer issued a certificate to which rule 6(7)(a) of the Constituency Members Election Rules refers, include that candidate as a candidate of that party; and in doing so must disregard the fact that for the purposes of calculating the London figure of another registered party, the candidate is also included as the candidate of that other registered party.

PART 5

Final Proceedings In Contested And Uncontested Elections

Declaration of result

57.—(1) The GLRO must declare the allocation of the seats for London members and, where seats are allocated to a registered party, the names of the persons on the party list who, in accordance with paragraph 8(5) of Schedule 2 to the 1999 Act, are to fill those seats.

(2) The GLRO must give public notice of—

- (a) the registered parties to which seats for London members have been allocated and the names of the list candidates by whom those seats are to be filled,
- (b) the names of the successful individual candidates,
- (c) the total number of London votes given for each registered party and each individual candidate,
- (d) the total number of candidates of registered parties returned as constituency members,
- (e) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers,
- (f) the name of every person included on a party list who has been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) is to be treated as ceasing to be on, that list, together with the reason for the omission or cessation, as the case may be.

(3) Subject to paragraph (4), after the GLRO complies with paragraphs (1) and (2), he may give public notice of the information referred to paragraph (2)(c) and (e) so as to set out the number of votes falling under each of those heads, in respect of each ward.

(4) Where the sum of first preference votes given for all registered parties and individual candidates in any ward does not exceed 500, the GLRO must not give notice under paragraph (3) in respect of that ward alone, but must amalgamate the figures for that ward with those for any other ward in which more than 500 votes have been given, in the same Assembly constituency.

Return or forfeiture of candidate's deposit

58.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 10 must be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day must be disregarded if, in accordance with rule 4, it would be disregarded in computing any period of time for the purposes of the timetable for the election, and
- (b) the deposit will be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the individual candidate or registered party is not shown as standing nominated in the statement of persons nominated, or if proof has been given to the GLRO before the allocation of seats of the death of an individual candidate, then the deposit must be returned as soon as practicable after the publication of the statement or after the individual candidate's death, as the case may be.

(5) Where a poll is taken, if, after the declaration under rule 57, a candidate or registered party is found not to have polled more than one-fortieth of the total number of votes polled by all the candidates and registered parties, the deposit must be forfeited to the Greater London Authority.

PART 6

Disposal Of Documents

Sealing up of ballot papers

59.—(1) On the completion of the counting at a contested election the CRO must seal up in separate packets the counted and rejected ballot papers.

(2) Where some or all of the votes have been counted using the electronic counting system, the CRO must also seal up in a separate packet a complete electronic record (“the electronic record”) of the information stored in the electronic counting system, held in such device as may be suitable for the purpose of its storage.

(3) After making the electronic record under paragraph (2), the CRO must arrange for the original records in the electronic counting system to be removed from it and destroyed in a manner that ensures that the secrecy of those records is preserved.

(4) The CRO must not open the sealed packets of—

- (a) tendered ballot papers,
- (b) certificates as to employment on duty on the day of the poll,
- (c) the completed corresponding number lists, or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery and retention of documents

60.—(1) The CRO must then forward the following documents to the relevant registration officer—

- (a) the packets of ballot papers in his possession,
- (b) the packet containing the electronic record (if any),
- (c) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (d) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 45 and the declarations made by the companions of voters with disabilities,
- (e) the packets of the completed corresponding number lists,
- (f) the packets of certificates as to employment on duty on the day of the poll, and
- (g) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the Assembly constituency for which the election was held.

Orders for production of documents

61.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer, or
- (b) for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll

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or the inspection of any counted ballot papers in the custody of the relevant registration officer,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An election court may make an order for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates or for the inspection of any counted ballot papers in the custody of the relevant registration officer.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order thinks expedient; but in making and carrying into effect an order for the opening of a packet containing the electronic record or a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

- (i) that his vote was given, and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document or electronic record in his custody relating to any specified election—

- (a) the production by him or his agent of the document or electronic record ordered in such manner as may be directed by that order will be conclusive evidence that the document or electronic record relates to the specified election, and
- (b) any endorsement on any packet of ballot papers so produced will be *prima facie* evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any election, or
- (b) a copy of the electronic record which purports to record that a particular ballot paper was used at any election, and

a completed corresponding number list with a number written beside the number of the ballot paper, will be *prima facie* evidence that the elector whose vote was given by that ballot paper was the person who, at the time of the election, had affixed to his entry in the register of electors or on the notice issued under section 13B(3B) or (3D) of the 1983 Act, the same number as was written on the completed corresponding number list.

(8) Unless authorised by this rule, no person may be allowed to inspect any rejected or counted ballot papers in the custody of the relevant registration officer or open any sealed packets of completed corresponding number lists, certificates as to employment on the day of the poll or containing the electronic record.

Retention and destruction of documents and records

62. The relevant registration officer must retain or cause to be retained for one year all documents and, where applicable, the electronic record relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrate's court or an election court, must cause them to be destroyed.

PART 7

List Candidates And The Filling Of Vacancies

Interpretation of Part 7

63. In this Part—

“dual candidate” means a person—

- (a) whose name, subject to rule 65, falls to be notified as mentioned in subsection (6) of section 11 (filling a vacancy among the London members) of the 1999 Act, and
- (b) who is a candidate (otherwise than at an ordinary election) for election—
 - (i) as the Mayor of London, or
 - (ii) as a constituency member,

“nominating officer”, in relation to a registered party and a vacancy in the office of a London member, means the person who holds that office in the party at the time at which the vacancy arises, and

“paragraph (1) notice” has the meaning given by rule 65(1).

Removal from a party list on election as Mayor or as a constituency member

64.—(1) Where a person whose name is for the time being included in a party list is elected (otherwise than at an ordinary election)—

- (a) as the Mayor of London, or
- (b) as a constituency member,

his name must be removed from that list.

(2) For the purposes of this Part, the name of a person to whom paragraph (1) applies must be treated as ceasing to be included in the list from the date on which he is returned as the Mayor or a constituency member, as the case may be (even if his return is void).

(3) Where proof is given to the GLRO's satisfaction that a person whose name is for the time being included in a party list has died, then the GLRO must remove that person's name from that list.

Notification of vacancy

65.—(1) As soon as the office of a London member who was returned from a registered party's list becomes vacant, the GLRO must simultaneously give or send to—

- (a) the party's nominating officer, and
- (b) the person whose name would, in accordance with subsection (6) of section 11 (filling a vacancy among the London members) of the 1999 Act (and on the assumption that he satisfies the conditions in subsection (4) of that section), be so notified,

written notice (“paragraph (1) notice”) of the matters specified in paragraph (2).

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- (2) The matters specified in this paragraph are—
- (a) the vacancy,
 - (b) that the nominating officer may, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, give the notice referred to in subsection (5)(b) of section 11 of the 1999 Act, and
 - (c) that the person must, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, indicate whichever of the following apply to him—
 - (i) that he is willing to serve as a London member (“notice of willingness”),
 - (ii) that he is not willing to serve as a London member, and
 - (iii) that he is a dual candidate.
- (3) The GLRO must not notify the Chair of the London Assembly as mentioned in section 11(3) of the 1999 Act until—
- (a) the period mentioned in paragraph (2)(b) has elapsed, and
 - (b) he has received a notice of willingness, and
 - (c) if the person by whom notice of willingness has been given is a dual candidate, the result of the election for which he is a Mayoral or constituency member candidate has been declared.

Unwilling candidate or objection by registered party

66. Where the GLRO receives a notice under rule 65(2)(c)(ii) or section 11(5)(b) of the 1999 Act he must again send a paragraph (1) notice, but with the substitution, for the name of the person to whom the first such notice was sent, of the name of the person who, on the same assumption, would be the next person whose name would be notified in accordance with section 11(6) of that Act; and so on until, in respect of such a person—

- (a) no notice is given under section 11(5)(b) of that Act, and
- (b) a notice of willingness has been received.

Acceptance of office and further notification

67.—(1) As soon as practicable after the GLRO has identified the person who is to fill the vacancy, he must invite him to attend at his office to sign the declaration of acceptance of office.

(2) In a case to which section 11(3) of the 1999 Act applies, as soon as practicable after the declaration of acceptance of office has been signed, the GLRO must notify the Chair of the London Assembly as mentioned in that subsection.

PART 8

Returns And Declarations As to Election Expenses

Declarations as to election expenses

68.—(1) Subject to paragraph (2), the form of the declaration required by section 82(1) of the 1983 Act (agent’s declaration as to election expenses), in the circumstances mentioned in subsection (2A)(a) of that section, is that set out in part 1 of Form 20 of the Forms Schedule.

(2) In a case to which section 82(5A) of the 1983 Act applies, the declaration referred to in paragraph (1) must be modified as specified in part 2 of Form 20.

(3) Subject to paragraph (4), the form of the declaration required by section 82(2) of the 1983 Act (candidate's declaration as to election expenses), in the circumstances mentioned in subsection (2A) (b) of that section must be that set out in part 1 of the Form 21 of the Forms Schedule.

(4) In a case to which section 82(5A) of the 1983 Act applies, the declaration referred to in paragraph (3) must be modified as specified in part 2 of Form 21.

SCHEDULE 3

Rule 3(4)

THE MAYORAL ELECTION RULES

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PART 1

General Provisions

Citation

- 1. This Schedule may be cited as the Mayoral Election Rules.

Interpretation

- 2.—(1) In the rules in this Schedule, unless the context indicates otherwise—
 - “candidate” means a candidate to be the Mayor;
 - “election” means an election for the return of the Mayor;
- (2) Reference to a rule by number alone is a reference to the rule so numbered in this Schedule.

PART 2

Provisions As To Time

Timetable

- 3. The proceedings at the election must be conducted in accordance with the following timetable:

| <i>Proceedings</i> | <i>Time</i> |
|---|--|
| Publication of notice of election | Not later than the thirtieth day before the day of election. |
| Delivery of nomination papers | Not later than noon on the twenty-fourth day before the day of election. |
| Publication of statement as to persons nominated | Not later than noon on the twenty-second day before the day of election. |
| Delivery of notices of withdrawals of candidature | Not later than noon on the twenty-first day before the day of election. |

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| <i>Proceedings</i> | <i>Time</i> |
|--------------------|---|
| Notice of poll | Not later than the sixth day before the day of election. |
| Polling | Between the hours of 7 in the morning and 10 at night on the day of election. |

Computation of time

4.—(1) In computing any period of time for the purposes of the Timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

must be disregarded, and any such day must not be treated as a day for the purpose of any proceedings up to the completion of the poll nor must the CRO be obliged to proceed with the counting of the votes on such a day.

(2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(20) in England and Wales.

PART 3

Stages Common To Contested And Uncontested Elections

Notice of election

5.—(1) The GLRO must publish in each Assembly constituency notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must state the arrangements (if any) which apply for the payment of the deposit required by rule 9 by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

- (a) applications to vote by post or proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer for local government electors in order that they may be effective for the election.

Nomination of candidates

6.—(1) Each candidate must be nominated by a separate nomination paper which must be—

- (a) in the appropriate form, and
- (b) delivered to the place fixed for the purpose by the GLRO, which must be at one of the offices of the Greater London Authority, before the last time for the delivery of nomination papers.

- (2) A nomination paper must state the candidate's—
- (a) full names,
 - (b) home address, in full, and
 - (c) if desired, description,
- and the surname must be placed first in the list of names.
- (3) If a candidate commonly uses—
- (a) a surname which is different from any other surname he has, or
 - (b) a forename which is different from any other forename he has,
- the nomination paper may state the commonly used surname or forename, or both surname and forename, in addition to the other name.
- (4) The description (if any) can only be—
- (a) one authorised as mentioned in paragraph (5) or (7), or
 - (b) the word “Independent”.
- (5) A nomination paper may not include a description of a candidate that is likely to lead electors to associate the candidate with a registered party unless—
- (a) the party is a qualifying party in relation to Greater London, and
 - (b) the description is authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of the party, and
 - (ii) received by the GLRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.
- (6) In paragraph (5) an authorised description may be either—
- (a) the name of the party registered under section 28 of the 2000 Act⁽²¹⁾, or
 - (b) a description of the party registered under section 28A⁽²²⁾ of that Act.
- (7) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to Greater London and the description is a registered description authorised by a certificate—
- (a) issued by or on behalf of the registered nominating officer of each of the parties, and
 - (b) received by the GLRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.
- (8) For the purposes of paragraph (7), a description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Act⁽²³⁾.
- (9) A person will be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (5) or (7) on behalf of a registered party's nominating officer.
- (10) For the purposes of the application of these rules in relation to an election—
- (a) “registered party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election,

(21) Section 28 of the Political Parties, Elections and Referendums Act 2000 (c.41) was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006 (c.22).

(22) Section 28A of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

(23) Section 28B of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

- (b) a registered party is a qualifying party in relation to Greater London if on the relevant day the party was registered in respect of England in the Great Britain register maintained under that Part of that Act.

(11) For the purposes of paragraph (10)(a), any day falling within rule 4(1) must be disregarded.

Subscription of nomination papers

7.—(1) The nomination paper of a candidate must be subscribed by at least 330 persons each of whom is entitled to vote at the election; and in relation to each London borough and the City, at least ten of the subscribers must be electors who are ordinarily resident in the borough or, as the case may be, the City.

(2) Where a nomination paper has the signatures of more than the required number of persons as assenting to the nomination of a candidate, the signatures (up to the required number) appearing first on the paper must be taken into account to the exclusion of any others.

(3) The nomination paper must give the electoral number of each person subscribing it.

(4) The GLRO—

- (a) must supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

- (b) must, at any elector's request, prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the GLRO.

(5) In this rule—

“elector” means a person named as a local government elector in the register being used at the election in that Assembly constituency, and includes a person shown in the register as below voting age if it appears from the register that he will be of voting age on the day fixed for the poll, but does not include a person who has an anonymous entry in the register.

“electoral number” means—

- (a) a person's number in that register, or

- (b) pending publication of the register, his number (if any) in the electors list for that register.

Consent to nomination

8.—(1) A person will not be validly nominated unless his consent to nomination—

- (a) is given in writing in the appropriate form, or a form to like effect, on or within one month before the last day for the delivery of nomination papers;

- (b) is attested by one witness whose name and address must be given; and

- (c) is delivered at the place and within the time for delivery of nomination papers.

(2) A candidate's consent given under this rule must—

- (a) state the day, month and year of his birth; and

- (b) contain a statement that to the best of the candidate's knowledge and belief he is not disqualified from being elected by reason of—

- (i) any disqualification set out in section 21 (disqualification from being the Mayor or an Assembly member) of the 1999 Act, or

- (ii) any decision made under section 79 (decisions of case tribunals) the Local Government Act 2000.

Deposits

9.—(1) A person will not be validly nominated as a candidate unless the sum of £10,000 is deposited by him, or on his behalf, with the GLRO at the place and during the time for delivery of nomination papers.

(2) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker's draft, or
- (c) with the GLRO's consent, in any other manner including by means of a debit or credit card or the electronic transfer of funds,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit must at the time he makes it give his name and address to the GLRO, unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act.

Decisions as to validity of nomination papers

10.—(1) Where a nomination paper and the candidate's consent to it are delivered, and the deposit is made, in accordance with these Rules, the candidate must be deemed to stand nominated unless and until—

- (a) the GLRO decides that the nomination paper is invalid, or
- (b) proof is given to the GLRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The GLRO is entitled to hold the nomination paper of a person invalid only on one of the following grounds—

- (a) that the particulars of the candidate or of the persons subscribing the paper are not as required by law,
- (b) that the paper is not subscribed as so required,;
- (c) that the paper breaks rule 6(5) or (7).

(3) Subject to paragraph (4), the GLRO must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.

(4) If in the GLRO's opinion a nomination paper breaks rule 6(5) or (7), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the end of the period for the delivery of nomination papers set out in the timetable in rule 3.

(5) Where the GLRO decides that a nomination paper is invalid, he must endorse and sign on the paper the fact and the reasons for his decision.

(6) The GLRO must, as soon as practicable after making such a decision in accordance with paragraph (3) or (4) that a ballot paper is valid or invalid, send notice of it to the candidate at his home address as given in his nomination paper.

(7) The GLRO's decision that a nomination paper is valid is final and may not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

11.—(1) The GLRO must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated together with the reason why they no longer stand nominated.

(2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) If a person's nomination paper gives a commonly used surname or forename, or both surname and forename in addition to another name, the statement must show the person's commonly used surname or forename, or both surname and forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the GLRO thinks—

(a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or

(b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the GLRO must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(7) In the case of a person nominated by more than one nomination paper, the GLRO must take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the GLRO in default of the candidate) may select.

Correction of minor errors

12.—(1) The GLRO may, if he thinks fit, at any time before the publication under rule 11 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

(a) errors as to a person's electoral number,

(b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by the GLRO in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.

(4) The GLRO must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Inspection of nomination papers and consent to nomination

13.—(1) During ordinary office hours, in the period starting 24 hours after the latest time for the delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

(2) Inspection under paragraph (1) may not take place on a day that is specified in rule 4(1).

Withdrawal of candidature

14.—(1) A candidate may withdraw his candidature by notice of withdrawal—

(a) signed by him and attested by one witness, whose name and address must be given, and

(b) delivered to the GLRO at the place for delivery of nomination papers,

by the end of the period for the delivery of notices of withdrawals of candidature in the timetable in rule 3.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom will be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph will be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

15. If, after any withdrawals under rule 14—
- (a) more than two candidates remain validly nominated, a poll must be taken in accordance with Parts 4 and 5 of these Rules;
 - (b) only two candidates remain validly nominated, a poll must be taken in accordance with Part 4;
 - (c) only one candidate remains validly nominated, that person must be declared to be elected in accordance with Part 6.

PART 4

Contested Elections

Poll to be taken by ballot

16. The votes at the poll must be given by ballot.

The ballot papers

17.—(1) The ballot of every person entitled to a mayoral vote at the election must consist of a ballot paper which must be in the appropriate form.

(2) Each person remaining validly nominated at the election, after any withdrawals, and no other, is entitled to have their name inserted in the ballot paper at that election.

- (3) Every ballot paper—
- (a) must be printed in accordance with the directions set out in the Forms Schedule,
 - (b) must contain the names and other particulars of the candidates as shown in the statement of persons nominated,
 - (c) must have a number and other unique identifying mark printed on the back, and
 - (d) may, in the case of ballot papers for use at polling stations, be marked with the words “do not fold”.

(4) If a candidate who is the subject of a party's authorisation under rule 6(5) so requests, the ballot paper must contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

- (5) The candidate's request under paragraph (4) must—
- (a) be made in writing to the GLRO, and
 - (b) be received by him during the period for delivery of nomination papers set out in the timetable in rule 3.

(6) The names of the candidates must be arranged alphabetically in order of their surnames and, if there are two or more of them with the same surname, of their other names.

(7) The GLRO must supply the ballot papers for use at the election to the CRO by such date as may be agreed between them.

(8) The ballot papers supplied under paragraph (7) must be of a different colour from those used at any other Authority election with which the election is taken.

The corresponding number list

18.—(1) The CRO must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 23(1) or provided by him in pursuance of rule 28(1).

(2) The list must be in the appropriate form or a form to like effect.

(3) At an ordinary election, the same list may be used for each Authority election with which the election is combined.

The official mark

19.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at any Authority election.

(3) The GLRO may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

20. No person who has voted at the election may, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

21.—(1) The CRO may use, free of charge, for the purpose of taking the poll 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,

(b) a room the expense of maintaining which is met by any local authority.

(2) In relation to an election to fill a vacancy in the office of the Mayor, the CRO must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as is mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

Notice of poll

22.—(1) The GLRO must, in accordance with the timetable in rule 3, publish notice of the poll stating—

(a) the day and hours fixed for the poll,

(b) particulars of each candidate remaining validly nominated,

and rule 11(6) applies in relation to the order in which names and particulars appear on the notice of the poll as it applies in relation to the statement of persons nominated.

(2) The CRO must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station, and
- (b) the description of voters entitled to vote there,

and he must as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(3) At an ordinary election, the notice of poll must include the heading “GREATER LONDON AUTHORITY ELECTION”.

Postal ballot papers

23.—(1) The CRO must, in accordance with regulations made under the 1983 Act⁽²⁴⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement, together with such envelopes for their return as may be prescribed in such regulations.

(2) The postal voting statement must be in the appropriate form or a form to like effect.

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).

(4) The CRO 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 of any directions to or 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,
- (d) the directions or guidance in any other form (including any audible form).

(5) In the case of a ballot paper issued to a person at an address in the United Kingdom, the CRO must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

(6) Where the proceedings on the issue and receipt of postal ballot papers at the election are taken together with any other Authority election the appropriate form of postal voting statement under paragraph (2) may be the joint postal voting statement which must be in the appropriate form or form to like effect.

Provision of polling stations

24.—(1) The CRO must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must 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 parliamentary polling district wholly or partly within the Assembly constituency must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the Assembly constituency.

(4) The CRO must provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

⁽²⁴⁾ See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [S.I. 2006/2910](#).

Appointment of presiding officers and clerks

25.—(1) The CRO must appoint and pay a presiding officer to attend at each polling station and such clerks and technical assistants as may be necessary for the purposes of the election, but he must not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The CRO may, if he thinks fit, preside at a polling station and the provisions of this Part relating to a presiding officer apply to the CRO so presiding with the necessary modifications as to things to be done by the CRO to the presiding officer or by the presiding officer to the CRO.

(3) 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 this Part 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

26.—(1) The CRO must as soon as practicable after the publication of the notice of election, send to electors and their proxies an official poll card.

(2) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form or a form to like effect, and must set out—

- (a) that the election is a mayoral election,
- (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 as the CRO thinks appropriate,

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

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the polling card must contain such matter as is specified in the appropriate form.

(5) At an ordinary election, the CRO must issue a combined poll card in the appropriate form.

(6) In this rule "elector" means—

- (a) an elector with an entry on the register to be used at the election on the last day for the publication of the notice of the election, and
- (b) includes a person then shown in the 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.

Information for voters

27.—(1) At an ordinary election, the GLRO may, in addition to a statement by him in an election booklet, include in the booklet information for voters that has been agreed by him with the Electoral Commission.

(2) The information for voters given in the election booklet may include information about—

- (a) the office of the Mayor and the London Assembly,
- (b) the system of voting at each Authority election,
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast, and

subject to paragraph (3), may include any other information given in exercise of the GLRO's duty under section 69 (encouraging electoral participation) of the 2006 Act.

(3) The information for voters must not contain—

- (a) any advertising material,
 - (b) any material referring to a candidate or a registered party other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election,
 - (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.
- (4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

Equipment of polling stations

28.—(1) The CRO must provide each presiding officer with—

- (a) such ballot papers as may be necessary, and
- (b) such ballot boxes as may be necessary having taken account of any direction made by the GLRO in accordance with paragraph (9).

(2) Every ballot box must be so constructed that the ballot papers 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.

(3) The CRO must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,
- (b) copies of the register of electors for 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),
- (d) a list consisting of that part of the list prepared under rule 18 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.

(4) The reference in paragraph (3)(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⁽²⁵⁾ in respect of alterations to the register.

(5) The CRO must also provide each polling station with a device 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 40.

(6) The device referred to in paragraph (5) above 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 candidate to whom each such space refers, and
 - (iii) mark his vote on the space he has chosen.

(7) The enlarged sample copies of the ballot paper that the GLRO is required to provide, or cause to be displayed at every polling station (in accordance with section 199B(5) and (7) of the 1983 Act) must—

⁽²⁵⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

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- (a) be provided to the CRO who will deliver them to the polling stations, and
 - (b) be printed on paper of the same colour as the ballot paper at the election.
- (8) The CRO must also provide each polling station with notices for the guidance of voters, which must be exhibited—
- (a) outside the polling station,
 - (b) inside the polling station—
 - (i) in the communal areas, and
 - (ii) in every voting compartment.
- (9) If the GLRO thinks fit he may, not later than the date of the notice of election, direct the CRO that joint ballot boxes must be used for the ballot papers at the election and any or all Authority elections with which the election is taken.

Notices for the guidance of voters

- 29.**—(1) The GLRO must prepare and provide each CRO with the notices to be exhibited under rule 28(8).
- (2) The GLRO may provide each CRO with versions of the notices in such other form as he thinks appropriate, in accordance with section 199B (translations etc of certain documents) of the 1983 Act.
- (3) Notices for the guidance of voters exhibited under rule 28(8) or paragraph (2) must be in the appropriate form, but may include such alternative information relating to Authority elections as—
- (a) meets with the requirements of the Notices Schedule, and
 - (b) the GLRO may decide.
- (4) Notices provided under paragraph (2) may, if the CRO agrees, be exhibited at any polling station—
- (a) outside the polling station,
 - (b) inside the polling station—
 - (i) in the communal areas,
 - (ii) in every voting compartment.

Appointment of polling and counting agents

- 30.**—(1) Before the commencement of the poll, each candidate may appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation, and
 - (b) counting agents to attend at the mayoral count.
- (2) The same person may be appointed as a polling agent or counting agent by more than one candidate.
- (3) For each local count, one (but no more than one) counting agent of each candidate may be authorised by the terms of his appointment to require a re-count at that count.
- (4) Not more than four polling agents, or such greater number as the CRO may by notice allow, may be permitted to attend at any particular polling station.
- (5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO must determine by lot which agents are permitted to attend, and only the agents on whom the lot falls will be deemed to have been duly appointed.
- (6) The CRO may limit the number of counting agents, but in doing so must ensure that—
- (a) the number is the same in the case of each candidate, and

- (b) the number allowed to a candidate must 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.
- (7) For the purposes of the calculations required by paragraph (6) a counting agent appointed for more than one candidate is a separate agent for each of the candidates for whom he has been appointed.
- (8) Notice in writing of the appointment of polling and counting agents, stating the names and addresses of the persons appointed, must be given by the candidate to the CRO and must be so given not later than the fifth day (computed in accordance with rule 4) before the day of the poll.
- (9) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and must forthwith give to the CRO notice in writing of the name and address of that other person.
- (10) Any appointment authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.
- (11) In the following provisions of this Part references to polling agents and counting agents must be taken as reference 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.
- (12) Any notice required to be given to a counting agent by the CRO may be delivered at, or sent by post to, the address stated in the notice of appointment.
- (13) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
- (14) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do, and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.
- (15) 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 agent or agents at the time and place appointed for the purpose will not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

- 31.** The CRO must make such arrangements as he thinks fit to ensure that—
 - (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 of the provisions of subsections (1), (3) and (6) of section 66 (requirement of secrecy) of the Representation of the People Act 1983⁽²⁶⁾, 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 of the provisions of subsections (2) and (6) of that section.

Return of postal ballot papers

- 32.**—(1) Where—
 - (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or

(26) 1983 c. 2; Section 66 of that Act was amended by the Electoral Administration Act 2006 (c. 22).

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(b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,
the CRO must mark the list in the manner prescribed by regulations made under the 1983 Act⁽²⁷⁾.

(2) Rule 49(2) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

Admission to polling station

33.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- (g) the constables on duty, and
- (h) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable or person employed by the CRO must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the appropriate form and signed by an officer of the police of or above the rank of inspector or by the CRO, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

34.—(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the CRO to remove him,

and the person so removed must not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station 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 must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

⁽²⁷⁾ 1983 c. 2; Regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910 provides the circumstances in which a postal vote should be treated as returned for this purpose.

Sealing of ballot boxes

- 35.** Immediately before the commencement of the poll, the presiding officer must—
- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty,
 - (b) lock up such of the boxes as have locks,
 - (c) place his seal—
 - (i) on each lock, and
 - (ii) on each ballot box which has no lock,
 in such a manner as to prevent its being opened without breaking the seal,
 - (d) place each box in his view for the receipt of ballot papers, and
 - (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

36.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put.

| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|--|
| 1 | A person applying as an elector | <ul style="list-style-type: none"> (a) —Are you the person registered in the register of local government electors for this election as follows (<i>read the whole entry from the register</i>)? [R] (b) —Have you already voted, here or elsewhere in Greater London at this election for the Mayor of London, otherwise than as proxy for some other person?[R] |
| 2 | A person applying as proxy | <ul style="list-style-type: none"> (a) —Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] (b) —Have you already voted here or elsewhere in Greater London at this election for the Mayor of London, as proxy on behalf of C.D.? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R] |
| 3 | A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2) | <ul style="list-style-type: none"> (a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (b) —Have you already voted here or elsewhere in Greater London as proxy on behalf of |

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| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|---|
| | | the elector whose number on the register of electors is (<i>read out the number</i>)? [R] |
| | | (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R] |
| 4 | A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative | Have you already voted here or elsewhere in Greater London at this election for the Mayor of London, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R] |
| 5 | A person applying as an elector in relation to whom there is an entry in the postal voters list | (a) —Did you apply to vote by post? (b) —Why have you not voted by post? |
| 6 | A person applying as proxy who is named in the proxy postal voters list | (a) —Did you apply to vote by post as proxy? (b) —Why have you not voted by post as proxy? |

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under those subsections.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry may be permitted as to the right of any person to vote.

Challenge of voter

37. A person must not be prevented from voting because—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

38.—(1) A ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 28(3)(d) beside the number of the ballot paper to be issued to him,
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been applied for but without showing the particular ballot paper which may be delivered,

- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.
- (2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number may be called out in pursuance of paragraph (1)(a).
- (3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—
 - (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”,
 - (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.
- (4) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper into the ballot box in the presiding officer’s presence, but so as to conceal his vote.
- (5) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.
- (6) A voter who has had a ballot paper delivered to him under paragraph (1), but has decided not to mark it, may return it to the presiding officer and where the voter does so, the presiding officer must—
 - (a) immediately cancel the ballot paper, and for the purposes of these rules treat it as a spoilt ballot paper,
 - (b) place a mark beside the number of that ballot paper on the corresponding number list to show that the ballot paper has been cancelled.
- (7) At an ordinary election, the same copy of—
 - (a) the list of proxies,
 - (b) the list mentioned in rule 28(3)(d),
 - (c) the register of electors,
 - (d) any notice issued under section 13B(3B) or (3D) of the 1983 Act (marked in the case of an elector who is added to the register in pursuance of such a notice),

may be used for each Authority election and one mark may be placed in the list, register or notice (as the case may be) to denote that a ballot paper has been delivered in respect of each Authority election; except that, where a ballot paper has not been issued in respect of any Authority election, a different mark must be placed in the list, register or notice so as to identify the elections in respect of which a ballot paper was issued.

Votes marked by presiding officer

- 39.**—(1) The presiding officer, on the application of a voter—
- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or
 - (b) who declares orally that he is unable to read,
- must, in the presence of the polling agents, cause the voter’s vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.
- (2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called “the list of votes marked by the presiding officer”).

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In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name must be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act⁽²⁸⁾, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

(4) At an ordinary election, the same list may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that the ballot papers were so marked in respect of each Authority election, unless the list identifies the election for which the ballot paper was so marked.

Voting by persons with disabilities

40.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

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

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as "the companion"), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, 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 election,

the presiding officer must 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 purpose of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person may be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election, or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as the "list of voters with disabilities assisted by companions").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name must be the elector's number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for "in the register of electors of every voter"

⁽²⁸⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

- (6) The declaration made by the companion—
 - (a) must be in the appropriate form, and
 - (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and
 - (c) must forthwith be given to the presiding officer who must attest and retain it.
- (7) No fee or other payment may be charged in respect of the declaration.

(8) At an ordinary election, the same list of voters with disabilities assisted by companions may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that the votes were so given in respect of each Authority election, unless the list identifies the election for which the vote was so given.

Tendered ballot papers: circumstances where available

- 41.**—(1) If a person, representing himself to be—
- (a) a particular elector named in the register and not named in the absent voters list, or
 - (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

- (2) Paragraph (4) applies if—
 - (a) a person applies for a ballot paper representing himself to be a particular elector named in the register,
 - (b) he is also named in the postal voters list, and
 - (c) he claims that he did not make an application to vote by post at the election.

- (3) Paragraph (4) also applies if—
 - (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
 - (b) he is also named in the proxy postal voters list, and
 - (c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named in the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

42.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers,
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

(3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name must be the number of that elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 41 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the voter must be ignored,
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears in the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 41 apply as if—

- (a) in rule 41(1)(a), (2)(a) and (5)(a), for “named in the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”,
- (b) in paragraph (1)(b) of this rule for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) At an ordinary election, the same list may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that tendered ballot papers were marked in respect of each Authority election, unless the list identifies the election for which a tendered ballot paper was delivered.

Spoilt and replacement ballot papers

43.—(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain a replacement for the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

(2) If a voter decides, after he has returned his ballot paper and it has been cancelled in accordance with rule 38(6), but before the close of the poll, that he wishes to vote in the election, he may obtain a replacement for the returned ballot paper.

(3) Before a replacement ballot paper is obtained, the presiding officer must mark the corresponding number list that was marked under rule 38(1) (the corresponding number list)—

- (a) in the case of a ballot paper being replaced under paragraph (1) or (2), beside the number of the replacement ballot paper obtained to show—
 - (i) the number of the elector, and
 - (ii) the number of the ballot paper which is being replaced; and

- (b) in the case of a ballot paper being replaced under paragraph (1), beside the number of the spoiled ballot paper to show that the ballot paper was replaced.
- (4) At an ordinary election, the voter must only receive a replacement for a spoiled or returned ballot paper.
- (5) If the same corresponding number list is used for more than one Authority election in accordance with rule 38(7)—
 - (a) the marks made under paragraph (3) must identify the election for which a ballot paper has been replaced, and
 - (b) any ballot paper which the voter has not applied for or obtained as a replacement, but which bears the same ballot paper number as a ballot paper delivered under rule 38(1), or obtained under paragraph (1) or (2) of this rule—
 - (i) must not be delivered to the voter,
 - (ii) must be cancelled, and
 - (iii) for the purposes of these rules, must be treated as a spoiled ballot paper.

Correction of errors on day of poll

44.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) At an ordinary election, the same list may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that ballot papers were delivered in respect of each Authority election, unless the list identifies the election for which a tendered ballot paper was delivered.

Adjournment of poll in case of riot

45.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the CRO.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
- (b) references in these Rules to the close of the poll must be construed accordingly.

(3) As soon as practicable after the CRO has received notice of the adjournment of a poll he must inform the GLRO of that fact and of the cause of its adjournment.

Procedure on close of poll

46.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,

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- (e) the list prepared under rule 18, including the part completed in accordance with rule 38(1) (b) (together referred to in these Rules as “the completed corresponding number list”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 44, and the declarations made by the companions of voters with disabilities,

and must deliver the packets or cause them to be delivered to the CRO to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the CRO, the arrangements for their delivery must be approved by the CRO.

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any other Authority election.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number list or the certificates as to employment on duty on the day of the poll.

(4) The packets must be accompanied by a statement (“the ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

(5) At an ordinary election, the statement referred to in paragraph (4) may be combined with the statements produced in relation to other Authority elections and the combined statement must be arranged in such manner as the GLRO may direct.

Attendance at verification and the local count

47.—(1) As soon as practicable after the close of the poll, the CRO must make arrangements for carrying out, in the presence of the counting agents appointed for the purposes of the election, the verification and the counting of votes and must give to the counting agents notice in writing of the time and place at which he will begin to verify and count the votes.

(2) No person other than—

- (a) the CRO and his clerks and technical assistants,
- (b) the GLRO,
- (c) the candidates and one other person chosen by each of them,
- (d) the election agents,
- (e) the counting agents,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

may be present at the verification and counting of the votes, unless permitted by the CRO to attend.

(3) A person not entitled to attend the verification and local count must not be permitted to do so by the CRO unless he—

- (a) is satisfied that the efficient conduct of those proceedings will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

(4) The CRO must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Use of the electronic counting system

48.—(1) The GLRO may provide the CRO with an electronic counting system consisting of computer hardware, software and other equipment or services, for the purpose of counting the number of ballot papers, to verify the ballot paper accounts and to count the votes cast on them.

(2) Any verification of ballot paper accounts, count or re-count at the election conducted using the electronic counting system must be conducted in accordance with rule 49.

(3) If the GLRO has provided the CRO with an electronic counting system for use at the election, the CRO must obtain the prior written consent of the GLRO before he may conduct the verification of ballot paper accounts or count the votes manually.

(4) If the verification of ballot paper accounts, count or re-count has commenced using the electronic counting system but has not been completed, the CRO may, if he considers it appropriate, discontinue the count and instead count the votes manually.

(5) Where the count or a re-count has been conducted using the electronic counting system, the CRO may, if he considers it appropriate, conduct any re-count without using that system.

(6) Where verification or any count or re-count is conducted using the electronic counting system, any of the steps referred to rule 49, in so far as practicable, may be undertaken—

- (a) concurrently with any other of those steps, or
- (b) in a different order.

Verification and the local count

49.—(1) The CRO must—

- (a) open the ballot boxes from each polling station together, in the presence of the counting agents appointed for the purposes of the election and any other Authority election with which is its combined,
- (b) cause the electronic counting system to count such of the postal ballot papers as have been duly returned in accordance with paragraphs (2) and (3) and record separately the number counted,
- (c) not mix the contents of any ballot box with the contents of any other ballot box during the conduct of any count or re-count.

(2) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (3) and reaches the CRO or any polling station in the Assembly constituency that includes the electoral area for which the elector is registered as a local government elector, before the close of the poll,
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (3) and reaches him or such polling station before that time,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) in a case where the steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act(29), the CRO (having taken

(29) See regulation 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

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such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(3) The manner in which any postal paper or postal voting statement may be returned—

- (a) to the CRO, is by hand or by post,
- (b) to a polling station in the Assembly constituency, is by hand.

(4) After completing the proceedings under paragraph (1), the CRO must cause the electronic counting system to process the ballot papers so as to —

- (a) count the number of ballot papers,
- (b) count the number of first preference votes given for each candidate, and
- (c) record the way that second preference votes have been given on the ballot papers.

(5) The CRO must not cause the electronic counting system to count any tendered ballot paper.

(6) The CRO must verify each ballot paper account by comparing it with the number of ballot papers processed by the electronic counting system, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any election agent may copy.

(7) The CRO, while verifying the ballot paper accounts and counting the votes, must take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(8) The CRO must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the hours between 5 in the afternoon and 10 on the following morning may be excluded with the prior consent of the GLRO.

(9) During the time so excluded the CRO must—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and
- (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

50.—(1) Any ballot paper—

- (a) which does not bear the official mark,
- (b) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back,
- (c) which is unmarked,
- (d) which is void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

must not for such reason be void if—

- (i) at an election at which more than two candidates remain validly nominated, an intention that a first preference vote be given for not more than one of the candidates clearly appears,
- (ii) at any other election, an intention that a vote is for one only of the candidates clearly appears.

- (3) A ballot paper—
 - (a) which is not void, and
 - (b) on which an intention that a second preference vote be given for not more than one of the candidates clearly appears,

will be valid as respects that second preference vote and must be counted accordingly.

(4) Where the electronic counting system identifies a ballot paper that has been marked, but which appears—

- (a) to be void, or
- (b) to contain a first preference vote that can be counted, and another mark that cannot be counted as a second preference vote,

then that ballot paper must be examined by a clerk appointed by the CRO in the manner referred to in paragraph (7).

(5) If the clerk, having examined the ballot paper, considers that—

- (a) it is void, or
- (b) that it is marked with a first preference vote that can be counted, but that it is not marked with a second preference vote that can be counted,

then the CRO must examine it in the manner referred to in paragraph (7).

(6) After the CRO examines the ballot paper, he must give his decision as to whether or not—

- (a) it is void, or
- (b) it is marked with a second preference vote that can be counted.

(7) An examination under paragraph (4) or (5) is to be made by the clerk or CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count.

(8) The CRO may examine any ballot paper that he is not required to examine in accordance with paragraphs (5)—

- (a) either in the manner referred to in paragraph (7), or
- (b) by examining a paper copy,

and where the CRO does so, he must give a decision on that paper in accordance with paragraph (6),

(9) No person attending the count is to be entitled to require the clerk or CRO to examine a ballot paper or to provide a paper copy for inspection.

(10) A record of the CRO's decision under paragraph (6) must be retained in the electronic counting system together, in the case of a decision that the ballot is void, with his reasons by reference to paragraph (1).

(11) If a counting agent objects to the CRO's decision that the ballot paper—

- (a) is void, or
- (b) is marked with a second preference vote that cannot be counted,

the CRO must record on the electronic counting system that the decision was objected to.

(12) A record must be retained in the electronic counting system of the number of ballot papers which are not void, but on which a second preference vote has not been counted because—

- (a) a vote has not been marked,
- (b) a vote has been given for more than one candidate, or
- (c) there is uncertainty as to for whom a vote was given.

(13) The CRO must draw up a statement showing the number of rejected ballot papers under the several heads of—

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- (a) want of an official mark,
- (b) voting for more than one candidate as to first preference vote,
- (c) writing or mark by which the voter could be identified,
- (d) unmarked as to the first preference vote, and
- (e) void for uncertainty.

(14) As soon as practicable after the completion of the statement under paragraph (13) the CRO must inform—

- (a) such candidates, election agents and counting agents as are present at the count, and
- (b) the GLRO,

of its contents.

(15) The CRO must also include in the statement drawn up under paragraph (13), the numbers of second preference votes for which a record has been retained, set out under the several heads in subparagraphs (12)(a) to (c).

Decisions on ballot papers

51. The decision of the CRO on any question arising in respect of a ballot paper is final, but may be subject to review on an election petition.

Re-count

52.—(1) A candidate or his election agent or a counting agent authorised under rule 30(3) may, if present when the counting or any re-count of the votes, is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

(2) No step may be taken on the completion of the counting or any re-count of votes, until the candidates and election agents and counting agents authorised under rule 30(1) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(3) The CRO may determine the extent to which any re-count involves the electronic counting of votes.

(4) When the returning officer uses the electronic counting system for the re-counting of votes, he must not re-consider any decision made on any ballot paper under rule 50(6).

Procedure at conclusion of local count

53.—(1) As soon as practicable after the conclusion of the local count (including any re-count), the CRO must draw up a statement showing—

- (a) the total number of ballot papers used,
- (b) the total number of rejected ballot papers,
- (c) at an election contested by more than two candidates—
 - (i) the total number of first preference votes given,
 - (ii) the number of first preference votes given for each candidate, and
 - (iii) the total number second preference votes given for each candidate correlated with the way the first preference votes have been cast.
- (d) at an election contested by only two candidates, the number of votes given for each candidate.

(2) As soon as practicable after the statement is drawn up under paragraph (1), the CRO must inform the GLRO of its contents, and if it is practicable to do so, must also provide that information so as to show the total number of votes under each of those heads in each ward as defined by rule 57(6)..

- (3) As soon as practicable after the GLRO has authorised him to do so, the CRO must—
- (a) inform such of the candidates and their election agents as are then present of the contents of the statements prepared in accordance with rule 50 and paragraph (1) of this rule, and
 - (b) give public notice of the contents of those statements.

Attendance at the central calculation

54.—(1) The GLRO must make arrangements for making the calculations made under rules 55 and 56 in the presence of the election agents and he must give to those agents notice in writing of the time and place at which he will begin the calculation.

- (2) No person other than—
- (a) the GLRO and his clerks,
 - (b) the CROs and a clerk or technical assistant chosen by each of them,
 - (c) the candidates and one person chosen by each of them,
 - (d) the election agents,
 - (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,
 - (f) at an ordinary election, the persons permitted to be present at the allocation of seats for London Members of the London Assembly,

may be present at a calculation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend a calculation must not be permitted to do so by the GLRO unless he—

- (a) is satisfied that the efficiency of the calculation will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

The first calculation and resolution of equality

55.—(1) As soon as the GLRO has received the information required by rule 53 from every CRO he must—

- (a) in relation to an election contested by more than two candidates, ascertain the total of the first preference votes given in the Assembly constituencies to each candidate, and
- (b) in relation to an election contested by only two candidates, ascertain the total number of votes given in the Assembly constituencies to each candidate.

(2) As soon as the GLRO has ascertained the result of the calculation, he must inform such of the election agents as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

- (3) In paragraph (2), “the relevant figures” means—
- (a) in the case of an election contested by more than two candidates, the number of first preference votes given in each of the Assembly constituencies for each candidate and the calculation undertaken by the GLRO for the purposes of ascertaining whether a candidate is to be returned in accordance with paragraph 3 of Schedule 2 to the 1999 Act (candidate with overall majority of first preference votes),

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- (b) in the case of an election contested by only two candidates, the number of votes given in each Assembly constituency for each candidate and the total number of votes given for each candidate.
- (4) Where an election is contested by more than two candidates—
 - (a) if paragraph 3 of Schedule 2 to the 1999 Act applies (candidate with overall majority of first preference votes) the declaration of the person to be returned as the Mayor must be made in accordance with rule 57, or
 - (b) if paragraph 4(1) of that Schedule applies (no candidate with overall majority of first preference votes), the GLRO must proceed with the second calculation in accordance with Part 5.
- (5) Where an election is contested by only two candidates and the total number of votes given for each of them is unequal the person to be returned as the Mayor is the candidate to whom the majority of the votes is given.
- (6) Where an election is contested by only two candidates and the total number of votes given for each of them is equal, the person to be returned as the Mayor is the person whom the GLRO decides, in accordance with paragraph 4(8) of Schedule 2 to the 1999 Act, is to be returned as the Mayor.
- (7) In a case to which paragraph (5) or (6) applies, the declaration of the person to be returned as the Mayor must be made in accordance with rule 57.

PART 5

Further Provision: More Than Two Candidates

The second calculation and resolution of equality

56.—(1) As soon as the GLRO has determined that paragraph 4(1) of Schedule 2 to the 1999 Act applies he must comply with paragraphs 4(5) and (6) of Schedule 2 to the 1999 Act.

(2) As soon as the GLRO has ascertained the result of the second calculation, he must provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) In paragraph (2), “the relevant figures” means—

- (a) the number of second preference votes given in each of the Assembly constituencies for each of the candidates remaining in the contest, and
- (b) the calculation undertaken by the GLRO for the purpose of ascertaining the total number of first and second preference votes given to each of those candidates.

(4) If, after the second calculation, the total number of votes given for two or more candidates is equal, the person to be returned as the Mayor is the person whom the GLRO decides, in accordance with paragraph 4(8) of Schedule 2 to the 1999 Act, is to be returned as the Mayor.

PART 6

Final Proceedings In Contested And Uncontested Elections

Declaration of result

57.—(1) The GLRO must declare to be elected as the Mayor of London the candidate who, in accordance with section 4(2) of the 1999 Act or Part I of Schedule 2 to that Act (including those provisions as applied by section 16(4) at an election to fill a vacancy), as the case may be, is to be returned as the Mayor at that election.

(2) The GLRO must give public notice of—

- (a) the name of the of the person declared to be elected and his authorised description, if any, within the meaning of rule 6(5) or (7),
- (b) the total number of first preference votes given for each candidate,
- (c) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes,
- (d) the number of rejected ballot papers at the election under each head shown in the statement of rejected ballot papers, and
- (e) the number of ballot papers on which no second preference vote was counted under each head shown in the statement of rejected ballot papers,

(3) In an uncontested election, the GLRO must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the candidate remaining validly nominated, and
- (b) give public notice of the name of the person declared to be elected and his authorised description, if any, within the meaning of rule 6(5) or (7).

(4) Subject to paragraph (5), after the GLRO complies with paragraphs (1) and (2), he may, in so far as is practicable, give public notice of the information referred to paragraph (2)(b) to (e) so as to set out the number of votes falling under each of those heads, in respect of each ward.

(5) Where the sum of first preference votes given for all candidates in any ward does not exceed 500, the GLRO must not give notice under paragraph (4) in respect of that ward alone, but must amalgamate the figures for that ward with those for any other ward in which more than 500 votes have been given, in the same Assembly constituency.

Return or forfeiture of candidate's deposit

58.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 must be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day must be disregarded if, in accordance with rule 4, it would be disregarded in computing any period of time for the purposes of the timetable for the election, and
- (b) the deposit must be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof of his death has been given to the GLRO before the first calculation under rule 55, the deposit must be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

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(5) Where a poll is taken, if, after the first calculation under rule 55, the candidate is found not to have polled more than one-twentieth of the total number of first preference votes polled by all the candidates, the deposit must be forfeited to the Greater London Authority.

PART 7

Disposal Of Documents

Sealing up of ballot papers

59.—(1) On the completion of the counting at a contested election the CRO must seal up in separate packets the counted and rejected ballot papers.

(2) Where some or all of the votes have been counted using the electronic counting system, the CRO must also seal up in a separate packet a complete electronic record (“the electronic record”) of the information stored in the electronic counting system, held in such device as may be suitable for the purpose of its storage.

(3) After making the electronic record under paragraph (2), the CRO must arrange for the original records in the electronic counting system to be removed from it and destroyed in a manner that ensures that the secrecy of those records is preserved.

(4) The CRO must not open the sealed packets of—

- (a) tendered ballot papers,
- (b) certificates as to employment on duty on the day of the poll,
- (c) the completed corresponding number lists, or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery and retention of documents

60.—(1) The CRO must then forward the following documents to the relevant registration officer—

- (a) the packets of ballot papers in his possession,
- (b) the packet containing the electronic record (if any),
- (c) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (d) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 44 and the declarations made by the companions of voters with disabilities,
- (e) the packets of the completed corresponding number lists,
- (f) the packets of certificates as to employment on duty on the day of the poll, and
- (g) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the Assembly constituency for which the election was held.

Orders for production of documents

61.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer, or
- (b) for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in the custody of the relevant registration officer,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An election court may make an order for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates or for the inspection of any counted ballot papers in the custody of the relevant registration officer.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order thinks expedient; but in making and carrying into effect an order for the opening of a packet containing the electronic record or a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

- (i) that his vote was given, and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document in his custody relating to any specified election—

- (a) the production by him or his agent of the document or electronic record ordered in such manner as may be directed by that order will be conclusive evidence that the document or electronic record relates to the specified election, and
- (b) any endorsement on any packet of ballot papers so produced will be *prima facie* evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any election, or
- (b) a copy of the electronic record which purports to record that a particular ballot paper was used at any election, and

a completed corresponding number list with a number written beside the number of the ballot paper, will be *prima facie* evidence that the elector whose vote was given by that ballot paper was the person who, at the time of the election, had affixed to his entry in the register of electors or on the notice issued under section 13B(3B) or (3D) of the 1983 Act, the same number as was written on the completed corresponding number list.

(8) Unless authorised by this rule, no person may be allowed to inspect any rejected or counted ballot papers in the custody of the relevant registration officer or open any sealed packets of completed corresponding number lists, certificates of employment on the day of the poll or containing the electronic record.

Retention and destruction of documents and records

62. The relevant registration officer must retain or cause to be retained for one year all documents and, where applicable, electronic records relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrate's court or an election court, must cause them to be destroyed.

PART 8

Death Of Candidate

Deceased independent candidate

63.—(1) This rule applies if at a contested election proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named or to be named in the ballot papers as an independent candidate has died.

(2) Subject to this rule and rules 65 and 66, these rules apply to the election as if the candidate had not died.

(3) The following provisions of these rules do not apply in relation to the deceased candidate—

- (a) rule 33(1)(c) and (d) (admission to polling station),
- (b) rule 47(2)(c) to (e) (attendance at count),
- (c) rule 58(5) (forfeiture of deposit).

(4) If only two persons are shown as standing nominated in the statement of persons nominated the GLRO must—

- (a) if polling has not begun, countermand the notice of poll,
- (b) if polling has begun, direct that the poll is abandoned, and
- (c) subject to rule 66, treat the election as an uncontested election.

(5) For the purposes of this rule a person is named or to be named on the ballot papers as an independent candidate if the description (if any) on his nomination paper is not authorised as mentioned in rule 6(5) or (7).

Deceased independent candidate wins

64.—(1) This rule applies if at an election mentioned in rule 63 either—

- (a) the deceased candidate is given a majority of votes in accordance with rules 55(5) or (6),
- (b) the deceased candidate is given more than half of all the first preference votes in accordance with rule 55(4)(a), or
- (c) the deceased candidate is given the greatest total number of votes following the second calculation in accordance with rule 56.

(2) Rule 57 (declaration of result) does not apply but the GLRO must—

- (a) declare that the majority or greatest total number of votes has been given to the deceased candidate,

- (b) declare that no person is returned, and
 - (c) give public notice of the relevant figures supplied to election agents in accordance with rules 56(2) and 57(2) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (3) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents apply to any documents relating to a poll to which paragraph (1) applies as they would if the election had resulted in a declaration under rule 57.
- (4) Rule 58 (return or forfeiture of candidate's deposit) does not apply in relation to the remaining candidates.
- (5) The election must be commenced afresh within the period of 35 days (computed in accordance with rule 4) beginning with the day of the election to which paragraph (1) applies.
- (6) The proceedings with reference to the recommenced election must be conducted in accordance with these Rules as modified by the following provisions of this rule and the provisions in the By-election timetable.
- (7) No fresh nomination is necessary in the case of a person shown in the statement of persons nominated for the election to which paragraph (1) applies, and no other nomination may be made for the recommenced election.
- (8) Instead of the information required by rule 5(1)(a) (date by which nomination papers must be received), the notice of election issued at the recommenced election must state that no fresh nomination may be made.
- (9) Rule 9 (deposit) does not apply.

Deceased party candidate

- 65.**—(1) This rule applies if—
- (a) at a contested election, proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot paper has died, and
 - (b) that person is standing in the name of a registered party.
- (2) The GLRO must—
- (a) countermand notice of the poll, or
 - (b) if polling has begun, direct that the poll be abandoned,
- and the provisions of section 39(1) and (5) (local elections void etc. in England and Wales) of the 1983 Act apply in respect of the unfilled vacancy.
- (3) For the purposes of this rule—
- (a) a person stands in the name of a registered party if his nomination paper contains a description which is authorised as mentioned in rule 6(5) or (7),
 - (b) a registered party is a party which is registered under Part 2 of the 2000 Act.

Abandoned poll

- 66.**—(1) This rule applies to—
- (a) a poll which is abandoned in pursuance of rule 63(4)(b) as if it were a poll at a contested election, or
 - (b) a poll which is abandoned in pursuance of rule 65(2)(b)

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(2) The presiding officer at any polling station must take the like steps (so far as not already taken) for the delivery to the CRO of the ballot box and of ballot papers and other documents in his possession as he is required to do on the close of the poll.

(3) The CRO must dispose of the ballot papers and other documents in his possession as he is required to do on the completion of the counting of the votes.

(4) It is not necessary for a ballot paper account to be prepared or verified.

(5) The CRO must take no step or further step for the counting of the ballot papers or of the votes.

(6) The CRO must seal up all the ballot papers (whether the votes on them have been counted or not) and it will not be necessary to seal up counted and rejected ballot papers in separate packets.

(7) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply subject to the modifications in paragraphs (8) and (9).

(8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(9) No order is to be made for—

(a) the production or inspection of any ballot papers, or

(b) for the opening of a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution.

SCHEDULE 4

Rule 4

MANUAL COUNT RULES

Citation

1. This Schedule may be cited as the Manual Count Rules.

Interpretation

2.—(1) In this Schedule—

“CMER” means the Constituency Members Election Rules in Schedule 1;

“LMER” means the London Members Election Rules in Schedule 2;

“MER” means the Mayoral Election Rules in Schedule 3.

3. If the votes at an Authority election are counted without the use of an electronic counting system, the CMER, the LMER and the MER will have effect as if the provisions listed in column (1) of Table 1 were modified as shown in column (2).

Table 1

| <i>(1)</i> | <i>(2)</i> |
|--|---|
| <i>Rule(s)</i> | <i>Modification</i> |
| CMER rule 47 (attendance at verification and the | In paragraph (1), before “verification” insert “separation,” and after “begin to” insert “separate,”. |

| <i>(1)</i> | <i>(2)</i> |
|---|--|
| <i>Rule(s)</i> | <i>Modification</i> |
| counting of votes) | In paragraph (2)(a) omit “and technical assistants”. |
| LMER rule 48 (attendance at verification and the local count) | After paragraph (4) insert— “(5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents are entitled to satisfy themselves that the ballot papers are correctly sorted.”. |
| MER rule 47 (attendance at verification and the local count) | |
| CMER rule 49 (verification and the count) | For paragraph (1) substitute the following paragraphs— “(1) Where the election is at an ordinary election, the CRO must— (a) in the presence of the counting agents appointed for the purposes of the constituency members election, the London members election and the mayoral election, open each ballot box and record separately the number of ballot papers used in each Authority election, (b) in the presence of the election agents appointed for the purposes of those elections, verify each ballot paper account, (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each Authority election, (d) separate the ballot papers relating to the election from those relating to the other Authority elections. (1A) Where the election is a not at an ordinary election, the CRO must— (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it, (b) in the presence of the election agents verify each ballot paper account, and (c) count such of the postal ballot papers as have been duly returned and record the number counted.”. |
| | For paragraph (4) substitute— “(4) After completing the proceedings under paragraph (1) or (1A), the CRO must mix together all of the ballot papers used in the election in the Assembly constituency and must count the votes given on them.”. |
| | In paragraph (5) omit the words “cause the electronic counting system to”. |
| | For paragraph (6) substitute— |

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| (1) <i>Rule(s)</i> | (2) <i>Modification</i> |
|--|--|
| | <p>“(6) The CRO must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, 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 must draw up a statement as to the result of the verification, which any election agent may copy.”.</p> |
| <p>LMER rule 50 (verification and the local count)</p> | <p>For paragraph (1) substitute—</p> <p>“(1) The CRO must—</p> <ul style="list-style-type: none"> (a) in the presence of the counting agents appointed for the purposes of the constituency members election, the London members election and the mayoral election, open each ballot box and record separately the number of ballot papers used in each Authority election, (b) in the presence of the election agents appointed for the purposes of those elections, verify each ballot paper account, (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each Authority election, (d) separate the ballot papers relating to the election from those relating to the other Authority elections.”. <p>For paragraph (4) substitute—</p> <p>“(4) After completing the proceedings under paragraph (1), the CRO must mix together all of the ballot papers used in the election in the Assembly constituency and must count the votes given on them.”.</p> <p>In paragraph (5) omit the words “cause the electronic counting system to”.</p> <p>For paragraph (6) substitute—</p> <p>“(6) The CRO must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, 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 must draw up a statement as to the result of the verification, which any election agent may copy.”.</p> |
| <p>MER rule 49 (verification and the local count)</p> | <p>For paragraph (1) substitute the following paragraphs—</p> <p>“(1) Where the election is held at an ordinary election, the CRO must—</p> <ul style="list-style-type: none"> (a) in the presence of the counting agents appointed for the purposes of the constituency members election, the London members election and the mayoral election, |

| (1) | (2) |
|----------------|---|
| <i>Rule(s)</i> | <i>Modification</i> |
| | <p>open each ballot box and record separately the number of ballot papers used in each Authority election,</p> <p>(b) in the presence of the election agents appointed for the purposes of those elections, verify each ballot paper account,</p> <p>(c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each Authority election,</p> <p>(d) separate the ballot papers relating to the election from those relating to the other Authority elections.</p> <p>(1A) Where the election is a not held at an ordinary election, the CRO must—</p> <p>(a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it,</p> <p>(b) in the presence of the election agents verify each ballot paper account, and</p> <p>(c) count such of the postal ballot papers as have been duly returned and record the number counted.”.</p> <p>For paragraph (4) substitute—</p> <p>“(4) After completing the proceedings under paragraph (1) or (1A), the CRO must mix together all of the ballot papers used at that election in the Assembly constituency and—</p> <p>(a) where the election is contested by more than two candidates, count the first preference votes given on them,</p> <p>(b) where the election is contested by only two candidates, count the votes given on them.”.</p> <p>In paragraph (5) omit the words “cause the electronic counting system to”.</p> <p>For paragraph (6) substitute—</p> <p>“(6) The CRO must 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 must draw up a statement as to the result of the verification, which any election agent may copy.”.</p> |
| CMER rule 50 | For paragraph (3) substitute— |
| LMER rule 51 | “(3) The CRO must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to |

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| (1) | (2) |
|--|--|
| <i>Rule(s)</i> | <i>Modification</i> |
| (rejected ballot papers) | the endorsement the words “rejection objected to” if any objection to his decision is made by a counting agent.”. Omit paragraphs (4) – (10). |
| MER rule 50 (rejected ballot papers) | For paragraph (4) substitute— “ (4) The CRO must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection to his decision is made by a counting agent.”. Omit paragraphs (5) to (12). Omit paragraph (13)(e) and for paragraph (13)(d) substitute— “ (d) unmarked or void for uncertainty as to the first preference vote.”. |
| LMER rule 54 (procedure at conclusion of local count) | For paragraph (2) substitute— “ (2) As soon as practicable after the statement is drawn up under paragraph (1), the CRO must inform the GLRO of its contents.”. |
| MER rule 53 (procedure at conclusion of local count) | Omit paragraph (1)(c)(iii). For paragraph (2) substitute— “ (2) As soon as practicable after the statement is drawn up under paragraph (1), the CRO must inform the GLRO of its contents.”. |
| LMER rule 55 (attendance at allocation of seats) | In paragraph (2)(b) omit “or technical assistant”. |
| MER rule 54 (attendance at the central calculation) | In paragraph (2)(b) omit “or technical assistant”. |
| MER rule 55 (the first calculation and resolution of equality) | For paragraph (4)(b) substitute— “ (b) if paragraph 4(1) of that Schedule applies (no candidate with overall majority of first preference votes), the GLRO must direct every CRO at the election who has counted manually to count the second preference votes given as mentioned in paragraph 4(5) of that Schedule.”. |

In Part 5, before rule 56 insert—

“The count of second preference votes

56ZA.—(1) As soon as the CRO has received such a direction as is mentioned in rule 55(4)(b) he must count the number of second preference votes for each of the candidates remaining in the contest given by voters who did not give their first preference vote to any of those candidates.

| <i>(1)</i> | <i>(2)</i> |
|---|---|
| <i>Rule(s)</i> | <i>Modification</i> |
| | <p>(2) A ballot paper which is not otherwise void and on which not more than one second preference vote is marked will be valid as respects that vote and must be counted accordingly if, but only if, a valid first preference vote has also been marked.</p> <p>(3) Rules 47, 49, 50, 53 and 55 will apply in relation to the count of second preference votes as they apply in relation to the count of first preference votes, and as if references to first preference votes were references to second preference votes.</p> <p>(4) The CRO may not be required to re-examine any decision taken under rule 50.</p> <p>(5) As soon as practicable after the second preference votes have been counted, the CRO must inform the GLRO of the number of second preference votes cast for each of the candidates remaining in the contest.”.</p> |
| MER rule 56 (the second calculation and resolution of equality) | For paragraph (1) substitute— “(1) As soon as the GLRO has received the information required by rule 56ZA(5) from every CRO, he must comply with paragraph 4(5) and (6) of Schedule 2 to the 1999 Act.”. |
| CMER rule 54 (declaration of result) | Omit paragraphs (2) and (3). |
| LMER rule 57 (declaration of result) | Omit paragraphs (3) and (4). |
| MER rule 57 (declaration of result) | Omit paragraphs (2)(e), (4) and (5). |

SCHEDULE 5

Rule 5(3)

THE CONSTITUENCY MEMBERS ELECTION RULES

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PART 5

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PART 1

General Provisions

Citation

1. This Schedule may be cited as the Constituency Members Election Rules.

Interpretation

- 2.—(1) In the rules in this Schedule, unless the context indicates otherwise—
“Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004⁽³⁰⁾;
“counting observer” has the same meaning as in regulation 2 of the Referendum Regulations;
“counting officer” has the same meaning as in regulation 9 of the Referendum Regulations;
“election” means an election of a constituency member of the London Assembly;

(30) [S.I. 2004/294](#). Relevant amendments have been made to those regulations by [S.I. 2006/3278](#).

Status: This is the original version (as it was originally made).

“electoral area” where the Authority election is held together with a referendum, includes a voting area where the referendum is held;

“European Parliamentary election” has the same meaning as in section 27(1) of the Representation of the People Act 1985(31);

“local authority mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(32);

“local counting area” has the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004(33);

“petition organiser” has the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000(34);

“polling observer” has the same meaning as in regulation 2 of the Referendum Regulations;

“referendum” means a referendum conducted under the Referendum Regulations;

“Referendum Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2007(35);

“relevant election or referendum” means one or more of the following—

- (a) a Parliamentary election,
- (b) a European Parliamentary election,
- (c) a local government election (including another Authority election where more than one is taken together),
- (d) a local authority mayoral election or referendum in accordance with regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(36);

“voting area” has the same meaning as in regulation 2 of the Referendum Regulations.

(2) In the case of a referendum, a reference to—

- (a) a “candidate” shall be construed as a reference to a counting observer,
- (b) a “election agent” shall be construed as a reference to a counting observer,
- (c) a “polling agent” shall be construed as a reference to polling observer,
- (d) a “returning officer” shall be construed as a reference to a counting officer.

(3) Reference to a rule by number alone is a reference to the rule so numbered in this Schedule.

PART 2

Provisions As To Time

Timetable

3. The proceedings at the election must be conducted in accordance with the following timetable:

Timetable

(31) 1985 c. 50. The definition was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58).

(32) S.I. 2007/1024.

(33) S.I. 2004/293.

(34) S.I. 2000/2852.

(35) S.I. 2007/2089.

(36) 2000 c.22. Sections 44 and 45 were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41).

| <i>Proceedings</i> | <i>Time</i> |
|---|---|
| Publication of notice of election | Not later than the thirtieth day before the day of election. |
| Delivery of nomination papers | Not later than noon on the twenty-fourth day before the day of election. |
| Publication of statement as to persons nominated | Not later than noon on the twenty-second day before the day of election. |
| Delivery of notices of withdrawals of candidature | Not later than noon on the twenty-first day before the day of election. |
| Notice of poll | Not later than the sixth day before the day of election. |
| Polling | Between the hours of 7 in the morning and 10 at night on the day of election. |

Computation of time

4.—(1) In computing any period of time for the purposes of the Timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

must be disregarded, and any such day must not be treated as a day for the purpose of any proceedings up to the completion of the poll nor may the CRO be obliged to proceed with the counting of the votes on such a day.

(2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽³⁷⁾ in England and Wales.

PART 3

Stages Common To Contested And Uncontested Elections

Notice of election

5.—(1) The CRO must publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must state the arrangements (if any) which apply for the payment of the deposit required by rule 8 by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

⁽³⁷⁾ 1971 c. 80

must reach the registration officer for local government electors in order that they may be effective for the election.

Nomination of candidates

6.—(1) Each candidate must be nominated by a separate nomination paper, which must be—

- (a) in the appropriate form, and
- (b) delivered to the place fixed for the purpose by the CRO, which must be at the offices of a local authority within the Assembly constituency, before the last time for the delivery of nomination papers.

(2) The nomination paper must state the candidate's—

- (a) full names,
- (b) home address, in full, and
- (c) if desired, description,

and the surname must be placed first in the list of names.

(3) If a candidate commonly uses—

- (a) a surname which is different from any other surname he has, or
- (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename, or both surname and forename, in addition to the other name.

(4) The description (if any) can only be—

- (a) one authorised as mentioned in paragraph (5) or (7), or
- (b) the word “Independent”.

(5) A nomination paper may not include a description of a candidate that is likely to lead electors to associate the candidate with a registered party unless—

- (a) the party is a qualifying party in relation to the electoral area, and
- (b) the description is authorised by a certificate—

- (i) issued by or on behalf of the registered nominating officer of the party, and
- (ii) received by the CRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.

(6) In paragraph (5) an authorised description may be either—

- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000⁽³⁸⁾, or
- (b) a description of the party registered under section 28A⁽³⁹⁾ of that Act.

(7) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of each of the parties, and

⁽³⁸⁾ Section 28 of the Political Parties, Elections and Referendums Act 2000 (c.41) was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006 (c.22).

⁽³⁹⁾ Section 28A of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

- (b) received by the CRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.
- (8) For the purposes of paragraph (7), a description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Act⁽⁴⁰⁾.
- (9) A person will be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (5) or (7) on behalf of a registered party's nominating officer.
- (10) For the purposes of the application of these rules in relation to an election—
 - (a) “registered party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election,
 - (b) a registered party is a qualifying party in relation to an electoral area if on the relevant day the party was registered in respect of England in the Great Britain register maintained under that Part of that Act.
- (11) For the purposes of paragraph (10)(a), any day falling within rule 4(1) must be disregarded.

Consent to nomination

- 7. A person will not be validly nominated unless his consent to nomination—
 - (a) is given in writing in the appropriate form, or a form to like effect, on or within one month before the last day for the delivery of nomination papers,
 - (b) is attested by one witness whose name and address must be given, and
 - (c) is delivered at the place and within the time for delivery of nomination papers.
- (2) A candidate's consent given under this rule must—
 - (a) state the day, month and year of his birth, and
 - (b) contain a statement that to the best of the candidate's knowledge and belief he is not disqualified from being elected by reason of—
 - (i) any disqualification set out in section 21 (disqualification from being the Mayor or an Assembly member) of the 1999 Act, or
 - (ii) any decision made under section 79 (decisions of case tribunals) the Local Government Act 2000.

Deposits

- 8.—(1) A person will not be validly nominated unless the sum of £1,000 is deposited by him or on his behalf with the CRO at the place and within the time for delivery of nomination papers.
- (2) The deposit may be made either—
 - (a) by the deposit of any legal tender, or
 - (b) by means of a banker's draft, or
 - (c) with the CRO's consent, in any other manner including by means of a debit or credit card or the electronic transfer of funds,

but the CRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

⁽⁴⁰⁾ Section 28B of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

Status: This is the original version (as it was originally made).

(3) Where the deposit is made on behalf of the candidate, the person making the deposit must at the time he makes it give his name and address to the CRO, unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act.

Decisions as to validity of nomination papers

9.—(1) Where a nomination paper and the candidate's consent to it are delivered, and the deposit is made, in accordance with this Part of these Rules, the candidate must be deemed to stand nominated unless and until—

- (a) the CRO decides that the nomination paper is invalid, or
- (b) proof is given to the CRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The CRO is entitled to hold a nomination paper invalid only on the grounds—

- (a) that the particulars of the candidate on the nomination paper are not as required by law; or
- (b) that the paper breaks rule 6(5) or (7).

(3) Subject to paragraph (4), the CRO must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.

(4) If in the CRO's opinion a nomination paper breaks rule 6(5) or (7), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the end of the period for the delivery of nomination papers set out in the timetable in rule 3.

(5) Where the CRO decides that a nomination paper is invalid, he must endorse and sign on the paper the fact and the reasons for his decision.

(6) The CRO must, as soon as practicable after making a decision under paragraph (3) or (4) that a nomination paper is valid or invalid, send notice of that decision to the candidate at his home address as given in his nomination paper.

(7) The CRO's decision that a nomination paper is valid is final and must not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

10.—(1) The CRO must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated together with the reason why they no longer stand nominated.

(2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) If a person's nomination paper gives a commonly used surname or forename, or both surname and forename, in addition to another name, the statement must show the person's commonly used surname or forename, or both surname and forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the CRO thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the CRO must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(7) In the case of a person nominated by more than one nomination paper, the CRO must take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the CRO in default of the candidate) may select.

(8) At an ordinary election, in addition to publishing the statement under paragraph (1), the CRO must arrange for a copy of the statement to be delivered to the GLRO as soon as possible after all decisions which are required to be made under rule 9 have been made.

Correction of minor errors

11.—(1) A CRO may, if he thinks fit, at any time before the publication under rule 10 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number,
- (b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by a CRO in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.

(4) A CRO must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Inspection of nomination papers and consent to nomination

12.—(1) During ordinary office hours, in the period starting 24 hours after the latest time for the delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

(2) Inspection under paragraph (1) may not take place on a day that is specified in rule 4(1).

Nomination in more than one Assembly constituency

13.—(1) At an ordinary election, the GLRO must, before the last time for delivery of notices of withdrawal, review the statements of persons nominated which are delivered under rule 10(8).

(2) If, having reviewed the statements in accordance with paragraph (1), it appears to the GLRO that a candidate has been validly nominated for more than one Assembly constituency, the GLRO must, before the last time for delivery of notices of withdrawal, inform the CRO for each Assembly constituency in which that candidate has been validly nominated of—

- (a) the candidate's name and particulars in the statement of persons nominated, and
- (b) the name of each Assembly constituency in which the candidate appears to have been validly nominated.

(3) If practicable, before the last time for delivery of notices of withdrawal, the GLRO may also inform each candidate who is the subject of the communication under paragraph (2)—

- (a) that he appears to have been validly nominated in more than one Assembly constituency, and
- (b) of the name of each Assembly constituency in which he appears to have been validly nominated.

Status: This is the original version (as it was originally made).

(4) A candidate who is validly nominated for more than one Assembly constituency, must withdraw from his candidature, in accordance with rule 14, in all those Assembly constituencies except one.

(5) If a CRO is notified of a candidate's name in accordance with paragraph (2), and he receives a notice of withdrawal in respect of that candidate in accordance with rule 14, he must, before the last time for delivery of notices of withdrawal, inform—

- (a) the CRO of each Assembly constituency in which that candidate has been validly nominated, and
- (b) the GLRO.

(6) If a candidate does not comply with paragraph (4), each CRO who has been informed of the candidate's name under paragraph (2) must, after the last time for the delivery of notices of withdrawal, deem that candidate to have withdrawn from his candidature in each Assembly constituency.

(7) If a candidate is deemed to have withdrawn his candidature in accordance with paragraph (6), each CRO must, as soon as practicable, notify that candidate in writing that his candidature has been deemed to be withdrawn in respect of that Assembly constituency.

Withdrawal of candidates

14.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address must be given, and
- (b) delivered to the CRO at the place for delivery of nomination papers,

by the end of the period for the delivery of notices of withdrawals of candidature in the timetable in rule 3.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom will be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph will be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

15.—(1) If, after any withdrawals in accordance with rule 14, the number of persons remaining validly nominated for the Assembly constituency exceeds one, a poll must be taken in accordance with Part 4 of these Rules.

(2) If, after any withdrawals in accordance with rule 14, only one person remains validly nominated for the Assembly constituency, that person must be declared to be elected in accordance with Part 5.

PART 4

Contested Elections

Poll to be taken by ballot

16. The votes at the poll must be given by ballot, the result must be ascertained by counting the votes given to each candidate, and the candidate to whom more votes have been given than to the other candidates must be declared to have been elected.

The ballot papers

17.—(1) The ballot of every voter must consist of a ballot paper which must be in the appropriate form.

(2) Each person remaining validly nominated for the election, after any withdrawals, and no other, is entitled to have their name inserted in the ballot paper.

(3) Every ballot paper—

- (a) must be printed in accordance with the directions set out in the Forms Schedule,
- (b) must contain the names and other particulars of the candidates as shown in the statement of persons nominated,
- (c) must have a number and other unique identifying mark printed on the back, and
- (d) may, in the case of ballot papers for use at polling stations, be marked with the words “do not fold”.

(4) If a candidate who is the subject of a party’s authorisation under rule 6(5) so requests, the ballot paper must contain, against the candidate’s particulars, the party’s registered emblem (or, as the case may be, one of the party’s registered emblems).

(5) The candidate’s request under paragraph (4) must—

- (a) be made in writing to the CRO, and
- (b) be received by him within the period for delivery of nomination papers set out in the timetable in rule 3.

(6) The order of the names in the ballot paper must be the same as in the statement of persons nominated.

(7) At an ordinary election, the GLRO must supply the ballot papers for use at the election to the CRO by such date as may be agreed between them.

(8) The ballot papers supplied under paragraph (7) must be of a different colour from the ballot papers used at any other relevant election or referendum.

The corresponding number list

18.—(1) The CRO must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 23(1) or provided by him in pursuance of rule 28(1).

(2) The list must be in the appropriate form or a form to like effect.

(3) At an ordinary election, the same list may be used for each Authority election with which the election is combined.

The official mark

19.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at any Authority election.

(3) The CRO, or at an ordinary election the GLRO, may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

20. No person who has voted at the election may, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

21.—(1) The CRO may use, free of charge, for the purpose of taking the poll 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,

(b) a room the expense of maintaining which is met by any local authority.

(2) The CRO must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

Notice of poll

22.—(1) The CRO must, in accordance with the timetable in rule 3, publish notice of the poll stating—

(a) the day and hours fixed for the poll, and

(b) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated).

(2) The CRO must, not later than the time of the publication of the notice of the poll, also give public notice of—

(a) the situation of each polling station, and

(b) the description of voters entitled to vote there,

and he must as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(3) The notice published under paragraph (2) shall—

(a) state that the poll at the election is to be taken together with the poll at a relevant election or referendum as the case may be,

(b) specify the parliamentary constituency, European Parliamentary local counting area, relevant London borough, or voting area; and in the case of an election to fill a casual vacancy, the electoral area for which the relevant election or referendum is held, and

(c) where the polls are to be taken together in part of the Borough only, specify that part.

(4) At an ordinary election, the notice of poll must include the heading “GREATER LONDON AUTHORITY ELECTION”.

Postal ballot papers

23.—(1) The CRO must, in accordance with regulations made under the 1983 Act⁽⁴¹⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement, together with such envelopes for their return as may be prescribed in such regulations.

(2) The postal voting statement must be in the appropriate form or a form to like effect.

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).

(4) The CRO 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 of any directions to or 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,
- (d) the directions or guidance in any other form (including any audible form).

(5) In the case of a ballot paper issued to a person at an address in the United Kingdom, the CRO must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

(6) Where the proceedings on the issue and receipt of postal ballot papers at the election are taken together with a relevant election or referendum the appropriate form of postal voting statement under paragraph (2) may be the joint postal voting statement which must be in the appropriate form or form to like effect.

Provision of polling stations

24.—(1) The CRO must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must 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 parliamentary polling district wholly or partly within the Assembly constituency must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the Assembly constituency.

(4) The CRO must 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

25.—(1) The CRO must appoint and pay a presiding officer to attend at each polling station and such clerks and technical assistants as may be necessary for the purposes of the election, but he must not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The CRO may, if he thinks fit, preside at a polling station and the provisions of this Part relating to a presiding officer apply to a CRO so presiding with the necessary modifications as to things to be done by the CRO to the presiding officer or by the presiding officer to the CRO.

(3) 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 this Part to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

⁽⁴¹⁾ See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [S.I. 2006/2910](#).

Issue of official poll cards

26.—(1) The CRO must as soon as practicable after the publication of the notice of election, send to electors and their proxies an official poll card.

(2) An elector’s official poll card must be sent or delivered to his qualifying address, and a proxy’s to his address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form, or a form to like effect, and must set out—

- (a) the name of the Assembly constituency for which a constituency member is to be elected,
- (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 as the CRO thinks appropriate,

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

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the polling card must contain such matter as is specified in the appropriate form.

(5) At an ordinary election, the CRO must issue a combined poll card in the appropriate form.

(6) If the CRO and the returning officer for each relevant election or referendum agree, the poll card issued under this rule may be combined with the official poll card for the relevant election or referendum, with necessary adaptations.

(7) In this rule “elector” means—

- (a) an elector with an entry on the register to be used at the election on the last day for the publication of the notice of the election, and
- (b) includes a person then shown in the 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.

Information for voters

27.—(1) At an ordinary election, the GLRO may, in addition to a statement by him in an election booklet, include in the booklet information for voters that has been agreed by him with the Electoral Commission.

(2) The information for voters given in the election booklet may include information about—

- (a) the office of the Mayor and the London Assembly,
- (b) the system of voting at each Authority election,
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast, and

subject to paragraph (3), may include any other information given in exercise of the GLRO’s duty under section 69 (encouraging electoral participation) of the 2006 Act.

(3) The information for voters must not contain—

- (a) any advertising material,
- (b) any material referring to a candidate or a registered party, other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election,
- (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

Equipment of polling stations

28.—(1) The CRO must provide each presiding officer with—

- (a) such ballot papers as may be necessary, and
- (b) such ballot boxes as may be necessary having taken account of any direction made by the GLRO in accordance with paragraph (9).

(2) Every ballot box must be so constructed that the ballot papers 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.

(3) The CRO must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,
- (b) copies of the register of electors for the Assembly constituency 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 for the Assembly constituency or the part of it provided under sub-paragraph (b),
- (d) a list consisting of that part of the list prepared under rule 18 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.

(4) The reference in paragraph (3)(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⁽⁴²⁾ in respect of alterations to the register.

(5) The CRO must also provide each polling station with a device 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 40.

(6) The device referred to in paragraph (5) above 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,
- (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 candidate to whom each such space refers, and
 - (iii) mark his vote on the space he has chosen.

(7) The enlarged sample copies of the ballot paper that the CRO is required to provide, or cause to be displayed at every polling station (in accordance with section 199B(5) and (7) of the 1983 Act) must be printed on paper of the same colour as the ballot paper at the election.

(8) The CRO must also provide each polling station with notices for the guidance of voters, which must be exhibited—

- (a) outside the polling station,
- (b) inside the polling station—
 - (i) in the communal areas, and
 - (ii) in every voting compartment.

⁽⁴²⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

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(9) If the GLRO thinks fit he may, not later than the date of the notice of election, direct the CRO that joint ballot boxes must be used for the ballot papers at the election and any or all relevant elections or referendums with which the election is taken.

(10) Where separate ballot boxes are to be used for the election and every relevant election or referendum, each ballot box shall be clearly marked with—

- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum, and
- (b) the words “Place the [*specify colour of ballot papers in question*] ballot paper here”.

(11) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in this rule to the CRO should be read as references to the returning officer who does discharge those functions.

Notices for the guidance of voters

29.—(1) The CRO must prepare the notices to be exhibited under rule 28(8).

(2) The CRO may prepare versions of the notices in such other form as he thinks appropriate, in accordance with section 199B (translations etc of certain documents) of the 1983 Act.

(3) Notices for the guidance of voters exhibited under rule 28(8) or paragraph (2) must be in the appropriate form, but may include such alternative information relating to Authority elections as—

- (a) meets with the requirements of the Notices Schedule, and
- (b) the CRO may decide.

(4) Notices provided under paragraph (2) may, if the CRO agrees, be exhibited at any polling station—

- (a) outside the polling station,
- (b) inside the polling station—
 - (i) in the communal areas,
 - (ii) in every voting compartment.

(5) At an ordinary election, the GLRO must prepare the notices and versions of notices to be exhibited under rule 28(8) and supply them to the CRO, and for paragraph (3)(b) of this rule there is substituted—

“(b) the GLRO may decide.”

(6) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then references to the CRO in this rule must be read as references to the returning officer who does discharge those functions.

Appointment of polling and counting agents

30.—(1) Before the commencement of the poll, each candidate may 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 votes.

(2) The same person may be appointed as a polling agent or counting agent by more than one candidate.

(3) For the count, one (but no more than one) counting agent of each candidate may be authorised by the terms of his appointment to require a re-count at that count.

(4) Not more than four polling agents, or such greater number as the CRO may by notice allow, may be permitted to attend at any particular polling station.

(5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO must determine by lot which agents are permitted to attend, and only the agents on whom the lot falls will be deemed to have been duly appointed.

(6) The CRO may limit the number of counting agents, but in doing so must ensure that—

(a) the number is the same in the case of each candidate, and

(b) the number allowed to a candidate must 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.

(7) For the purposes of the calculations required by paragraph (6), a counting agent who has been appointed by more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(8) Notice in writing of the appointment of polling and counting agents, stating the names and addresses of the persons appointed, must be given by the candidate to the CRO and must be so given not later than the fifth day (computed in accordance with rule 4) before the day of the poll.

(9) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and must forthwith give to the CRO notice in writing of the name and address of the agent appointed.

(10) Any appointment authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.

(11) In the following provisions of this Part references to polling agents and counting agents must 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.

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

(13) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(14) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.

(15) 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 agent or agents at the time and place appointed for the purpose will not, if the act or thing is otherwise duly done, invalidate the act or thing done.

(16) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then notices of the appointment of polling agents and counting agents which are required by this rule to be given to the CRO shall be given to the returning officer who discharges those functions.

Notification of requirement of secrecy

31. The CRO must make such arrangements as he thinks fit to ensure that—

(a) every person attending 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

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copy of the provisions of subsections (1), (3) and (6) of section 66 (requirement of secrecy) of the 1983 Act⁽⁴³⁾, 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 of the provisions of subsections (2) and (6) of that section.

Return of postal ballot papers

32.—(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 CRO must mark the list in the manner prescribed by regulations made under the 1983 Act⁽⁴⁴⁾.

(2) Rule 49(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

Admission to polling station

33.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- (g) the constables on duty,
- (h) the companions of voters with disabilities, and
- (i) persons entitled to be admitted to the polling station at a relevant election or referendum.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable or person employed by the CRO must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the appropriate form and signed by an officer of the police of or above the rank of inspector or by the CRO, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

34.—(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

⁽⁴³⁾ 1983 c. 2; Section 66 of that Act was amended by the Electoral Administration Act 2006 (c. 22).

⁽⁴⁴⁾ 1983 c. 2; Regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910 provides the circumstances in which a postal vote should be treated as returned for this purpose.

(a) by a constable in or near that station, or
 (b) by any other person authorised in writing by the CRO to remove him,
 and the person so removed must not, without the presiding officer’s permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station 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 must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

35. Immediately before the commencement of the poll, the presiding officer must—

- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty,
- (b) lock up such of the boxes as have locks,
- (c) place his seal—
 - (i) on each lock, and
 - (ii) on each ballot box which has no lock,
 in such a manner as to prevent its being opened without breaking the seal,
- (d) place each box in his view for the receipt of ballot papers, and
- (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

36.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put.

| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|---|
| 1 | A person applying as an elector | (a) —Are you the person registered in the register of local government electors for this election as follows (<i>read the whole entry from the register</i>)? [R] (b) —Have you already voted, here or elsewhere at this election for a constituency member otherwise than as proxy for some other person? [R] |
| 2 | A person applying as proxy | (a) —Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] (b) —Have you already voted here or elsewhere at this election for a constituency member as proxy on behalf of C.D.? [R] |

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| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|--|
| | | (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R] |
| 3 | A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2) | (a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (b) —Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R] |
| 4 | A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative | Have you already voted here or elsewhere at this election for a constituency member, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R] |
| 5 | A person applying as an elector in relation to whom there is an entry in the postal voters list | (a) —Did you apply to vote by post? (b) —Why have you not voted by post? |
| 6 | A person applying as proxy who is named in the proxy postal voters list | (a) —Did you apply to vote by post as proxy? (b) —Why have you not voted by post as proxy? |

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under those subsections.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry may be permitted as to the right of any person to vote.

Challenge of voter

37. A person must not be prevented from voting because—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

38.—(1) A ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 28(3)(d) beside the number of the ballot paper to be issued to him,
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been applied for but without showing the particular ballot paper which may be delivered,
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number may be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper into the ballot box in the presiding officer’s presence, but so as to conceal his vote.

(5) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

(6) A voter who has had a ballot paper delivered to him under paragraph (1), but has decided not to mark it, may return it to the presiding officer and where the voter does so, the presiding officer must—

- (a) immediately cancel the ballot paper, and for the purposes of these rules treat it as a spoilt ballot paper,
- (b) place a mark beside the number of that ballot paper on the corresponding number list to show that the ballot paper has been cancelled.

(7) The same copy of—

- (a) the list of proxies,
- (b) the register of electors,
- (c) any notice issued under section 13B(3B) or (3D) of the 1983 Act (marked in the case of an elector who is added to the register in pursuance of such a notice),

may be used for the election and each relevant election and referendum and one mark may be placed in the list, register or notice (as the case may be) to denote that a ballot paper has been delivered in respect of each election and referendum; except that, where a ballot paper has not been issued in respect of any election or referendum, a different mark must be placed in the list, register or notice so as to identify the election or referendum in respect of which a ballot paper was issued.

(8) At an ordinary election, the same copy of the list mentioned in rule 28(3)(d), may be used for each Authority election and one mark may be placed in the list, to denote that a ballot paper has been delivered in respect of each Authority election; except that, where a ballot paper has not been issued

in respect of any Authority election, a different mark must be placed in the list, so as to identify the elections in respect of which a ballot paper was issued.

Votes marked by presiding officer

39.—(1) The presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or
- (b) who declares orally that he is unable to read,

must, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name must be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act⁽⁴⁵⁾, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

(4) The same list may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

Voting by persons with disabilities

40.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

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

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as "the companion"), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, 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 election,

⁽⁴⁵⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

the presiding officer must 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 purpose of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person may be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election, or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as the “list of voters with disabilities assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name must be the elector’s number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

- (6) The declaration made by the companion—
- (a) must be in the appropriate form, and
 - (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and
 - (c) must forthwith be given to the presiding officer who must attest and retain it.

(7) No fee or other payment may be charged in respect of the declaration.

(8) The same list of voters with disabilities assisted by companions may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that the votes were so given in respect of each election and referendum, unless the list identifies the election or referendum for which the vote was so given.

Tendered ballot papers: circumstances where available

- 41.—**(1) If a person, representing himself to be—
- (a) a particular elector named in the register and not named in the absent voters list, or
 - (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

- (2) Paragraph (4) applies if—
- (a) a person applies for a ballot paper representing himself to be a particular elector named in the register,
 - (b) he is also named in the postal voters list, and
 - (c) he claims that he did not make an application to vote by post at the election.
- (3) Paragraph (4) also applies if—

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- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named in the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

42.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers,
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

(3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name must be the number of that elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 41 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the voter must be ignored,
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears in the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 41 apply as if—

- (a) in rule 41(1)(a), (2)(a) and (5)(a), for “named in the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”,
- (b) in paragraph (1)(b) of this rule for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The same list may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that tendered ballot papers were marked in respect of

each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

Spoilt and replacement ballot papers

43.—(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain a replacement for the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

(2) If a voter decides, after he has returned his ballot paper and it has been cancelled in accordance with rule 38(6), but before the close of the poll, that he wishes to vote in the election, he may obtain a replacement for the returned ballot paper.

(3) Before a replacement ballot paper is obtained, the presiding officer must mark the corresponding number list that was marked under rule 38(1) (the corresponding number list)—

- (a) in the case of a ballot paper being replaced under paragraph (1) or (2), beside the number of the replacement ballot paper obtained to show—
 - (i) the number of the elector, and
 - (ii) the number of the ballot paper which is being replaced; and
- (b) in the case of a ballot paper being replaced under paragraph (1), beside the number of the spoilt ballot paper to show that the ballot paper was replaced.

(4) Where the election is taken with a relevant election or referendum the voter must only receive a replacement for a spoilt or returned ballot paper.

(5) If the same corresponding number list is used for more than one Authority election in accordance with rule 38(8)—

- (a) the marks made under paragraph (3) must identify the election for which a ballot paper has been replaced, and
- (b) any ballot paper which the voter has not applied for or obtained as a replacement, but which bears the same ballot paper number as a ballot paper delivered under rule 38(1), or obtained under paragraph (1) or (2) of this rule—
 - (i) must not be delivered to the voter,
 - (ii) must be cancelled, and
 - (iii) for the purposes of these rules, must be treated as a spoilt ballot paper.

Correction of errors on day of poll

44.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) The same list may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that ballot papers were delivered in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

Adjournment of poll in case of riot

45.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith inform the CRO.

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- (2) Where the poll is adjourned at any polling station—
 - (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
 - (b) references in these Rules to the close of the poll must be construed accordingly.
- (3) As soon as practicable after being informed of the adjournment of a poll, the CRO must inform the GLRO of that fact and of the cause of its adjournment.
- (4) If the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then references in this rule to the CRO must be taken as references to the returning officer who discharges those functions.

Procedure on close of poll

46.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents appointed for the purposes of the election and each relevant election or referendum, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with any key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the list prepared under rule 18, including the part completed in accordance with rule 38(1)(b) (together referred to in these Rules as “the completed corresponding number list”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 44, and the declarations made by the companions of voters with disabilities,

and must deliver the packets or cause them to be delivered to the CRO to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the CRO, the arrangements for their delivery must be approved by the CRO.

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any other relevant election or referendum except for an Authority election.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number list or the certificates as to employment on duty on the day of the poll.

(4) The packets must be accompanied by a statement (“the ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoilt ballot papers, and
- (d) tendered ballot papers.

(5) At an ordinary election, the statement referred to in paragraph (4) may be combined with the statements produced in relation to any other Authority election, but not with those for a relevant election or referendum, and the combined statement must be arranged in such manner as the GLRO may direct.

(6) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in paragraph (1) to the CRO must be taken as references to the returning officer who discharges those functions.

Attendance at verification and the counting of votes

47.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) make arrangements for —
 - (i) carrying out the functions in rule 49(1) (separating ballot papers and verifying ballot paper accounts) at the election in the presence of the counting agents appointed for the purposes of the election and each relevant election and referendum as soon as practicable after the close of the poll, and
 - (ii) for counting the votes in the presence of the counting agents appointed for the purposes of the election,
- (b) give to the counting agents appointed for the purposes of the election and each relevant election and referendum, notice in writing of the time and place at which he will begin carrying out the functions in rule 49(1).

(2) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations he must make arrangements for counting the votes in the presence of the counting agents appointed for the purposes of the election as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and the CRO must give to the counting agents for the election notice in writing of the time and place at which he will begin to count the votes.

(3) No person other than a person entitled to be present at the counting of the votes at the election and at each relevant election or referendum may be present at the proceedings under rule 49(1) (separating ballot papers and verifying ballot paper accounts) unless permitted by the CRO to attend.

(4) No person other than—

- (a) the CRO and his clerks and technical assistants,
- (b) the GLRO,
- (c) the candidates and one other person chosen by each of them,
- (d) the election agents,
- (e) the counting agents,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

may be present at the counting of the votes in accordance with rule 49(2) to (15), unless permitted by the CRO to attend

(5) A person not entitled to attend at the separation and verification or the counting of the votes must not be permitted to do so by the CRO unless the CRO—

- (a) is satisfied that the efficient separation and verification of the ballot paper accounts or, as the case may be, the efficient counting of the votes will not be impeded, and
- (b) has either consulted the candidates or thought it impracticable to do so.

Status: This is the original version (as it was originally made).

(6) The CRO must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Use of the electronic counting system

48.—(1) The GLRO may provide the CRO with an electronic counting system consisting of computer hardware, software and other equipment or services, for the purpose of counting the number of ballot papers, to verify the ballot paper accounts and to count the votes cast on them.

(2) Any verification of ballot paper accounts, count or re-count at the election conducted using the electronic counting system must be conducted in accordance with rule 49.

(3) If the GLRO has provided the CRO with an electronic counting system for use at the election, the CRO must obtain the prior written consent of the GLRO before he may conduct the verification of ballot paper accounts or count the votes manually.

(4) If the verification of ballot paper accounts, count or re-count has commenced using the electronic counting system but has not been completed, the CRO may, if he considers it appropriate, discontinue the count and instead count the votes manually.

(5) Where the count or a re-count has been conducted using the electronic counting system, the CRO may, if he considers it appropriate, conduct any re-count without using that system.

(6) Where verification or any count or re-count is conducted using the electronic counting system, any of the steps referred to rule 49, in so far as practicable, may be undertaken—

- (a) concurrently with any other of those steps, or
- (b) in a different order.

Verification and the count

49.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) in the presence of the counting agents appointed for the purposes of the election and each relevant election or referendum, open each ballot box from each polling station together, and record separately the number of ballot papers used in the election and each relevant election or referendum with which it is taken,
- (b) in the presence of the counting agents appointed for the purposes of the election and each relevant election or referendum, verify each ballot paper account at the election and for each relevant election or referendum,
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and each relevant election or referendum,
- (d) where the same ballot boxes have been used for the election and each relevant election or referendum, separate the ballot papers for all of the Authority elections from those for any other relevant election or referendum.
- (e) make up into packets the ballot papers for each relevant election or referendum (not including those for any Authority election) and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate,
- (f) deliver or cause to be delivered to the returning officer for the relevant election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each, and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that relevant election or referendum, and

- (g) at the same time deliver to that officer the packets that so relate containing—
 - (i) the unused and spoiled ballot papers,
 - (ii) the tendered ballot papers, and
 - (iii) the completed corresponding number lists of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(2) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, and the votes on the ballot papers are not to be counted concurrently with the votes on the ballot papers at a relevant election or referendum, he must—

- (a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given by him in writing to the counting agents under rule 47(2), open each container in the presence of the counting agents;
- (b) where the proceedings on the issue and receipt of postal ballot papers at the election are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People (England and Wales) Regulations 2001(46), or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(47), count such of the postal ballot papers as have been duly returned and record the number counted,

and paragraph (10) below does not apply to these proceedings.

(3) Where separate ballot boxes are used for the ballots at the election and each relevant election and referendum, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.

(4) Where the same ballot boxes are used for the election and other Authority elections, but not for other relevant elections or referendums—

- (a) the CRO must not mix the ballot papers for Authority elections from any ballot box or container with the contents of any other ballot box or container (including a postal ballot box) during the conduct of verification (where this occurs under paragraph (1)), the count or any re-count;
- (b) the ballot boxes from each polling station for the Authority elections shall be opened together and the ballot papers counted (but not necessarily the votes on them) and verified together.

(5) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (6) and reaches the CRO or any polling station in the appropriate area (as defined in paragraph (7)) before the close of the poll,
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches him or such polling station before that time,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) in a case where the steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act(48), the CRO (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(46) S.I. 2001/341.

(47) c. 22. Sections 44 and 45 were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 105 was amended by section 105 of the Local Government Act 2003 (c. 26).

(48) See regulation 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

Status: This is the original version (as it was originally made).

- (6) The manner in which any postal paper or postal voting statement may be returned—
- (a) to the CRO, is by hand or by post,
 - (b) to a polling station in the appropriate area, is by hand.
- (7) For the purposes of paragraphs (5) and (6), “polling station in the appropriate area” means a polling station—
- (a) in the area which is common to the Assembly constituency, and parliamentary constituency, local counting area, electoral area or voting area, as the case may be, in which the polls at the Authority election and a relevant election or referendum are being taken together, and
 - (b) in respect of which polls the voter has been issued with a postal ballot paper.
- (8) After the completing the proceedings in paragraph (1) or (2), the CRO must cause the electronic counting system to process the ballot papers for the election so as to count—
- (a) the number of ballot papers, and
 - (b) votes given on the ballot papers.
- (9) The CRO must not cause the electronic counting system to count any tendered ballot paper.
- (10) Subject to paragraph (11), the CRO must 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 must draw up a statement as to the result of the verification, which any election agent may copy.
- (11) The CRO may verify each ballot paper account for the election by comparing it with the number of ballot papers processed by the electronic counting system, 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).
- (12) The CRO, while verifying the ballot paper accounts and counting the votes, must take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.
- (13) The CRO must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the hours between 5 in the afternoon and 10 on the following morning may be excluded.
- (14) At an ordinary election, the hours between 5 in the afternoon and 10 on the following morning may only be excluded with the prior consent of the GLRO.
- (15) During the time so excluded the CRO must—
- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and
 - (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

- 50.**—(1) Any ballot paper—
- (a) which does not bear the official mark,
 - (b) on which votes are given for more than one candidate,
 - (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back,
 - (d) which is unmarked, or
 - (e) which is void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

must not for such reason be void if an intention that the vote be given for one only of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) Where the electronic counting system identifies a ballot paper that has been marked, but which appears for whatever reason to be void, it must be examined by a clerk appointed by the CRO in the manner referred to in paragraph (6).

(4) If the clerk, having examined the ballot, considers that the vote is void then the CRO must examine it in the manner referred to in paragraph (6).

(5) After the CRO examines the ballot paper, he must give his decision as to the validity of the vote.

(6) An examination under paragraph (3) or (4) is to be made by the clerk or CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count.

(7) The CRO may examine any ballot paper that he is not required to examine in accordance with paragraph (4)—

- (a) either in the manner referred to in paragraph (6), or
- (b) by examining a paper copy,

and where the CRO does so, he must give a decision on that paper in accordance with paragraph (5).

(8) No person attending the count is to be entitled to require the clerk or CRO to examine a ballot paper or to provide a paper copy for inspection.

(9) A record of the CRO's decision must be retained in the electronic counting system together with, in the case of a decision that the ballot paper is void, his reasons by reference to paragraph (1).

(10) If a counting agent objects to the CRO's decision the CRO must record on the electronic counting system that the decision was objected to.

(11) The CRO must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of an official mark,
- (b) voting for more than one candidate,
- (c) writing or mark by which the voter could be identified,
- (d) unmarked ballot paper, or
- (e) void for uncertainty.

(12) As soon as practicable after the completion of the statement under paragraph (11) the CRO must inform—

- (a) such candidates, election agents and counting agents as are present at the count, and
- (b) the GLRO,

of its contents.

Decisions on ballot papers

51. The decision of the CRO on any question arising in respect of a ballot paper will be final, but may be subject to review on an election petition.

Re-count

52.—(1) A candidate or his election agent or a counting agent authorised under rule 30(3) may, if present when the counting or any re-count of the votes, is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

(2) No step may be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(3) The CRO may, in his discretion, decide the extent to which any re-count involves the electronic counting of votes.

(4) When the returning officer uses the electronic counting system for the re-counting of votes, he must not re-consider any decision made on any ballot paper under rule 50(5).

Equality of votes

53. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the CRO must forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

PART 5

Final Proceedings In Contested And Uncontested Elections

Declaration of result

54.—(1) In a contested election, when the result of the poll has been ascertained, the CRO must forthwith—

- (a) declare to be elected the candidate to whom the majority of votes has been given,
- (b) give public notice of—
 - (i) the name of the person declared to be elected,
 - (ii) the person's authorised description, if any, within the meaning of rule 6(5) or (7),
 - (iii) the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) Subject to paragraph (3), after the CRO complies with paragraph (1), he may give public notice of the information referred to paragraph (1)(b)(iii) so as to set out the number of votes falling under each of the heads in that subparagraph, in respect of each ward.

(3) Where the sum of first preference votes given for all candidates in any ward does not exceed 500, the GLRO must not give notice under paragraph (2) in respect of that ward alone, but must amalgamate the figures for that ward with those for any other ward in which more than 500 votes have been given, in the same Assembly constituency.

(4) In an uncontested election, the CRO must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the candidate remaining validly nominated,
- (b) give public notice of—
 - (i) the name of the person declared to be elected, and
 - (ii) the person’s authorised description, if any, within the meaning of rule 6(5) or (7).

(5) The CRO must as soon as practicable notify the GLRO and the proper officer of the Authority of the information in the notice given under (1)(b).

Return or forfeiture of candidate’s deposit

55.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 8 must be returned to the person making it or his personal representative.

(2) Subject to paragraphs (3) and (4), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day must be disregarded if, in accordance with rule 4, it would be disregarded in computing any period of time for the purposes of the timetable for the election, and
- (b) the deposit must be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, the deposit must be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(5) Where a poll is taken, if, after the counting of the votes by the CRO (including any re-count) is completed, the candidate is found not to have polled more than one-twentieth of the total number of votes polled by all the candidates, the deposit must be forfeited to the Greater London Authority.

PART 6

Disposal of Documents

Sealing up of ballot papers

56.—(1) On the completion of the counting at a contested election the CRO must seal up in separate packets the counted and rejected ballot papers.

(2) Where some or all of the votes have been counted using the electronic counting system, the CRO must also seal up in a separate packet a complete electronic record (“the electronic record”) of the information stored in the electronic counting system, held in such device as may be suitable for the purpose of its storage.

(3) After making the electronic record under paragraph (2), the CRO must arrange for the original records in the electronic counting system to be removed from it and destroyed in a manner that ensures that the secrecy of those records is preserved.

(4) The CRO must not open the sealed packets of—

- (a) tendered ballot papers, or
- (b) certificates as to employment on duty on the day of the poll.

Status: This is the original version (as it was originally made).

(5) Where the CRO discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, he must also not open the sealed packets of—

- (a) the completed corresponding number lists,
- (b) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery and retention of documents

57.—(1) The CRO must then forward the following documents to the relevant registration officer—

- (a) the packets of ballot papers in his possession,
- (b) the packet containing the electronic record (if any),
- (c) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (d) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 44 and the declarations made by the companions of voters with disabilities,
- (e) the packets of the completed corresponding number lists,
- (f) the packets of certificates as to employment on duty on the day of the poll, and
- (g) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the Assembly constituency for which the election was held.

(2) At an election where the returning officer does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (1) must have effect as if sub paragraphs (d), (e) and (f) were omitted.

Orders for production of documents

58.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer, or
- (b) for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers, in the custody of the relevant registration officer,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An election court may make an order for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates or for the inspection of any counted ballot papers in the custody of the relevant registration officer.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,

(d) production or opening,

as the court making the order thinks expedient; but in making and carrying into effect an order for the opening of a packet containing the electronic record or a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

(i) that his vote was given, and

(ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document or electronic record in his custody relating to any specified election—

(a) the production by him or his agent of the document or electronic record ordered in such manner as may be directed by that order will be conclusive evidence that the document or electronic record relates to the specified election, and

(b) any endorsement on any packet of ballot papers or so produced will be *prima facie* evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of —

(a) a ballot paper purporting to have been used at any election, or

(b) a copy of the electronic record which purports to record that a particular ballot paper was used at any election, and

a completed corresponding number list with a number written beside the number of the ballot paper, will be *prima facie* evidence that the elector whose vote was given by that ballot paper was the person who, at the time of the election, had affixed to his entry in the register of electors or on the notice issued under section 13B(3B) or (3D) of the 1983 Act, the same number as was written on the completed corresponding number list.

(8) Unless authorised by this rule, no person may be allowed to inspect any rejected or counted ballot papers in the custody of the relevant registration officer or open any sealed packets of completed corresponding number lists, certificates of employment on the day of the poll or containing the electronic record.

Retention and destruction of documents and records

59. The relevant registration officer must retain or cause to be retained for one year all documents and, where applicable, the electronic record relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrate's court or an election court, must cause them to be destroyed.

PART 7

Death Of Candidate

Countermand or abandonment of poll on death of candidate

60.—(1) If at a contested election proof is given to the CRO's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, the CRO—

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- (a) must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned,
- (b) must inform the GLRO of the countermand or abandonment of the poll and of the name of the candidate who has died.

(2) Subsection (1) of section 39 (local elections void etc. in England and Wales) of the 1983 Act applies in respect of any vacancy which remains unfilled as if for the reference to the returning officer there were substituted a reference to the CRO.

(3) Where the poll is abandoned by reason of a candidate's death, no further ballot papers may be issued, and the presiding officer at any polling station must take the like steps (so far as not already taken) for the delivery to the CRO of ballot boxes and of ballot papers and other documents in his possession as he is required to take on the close of the poll in due course.

(4) The CRO must dispose of the ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, subject to paragraphs (5) and (6).

(5) It is not necessary for any ballot paper account to be prepared or verified.

(6) The CRO must seal up all the ballot papers, whether the votes on them have been counted or not, and it will not be necessary to seal up counted and rejected ballot papers in separate packets.

(7) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, subject to paragraphs (8) and (9).

(8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(9) No order may be made for—

- (a) the production or inspection of any ballot papers, or
- (b) for the opening of a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution or election petition.

(10) The countermand of the notice of poll or abandonment of the poll at the election, will not effect the poll at each relevant election or referendum.

SCHEDULE 6

Rule 5(4)

THE LONDON MEMBERS ELECTION RULES

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PART 1

General Provisions

Citation

1. This Schedule may be cited as the London Members Election Rules.

Interpretation

2.—(1) In the rules in this Schedule, unless the context indicates otherwise—

“Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(49);

“counting observer” has the same meaning as in regulation 2 of the Referendum Regulations;

“counting officer” has the same meaning as in regulation 9 of the Referendum Regulations;

“election” means an election for the return of the London members;

“electoral area” where the Authority election is held together with a referendum, includes a voting area where the referendum is held;

“European Parliamentary election” has the same meaning as in section 27(1) of the Representation of the People Act 1985(50);

“individual candidate” means a candidate other than a list candidate at an election for the return of London members of the London Assembly;

“list candidate” means a person included on a party list;

“local authority mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(51);

“local count” means the count of the London votes given for a registered party or, as the case may be, an individual candidate, at an election in an Assembly constituency;

“local counting area” has the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004(52);

“London vote” has the same meaning as in Part 1 of the 1999 Act;

“party list” means a list delivered to the GLRO in accordance with paragraph 5 (party lists and individual candidates) of Part 2 of Schedule 2 to the 1999 Act on behalf of a party registered under Part 2 (registration of political parties) of the 2000 Act(53);

“petition organiser” has the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000(54);

“polling observer” has the same meaning as in regulation 2 of the Referendum Regulations;

“referendum” means a referendum conducted under the Referendum Regulations;

“Referendum Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2007(55);

“relevant election or referendum” means one or more of the following—

- (a) a Parliamentary election,
- (b) a European Parliamentary election,
- (c) a local government election (including another Authority election where more than one is taken together),
- (d) a local authority mayoral election or referendum in accordance with regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(56);

(49) S.I. 2004/294. Relevant amendments have been made to those regulations by S.I. 2006/3278.

(50) 1985 c. 50. The definition was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58).

(51) SI 2007/1024

(52) S.I. 2004/293

(53) 2000 c.41

(54) S.I. 2000/2852

(55) S.I. 2007/2089

(56) 2000 c.22. Sections 44 and 45 were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41).

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“voting area” has the same meaning as in regulation 2 of the Referendum Regulations.

- (2) In the case of a referendum, a reference to a—
 - (a) “candidate” shall be construed as a reference to a counting observer,
 - (b) “election agent” shall be construed as a reference to a counting observer,
 - (c) “polling agent” shall be construed as a reference to polling observer,
 - (d) “returning officer” shall be construed as a reference to a counting officer.
- (3) Reference to a rule by number alone is a reference to the rule so numbered in this Schedule.

PART 2

Provisions As To Time

Timetable

- 3. The proceedings at the election must be conducted in accordance with the following timetable:

Timetable

| <i>Proceedings</i> | <i>Time</i> |
|---|---|
| Publication of notice of election | Not later than the thirtieth day before the day of election. |
| Delivery of nomination papers and party lists | Not later than noon on the twenty-fourth day before the day of election. |
| Publication of statement as to persons nominated | Not later than noon on the twenty-second day before the day of election. |
| Delivery of notices of withdrawals of candidature | Not later than noon on the twenty-first day before the day of election. |
| Notice of poll | Not later than the sixth day before the day of election. |
| Polling | Between the hours of 7 in the morning and 10 at night on the day of election. |

Computation of time

- 4.—(1) In computing any period of time for the purposes of the timetable—
 - (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
 - (c) a day appointed for public thanksgiving or mourning,

must be disregarded, and any such day must not be treated as a day for the purpose of any proceedings up to the completion of the poll nor must the CRO be obliged to proceed with the counting of the votes on such a day.

- (2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(57) in England and Wales.

(57) 1971 c. 80

PART 3

Stages Common To Contested And Uncontested Elections

Notice of election

5.—(1) The GLRO must publish in each Assembly constituency notice of the election stating—

- (a) the place and times at which nomination papers and party lists are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers and party lists may be obtained at that place and those times.

(2) The notice of election must state the arrangements (if any) which apply for the payment of the deposit required by rule 10 by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

- (a) applications to vote by post or proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer for local government electors in order that they may be effective for the election.

Nomination of candidates: individual candidates

6.—(1) Each individual candidate must be nominated by a separate nomination paper that must be—

- (a) in the appropriate form, and
- (b) delivered to the GLRO in accordance with the following provisions of this rule and rule 8.

(2) The nomination paper of an individual candidate must state the candidate's—

- (a) full names,
- (b) home address, in full, and
- (c) if desired, a description consisting of the word “Independent”,

and the surname must be placed first in the list of names.

Nomination of candidates: list candidates

7.—(1) A registered party which is a qualifying party and is to stand at the election of London members must be nominated by the delivery of a nomination paper that must be—

- (a) in the appropriate form, and
- (b) delivered to the GLRO, by the party's registered nominating officer or a person authorised in writing by him, in accordance with the following provisions of this rule and rule 8.

(2) The registered party's nomination paper must—

- (a) state the authorised description by which the registered party is to stand for election,
- (b) include a statement, signed by the person issuing the paper, that it is issued either—
 - (i) by the party's registered nominating officer, or
 - (ii) on behalf of the party's registered nominating officer, by a person authorised in writing by him, and
- (c) be accompanied by a party list which sets out the full names and home addresses of each candidate included in that list.

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- (3) An authorised description for the purposes of paragraph (2)(a) must be either—
- (a) the name of the party registered under section 28 of the 2000 Act⁽⁵⁸⁾, or
 - (b) a description of the party, registered under section 28A⁽⁵⁹⁾ of that Act.
- (4) A person will be guilty of a corrupt practice if he fraudulently purports to be authorised to make the statement required by paragraph (2)(b) by or on behalf of a registered party’s nominating officer.
- (5) For the purposes of the application of these rules in relation to an election—
- (a) “registered party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers and party lists at that election,
 - (b) a registered party is a qualifying party if on the relevant day the party was registered in respect of England in the Great Britain register maintained under that Part of that Act.

Nomination papers: general provisions

8.—(1) The following provisions of this rule have effect in relation to nomination papers delivered under rules 6 and 7.

- (2) If an individual candidate or a candidate included on a party list commonly uses—
- (a) a surname which is different from any other surname he has, or
 - (b) a forename which is different from any other forename he has,

the nomination paper and party list may state the commonly used surname or forename, or both surname and forename in addition to the other name.

(3) Each nomination paper must be delivered to the GLRO at the place specified by him in the notice of election, which must be at one of the offices of the Greater London Authority, and must be received by the GLRO before the last time for the delivery of nomination papers and party lists.

- (4) Where a nomination paper is delivered in respect of—
- (a) the same registered party, or
 - (b) the same individual candidate,

after an earlier nomination paper has been delivered, that later paper must be deemed to supersede the earlier one.

(5) In this rule and in the following provisions of these rules, unless the context requires otherwise—

- (a) “nomination paper” includes a reference to—
 - (i) the nomination paper of a registered party, and
 - (ii) the nomination paper of an individual candidate;
- (b) “nomination paper of a registered party” includes a reference to a party list.

Consent to nomination

9.—(1) A person will not be validly nominated (whether as an individual candidate or a list candidate) unless his consent to nomination—

⁽⁵⁸⁾ Section 28 of the Political Parties, Elections and Referendums Act 2000 (c.41) was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006 (c.22).

⁽⁵⁹⁾ Section 28A of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

- (a) is given in writing in the appropriate form, or a form to like effect, on or within one month before the last day for the delivery of nomination papers;
 - (b) is attested by one witness whose name and address must be given; and
 - (c) is delivered at the place and within the time for delivery of nomination papers.
- (2) A candidate's consent given under this rule must—
- (a) state the day, month and year of his birth;
 - (b) contain a statement that he has read whichever of sub-paragraphs (5) and (6) of paragraph 5 of Schedule 2 to the 1999 Act (persons who may not be candidates) applies in his case; and
 - (c) contain a statement that to the best of the candidate's knowledge and belief he is not disqualified from being elected by reason of—
 - (i) any disqualification set out in section 21 (disqualification from being the Mayor or an Assembly member) of the 1999 Act, or
 - (ii) any decision made under section 79 (decisions of case tribunals) the Local Government Act 2000.

Deposits

10.—(1) A person will not be validly nominated as an individual candidate at the election unless the sum of £5,000 is deposited by him or on his behalf with the GLRO at the place and during the time for delivery of nomination papers and party lists.

(2) A registered party (and anyone on its party list) will not be validly nominated unless the sum of £5,000 is deposited on its behalf with the GLRO at the place and during the time for delivery of nomination papers and party lists.

(3) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker's draft, or
- (c) with the GLRO's consent, in any other manner including by means of a debit or credit card or the electronic transfer of funds,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(4) Where the deposit is made on behalf of an individual candidate, the person making the deposit must at the time he makes it give his name and address to the GLRO, unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act.

Decisions as to validity of nomination papers

11.—(1) Where, in the case of an individual candidate, a nomination paper ("individual nomination paper") and the candidate's consent to it are delivered and a deposit is made, in accordance with these Rules, the candidate will be deemed to stand nominated unless and until—

- (a) the GLRO decides that the nomination paper is invalid, or
- (b) proof is given to the GLRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) Where, the nomination paper of a registered party and the consent of each candidate included in that party's list are delivered, and a deposit is made, in accordance with these Rules, that party and (subject to paragraph (6)) each candidate on its list must be deemed to stand nominated unless and until the GLRO decides that the nomination paper is invalid.

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(3) As soon as practicable after each nomination paper has been delivered, the GLRO must examine it and decide whether the individual candidate, or as the case may be, each registered party and each candidate included in that party's list has been validly nominated.

(4) The GLRO is entitled to hold an individual nomination paper invalid only on the grounds that the particulars of the candidate on the nomination paper are not as required by law.

(5) The GLRO is entitled to hold the nomination paper of a registered party invalid only on one of the following grounds—

- (a) that the authorised description stated under rule 7(2)(a) breaches rule 8(3),
- (b) that the nomination paper does not contain the statement referred to in rule 7(2)(b),
- (c) that the number of candidates on the list is greater than 25.

(6) Where, in respect of a candidate included in a party list—

- (a) proof is given to the GLRO's satisfaction of his death,
- (b) he withdraws or his candidature is withdrawn in accordance with rule 15,
- (c) his particulars in that list are not as required by law, or
- (d) the consent to nomination of that candidate is not delivered in accordance with rule 9,

the GLRO must delete the name and address of that candidate from the list.

(7) Where the GLRO has decided under paragraph (3)—

- (a) that an individual nomination paper is invalid,
- (b) that the nomination paper of a registered party is invalid or that the name and address of a list candidate must be deleted from the list,

he must endorse and sign on the nomination paper to record that decision and the reasons for his decision.

(8) The GLRO must, as soon as practicable after making such a decision under paragraph (3) that a nomination paper is valid or invalid, send notice of that decision—

- (a) to the candidate at his home address as given in his nomination paper, and
- (b) in the case of a list candidate, also to the nominating officer.

(9) Where in the GLRO's opinion the nomination paper of a registered party is invalid on the grounds in paragraphs (5)(a) or (b), then he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the end of the period for the delivery of nomination papers set out in the timetable in rule 3.

(10) The GLRO's decision that a nomination paper is valid is final and may not be questioned in any proceeding whatsoever.

(11) Subject to paragraph (10), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

12.—(1) The GLRO must prepare and publish a statement showing—

- (a) each registered party which has been and stands nominated, together with that party's list,
- (b) the persons who have been and stand nominated as individual candidates, and
- (c) any other parties or persons who have been nominated, together with the reason why they no longer stand nominated.

(2) If an individual's nomination paper or person's entry on a party list gives a commonly used surname or forename, or both surname and forename, in addition to another name, the statement must show the person's commonly used surname or forename, or both surname and forename (as the case may be) instead of any other name.

(3) Paragraph (2) does not apply if the GLRO thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(4) If paragraph (3) applies, the GLRO must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(5) The statement must show, in the following order—

- (a) the registered parties which have been and stand nominated, arranged in alphabetical order according to the authorised descriptions given in the nomination papers,
- (b) the names and home addresses of the list candidates as given in party lists, arranged in the order in which their names appear in those lists,
- (c) the names, addresses and descriptions (if any) of the persons standing nominated as individual candidates, arranged alphabetically in the order of their surnames and, if there are two or more of them with the same surname, of their other names.

(6) In the case of an individual candidate nominated by more than one nomination paper, the GLRO must take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the GLRO in default of the candidate) may select.

Correction of minor errors

13.—(1) The GLRO may, if he thinks fit, at any time before the publication under rule 12 of the statement of parties and persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number,
- (b) obvious errors of spelling in relation to the details of a party or candidate.

(3) Anything done by the GLRO in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.

(4) The GLRO must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Inspection of nomination papers and consent to nomination

14.—(1) During ordinary office hours, in the period starting 24 hours after the latest time for the delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from—

- (a) a nomination paper, or
- (b) the consents to nomination.

(2) Inspection under paragraph (1) may not take place on a day that is specified in rule 4(1).

Withdrawal or death of candidate

15.—(1) An individual candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address must be given, and

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(b) delivered to the GLRO at the place for delivery of nomination papers and party lists, by the end of the period for the delivery of notices of withdrawals of candidature in the timetable in rule 3.

(2) The nominating officer of a registered party, or a person authorised in writing by him may withdraw that party's nomination by a notice of withdrawal signed by him and delivered to the returning officer at the place for delivery of nomination papers and party lists.

(3) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom will be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph will be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

(4) If before the result of the election is declared, proof is given to the GLRO's satisfaction that an individual candidate who is named (or is to be named) in the ballot papers or a candidate whose name appears on a party list has died, then (in addition to complying with any other requirement of these rules relevant to that event) the GLRO must—

- (a) inform each CRO of the death of the candidate;
- (b) in the case of a person whose name is included in a party list, remove that person's name from that list.

Method of election

16. If, after any withdrawals under rule 15, the number of persons remaining validly nominated exceeds the number of seats available for allocation to London members, then, unless all of those persons are named on the same party list, a poll must be taken in accordance with Part 4 of these Rules.

PART 4

Contested Elections

Poll to be taken by ballot

17. The votes at the poll must be given by ballot to enable the seats for London members to be allocated to registered parties and individual candidates in accordance with paragraphs 7 and 8 of Part 2 of Schedule 2 to the 1999 Act.

The ballot papers

18.—(1) The ballot of every voter must consist of a ballot paper, which must be in the appropriate form.

(2) Each registered party which remains validly nominated at the election and whose party list includes a person who remains validly nominated as a list candidate, after any withdrawals, and no other, is entitled to have their authorised description inserted in the ballot paper.

(3) Each person remaining validly nominated as an individual candidate at the election, after any withdrawals, and no other, is entitled to have their name inserted in the ballot paper.

(4) Every ballot paper—

- (a) must be printed in accordance with the directions set out in the Forms Schedule,

- (b) must contain the authorised descriptions of the registered parties; and the names and other particulars of the individual candidates as shown in the statement of persons nominated,
- (c) must have a number and other unique identifying mark printed on the back, and
- (d) may, in the case of ballot papers for use at polling stations, be marked with the words “do not fold”.

(5) If a request is made by or on behalf of a registered party’s nominating officer, the ballot paper must contain, against the party’s authorised description, the party’s registered emblem (or, as the case may be, one of the party’s registered emblems).

(6) The request under paragraph (5) must—

- (a) be made in writing to the GLRO, and
- (b) be received by him during the period for delivery of nomination papers and party lists set out in the timetable in rule 3.

(7) The order of the authorised descriptions of the registered parties and the names of the individual candidates must be in the same order as in the statement of parties and persons nominated.

(8) The GLRO must supply the ballot papers for use at the election to the CRO by such date as may be agreed between them.

(9) The ballot papers supplied under paragraph (8) must be of a different colour from those used at any relevant election or referendum with which the election is taken.

The corresponding number list

19.—(1) The CRO must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 24(1) or provided by him in pursuance of rule 29(1).

(2) The list must be in the appropriate form or a form to like effect.

(3) At an ordinary election, the same list may be used for each Authority election with which the election is combined.

The official mark

20.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at any Authority election.

(3) The GLRO may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

21. No person who has voted at the election may, in any legal proceeding to question the election, be required to state for which candidate or party he has voted.

Use of schools and public rooms

22.—(1) The CRO may use, free of charge, for the purpose of taking the poll 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,
- (b) a room the expense of maintaining which is met by any local authority.

(2) The CRO must make good any damage done to, and defray an expense incurred by the persons having control over, any such room as mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

Notice of poll

23.—(1) The GLRO must, in accordance with the timetable in rule 3, publish notice of the poll stating—

- (a) the day and hours fixed for the poll,
- (b) the number of seats for London members available for allocation at that election,
- (c) the authorised description of each registered party whose party list includes persons who remain validly nominated as list candidates, and
- (d) the name and description (if any) of each individual candidate remaining validly nominated,

and rule 12(5) applies in relation to the order in which that information appears on the notice of the poll as it applies in relation to the statement of persons nominated.

(2) The CRO must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station, and
- (b) the description of voters entitled to vote there,

and he must as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(3) The notice published under paragraph (2) shall—

- (a) state that the poll at the election is to be taken together with the poll at a relevant election or referendum as the case may be,
- (b) specify the parliamentary constituency, European Parliamentary local counting area, relevant London borough, or voting area; and in the case of an election to fill a casual vacancy, the electoral area for which the relevant election or referendum is held, and
- (c) where the polls are to be taken together in part of the Borough only, specify that part.

(4) The notice of poll must include the heading “GREATER LONDON AUTHORITY ELECTION”.

Postal ballot papers

24.—(1) The CRO must, in accordance with regulations made under the 1983 Act⁽⁶⁰⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement, together with such envelopes for their return as may be prescribed in such regulations.

(2) The postal voting statement must be in the appropriate form or a form to like effect.

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).

(4) The CRO 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 of any directions to or guidance for voters sent with the ballot paper,

⁽⁶⁰⁾ See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [S.I. 2006/2910](#).

- (b) a translation into Braille of such directions or guidance,
- (c) graphical representations of such directions or guidance,
- (d) the directions or guidance in any other form (including any audible form).

(5) In the case of a ballot paper issued to a person at an address in the United Kingdom, the CRO must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

(6) Where the proceedings on the issue and receipt of postal ballot papers at the election are taken together with a relevant election or referendum the appropriate form of postal voting statement under paragraph (2) may be the joint postal voting statement which must be in the appropriate form or form to like effect.

Provision of polling stations

25.—(1) The CRO must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must 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 parliamentary polling district wholly or partly within the Assembly constituency must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the Assembly constituency.

(4) The CRO must 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

26.—(1) The CRO must appoint and pay a presiding officer to attend at each polling station and such clerks and technical assistants as may be necessary for the purposes of the election, but he must not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The CRO may, if he thinks fit, preside at a polling station and the provisions of this Part relating to a presiding officer apply to the CRO so presiding with the necessary modifications as to things to be done by the CRO to the presiding officer or by the presiding officer to the CRO.

(3) 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 this Part 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

27.—(1) The CRO must as soon as practicable after the publication of the notice of election, send to electors and their proxies an official poll card.

(2) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form or a form to like effect, and must set out—

- (a) that the election is of London members of the London Assembly at an ordinary election,
- (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 as the CRO thinks appropriate,

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

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the polling card must contain such matter as is specified in the appropriate form.

(5) At an ordinary election, the CRO must issue a combined poll card in the appropriate form.

(6) If the CRO and the returning officer for each relevant election or referendum agree, the poll card issued under this rule may be combined with the official poll card for the relevant election or referendum, with necessary adaptations.

(7) In this rule “elector” means—

- (a) an elector with an entry on the register to be used at the election on the last day for the publication of the notice of the election, and
- (b) includes a person then shown in the 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.

Information for voters

28.—(1) At an ordinary election, the GLRO may, in addition to a statement by him in an election booklet, include in the booklet information for voters that has been agreed by him with the Electoral Commission.

(2) The information for voters given in the election booklet may include information about—

- (a) the office of the Mayor and the London Assembly,
- (b) the system of voting at each Authority election,
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast, and

subject to paragraph (3), may include any other information given in exercise of the GLRO’s duty under section 69 (encouraging electoral participation) of the 2006 Act.

(3) The information for voters must not contain—

- (a) any advertising material,
- (b) any material referring to a candidate or a registered party, other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election,
- (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

Equipment of polling stations

29.—(1) The CRO must provide each presiding officer with—

- (a) such ballot papers as may be necessary, and
- (b) such ballot boxes as may be necessary having taken account of any direction made by the GLRO in accordance with paragraph (9).

(2) Every ballot box must be so constructed that the ballot papers 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.

(3) The CRO must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,

- (b) copies of the register of electors 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),
- (d) a notice of the death of any person of whose death he has been informed as mentioned in rule 15(4),
- (e) a list consisting of that part of the list prepared under rule 19 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.

(4) The reference in paragraph (3)(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⁽⁶¹⁾ in respect of alterations to the register.

(5) The CRO must also provide each polling station with a device 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 41.

(6) The device referred to in paragraph (5) above 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,
- (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 candidate to whom each such space refers, and
 - (iii) mark his vote on the space he has chosen.

(7) The enlarged sample copies of the ballot paper that the GLRO is required to provide, or cause to be displayed at every polling station (in accordance with section 199B(5) and (7) of the 1983 Act) must—

- (a) be provided to the CRO who will deliver them to the polling stations, and
- (b) be printed on paper of the same colour as the ballot paper at the election.

(8) The CRO must also provide each polling station with notices for the guidance of voters, which must be exhibited—

- (a) outside the polling station,
- (b) inside the polling station—
 - (i) in the communal areas, and
 - (ii) in every voting compartment.

(9) If the GLRO thinks fit he may, not later than the date of the notice of election, direct the CRO that joint ballot boxes must be used for the ballot papers at the election and any or all relevant elections or referendums with which the election is taken.

(10) Where separate ballot boxes are to be used for the election and every relevant election or referendum, each ballot box shall be clearly marked with—

- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum, and

⁽⁶¹⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

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(b) the words “Place the [*specify colour of ballot papers in question*] ballot paper here”.

(11) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in this rule to the CRO should be read as references to the returning officer who does discharge those functions.

Notices for the guidance of voters

30.—(1) The GLRO must prepare and provide each CRO with the notices to be exhibited under rule 29(8).

(2) The GLRO may also provide each CRO with versions of the notices in such other form as he thinks appropriate, in accordance with section 199B (translations etc of certain documents) of the 1983 Act.

(3) Notices for the guidance of voters exhibited under rule 29(8) or paragraph (2) must be in the appropriate form, but may include such alternative information relating to Authority elections as—

- (a) meets with the requirements of the Notices Schedule, and
- (b) the GLRO may decide.

(4) Notices provided under paragraph (2) may, if the CRO agrees, be exhibited at any polling station—

- (a) outside the polling station,
- (b) inside the polling station—
 - (i) in the communal areas,
 - (ii) in every voting compartment.

(5) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in this rule to the CRO should be read as references to the returning officer who does discharge those functions.

Appointment of polling and counting agents

31.—(1) Before the commencement of the poll—

- (a) each individual candidate, and
- (b) the election agent of each list candidate,

may appoint—

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

(2) The same person may be appointed as a polling agent or counting agent by, or in the case of list candidates on behalf of, more than one candidate.

(3) For each local count, one (but no more than one) counting agent of each registered party standing nominated or individual candidate, as the case may be, may be authorised by the terms of his appointment to require a re-count at that count.

(4) Not more than four polling agents, or such greater number as the CRO may by notice allow, may be permitted to attend at any particular polling station.

(5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO must determine by lot which agents are permitted to attend, and only the agents on whom the lot falls will be deemed to have been duly appointed.

(6) The CRO may limit the number of counting agents, but in doing so must ensure that—

- (a) the number is the same in the case of each candidate, and

- (b) the number allowed to a candidate must 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.
- (7) For the purposes of the calculations required by paragraph (6)—
 - (a) a counting agent appointed for more than one list candidate must be deemed to be appointed for all the candidates on that list,
 - (b) a counting agent appointed for more than one candidate (other than a list candidate) is a separate agent for each of the candidates for whom he has been appointed.
- (8) Notice in writing of the appointment of polling and counting agents, stating the names and addresses of the persons appointed, must be given by the candidate to the CRO and must be so given not later than the fifth day (computed in accordance with rule 4) before the day of the poll.
- (9) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and must forthwith give to the CRO notice in writing of the name and address of that other person.
- (10) Any appointment authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.
- (11) In the following provisions of these Rules references to polling agents and counting agents must 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.
- (12) Any notice required to be given to a counting agent by the CRO may be delivered at, or sent by post to, the address stated in the notice of appointment.
- (13) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
- (14) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.
- (15) 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 agent or agents at the time and place appointed for the purpose will not, if the act or thing is otherwise duly done, invalidate the act or thing done.
- (16) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then notices of the appointment of polling agents and counting agents which are required by this rule to be given to the CRO shall be given to the returning officer who discharges those functions.

Notification of requirement of secrecy

- 32.** The CRO must make such arrangements as he thinks fit to ensure that—
- (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 of the provisions of subsections (1), (3) and (6) of section 66 (requirement of secrecy) of the Representation of the People Act 1983⁽⁶²⁾, 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 of the provisions of subsections (2) and (6) of that section.

⁽⁶²⁾ 1983 c. 2; Section 66 of that Act was amended by the Electoral Administration Act 2006 (c. 22).

Return of postal ballot papers

33.—(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 CRO must mark the list in the manner prescribed by regulations made under the 1983 Act⁽⁶³⁾.

(2) Rule 50(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

Admission to polling station

34.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- (g) the constables on duty,
- (h) the companions of voters with disabilities, and
- (i) persons entitled to be admitted to the polling station at a relevant election or referendum.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same party or individual candidate.

(4) A constable or person employed by the CRO must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the appropriate form and signed by an officer of the police of or above the rank of inspector or by the CRO, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

35.—(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the CRO to remove him,

and the person so removed must not, without the presiding officer's permission, again enter the polling station during the day.

⁽⁶³⁾ 1983 c. 2; Regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910 provides the circumstances in which a postal vote should be treated as returned for this purpose.

(3) Any person so removed may, if charged with the commission in the polling station 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 must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

- 36.** Immediately before the commencement of the poll, the presiding officer must—
- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty,
 - (b) lock up such of the boxes as have locks,
 - (c) place his seal—
 - (i) on each lock, and
 - (ii) on each ballot box which has no lock,
 in such a manner as to prevent its being opened without breaking the seal,
 - (d) place each box in his view for the receipt of ballot papers, and
 - (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

37.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put.

| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|---|
| 1 | A person applying as an elector | (a) —Are you the person registered in the register of local government electors for this election as follows (<i>read the whole entry from the register</i>)? [R] (b) —Have you already voted, here or elsewhere in Greater London at this election for London members, otherwise than as proxy for some other person? [R] |
| 2 | A person applying as proxy | (a) —Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] (b) —Have you already voted here or elsewhere in Greater London at this election for London members, as proxy on behalf of C.D.? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R] |

Status: This is the original version (as it was originally made).

| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|--|
| 3 | A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2) | <p>(a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R]</p> <p>(b) —Have you already voted here or elsewhere in Greater London as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R]</p> <p>(c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)?[R]</p> |
| 4 | A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative | Have you already voted here or elsewhere in Greater London at this election for London members, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R] |
| 5 | A person applying as an elector in relation to whom there is an entry in the postal voters list | <p>(a) —Did you apply to vote by post?</p> <p>(b) —Why have you not voted by post?</p> |
| 6 | A person applying as proxy who is named in the proxy postal voters list | <p>(a) —Did you apply to vote by post as proxy?</p> <p>(b) —Why have you not voted by post as proxy?</p> |

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under those subsections.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry may be permitted as to the right of any person to vote.

Challenge of voter

38. A person must not be prevented from voting because—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

39.—(1) A ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out,

- (b) the number of the elector must be marked on the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be issued to him,
 - (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been applied for but without showing the particular ballot paper which may be delivered,
 - (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.
- (2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number may be called out in pursuance of paragraph (1)(a).
- (3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—
- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”,
 - (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.
- (4) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper into the ballot box in the presiding officer’s presence, but so as to conceal his vote.
- (5) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.
- (6) A voter who has had a ballot paper delivered to him under paragraph (1), but has decided not to mark it, may return it to the presiding officer and where the voter does so, the presiding officer must—
- (a) immediately cancel the ballot paper, and for the purposes of these rules treat it as a spoilt ballot paper,
 - (b) place a mark beside the number of that ballot paper on the corresponding number list to show that the ballot paper has been cancelled.
- (7) The same copy of—
- (a) the list of proxies,
 - (b) the register of electors,
 - (c) any notice issued under section 13B(3B) or (3D) of the 1983 Act (marked in the case of an elector who is added to the register in pursuance of such a notice),
- may be used for the election and each relevant election and referendum and one mark may be placed in the list, register or notice (as the case may be) to denote that a ballot paper has been delivered in respect of each election and referendum; except that, where a ballot paper has not been issued in respect of any election or referendum, a different mark must be placed in the list, register or notice so as to identify the election or referendum in respect of which a ballot paper was issued.
- (8) At an ordinary election, the same copy of the list mentioned in rule 29(3)(e), may be used for each Authority election and one mark may be placed in the list, to denote that a ballot paper has been delivered in respect of each Authority election; except that, where a ballot paper has not been issued in respect of any Authority election, a different mark must be placed in the list, so as to identify the elections in respect of which a ballot paper was issued.

Votes marked by presiding officer

- 40.**—(1) The presiding officer, on the application of a voter—

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- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or
- (b) who declares orally that he is unable to read,

must, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name must be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act⁽⁶⁴⁾, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

(4) The same list may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

Voting by persons with disabilities

41.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

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

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as "the companion"), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, 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 election,

the presiding officer must 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 purpose of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person may be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election, or

⁽⁶⁴⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

(b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as the “list of voters with disabilities assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name must be the elector’s number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The declaration made by the companion—

- (a) must be in the appropriate form,
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

(7) No fee or other payment may be charged in respect of the declaration.

(8) The same list of voters with disabilities assisted by companions may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that the votes were so given in respect of each election or referendum, unless the list identifies the election or referendum for which the vote was so given.

Tendered ballot papers: circumstances where available

42.—(1) If a person, representing himself to be—

- (a) a particular elector named in the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 43, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named in the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 43, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

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(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named in the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 43, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

43.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers,
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

(3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name must be the number of that elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 42 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the voter must be ignored,
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears in the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 42 apply as if—

- (a) in rule 42(1)(a), (2)(a) and (5)(a), for “named in the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”,
- (b) in paragraph (1)(b) of this rule for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The same list may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

Spoilt and replacement ballot papers

44.—(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain a replacement for the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

(2) If a voter decides, after he has returned his ballot paper and it has been cancelled in accordance with rule 39(6), but before the close of the poll, that he wishes to vote in the election, he may obtain a replacement for the returned ballot paper.

(3) Before a replacement ballot paper is obtained, the presiding officer must mark the corresponding number list that was marked under rule 39(1) (the corresponding number list)—

(a) in the case of a ballot paper being replaced under paragraph (1) or (2), beside the number of the replacement ballot paper obtained to show—

(i) the number of the elector, and

(ii) the number of the ballot paper which is being replaced; and

(b) in the case of a ballot paper being replaced under paragraph (1), beside the number of the spoiled ballot paper to show that the ballot paper was replaced.

(4) Where the election is taken with a relevant election or referendum the voter must only receive a replacement for a spoiled or returned ballot paper.

(5) If the same corresponding number list is used for more than one Authority election in accordance with rule 39(8)—

(a) the marks made under paragraph (3) must identify the election for which a ballot paper has been replaced, and

(b) any ballot paper which the voter has not applied for or obtained as a replacement, but which bears the same ballot paper number as a ballot paper delivered under rule 39(1), or obtained under paragraph (1) or (2) of this rule—

(i) must not be delivered to the voter,

(ii) must be cancelled, and

(iii) for the purposes of these rules, must be treated as a spoiled ballot paper.

Correction of errors on day of poll

45.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) The same list may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that ballot papers were delivered in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

Adjournment of poll in case of riot

46.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the CRO.

(2) Where the poll is adjourned at any polling station—

(a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and

(b) references in these Rules to the close of the poll must be construed accordingly.

(3) As soon as practicable after being informed of the adjournment of a poll, the CRO must inform the GLRO of that fact and of the cause of its adjournment.

Status: This is the original version (as it was originally made).

(4) If the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then references in this rule to the CRO must be read as references to the returning officer who discharges those functions.

Procedure on close of poll

47.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents appointed for the purposes of the election and each relevant election or referendum, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the list prepared under rule 19, including the part completed in accordance with rule 39(1)(b) (together referred to in these Rules as “the completed corresponding number list”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 45, and the declarations made by the companions of voters with disabilities,

and must deliver the packets or cause them to be delivered to the CRO to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the CRO, the arrangements for their delivery must be approved by the CRO.

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any other relevant election or referendum except for an Authority election.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number list or the certificates as to employment on duty on the day of the poll.

(4) The packets must be accompanied by a statement (“ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoilt ballot papers, and
- (d) tendered ballot papers.

(5) The statement referred to in paragraph (4) may be combined with the statements produced in relation to any other Authority election, but not with those for a relevant election or referendum, and the combined statement must be arranged in such manner as the GLRO may direct.

(6) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in paragraph (1) to the CRO must be taken as references to the returning officer who discharges those functions.

Attendance at verification and the counting of votes

48.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) make arrangements for —
 - (i) carrying out the functions in rule 50(1) (separating ballot papers and verifying ballot paper accounts) at the election in the presence of the counting agents appointed for the purposes of the election and each relevant election and referendum as soon as practicable after the close of the poll, and
 - (ii) for counting the votes in the presence of the counting agents appointed for the purposes of the election,
- (b) give to the counting agents appointed for the purposes of the election and each relevant election and referendum, notice in writing of the time and place at which he will begin carrying out the functions in rule 50(1).

(2) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations he must make arrangements for counting the votes in the presence of the counting agents appointed for the purposes of the election as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and the CRO must give to the counting agents for the election notice in writing of the time and place at which he will begin to count the votes.

(3) No person other than a person entitled to be present at the counting of the votes at the election and at each relevant election or referendum may be present at the proceedings under rule 50(1) (separating ballot papers and verifying ballot paper accounts) unless permitted by the CRO to attend.

(4) No person other than—

- (a) the CRO and his clerks and technical assistants,
- (b) the GLRO,
- (c) the candidates and one other person chosen by each of them,
- (d) the election agents,
- (e) the counting agents,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

may be present at the counting of the votes in accordance with rule 50(2) to (14), unless permitted by the CRO to attend

(5) A person not entitled to attend at the separation and verification or the counting of the votes must not be permitted to do so by the CRO unless the CRO—

- (a) is satisfied that the efficient separation and verification of the ballot paper accounts or, as the case may be, the efficient counting of the votes will not be impeded, and
- (b) has either consulted the candidates or thought it impracticable to do so.

(6) The CRO must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Use of the electronic counting system

49.—(1) The GLRO may provide the CRO with an electronic counting system consisting of computer hardware, software and other equipment or services, for the purpose of counting the number of ballot papers, to verify the ballot paper accounts and to count the votes cast on them.

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(2) Any verification of ballot paper accounts, count or re-count at the election conducted using the electronic counting system must be conducted in accordance with rule 50.

(3) If the GLRO has provided the CRO with an electronic counting system for use at the election, the CRO must obtain the prior written consent of the GLRO before he may conduct the verification of ballot paper accounts or count the votes manually.

(4) If the verification of ballot paper accounts, count or re-count has commenced using the electronic counting system but has not been completed, the CRO may, if he considers it appropriate, discontinue the count and instead count the votes manually.

(5) Where the count or a re-count has been conducted using the electronic counting system, the CRO may, if he considers it appropriate, conduct any re-count without using that system.

(6) Where verification or any count or re-count is conducted using the electronic counting system, any of the steps referred to rule 50, in so far as practicable, may be undertaken—

- (a) concurrently with any other of those steps, or
- (b) in a different order.

Verification and the local count

50.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) in the presence of the counting agents appointed for the purposes of the election and each relevant election or referendum, open each ballot box from each polling station together, and record separately the number of ballot papers used in the election and each relevant election or referendum with which it is taken,
- (b) in the presence of the counting agents appointed for the purposes of the election and each relevant election or referendum, verify each ballot paper account at the election and for each relevant election or referendum,
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and each relevant election or referendum,
- (d) where the same ballot boxes have been used for the election and each relevant election or referendum, separate the ballot papers for all of the Authority elections from those for any other relevant election or referendum.
- (e) make up into packets the ballot papers for each relevant election or referendum (not including those for any Authority election) and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate,
- (f) deliver or cause to be delivered to the returning officer for the relevant election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each, and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that relevant election or referendum, and
- (g) at the same time deliver to that officer the packets that so relate containing—
 - (i) the unused and spoilt ballot papers,
 - (ii) the tendered ballot papers, and
 - (iii) the completed corresponding number lists of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(2) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, and the votes on the ballot papers are not to be counted concurrently with the votes on the ballot papers at a relevant election or referendum, he must—

- (a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given by him in writing to the counting agents under rule 48(2), open each container in the presence of the counting agents;
- (b) where the proceedings on the issue and receipt of postal ballot papers at the election are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People (England and Wales) Regulations 2001⁽⁶⁵⁾, or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000⁽⁶⁶⁾, count such of the postal ballot papers as have been duly returned and record the number counted,

and paragraph (10) below does not apply to these proceedings.

(3) Where separate ballot boxes are used for the ballots at the election and each relevant election and referendum, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.

(4) Where the same ballot boxes are used for the election and other Authority elections, but not for other relevant elections or referendums—

- (a) the CRO must not mix the ballot papers for Authority elections from any ballot box or container with the contents of any other ballot box or container (including a postal ballot box) during the conduct of verification (where this occurs under paragraph (1)), the count or any re-count;
- (b) the ballot boxes from each polling station for the Authority elections shall be opened together and the ballot papers counted (but not necessarily the votes on them) and verified together.

(5) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (6) and reaches the CRO or any polling station in the appropriate area (as defined in paragraph (7)) before the close of the, before the close of the poll,
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches him or such polling station before that time,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) in a case where the steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act⁽⁶⁷⁾, the CRO (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(6) The manner in which any postal paper or postal voting statement may be returned—

- (a) to the CRO, is by hand or by post,
- (b) to a polling station in the appropriate area, is by hand.

(7) For the purposes of paragraphs (5) and (6), “polling station in the appropriate area” means a polling station—

- (a) in the area which is common to the Assembly constituency, and parliamentary constituency, local counting area, electoral area or voting area, as the case may be, in which

⁽⁶⁵⁾ S.I. 2001/341.

⁽⁶⁶⁾ c. 22. Sections 44 and 45 were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 105 was amended by section 105 of the Local Government Act 2003 (c. 26).

⁽⁶⁷⁾ See regulation 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

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the polls at the Authority election and a relevant election or referendum are being taken together, and

(b) in respect of which polls the voter has been issued with a postal ballot paper.

(8) After completing the proceedings under paragraph (1) or (2), the CRO must cause the electronic counting system to process the ballot papers for the election so as to count—

(a) the number of ballot papers, and

(b) votes given on the ballot papers.

(9) The CRO must not cause the electronic counting system to count any tendered ballot paper.

(10) Subject to paragraph (11), the CRO must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any election agent may copy.

(11) The CRO may verify each ballot paper account for the election by comparing it with the number of ballot papers processed by the electronic counting system, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list).

(12) The CRO, while verifying the ballot paper accounts and counting the votes, must take all proper precautions for preventing any person from seeing the numbers and unique identifying marks printed on the back of the papers.

(13) The CRO must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the hours between 5 in the afternoon and 10 on the following morning may be excluded with the prior consent of the GLRO.

(14) During the time so excluded the CRO must—

(a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and

(b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

51.—(1) Any ballot paper—

(a) which does not bear the official mark,

(b) on which votes are given for more than one party or individual candidate,

(c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back,

(d) which is unmarked, or

(e) which is void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

(a) elsewhere than in the proper place, or

(b) otherwise than by means of a cross, or

(c) by more than one mark,

must not for such reason be void if an intention that the vote be given for one only of the party or individual candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) Where the electronic counting system identifies a ballot paper that has been marked, but which appears for whatever reason to be void, it must be examined by a clerk appointed by the CRO in the manner referred to in paragraph (6).

(4) If the clerk, having examined the ballot, considers that the vote is void then the CRO must examine it in the manner referred to in paragraph (6).

(5) After the CRO examines the ballot paper, he must give his decision as to the validity of the vote.

(6) An examination under paragraph (3) or (4) is to be made by the clerk or CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count.

(7) The CRO may examine any ballot paper that he is not required to examine in accordance with paragraph (4)—

- (a) either in the manner referred to in paragraph (6), or
- (b) by examining a paper copy,

and where the CRO does so, he must give a decision on that paper in accordance with paragraph (5).

(8) No person attending the count is to be entitled to require the clerk or CRO to examine a ballot paper or to provide a paper copy for inspection.

(9) A record of the CRO's decision must be retained in the electronic counting system together with, in the case of a decision that the ballot paper is void, his reasons by reference to paragraph (1).

(10) Where a counting agent objects to the CRO's decision the CRO must record on the electronic counting system that the decision was objected to.

(11) The CRO must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of an official mark,
- (b) voting for more than one party or individual candidate,
- (c) writing or mark by which the voter could be identified,
- (d) unmarked ballot paper, or
- (e) void for uncertainty.

(12) As soon as practicable after the completion of the statement under paragraph (11) the CRO must inform—

- (a) such candidates, election agents and counting agents as are present at the count, and
- (b) the GLRO,

of its contents.

Decision on ballot papers

52. The decision of the CRO on any question arising in respect of a ballot paper is final, but may be subject to review on an election petition.

Re-count

53.—(1) A candidate or his election agent (including, in the case of a list candidate, the election agent for that list) or a counting agent authorised under rule 31(3) may, if present when the counting or any re-count of the votes is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

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(2) No step may be taken on the completion of the counting or any re-count of votes until the candidates and election agents and counting agents authorised under rule 31(1) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(3) The CRO may determine the extent to which any re-count involves the electronic counting of votes.

(4) When the returning officer uses the electronic counting system for the re-counting of votes, he must not re-consider any decision made on any ballot paper under rule 51(5).

Procedure at conclusion of local count

54.—(1) As soon as practicable after the conclusion of the local count (including any re-count), the CRO must draw up a statement showing—

- (a) the total number of votes cast,
- (b) the total number of votes rejected under rule 51,
- (c) the number of votes given for each registered party, and
- (d) the number of votes cast for each individual candidate.

(2) As soon as practicable after the statement is drawn up under paragraph (1), the CRO must inform the GLRO of its contents, and if it is practicable to do so, must also provide that information so as to show the total number of votes under each of those heads in each ward.

(3) Where practicable, the CRO must provide the information in the statement under paragraph (1) to the GLRO so as to show and the number of rejected ballot papers in each ward.

(4) As soon as practicable after the GLRO has authorised him to do so, the CRO must—

- (a) inform such of the candidates and their election agents as are then present of the content of the statements prepared in accordance with rule 51 and paragraph (1) of this rule, and
- (b) give public notice of the contents of those statements.

Attendance at allocation of seats

55.—(1) The GLRO must make arrangements for making the allocation of seats in the presence of the election agents of the individual candidates (including, in the case of a list candidate, the election agent for that list); and he must give to those agents notice in writing of the time and place at which he will begin the allocation.

(2) No person other than—

- (a) the GLRO and his clerks,
- (b) the CROs and a clerk or technical assistant chosen by each of them,
- (c) the individual candidates and one person chosen by each of them,
- (d) candidates included on a party list and one person chosen by each of them,
- (e) the election agents,
- (f) the nominating officers of those registered parties standing nominated at the election,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- (h) persons permitted to be present at the central calculation at the election of the Mayor of London,

may be present at an allocation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend an allocation must not be permitted to do so by the GLRO unless the GLRO—

- (a) is satisfied that the efficiency of the allocation will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

The calculation

56.—(1) As soon as the GLRO has received from every CRO the information required by rule 54 he must calculate the London figure for each registered party and individual candidate.

(2) As soon as the GLRO has ascertained the result of the calculation, he must inform such of the election agents for the candidates as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) Where information of the description mentioned in paragraph (4)(e) is given in accordance with paragraph (2), the GLRO must provide the persons to whom it was given with a statement containing—

- (a) the names of the persons concerned, and
- (b) with respect to each such person, the name of the party from whose list his name has been omitted or treated as omitted, and the reason therefor.

(4) In this rule, “the relevant figures” means—

- (a) the number of London votes given in the Assembly constituencies for each registered party and individual candidate at that election,
- (b) in respect of each party, the number of successful candidates to be constituency members, who were the subject of that party’s authorisation under rule 6(5) or 6(7) of the Constituency Members Election Rules,
- (c) the calculation of the London figure,
- (d) any recalculation required by paragraph 8(3), or carried out in the circumstances mentioned in paragraph 8(8), of Schedule 2 to the 1999 Act, and
- (e) the number of persons whose names have been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) who are to be treated as ceasing to be on, a party list.

(5) Paragraph (6) applies where the GLRO is notified under rule 54(5) of the Constituency Members Election Rules that a candidate who is returned as a constituency member is the candidate with a description authorised under rule 6(7)(a) of those Rules (a using a description registered by more than one party).

(6) Where this paragraph applies, the GLRO must, in calculating the London figure of each registered party whose nominating officer issued a certificate to which rule 6(7)(a) of the Constituency Members Election Rules refers, include that candidate as a candidate of that party; and in doing so must disregard the fact that for the purposes of calculating the London figure of another registered party, the candidate is also included as the candidate of that other registered party.

PART 5

Final Proceedings In Contested And Uncontested Elections

Declaration of result

57.—(1) The GLRO must declare the allocation of the seats for London members and, where seats are allocated to a registered party, the names of the persons on the party list who, in accordance with paragraph 8(5) of Schedule 2 to the 1999 Act, are to fill those seats.

(2) The GLRO must give public notice of—

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- (a) the registered parties to which seats for London members have been allocated and the names of the list candidates by whom those seats are to be filled,
- (b) the names of the successful individual candidates,
- (c) the total number of London votes given for each registered party and individual candidate,
- (d) the total number of candidates of registered parties returned as constituency members,
- (e) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers,
- (f) the name of every person included on a party list who has been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) is to be treated as ceasing to be on, that list, together with the reason for the omission or cessation, as the case may be.

(3) Subject to paragraph (4), after the GLRO complies with paragraphs (1) and (2), he may give public notice of the information referred to paragraph (2)(c) and (e) so as to set out the number of votes falling under each of those heads, in respect of each ward.

(4) Where the sum of first preference votes given for all registered parties and individual candidates in any ward does not exceed 500, the GLRO must not give notice under paragraph (3) in respect of that ward alone, but must amalgamate the figures for that ward with those for any other ward in which more than 500 votes have been given, in the same Assembly constituency.

Return or forfeiture of candidate's deposit

58.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 10 must be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day must be disregarded if, in accordance with rule 4, it would be disregarded in computing any period of time for the purposes of the timetable for the election, and
- (b) the deposit will be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the individual candidate or registered party is not shown as standing nominated in the statement of persons nominated, or if proof has been given to the GLRO before the allocation of seats of the death of an individual candidate, then the deposit must be returned as soon as practicable after the publication of the statement or after the individual candidate's death, as the case may be.

(5) Where a poll is taken, if, after the declaration under rule 57, a candidate or registered party is found not to have polled more than one-fortieth of the total number of votes polled by all the candidates and registered parties, the deposit must be forfeited to the Greater London Authority.

PART 6

Disposal Of Documents

Sealing up of ballot papers

59.—(1) On the completion of the counting at a contested election the CRO must seal up in separate packets the counted and rejected ballot papers.

(2) Where some or all of the votes have been counted using the electronic counting system, the CRO must also seal up in a separate packet a complete electronic record (“the electronic record”)

of the information stored in the electronic counting system, held in such device as may be suitable for the purpose of its storage.

(3) After making the electronic record under paragraph (2), the CRO must arrange for the original records in the electronic counting system to be removed from it and destroyed in a manner that ensures that the secrecy of those records is preserved.

(4) The CRO must not open the sealed packets of—

- (a) tendered ballot papers, or
- (b) certificates as to employment on duty on the day of the poll.

(5) Where the CRO discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, he must also not open the sealed packets of—

- (a) the completed corresponding number lists,
- (b) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery and retention of documents

60.—(1) The CRO must then forward the following documents to the relevant registration officer—

- (a) the packets of ballot papers in his possession,
- (b) the packet containing the electronic record (if any),
- (c) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (d) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 45 and the declarations made by the companions of voters with disabilities,
- (e) the packets of the completed corresponding number lists,
- (f) the packets of certificates as to employment on duty on the day of the poll, and
- (g) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the Assembly constituency for which the election was held.

(2) At an election where the returning officer does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (1) must have effect as if sub paragraphs (d), (e) and (f) were omitted.

Orders for production of documents

61.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer, or
- (b) for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in the custody of the relevant registration officer,

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may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An election court may make an order for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates or for the inspection of any counted ballot papers in the custody of the relevant registration officer.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order thinks expedient; but in making and carrying into effect an order for the opening of a packet containing the electronic record or a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

- (i) that his vote was given, and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document or electronic record in his custody relating to any specified election—

- (a) the production by him or his agent of the document or electronic record ordered in such manner as may be directed by that order will be conclusive evidence that the document or electronic record relates to the specified election, and
- (b) any endorsement on any packet of ballot papers so produced will be *prima facie* evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of —

- (a) a ballot paper purporting to have been used at any election, or
- (b) a copy of the electronic record which purports to record that a particular ballot paper was used at any election, and

a completed corresponding number list with a number written beside the number of the ballot paper, will be *prima facie* evidence that the elector whose vote was given by that ballot paper was the person who, at the time of the election, had affixed to his entry in the register of electors or on the notice issued under section 13B(3B) or (3D) of the 1983 Act, the same number as was written on the completed corresponding number list.

(8) The Electoral Commission may require the production and opening of any sealed packet of ballot papers and of any sealed packet containing an electronic copy of information made pursuant to rule 59(2), but only—

- (a) in connection with any review which they are conducting under section 6(2) of the 2000 Act, and
- (b) if the request that they undertake that review includes a request that they examine ballot papers.

(9) In their review of any documents or records to which they have access by virtue of paragraph (8), the Electoral Commission must take care to ensure that the way in which a particular elector has given their vote is not ascertained.

(10) At the termination of their review, the Electoral Commission must reseal in their packets the documents and records produced under paragraph (8), return them to the relevant registration officer, and destroy any copies of those documents and records that have been made.

(11) Unless authorised by this rule, no person may be allowed to inspect any rejected or counted ballot papers in the custody of the relevant registration officer or open any sealed packets of completed corresponding number lists, certificates of employment on the day of the poll or containing the electronic record.

Retention and destruction of documents and records

62. The relevant registration officer must retain or cause to be retained for one year all documents and, where applicable, the electronic record relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrate's court or an election court, must cause them to be destroyed.

PART 7

List Candidates And The Filling Of Vacancies

Interpretation of Part 7

63. In this Part—

“dual candidate” means a person—

- (a) whose name, subject to rule 65, falls to be notified as mentioned in subsection (6) of section 11 of the 1999 Act, and
- (b) who is a candidate (otherwise than at an ordinary election) for election—
 - (i) as the Mayor of London, or
 - (ii) as a constituency member,

“nominating officer”, in relation to a registered party and a vacancy in the office of a London member, means the person who holds that office in the party at the time at which the vacancy arises; and

“paragraph (1) notice” has the meaning given by rule 65(1).

Removal from a party list on election as Mayor or as a constituency member

64.—(1) Where a person whose name is for the time being included in a party list is elected (otherwise than at an ordinary election)—

- (a) as the Mayor of London, or
- (b) as a constituency member,

his name must be removed from that list.

(2) For the purposes of this Part, the name of a person to whom paragraph (1) applies must be treated as ceasing to be included in the list from the date on which he is returned as the Mayor or a constituency member, as the case may be (even if his return is void).

(3) Where proof is given to the GLRO's satisfaction that a person whose name is for the time being included in a party list has died, then the GLRO must remove that person's name from that list.

Notification of vacancy

65.—(1) As soon as the office of a London member who was returned from a registered party's list becomes vacant, the GLRO must simultaneously give or send to—

- (a) the party's nominating officer, and
- (b) the person whose name would, in accordance with subsection (6) of section 11 of the 1999 Act (filling a vacancy among the London members) (and on the assumption that he satisfies the conditions in subsection (4)), be so notified,

written notice ("paragraph (1) notice") of the matters specified in paragraph (2).

(2) The matters specified in this paragraph are—

- (a) the vacancy,
- (b) that the nominating officer may, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, give the notice referred to in subsection (5)(b) of section 11 of the 1999 Act, and
- (c) that the person must, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, indicate whichever of the following apply to him—
 - (i) that he is willing to serve as a London member ("notice of willingness"),
 - (ii) that he is not willing to serve as a London member, and
 - (iii) that he is a dual candidate.

(3) The GLRO must not notify the Chair of the London Assembly as mentioned in section 11(3) of the 1999 Act until—

- (a) the period mentioned in paragraph (2)(b) has elapsed, and
- (b) he has received a notice of willingness, and
- (c) if the person by whom notice of willingness has been given is a dual candidate, the result of the election for which he is a Mayoral or constituency member candidate has been declared.

Unwilling candidate or objection by registered party

66. Where the GLRO receives a notice under rule 65(2)(c)(ii) or section 11(5)(b) of the 1999 Act he must again send a paragraph (1) notice, but with the substitution, for the name of the person to whom the first such notice was sent, of the name of the person who, on the same assumption, would be the next person whose name would be notified in accordance with section 11(6) of that Act; and so on until, in respect of such a person—

- (a) no notice is given under section 11(5)(b) of that Act, and
- (b) a notice of willingness has been received.

Acceptance of office and further notification

67.—(1) As soon as practicable after the GLRO has identified the person who is to fill the vacancy, he must invite him to attend at his office to sign the declaration of acceptance of office.

(2) In a case to which section 11(3) of the 1999 Act applies, as soon as practicable after the declaration of acceptance of office has been signed, the GLRO must notify the Chair of the London Assembly as mentioned in that subsection.

PART 8

Returns And Declarations As to Election Expenses

Declarations as to election expenses

68.—(1) Subject to paragraph (2), the form of the declaration required by section 82(1) of the 1983 Act (agent’s declaration as to election expenses), in the circumstances mentioned in subsection (2A)(a) of that section, is that set out in part 1 of Form 20 of the Forms Schedule.

(2) In a case to which section 82(5A) of the 1983 Act applies, the declaration referred to in paragraph (1) must be modified as specified in part 2 of Form 20.

(3) Subject to paragraph (4), the form of the declaration required by section 82(2) of the 1983 Act (candidate’s declaration as to election expenses), in the circumstances mentioned in subsection (2A)(b) of that section must be that set out in part 1 of the Form 21 of the Forms Schedule.

(4) In a case to which section 82(5A) of the 1983 Act applies, the declaration referred to in paragraph (3) must be modified as specified in part 2 of Form 21.

SCHEDULE 7

Rule 5(5)

THE MAYORAL ELECTION RULES

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PART 1

General Provisions

Citation

1. This Schedule may be cited as the Mayoral Election Rules.

Interpretation

- 2.—(1) In the rules in this Schedule, unless the context indicates otherwise—
 - “candidate” means a candidate to be the Mayor;
 - “Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004⁽⁶⁸⁾;
 - “counting observer” has the same meaning as in regulation 2 of the Referendum Regulations;
 - “counting officer” has the same meaning as in regulation 9 of the Referendum Regulations;
 - “election” mean an election for the return of the Mayor;
 - “electoral area” where the Authority election is held together with a referendum, includes a voting area where the referendum is held;
 - “European Parliamentary election” has the same meaning as in section 27(1) of the Representation of the People Act 1985⁽⁶⁹⁾;

⁽⁶⁸⁾ S.I. 2004/294. Relevant amendments have been made to those regulations by S.I. 2006/3278.

⁽⁶⁹⁾ 1985 c. 50. The definition was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58).

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“local authority mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007⁽⁷⁰⁾;

“local counting area” has the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004⁽⁷¹⁾;

“petition organiser” has the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000⁽⁷²⁾;

“polling observer” has the same meaning as in regulation 2 of the Referendum Regulations;

“referendum” means a referendum conducted under the Referendum Regulations;

“Referendum Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2007⁽⁷³⁾;

“relevant election or referendum” means one or more of the following—

- (a) a Parliamentary election,
- (b) a European Parliamentary election,
- (c) a local government election (including another Authority election where more than one is taken together),
- (d) a local authority mayoral election or referendum in accordance with regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000⁽⁷⁴⁾;

“voting area” has the same meaning as in regulation 2 of the Referendum Regulations.

(2) In the case of a referendum, a reference to a—

- (a) “candidate” shall be construed as a reference to a counting observer,
- (b) “election agent” shall be construed as a reference to a counting observer,
- (c) “polling agent” shall be construed as a reference to polling observer,
- (d) “returning officer” shall be construed as a reference to a counting officer.

(3) Reference to a rule by number alone is a reference to the rule so numbered in this Schedule.

PART 2

Provisions As To Time

Timetable

3. The proceedings at the election must be conducted in accordance with the following timetable:

Timetable

| <i>Proceedings</i> | <i>Time</i> |
|-----------------------------------|--|
| Publication of notice of election | Not later than the thirtieth day before the day of election. |
| Delivery of nomination papers | Not later than noon on the twenty-fourth day before the day of election. |

⁽⁷⁰⁾ [SI 2007/1024](#)

⁽⁷¹⁾ [S.I. 2004/293](#)

⁽⁷²⁾ [S.I. 2000/2852](#)

⁽⁷³⁾ [S.I. 2007/2089](#)

⁽⁷⁴⁾ [2000 c.22](#). Sections 44 and 45 were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41).

| <i>Proceedings</i> | <i>Time</i> |
|---|---|
| Publication of statement as to persons nominated | Not later than noon on the twenty-second day before the day of election. |
| Delivery of notices of withdrawals of candidature | Not later than noon on the twenty-first day before the day of election. |
| Notice of poll | Not later than the sixth day before the day of election. |
| Polling | Between the hours of 7 in the morning and 10 at night on the day of election. |

Computation of time

4.—(1) In computing any period of time for the purposes of the timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

must be disregarded, and any such day must not be treated as a day for the purpose of any proceedings up to the completion of the poll nor must the CRO be obliged to proceed with the counting of the votes on such a day.

(2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(75) in England and Wales.

PART 3

Stages Common To Contested And Uncontested Elections

Notice of election

5.—(1) The GLRO must publish in each Assembly constituency notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must state the arrangements (if any) which apply for the payment of the deposit required by rule 9 by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

- (a) applications to vote by post or proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer for local government electors in order that they may be effective for the election.

Nomination of candidates

6.—(1) Each candidate must be nominated by a separate nomination paper, which must be—

(75) 1971 c. 80

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- (a) in the appropriate form, and
 - (b) delivered to the place fixed for the purpose by the GLRO, which must be at one of the offices of the Greater London Authority before the last time for the delivery of nomination papers.
- (2) A nomination paper must state the candidate's—
- (a) full names,
 - (b) home address, in full, and
 - (c) if desired, description,
- and the surname must be placed first in the list of names.
- (3) If a candidate commonly uses—
- (a) a surname which is different from any other surname he has, or
 - (b) a forename which is different from any other forename he has,
- the nomination paper may state the commonly used surname or forename, or both surname and forename, in addition to the other name.
- (4) The description (if any) can only be—
- (a) one authorised as mentioned in paragraph (5) or (7), or
 - (b) the word “Independent”.
- (5) A nomination paper may not include a description of a candidate that is likely to lead electors to associate the candidate with a registered party unless—
- (a) the party is a qualifying party in relation to Greater London, and
 - (b) the description is authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of the party, and
 - (ii) received by the GLRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.
- (6) In paragraph (5) an authorised description may be either—
- (a) the name of the party registered under section 28 of the 2000 Act⁽⁷⁶⁾, or
 - (b) a description of the party registered under section 28A⁽⁷⁷⁾ of that Act.
- (7) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to Greater London and the description is a registered description authorised by a certificate—
- (a) issued by or on behalf of the registered nominating officer of each of the parties, and
 - (b) received by the GLRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.
- (8) For the purposes of paragraph (7), a description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Act⁽⁷⁸⁾.
- (9) A person will be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (5) or (7) on behalf of a registered party's nominating officer.

⁽⁷⁶⁾ Section 28 of the Political Parties, Elections and Referendums Act 2000 (c.41) was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006 (c.22).

⁽⁷⁷⁾ Section 28A of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

⁽⁷⁸⁾ Section 28B of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

- (10) For the purposes of the application of these rules in relation to an election—
- (a) “registered party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election,
 - (b) a registered party is a qualifying party in relation to Greater London if on the relevant day the party was registered in respect of England in the Great Britain register maintained under that Part of that Act.
- (11) For the purposes of paragraph (10)(a), any day falling within rule 4(1) must be disregarded.

Subscription of nomination papers

7.—(1) The nomination paper of a candidate must be subscribed by at least 330 persons each of whom is entitled to vote at the election; and in relation to each London borough and the City, at least ten of the subscribers must be electors who are ordinarily resident in the borough or, as the case may be, the City.

(2) Where a nomination paper has the signatures of more than the required number of persons as assenting to the nomination of a candidate, the signatures (up to the required number) appearing first on the paper must be taken into account to the exclusion of any others.

(3) The nomination paper must give the electoral number of each person subscribing it.

(4) The GLRO—

(a) must supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

(b) must, at any elector’s request, prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the GLRO.

(5) In this rule—

“elector” means a person named as a local government elector in the register being used at the election in that Assembly constituency, and includes a person shown in the register as below voting age if it appears from the register that he will be of voting age on the day fixed for the poll, but does not include a person who has an anonymous entry in the register, and

“electoral number” means—

(a) a person’s number in that register, or

(b) pending publication of the register, his number (if any) in the electors list for that register.

Consent to nomination

8.—(1) A person will not be validly nominated unless his consent to nomination—

(a) is given in writing in the appropriate form, or a form to like effect, on or within one month before the last day for the delivery of nomination papers;

(b) is attested by one witness whose name and address must be given; and

(c) is delivered at the place and within the time for delivery of nomination papers.

(2) A candidate’s consent given under this rule must—

(a) state the day, month and year of his birth; and

(b) contain a statement that to the best of the candidate’s knowledge and belief he is not disqualified from being elected by reason of—

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- (i) any disqualification set out in section 21 (disqualification from being the Mayor or an Assembly member) of the 1999 Act, or
- (ii) any decision made under section 79 (decisions of case tribunals) the Local Government Act 2000.

Deposits

9.—(1) A person will not be validly nominated as a candidate unless the sum of £10,000 is deposited by him or on his behalf with the GLRO at the place and during the time for delivery of nomination papers.

(2) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker's draft, or
- (c) with the GLRO's consent, in any other manner including by means of a debit or credit card or the electronic transfer of funds,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit must at the time he makes it give his name and address to the GLRO, unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act.

Decisions as to validity of nomination papers

10.—(1) Where a nomination paper and the candidate's consent to it are delivered, and the deposit is made, in accordance with these Rules, the candidate must be deemed to stand nominated unless and until—

- (a) the GLRO decides that the nomination paper is invalid, or
- (b) proof is given to the GLRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The GLRO is entitled to hold the nomination paper of a person invalid only on one of the following grounds—

- (a) that the particulars of the candidate or of the persons subscribing the paper are not as required by law,
- (b) that the paper is not subscribed as so required, and
- (c) that the paper breaks rule 6(5) or (7).

(3) Subject to paragraph (4), the GLRO must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.

(4) If in the GLRO's opinion a nomination paper breaks rule 6(5) or (7), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the end of the period for the delivery of nomination papers set out in the timetable in rule 3.

(5) Where the GLRO decides that a nomination paper is invalid, he must endorse and sign on the paper the fact and the reasons for his decision.

(6) The GLRO must, as soon as practicable after making such a decision in accordance with paragraph (3) or (4) that a ballot paper is valid or invalid, send notice of it to the candidate at his home address as given in his nomination paper.

(7) The GLRO's decision that a nomination paper is valid is final and may not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

11.—(1) The GLRO must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated together with the reason why they no longer stand nominated.

(2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) If a person's nomination paper gives a commonly used surname or forename, or both surname and forename in addition to another name, the statement must show the person's commonly used surname or forename, or both surname and forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the GLRO thinks—

(a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or

(b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the GLRO must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(7) In the case of a person nominated by more than one nomination paper, the GLRO must take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the GLRO in default of the candidate) may select.

Correction of minor errors

12.—(1) The GLRO may, if he thinks fit, at any time before the publication under rule 11 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

(a) errors as to a person's electoral number,

(b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by the GLRO in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.

(4) The GLRO must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Inspection of nomination papers and consent to nomination

13.—(1) During ordinary office hours, in the period starting 24 hours after the latest time for the delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

(2) Inspection under paragraph (1) may not take place on a day that is specified in rule 4(1).

Withdrawal of candidature

14.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address must be given, and
- (b) delivered to the GLRO at the place for delivery of nomination papers,

by the end of the period for the delivery of notices of withdrawals of candidature in the timetable in rule 3.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed, of the candidate's absence from the United Kingdom will be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph will be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

15. If, after any withdrawals under rule 14—

- (a) more than two candidates remain validly nominated, a poll must be taken in accordance with Parts 4 and 5 of these Rules;
- (b) only two candidates remain validly nominated, a poll must be taken in accordance with Part 4;
- (c) only one candidate remains validly nominated, that person must be declared to be elected in accordance with Part 6.

PART 4

Contested Elections

Poll to be taken by ballot

16. The votes at the poll must be given by ballot.

The ballot papers

17.—(1) The ballot of every person entitled to a mayoral vote at the election must consist of a ballot paper which must be in the appropriate form.

(2) Each person remaining validly nominated at the election, after any withdrawals, and no other, is entitled to have their name inserted in the ballot paper.

(3) Every ballot paper—

- (a) must be printed in accordance with the directions set out in the Forms Schedule,
- (b) must contain the names and other particulars of the candidates as shown in the statement of persons nominated,
- (c) must have a number and other unique identifying mark printed on the back, and
- (d) may, in the case of ballot papers for use at polling stations, be marked with the words “do not fold”.

(4) If a candidate who is the subject of a party's authorisation under rule 6(5) so requests, the ballot paper must contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(5) The candidate's request under paragraph (4) must—

(a) be made in writing to the GLRO, and

(b) be received by him during the period for delivery of nomination papers set out in the timetable in rule 3.

(6) The names of the candidates must be arranged alphabetically in order of their surnames and, if there are two or more of them with the same surname, of their other names.

(7) The GLRO must supply the ballot papers for use at the election to the CRO by such date as may be agreed between them.

(8) The papers supplied under paragraph (7) must be of a different colour from those used at any other relevant election or referendum.

The corresponding number list

18.—(1) The CRO must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 23(1) or provided by him in pursuance of rule 28(1).

(2) The list must be in the appropriate form or a form to like effect.

(3) At an ordinary election, the same list may be used for each Authority election with which the election is combined.

The official mark

19.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at any Authority election.

(3) The GLRO may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

20. No person who has voted at the election may, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

21.—(1) The CRO may use, free of charge, for the purpose of taking the poll 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,

(b) a room the expense of maintaining which is met by any local authority.

(2) In relation to an election to fill a vacancy in the office of the Mayor, the CRO must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as is mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

Notice of poll

22.—(1) The GLRO must, in accordance with the timetable in rule 3, publish notice of the poll stating—

- (a) the day and hours fixed for the poll,
- (b) particulars of each candidate remaining validly nominated,

and rule 11(2) applies in relation to the order in which names and particulars appear on the notice of the poll as it applies in relation to the statement of persons nominated.

(2) The CRO must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station, and
- (b) the description of voters entitled to vote there,

and he must as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(3) The notice published under paragraph (2) shall—

- (a) state that the poll at the election is to be taken together with the poll at a relevant election or referendum as the case may be,
- (b) specify the parliamentary constituency, European Parliamentary local counting area, relevant London borough, or voting area; and in the case of an election to fill a casual vacancy, the electoral area for which the relevant election or referendum is held, and
- (c) where the polls are to be taken together in part of the Borough only, specify that part.

(4) At an ordinary election, the notice of poll must include the heading “GREATER LONDON AUTHORITY ELECTION”.

Postal ballot papers

23.—(1) The CRO must, in accordance with regulations made under the 1983 Act⁽⁷⁹⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement, together with such envelopes for their return as may be prescribed in such regulations.

(2) The postal voting statement must be in the appropriate form or a form to like effect.

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).

(4) The CRO 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 of any directions to or 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,
- (d) the directions or guidance in any other form (including any audible form).

(5) In the case of a ballot paper issued to a person at an address in the United Kingdom, the CRO must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

(6) Where the proceedings on the issue and receipt of postal ballot papers at the election are taken together with a relevant election or referendum the appropriate form of postal voting statement

⁽⁷⁹⁾ See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [S.I. 2006/2910](#).

under paragraph (2) may be the joint postal voting statement which must be in the appropriate form or form to like effect.

Provision of polling stations

24.—(1) The CRO must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must 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 parliamentary polling district wholly or partly within the Assembly constituency must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the Assembly constituency.

(4) The CRO must 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

25.—(1) The CRO must appoint and pay a presiding officer to attend at each polling station and such clerks and technical assistants as may be necessary for the purposes of the election, but he must not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The CRO may, if he thinks fit, preside at a polling station and the provisions of this Part relating to a presiding officer apply to the CRO so presiding with the necessary modifications as to things to be done by the CRO to the presiding officer or by the presiding officer to the CRO.

(3) 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 this Part 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

26.—(1) The CRO must as soon as practicable after the publication of the notice of election, send to electors and their proxies an official poll card.

(2) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form or a form to like effect, and must set out—

- (a) that the election is a mayoral election,
- (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 as the CRO thinks appropriate,

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

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the polling card must contain such matter as is specified in the appropriate form.

(5) At an ordinary election, the CRO must issue a combined poll card in the appropriate form.

(6) If the CRO and the returning officer for each relevant election or referendum agree, the poll card issued under this rule may be combined with the official poll card for the relevant election or referendum, with necessary adaptations.

(7) In this rule "elector" means—

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- (a) an elector with an entry on the register to be used at the election on the last day for the publication of the notice of the election, and
- (b) includes a person then shown in the 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.

Information for voters

27.—(1) At an ordinary election, the GLRO may, in addition to a statement by him in an election booklet, include in the booklet information for voters that has been agreed by him with the Electoral Commission.

- (2) The information for voters given in the election booklet may include information about—
 - (a) the office of the Mayor and the London Assembly,
 - (b) the system of voting at each Authority election,
 - (c) how to vote in a manner that will ensure a vote is regarded as validly cast, and

subject to paragraph (3), may include any other information given in exercise of the GLRO's duty under section 69 (encouraging electoral participation) of the 2006 Act.

- (3) The information for voters must not contain—
 - (a) any advertising material,
 - (b) any material referring to a candidate or a registered party other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election,
 - (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

Equipment of polling stations

28.—(1) The CRO must provide each presiding officer with—

- (a) such ballot papers as may be necessary, and
- (b) such ballot boxes as may be necessary having taken account of any direction made by the GLRO in accordance with paragraph (9).

(2) Every ballot box must be so constructed that the ballot papers 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.

- (3) The CRO must provide each polling station with—
 - (a) materials to enable voters to mark the ballot papers,
 - (b) copies of the register of electors for 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),
 - (d) a list consisting of that part of the list prepared under rule 18 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.

(4) The reference in paragraph (3)(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⁽⁸⁰⁾ in respect of alterations to the register.

(5) The CRO must also provide each polling station with a device 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 40.

(6) The device referred to in paragraph (5) above 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 candidate to whom each such space refers, and
 - (iii) mark his vote on the space he has chosen.

(7) The enlarged sample copies of the ballot paper that the GLRO is required to provide, or cause to be displayed at every polling station (in accordance with section 199B(5) and (7) of the 1983 Act) must—

- (a) be provided to the CRO who will deliver them to the polling stations, and
- (b) be printed on paper of the same colour as the ballot paper at the election.

(8) The CRO must also provide each polling station with notices for the guidance of voters, which must be exhibited—

- (a) outside the polling station,
- (b) inside the polling station—
 - (i) in the communal areas, and
 - (ii) in every voting compartment.

(9) If the GLRO thinks fit he may, not later than the date of the notice of election, direct the CRO that joint ballot boxes must be used for the ballot papers at the election and any or all relevant elections or referendums with which the election is taken.

(10) Where separate ballot boxes are to be used for the election and every relevant election or referendum, each ballot box shall be clearly marked with—

- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum, and
- (b) the words “Place the [*specify colour of ballot papers in question*] ballot paper here”.

(11) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in this rule to the CRO should be read as references to the returning officer who does discharge those functions.

Notices for the guidance of voters

29.—(1) The GLRO must prepare and provide each CRO with the notices to be exhibited under rule 28(8).

⁽⁸⁰⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

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(2) The GLRO may provide each CRO with versions of the notices in such other form as he thinks appropriate, in accordance with section 199B (translations etc of certain documents) of the 1983 Act.

(3) Notices for the guidance of voters exhibited under rule 28(8) or paragraph (2) must be in the appropriate form, but may include such alternative information relating to Authority elections as—

- (a) meets with the requirements of the Notices Schedule, and
- (b) the GLRO may decide.

(4) Notices provided under paragraph (2) may, if the CRO agrees, be exhibited at any polling station—

- (a) outside the polling station,
- (b) inside the polling station—
 - (i) in the communal areas,
 - (ii) in every voting compartment.

(5) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in this rule to the CRO should be read as references to the returning officer who does discharge those functions.

Appointment of polling and counting agents

30.—(1) Before the commencement of the poll, each candidate may appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation, and
- (b) counting agents to attend at the mayoral count.

(2) The same person may be appointed as a polling agent or counting agent by more than one candidate.

(3) For each local count, one (but no more than one) counting agent of each candidate may be authorised by the terms of his appointment to require a re-count at that count.

(4) Not more than four polling agents, or such greater number as the CRO may by notice allow, may be permitted to attend at any particular polling station.

(5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO must determine by lot which agents are permitted to attend, and only the agents on whom the lot falls will be deemed to have been duly appointed.

(6) The CRO may limit the number of counting agents, but in doing so must ensure that—

- (a) the number is the same in the case of each candidate, and
- (b) the number allowed to a candidate must 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.

(7) For the purposes of the calculations required by paragraph (6) a counting agent appointed for more than one candidate is a separate agent for each of the candidates for whom he has been appointed.

(8) Notice in writing of the appointment of polling and counting agents, stating the names and addresses of the persons appointed, must be given by the candidate to the CRO and must be so given not later than the fifth day (computed in accordance with rule 4) before the day of the poll.

(9) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and must forthwith give to the CRO notice in writing of the name and address of that other person.

(10) Any appointment authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.

(11) In the following provisions of this Part references to polling agents and counting agents must be taken as reference 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.

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

(13) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(14) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.

(15) 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 agent or agents at the time and place appointed for the purpose will not, if the act or thing is otherwise duly done, invalidate the act or thing done.

(16) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then notices of the appointment of polling agents and counting agents which are required by this rule to be given to the CRO shall be given to the returning officer who discharges those functions.

Notification of requirement of secrecy

31. The CRO must make such arrangements as he thinks fit to ensure that—

- (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 of the provisions of subsections (1), (3) and (6) of section 66 (requirement of secrecy) of the Representation of the People Act 1983⁽⁸¹⁾, 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 of the provisions of subsections (2) and (6) of that section.

Return of postal ballot papers

32.—(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 CRO must mark the list in the manner prescribed by regulations made under the 1983 Act⁽⁸²⁾.

(2) Rule 49(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

Admission to polling station

33.—(1) The presiding officer must exclude all persons from the polling station except—

⁽⁸¹⁾ 1983 c. 2; Section 66 of that Act was amended by the Electoral Administration Act 2006 (c. 22).

⁽⁸²⁾ 1983 c. 2; Regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910 provides the circumstances in which a postal vote should be treated as returned for this purpose.

Status: This is the original version (as it was originally made).

- (a) voters,
 - (b) persons under the age of 18 who accompany voters to the polling station,
 - (c) the candidates and their election agents,
 - (d) the polling agents appointed to attend at the polling station,
 - (e) the clerks appointed to attend at the polling station,
 - (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
 - (g) the constables on duty,
 - (h) the companions of voters with disabilities, and
 - (i) persons entitled to be admitted to the polling station at a relevant election or referendum..
- (2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.
- (3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.
- (4) A constable or person employed by the CRO must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the appropriate form and signed by an officer of the police of or above the rank of inspector or by the CRO, as the case may be.
- (5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

- 34.**—(1) It is the presiding officer’s duty to keep order at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the presiding officer’s lawful orders, he may immediately, by the presiding officer’s order, be removed from the polling station—
- (a) by a constable in or near that station, or
 - (b) by any other person authorised in writing by the CRO to remove him,
- and the person so removed must not, without the presiding officer’s permission, again enter the polling station during the day.
- (3) Any person so removed may, if charged with the commission in the polling station 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 must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

- 35.** Immediately before the commencement of the poll, the presiding officer must—
- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty,
 - (b) lock up such of the boxes as have locks,
 - (c) place his seal—
 - (i) on each lock, and
 - (ii) on each ballot box which has no lock,in such a manner as to prevent its being opened without breaking the seal,
 - (d) place each box in his view for the receipt of ballot papers, and

- (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

36.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following Table—

- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
 (b) must be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put.

| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|---|
| 1 | A person applying as an elector | <p>(a) —Are you the person registered in the register of local government electors for this election as follows (<i>read the whole entry from the register</i>)? [R]</p> <p>(b) —Have you already voted, here or elsewhere in Greater London at this election for the Mayor of London, otherwise than as proxy for some other person? [R]</p> |
| 2 | A person applying as proxy | <p>(a) —Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R]</p> <p>(b) —Have you already voted here or elsewhere in Greater London at this election for the Mayor of London, as proxy on behalf of C.D.? [R]</p> <p>(c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]</p> |
| 3 | A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2) | <p>(a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R]</p> <p>(b) —Have you already voted here or elsewhere in Greater London as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R]</p> <p>(c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R]</p> |
| 4 | A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative | Have you already voted here or elsewhere in Greater London at this election for the Mayor of London, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?[R] |

Status: This is the original version (as it was originally made).

| <i>Q. No.</i> | <i>Person applying for ballot paper</i> | <i>Question</i> |
|---------------|---|---|
| 5 | A person applying as an elector in relation to whom there is an entry in the postal voters list | (a) —Did you apply to vote by post? (b) —Why have you not voted by post? |
| 6 | A person applying as proxy who is named in the postal voters list | (a) —Did you apply to vote by post as proxy? (b) —Why have you not voted by post as proxy? |

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under those subsections.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry may be permitted as to the right of any person to vote.

Challenge of voter

37. A person must not be prevented from voting because—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

38.—(1) A ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 28(3)(d) beside the number of the ballot paper to be issued to him,
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been applied for but without showing the particular ballot paper which may be delivered,
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number may be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper into the ballot box in the presiding officer's presence, but so as to conceal his vote.

(5) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

(6) A voter who has had a ballot paper delivered to him under paragraph (1), but has decided not to mark it, may return it to the presiding officer and where the voter does so, the presiding officer must—

- (a) immediately cancel the ballot paper, and for the purposes of these rules treat it as a spoilt ballot paper,
- (b) place a mark beside the number of that ballot paper on the corresponding number list to show that the ballot paper has been cancelled.

(7) The same copy of—

- (a) the list of proxies,
- (b) the register of electors,
- (c) any notice issued under section 13B(3B) or (3D) of the 1983 Act (marked in the case of an elector who is added to the register in pursuance of such a notice),

may be used for the election and each relevant election and referendum and one mark may be placed in the list, register or notice (as the case may be) to denote that a ballot paper has been delivered in respect of each election and referendum; except that, where a ballot paper has not been issued in respect of any election or referendum, a different mark must be placed in the list, register or notice so as to identify the election or referendum in respect of which a ballot paper was issued.

(8) At an ordinary election, the same copy of the list mentioned in rule 28(3)(d), may be used for each Authority election and one mark may be placed in the list, to denote that a ballot paper has been delivered in respect of each Authority election; except that, where a ballot paper has not been issued in respect of any Authority election, a different mark must be placed in the list, so as to identify the elections in respect of which a ballot paper was issued.

Votes marked by presiding officer

39.—(1) The presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or
- (b) who declares orally that he is unable to read,

must, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name must be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act⁽⁸³⁾, paragraph (2) applies as if for "on the register of electors of every voter"

⁽⁸³⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

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there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The same list may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

Voting by persons with disabilities

40.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

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

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, 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 election,

the presiding officer must 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 purpose of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person may be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election, or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as the “list of voters with disabilities assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name must be the elector’s number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The declaration made by the companion—

- (a) must be in the appropriate form, and
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and

(c) must forthwith be given to the presiding officer who must attest and retain it.

(7) No fee or other payment may be charged in respect of the declaration.

(8) The same list of voters with disabilities assisted by companions may be used for each relevant election and referendum, and where it is so used, an entry in that list must be taken to mean that the votes were so given in respect of each election and referendum, unless the list identifies the election or referendum for which the vote was so given.

Tendered ballot papers: circumstances where available

41.—(1) If a person, representing himself to be—

- (a) a particular elector named in the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named in the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named in the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

42.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers,

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- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register of electors, and set aside in a separate packet.
- (2) The name of the voter and his number on the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).
- (3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name must be the number of that elector.
- (4) In the case of an elector who has an anonymous entry, this rule and rule 41 apply subject to the following modifications—
 - (a) in paragraphs (1)(b) and (2) above, the references to the name of the voter must be ignored,
 - (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears in the register or list (as the case may be).
- (5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 41 apply as if—
 - (a) in rule 41(1)(a), (2)(a) and (5)(a), for “named in the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”,
 - (b) in paragraph (1)(b) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”,
 - (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.
- (6) The same list may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election for which a tendered ballot paper was delivered.

Spoilt and replacement ballot papers

43.—(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain a replacement for the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

(2) If a voter decides, after he has returned his ballot paper and it has been cancelled in accordance with rule 38(6), but before the close of the poll, that he wishes to vote in the election, he may obtain a replacement for the returned ballot paper.

(3) Before a replacement ballot paper is obtained, the presiding officer must mark the corresponding number list that was marked under rule 38(1) (the corresponding number list)—

- (a) in the case of a ballot paper being replaced under paragraph (1) or (2), beside the number of the replacement ballot paper obtained to show—
 - (i) the number of the elector, and
 - (ii) the number of the ballot paper which is being replaced; and
- (b) in the case of a ballot paper being replaced under paragraph (1), beside the number of the spoilt ballot paper to show that the ballot paper was replaced.

(4) Where the election is taken with a relevant election or referendum the voter must only receive a replacement for a spoilt or returned ballot paper.

(5) If the same corresponding number list is used for more than one Authority election in accordance with rule 38(8)—

- (a) the marks made under paragraph (3) must identify the election for which a ballot paper has been replaced, and
- (b) any ballot paper which the voter has not applied for or obtained as a replacement, but which bears the same ballot paper number as a ballot paper delivered under rule 38(1), or obtained under paragraph (1) or (2) of this rule—
 - (i) must not be delivered to the voter,
 - (ii) must be cancelled, and
 - (iii) for the purposes of these rules, must be treated as a spoilt ballot paper.

Correction of errors on day of poll

44.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) The same list may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that ballot papers were delivered in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

Adjournment of poll in case of riot

45.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the CRO.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
- (b) references in these Rules to the close of the poll must be construed accordingly.

(3) As soon as practicable after the CRO has received notice of the adjournment of a poll he must inform the GLRO of that fact and of the cause of its adjournment.

(4) If the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then references in this rule to the CRO must be read as references to the returning officer who discharges those functions.

Procedure on close of poll

46.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents appointed for the purposes of the election and each relevant election or referendum, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,

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- (e) the list prepared under rule 18, including the part completed in accordance with rule 38(1)(b) (together referred to in these Rules as “the completed corresponding number list”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 44, and the declarations made by the companions of voters with disabilities,

and must deliver the packets or cause them to be delivered to the CRO to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the CRO, the arrangements for their delivery must be approved by the CRO.

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any other relevant election or referendum except for an Authority election.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number list or the certificates as to employment on duty on the day of the poll.

(4) The packets must be accompanied by a statement (“the ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

(5) At an ordinary election, the statement referred to in paragraph (4) may be combined with the statements produced in relation to any other Authority elections, but not with those for a relevant election or referendum, and the combined statement must be arranged in such manner as the GLRO may direct.

(6) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in paragraph (1) to the CRO must be taken as references to the returning officer who discharges those functions.

Attendance at verification and the counting of votes

47.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) make arrangements for —
 - (i) carrying out the functions in rule 49(1) (separating ballot papers and verifying ballot paper accounts) at the election in the presence of the counting agents appointed for the purposes of the election and each relevant election and referendum as soon as practicable after the close of the poll, and
 - (ii) for counting the votes in the presence of the counting agents appointed for the purposes of the election,
- (b) give to the counting agents appointed for the purposes of the election and each relevant election and referendum, notice in writing of the time and place at which he will begin carrying out the functions in rule 49(1).

(2) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations he must make arrangements for counting the votes in the presence of the

counting agents appointed for the purposes of the election as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and the CRO must give to the counting agents for the election notice in writing of the time and place at which he will begin to count the votes.

(3) No person other than a person entitled to be present at the counting of the votes at the election and at each relevant election or referendum may be present at the proceedings under rule 49(1) (separating ballot papers and verifying ballot paper accounts) unless permitted by the CRO to attend.

(4) No person other than—

- (a) the CRO and his clerks and technical assistants,
- (b) the GLRO,
- (c) the candidates and one other person chosen by each of them,
- (d) the election agents,
- (e) the counting agents,

(f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act, may be present at the counting of the votes in accordance with rule 49(2) to (14), unless permitted by the CRO to attend

(5) A person not entitled to attend at the separation and verification or the counting of the votes must not be permitted to do so by the CRO unless the CRO—

- (a) is satisfied that the efficient separation and verification of the ballot paper accounts or, as the case may be, the efficient counting of the votes will not be impeded, and
- (b) has either consulted the candidates or thought it impracticable to do so.

(6) The CRO must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Use of the electronic counting system

48.—(1) The GLRO may provide the CRO with an electronic counting system consisting of computer hardware, software and other equipment or services, for the purpose of counting the number of ballot papers, to verify the ballot paper accounts and to count the votes cast on them.

(2) Any verification of ballot paper accounts, count or re-count at the election conducted using the electronic counting system must be conducted in accordance with rule 49.

(3) If the GLRO has provided the CRO with an electronic counting system for use at the election, the CRO must obtain the prior written consent of the GLRO before he may conduct the verification of ballot paper accounts or count the votes manually.

(4) If the verification of ballot paper accounts, count or re-count has commenced using the electronic counting system but has not been completed, the CRO may, if he considers it appropriate, discontinue the count and instead count the votes manually.

(5) Where the count or a re-count has been conducted using the electronic counting system, the CRO may, if he considers it appropriate, conduct any re-count without using that system.

(6) Where verification or any count or re-count is conducted using the electronic counting system, any of the steps referred to rule 49, in so far as practicable, may be undertaken—

- (a) concurrently with any other of those steps, or
- (b) in a different order.

Verification and the local count

49.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) in the presence of the counting agents appointed for the purposes of the election and each relevant election or referendum, open each ballot box from each polling station together, and record separately the number of ballot papers used in the election and each relevant election or referendum with which it is taken,
- (b) in the presence of the counting agents appointed for the purposes of the election and each relevant election or referendum, verify each ballot paper account at the election and for each relevant election or referendum,
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and each relevant election or referendum,
- (d) where the same ballot boxes have been used for the election and each relevant election or referendum, separate the ballot papers for all of the Authority elections from those for any other relevant election or referendum.
- (e) make up into packets the ballot papers for each relevant election or referendum (not including those for any Authority election) and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate,
- (f) deliver or cause to be delivered to the returning officer for the relevant election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each, and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that relevant election or referendum, and
- (g) at the same time deliver to that officer the packets that so relate containing—
 - (i) the unused and spoilt ballot papers,
 - (ii) the tendered ballot papers, and
 - (iii) the completed corresponding number lists of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(2) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, and the votes on the ballot papers are not to be counted concurrently with the votes on the ballot papers at a relevant election or referendum, he must—

- (a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given by him in writing to the counting agents under rule 47(2), open each container in the presence of the counting agents;
- (b) where the proceedings on the issue and receipt of postal ballot papers at the election are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People (England and Wales) Regulations 2001⁽⁸⁴⁾, or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000⁽⁸⁵⁾, count such of the postal ballot papers as have been duly returned and record the number counted,

and paragraph (10) below does not apply to these proceedings.

⁽⁸⁴⁾ S.I. 2001/341.

⁽⁸⁵⁾ c. 22. Sections 44 and 45 were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 105 was amended by section 105 of the Local Government Act 2003 (c. 26).

(3) Where separate ballot boxes are used for the ballots at the election and each relevant election and referendum, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.

(4) Where the same ballot boxes are used for the election and other Authority elections, but not for other relevant elections or referendums—

- (a) the CRO must not mix the ballot papers for Authority elections from any ballot box or container with the contents of any other ballot box or container (including a postal ballot box) during the conduct of verification (where this occurs under paragraph (1)), the count or any re-count;
- (b) the ballot boxes from each polling station for the Authority elections shall be opened together and the ballot papers counted (but not necessarily the votes on them) and verified together.

(5) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (6) and reaches the CRO or any polling station in the appropriate area (as defined in paragraph (7)) before the close of the, before the close of the poll,
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches him or such polling station before that time,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) in a case where the steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act⁽⁸⁶⁾, the CRO (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(6) The manner in which any postal paper or postal voting statement may be returned—

- (a) to the CRO, is by hand or by post,
- (b) to a polling station in the appropriate area, is by hand.

(7) For the purposes of paragraphs (5) and (6), “polling station in the appropriate area” means a polling station—

- (a) in the area which is common to the Assembly constituency, and parliamentary constituency, local counting area, electoral area or voting area, as the case may be, in which the polls at the Authority election and a relevant election or referendum are being taken together, and
- (b) in respect of which polls the voter has been issued with a postal ballot paper.

(8) After completing the proceedings in paragraph (1) or (2), the CRO must cause the electronic counting system to process the ballot papers for the election so as to count—

- (a) the number of ballot papers, and
- (b) votes given on the ballot papers.

(9) The CRO must not cause the electronic counting system to count any tendered ballot paper.

(10) Subject to paragraph (11), the CRO must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any election agent may copy.

⁽⁸⁶⁾ See regulation 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

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(11) The CRO may verify each ballot paper account for the election by comparing it with the number of ballot papers processed by the electronic counting system, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list).

(12) The CRO, while verifying the ballot paper accounts and counting the votes, must take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(13) The CRO must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the hours between 5 in the afternoon and 10 on the following morning may be excluded with the prior consent of the GLRO.

(14) During the time so excluded the CRO must—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and
- (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

50.—(1) Any ballot paper—

- (a) which does not bear the official mark,
- (b) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back,
- (c) which is unmarked,
- (d) which is void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

must not for such reason be void if—

- (i) at an election at which more than two candidates remain validly nominated, an intention that a first preference vote be given for not more than one of the candidates clearly appears,
- (ii) at any other election, an intention that a vote is for one only of the candidates clearly appears.

(3) A ballot paper which—

- (a) is not void, and
- (b) on which an intention that a second preference vote be given for not more than one of the candidates clearly appears,

will be valid as respects that second preference vote and must be counted accordingly.

(4) Where the electronic counting system identifies a ballot paper that has been marked, but which appears—

- (a) to be void, or
- (b) to contain a first preference vote that can be counted, and another mark that cannot be counted as a second preference vote,

then that ballot paper must be examined by a clerk appointed by the CRO in the manner referred to in paragraph (7).

(5) If the clerk, having examined the ballot paper, considers that—

- (a) it is void, or
- (b) that it is marked with a first preference vote that can be counted, but that it is not marked with a second preference vote that can be counted,

then the CRO must examine it in the manner referred to in paragraph (7).

(6) After the CRO examines the ballot paper, he must give his decision as to whether or not—

- (a) it is void, or
- (b) it is marked with a second preference vote that can be counted.

(7) An examination under paragraph (4) or (5) is to be made by the clerk or CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count.

(8) The CRO may examine any ballot paper that he is not required to examine in accordance with paragraphs (5)—

- (a) either in the manner referred to in paragraph (7), or
- (b) by examining a paper copy,

and where the CRO does so, he must give a decision on that paper in accordance with paragraph (6),

(9) No person attending the count is to be entitled to require the clerk or CRO to examine a ballot paper or to provide a paper copy for inspection.

(10) A record of the CRO's decision under paragraph (6) must be retained in the electronic counting system together, in the case of a decision that the ballot is void, with his reasons by reference to paragraph (1).

(11) If a counting agent objects to the CRO's decision that the ballot paper—

- (a) is void, or
- (b) is marked with a second preference vote that cannot be counted,

the CRO must record on the electronic counting system that the decision was objected to.

(12) A record must be retained in the electronic counting system of the number of ballot papers which are not void, but on which a second preference vote has not been counted because—

- (a) a vote has not been marked,
- (b) a vote has been given for more than one candidate, or
- (c) there is uncertainty as to for whom a vote was given.

(13) The CRO must draw up a statement showing the number of rejected ballot papers under the several heads of—

- (a) want of an official mark,
- (b) voting for more than one candidate as to first preference vote,
- (c) writing or mark by which the voter could be identified,
- (d) unmarked as to the first preference vote, and
- (e) void for uncertainty.

(14) As soon as practicable after the completion of the statement under paragraph (13) the CRO must inform—

- (a) such candidates, election agents and counting agents as are present at the count, and
- (b) the GLRO,

of its contents.

(15) The CRO must also include in the statement drawn up under paragraph (13), the numbers of second preference votes for which a record has been retained, set out under the several heads in subparagraphs (12)(a) to (c).

Decisions on ballot papers

51. The decision of the CRO on any question arising in respect of a ballot paper is final, but may be subject to review on an election petition.

Re-count

52.—(1) A candidate or his election agent or a counting agent authorised under rule 30(3) may, if present when the counting or any re-count of the votes, is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

(2) No step may be taken on the completion of the counting or any re-count of votes, until the candidates and election agents and counting agents authorised under rule 30(1) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(3) The CRO may determine the extent to which any re-count involves the electronic counting of votes.

(4) When the returning officer uses the electronic counting system for the re-counting of votes, he must not re-consider any decision made on any ballot paper under rule 50(6).

Procedure at conclusion of local count

53.—(1) As soon as practicable after the conclusion of the local count (including any re-count), the CRO must draw up a statement showing—

- (a) the total number of ballot papers used,
- (b) the total number of rejected ballot papers,
- (c) at an election contested by more than two candidates—
 - (i) the total number of first preference votes given,
 - (ii) the number of first preference votes given for each candidate, and
 - (iii) the total number of second preference votes given for each candidate correlated with the way the first preference votes have been cast.
- (d) at an election contested by only two candidates, the number of votes given for each candidate.

(2) As soon as practicable after the statement is drawn up under paragraph (1), the CRO must inform the GLRO of its contents, and if it is practicable to do so, must also provide that information so as to show the total number of votes under each of those heads in each ward.

(3) As soon as practicable after the GLRO has authorised him to do so, the CRO must—

- (a) inform such of the candidates and their election agents as are then present of the contents of the statements prepared in accordance with rule 50 and paragraph (1) of this rule, and
- (b) give public notice of the contents of those statements.

Attendance at the central calculation

54.—(1) The GLRO must make arrangements for making the calculations made under rules 55 and 56 in the presence of the election agents and he must give to those agents notice in writing of the time and place at which he will begin the calculation.

- (2) No person other than—
- (a) the GLRO and his clerks,
 - (b) the CROs and a clerk or technical assistant chosen by each of them,
 - (c) the candidates and one person chosen by each of them,
 - (d) the election agents,
 - (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
 - (f) at an ordinary election, the persons permitted to be present at the central calculation at the election of the Mayor of London,

may be present at a calculation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend a calculation must not be permitted to do so by the GLRO unless he—

- (a) is satisfied that the efficiency of the calculation will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

The first calculation and resolution of equality

55.—(1) As soon as the GLRO has received the information required by rule 53 from every CRO he must—

- (a) in relation to an election contested by more than two candidates, ascertain the total of the first preference votes given in the Assembly constituencies to each candidate, and
- (b) in relation to an election contested by only two candidates, ascertain the total number of votes given in the Assembly constituencies to each candidate.

(2) As soon as the GLRO has ascertained the result of the calculation, he must inform such of the election agents as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) In paragraph (2), “the relevant figures” means—

- (a) in the case of an election contested by more than two candidates, the number of first preference votes given in each of the Assembly constituencies for each candidate and the calculation undertaken by the GLRO for the purposes of ascertaining whether a candidate is to be returned in accordance with paragraph 3 of Schedule 2 to the 1999 Act (candidate with overall majority of first preference votes),
- (b) in the case of an election contested by only two candidates, the number of votes given in each Assembly constituency for each candidate and the total number of votes given for each candidate.

(4) Where an election is contested by more than two candidates—

- (a) if paragraph 3 of Schedule 2 to the 1999 Act applies (candidate with overall majority of first preference votes) the declaration of the person to be returned as the Mayor must be made in accordance with rule 58, or
- (b) if paragraph 4(1) of that Schedule applies (no candidate with overall majority of first preference votes), the GLRO must proceed with the second calculation in accordance with Part 5.

(5) Where an election is contested by only two candidates and the total number of votes given for each of them is unequal the person to be returned as the Mayor is the candidate to whom the majority of the votes is given.

Status: This is the original version (as it was originally made).

(6) Where an election is contested by only two candidates and the total number of votes given for each of them is equal, the person to be returned as the Mayor is the person whom the GLRO decides, in accordance with paragraph 4(8) of Schedule 2 to the 1999 Act, is to be returned as the Mayor.

(7) In a case to which paragraph (5) or (6) applies, the declaration of the person to be returned as the Mayor must be made in accordance with rule 58.

PART 5

Further Provision: More Than Two Candidates

The second calculation and resolution of equality

56.—(1) As soon as the GLRO has determined that paragraph 4(1) of Schedule 2 to the 1999 Act applies he must comply with paragraphs 4(5) and (6) of Schedule 2 to the 1999 Act.

(2) As soon as the GLRO has ascertained the result of the second calculation, he must provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) In paragraph (2), “the relevant figures” means—

- (a) the number of second preference votes given in each of the Assembly constituencies for each of the candidates remaining in the contest, and
- (b) the calculation undertaken by the GLRO for the purpose of ascertaining the total number of first and second preference votes given to each of those candidates.

(4) If, after the second calculation, the total number of votes given for two or more candidates is equal, the person to be returned as the Mayor is the person whom the GLRO decides, in accordance with paragraph 4(8) of Schedule 2 to the 1999 Act, is to be returned as the Mayor.

PART 6

Final Proceedings In Contested And Uncontested Elections

Declaration of result

57.—(1) The GLRO must declare to be elected as the Mayor of London the candidate who, in accordance with section 4(2) of the 1999 Act or Part I of Schedule 2 to that Act (including those provisions as applied by section 16(4) at an election to fill a vacancy), as the case may be, is to be returned as the Mayor at that election.

(2) The GLRO must give public notice of—

- (a) the name of the of the person declared to be elected and his authorised description, if any, within the meaning of rule 6(5) or (7),
- (b) the total number of first preference votes given for each candidate,
- (c) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes,
- (d) the number of rejected ballot papers at the election under each head shown in the statement of rejected ballot papers, and
- (e) the number of ballot papers on which no second preference vote was counted under each head shown in the statement of rejected ballot papers,

(3) In an uncontested election, the GLRO must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the candidate remaining validly nominated, and
- (b) give public notice of the name of the person declared to be elected and his authorised description, if any, within the meaning of rule 6(5) or (7).

(4) Subject to paragraph (5), after the GLRO complies with paragraphs (1) and (2), he may in so far as is practicable, give public notice of the information referred to paragraph (2)(b) to (e) so as to set out the number of votes falling under each of those heads, in respect of each ward.

(5) Where the sum of first preference votes given for all candidates in any ward does not exceed 500, the GLRO must not give notice under paragraph (4) in respect of that ward alone, but must amalgamate the figures for that ward with those for any other ward in which more than 500 votes have been given, in the same Assembly constituency.

Return or forfeiture of candidate's deposit

58.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 must be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day must be disregarded if, in accordance with rule 4, it would be disregarded in computing any period of time for the purposes of the timetable for the election, and
- (b) the deposit must be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof of his death has been given to the GLRO before the first calculation under rule 55, the deposit must be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(5) Where a poll is taken, if, after the first calculation under rule 55, the candidate is found not to have polled more than one-twentieth of the total number of first preference votes polled by all the candidates, the deposit must be forfeited to the Greater London Authority.

PART 7

Disposal Of Documents

Sealing up of ballot papers

59.—(1) On the completion of the counting at a contested election the CRO must seal up in separate packets the counted and rejected ballot papers.

(2) Where some or all of the votes have been counted using the electronic counting system, the CRO must also seal up in a separate packet a complete electronic record (“the electronic record”) of the information stored in the electronic counting system, held in such device as may be suitable for the purpose of its storage.

(3) After making the electronic record under paragraph (2), the CRO must arrange for the original records in the electronic counting system to be removed from it and destroyed in a manner that ensures that the secrecy of those records is preserved.

(4) The CRO must not open the sealed packets of—

Status: This is the original version (as it was originally made).

- (a) tendered ballot papers, or
 - (b) certificates as to employment on duty on the day of the poll.
- (5) Where the CRO discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, he must also not open the sealed packets of—
- (a) the completed corresponding number lists,
 - (b) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery and retention of documents

60.—(1) The CRO must then forward the following documents to the relevant registration officer—

- (a) the packets of ballot papers in his possession,
- (b) the packet containing the electronic record (if any),
- (c) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (d) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 44 and the declarations made by the companions of voters with disabilities,
- (e) the packets of the completed corresponding number lists,
- (f) the packets of certificates as to employment on duty on the day of the poll, and
- (g) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the Assembly constituency for which the election was held.

(2) At an election where the returning officer does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (1) must have effect as if sub paragraphs (d), (e) and (f) were omitted.

Orders for production of documents

61.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer, or
- (b) for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in the custody of the relevant registration officer,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An election court may make an order for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates or for the inspection of any counted ballot papers in the custody of the relevant registration officer.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,

- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order thinks expedient; but in making and carrying into effect an order for the opening of a packet containing the electronic record or a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

- (i) that his vote was given, and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document in his custody relating to any specified election—

- (a) the production by him or his agent of the document or electronic record ordered in such manner as may be directed by that order will be conclusive evidence that the document or electronic record relates to the specified election, and
- (b) any endorsement on any packet of ballot papers so produced will be *prima facie* evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of —

- (a) a ballot paper purporting to have been used at any election, or
- (b) a copy of the electronic record which purports to record that a particular ballot paper was used at any election, and

a completed corresponding number list with a number written beside the number of the ballot paper, will be *prima facie* evidence that the elector whose vote was given by that ballot paper was the person who, at the time of the election, had affixed to his entry in the register of electors or on the notice issued under section 13B(3B) or (3D) of the 1983 Act, the same number as was written on the completed corresponding number list.

(8) Unless authorised by this rule, no person may be allowed to inspect any rejected or counted ballot papers in the custody of the relevant registration officer or open any sealed packets of completed corresponding number lists, certificates of employment on the day of the poll or containing the electronic record.

Retention and destruction of documents and records

62. The relevant registration officer must retain or cause to be retained for one year all documents and, where applicable, electronic records relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrate's court or an election court, must cause them to be destroyed.

PART 8

Death Of Candidate

Deceased independent candidate

63.—(1) This rule applies if at a contested election proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named or to be named in the ballot papers as an independent candidate has died.

(2) Subject to this rule and rules 65 and 66, these rules apply to the election as if the candidate had not died.

(3) The following provisions of these rules do not apply in relation to the deceased candidate—

- (a) rule 33(1)(c) and (d) (admission to polling station),
- (b) rule 47(3)(c) to (e) (attendance at count),
- (c) rule 58(5) (forfeiture of deposit).

(4) If only two persons are shown as standing nominated in the statement of persons nominated the GLRO must—

- (a) if polling has not begun, countermand the notice of poll,
- (b) if polling has begun, direct that the poll is abandoned, and
- (c) subject to rule 66, treat the election as an uncontested election.

(5) For the purposes of this rule a person is named or to be named on the ballot papers as an independent candidate if the description (if any) on his nomination paper is not authorised as mentioned in rule 6(5) or (7).

Deceased independent candidate wins

64.—(1) This rule applies if at an election mentioned in rule 63 either—

- (a) the deceased candidate is given a majority of votes in accordance with rules 55(5) or (6),
- (b) the deceased candidate is given more than half of all the first preference votes in accordance with rule 55(4)(a), or
- (c) the deceased candidate is given the greatest total number of votes following the second calculation in accordance with rule 56.

(2) Rule 57 (declaration of result) does not apply but the GLRO must—

- (a) declare that the majority or greatest total number of votes has been given to the deceased candidate,
- (b) declare that no person is returned, and
- (c) give public notice of the relevant figures supplied to election agents in accordance with rules 56(2) and 57(2) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(3) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents apply to any documents relating to a poll to which paragraph (1) applies as they would if the election had resulted in a declaration under rule 57.

(4) Rule 58 (return or forfeiture of candidate's deposit) does not apply in relation to the remaining candidates.

(5) The election must be commenced afresh within the period of 35 days (computed in accordance with rule 4) beginning with the day of the election to which paragraph (1) applies.

(6) The proceedings with reference to the recommended election must be conducted in accordance with these Rules as modified by the following provisions of this rule and the provisions in the By-election timetable.

(7) No fresh nomination is necessary in the case of a person shown in the statement of persons nominated for the election to which paragraph (1) applies, and no other nomination may be made for the recommended election.

(8) Instead of the information required by rule 5(1)(a) (date by which nomination papers must be received), the notice of election issued at the recommended election must state that no fresh nomination may be made.

(9) Rule 9 (deposit) does not apply.

Party candidate

65.—(1) This rule applies if—

- (a) at a contested election, proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot paper has died, and
- (b) that person is standing in the name of a registered party.

(2) The GLRO must—

- (a) countermand notice of the poll, or
- (b) if polling has begun, direct that the poll be abandoned,

and the provisions of section 39(1) and (5) (local elections void etc. in England and Wales) of the 1983 Act apply in respect of the unfilled vacancy.

(3) For the purposes of this rule—

- (a) a person stands in the name of a registered party if his nomination paper contains a description which is authorised as mentioned in rule 6(5) or (7).
- (b) a registered party is a party which is registered under Part 2 of the 2000 Act.

Abandoned poll

66.—(1) This rule applies to—

- (a) a poll which is abandoned in pursuance of rule 63(4)(b) as if it were a poll at a contested election, or
- (b) a poll which is abandoned in pursuance of rule 65(2)

(2) The presiding officer at any polling station must take the like steps (so far as not already taken) for the delivery to the CRO of the ballot box and of ballot papers and other documents in his possession as he is required to do on the close of the poll.

(3) The CRO must dispose of the ballot papers and other documents in his possession as he is required to do on the completion of the counting of the votes.

(4) It is not necessary for a ballot paper account to be prepared or verified.

(5) The CRO must take no step or further step for the counting of the ballot papers or of the votes.

(6) The CRO must seal up all the ballot papers (whether the votes on them have been counted or not) and it will not be necessary to seal up counted and rejected ballot papers in separate packets.

(7) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply subject to the modifications in paragraphs (8) and (9).

Status: This is the original version (as it was originally made).

(8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(9) No order is to be made for—

- (a) the production or inspection of any ballot papers, or
- (b) for the opening of a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution.

(10) The countermand of the notice of poll or abandonment of the poll at the election, will not effect the poll at each relevant election or referendum.

SCHEDULE 8

Rule 6

COMBINED MANUAL COUNT RULES

Citation

1. This Schedule may be cited as the Combined Manual Count Rules.

Interpretation

2.—(1) In this Schedule—

“CMER” means the Constituency Members Election Rules in Schedule 5;

“LMER” means the London Members Election Rules in Schedule 6;

“MER” means the Mayoral Election Rules in Schedule 7;

“relevant election or referendum” means one or more of the following—

- (a) a Parliamentary election,
- (b) a European Parliamentary election,
- (c) a local government election (including another Authority election where more than one is taken together),
- (d) a local authority mayoral election or referendum in accordance with regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000⁽⁸⁷⁾.

(2) If the votes at an Authority election, which is combined with a relevant election or referendum, are counted without the use of an electronic counting system, the CMER, the LMER and the MER, will have effect as if the provisions listed in column (1) of Table 1 were modified as shown in column (2).

Table 1

| <i>(1)</i> | <i>(2)</i> |
|--|---|
| <i>Rule(s)</i> | <i>Modification</i> |
| CMER rule 47 (attendance at verification and the | In paragraph (4)(a) omit the words “and technical assistants”. After paragraph (6) insert— |

⁽⁸⁷⁾ 2000 c.22. Sections 44 and 45 were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41).

| <i>(1)</i> | <i>(2)</i> |
|---|---|
| <i>Rule(s)</i> | <i>Modification</i> |
| Counting of votes) | “(7) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents must be entitled to satisfy themselves that the ballot papers are correctly sorted.”. |
| LMER rule 48 (attendance at verification and the local count) | |
| MER rule 47 (attendance at verification and the local count) | |
| CMER rule 49 (verification and the count) | After paragraph (1)(d) insert— “(da) separate the ballot papers relating to the election from those relating to the other Authority elections.”. |
| LMER rule 50 (verification and the local count) | After paragraph (2)(b) insert— “(c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,”. |
| | Omit paragraph (4). |
| | For paragraph (8) substitute— “(8) After completing the proceedings under paragraph (1) or (2), the CRO must mix together the ballot papers used at the election and count the votes given on them.” |
| | In paragraph (9) omit “cause the electronic counting system to”. |
| | Omit paragraph (11). |
| MER rule 49 (verification and the local count) | After paragraph (1)(d) insert— “(da) separate the ballot papers relating to the election from those relating to the other Authority elections.”. |
| | After paragraph (2)(b) insert— “(c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,”. |
| | Omit paragraph (4). |
| | For paragraph (8) substitute— “(8) After completing the proceedings under paragraph (1) and (2), the CRO must mix together all of the ballot papers used at the election in the Assembly constituency and— (a) where the election is contested by more than two candidates, count the first preference votes given on them, |

Status: This is the original version (as it was originally made).

| <i>(1)</i> | <i>(2)</i> |
|---|--|
| <i>Rule(s)</i> | <i>Modification</i> |
| | <p>(b) where the election is contested by only two candidates, count the votes given on them.”.</p> <p>In paragraph (9) omit “cause the electronic counting system to”.</p> <p>Omit paragraph (11).</p> |
| <p>CMER rule 50</p> <p>LMER rule 51</p> <p>(rejected ballot papers)</p> | <p>For paragraph (3) substitute—</p> <p>“(3) The CRO must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection to his decision is made by a counting agent.”.</p> <p>Omit paragraphs (4) – (10).</p> |
| <p>MER rule 50 (rejected ballot Papers)</p> | <p>For paragraph (4) substitute—</p> <p>“(4) The CRO must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection to his decision is made by a counting agent.”.</p> <p>Omit paragraphs (5) to (12).</p> <p>Omit subparagraph (13)(e) and for sub-paragraph (13)(d) substitute—</p> <p>“(d) unmarked or void for uncertainty as to the first preference vote.”.</p> |
| <p>LMER rule 54 (procedure at conclusion of local count)</p> | <p>For paragraph (2) substitute—</p> <p>“(2) As soon as practicable after the statement is drawn up under paragraph (1), the CRO must inform the GLRO of its contents.”.</p> |
| <p>MER rule 53 (procedure at Conclusion of local count)</p> | <p>Omit paragraph (1)(c)(iii).</p> <p>For paragraph (2) substitute—</p> <p>“(2) As soon as practicable after the statement is drawn up under paragraph (1), the CRO must inform the GLRO of its contents.”.</p> |
| <p>LMER rule 55 (attendance at allocation of seats)</p> | <p>In paragraph (2)(b) omit “or technical assistant”.</p> |
| <p>MER rule 54 (attendance at the central calculation)</p> | |
| <p>MER rule 55 (the first calculation and resolution of equality)</p> | <p>For paragraph (4)(b) substitute—</p> <p>“(b) if paragraph 4(1) of that Schedule applies (no candidate with overall majority of first preference votes), the GLRO must direct every CRO at the election who has counted manually to count the second</p> |

| (1) | (2) |
|---|--|
| <i>Rule(s)</i> | <i>Modification</i> |
| | <p>preference votes given as mentioned in paragraph 4(5) of that Schedule.”.</p> <p>In Part 5, before rule 56 insert—</p> <p style="text-align: center;">“The count of second preference votes</p> <p style="text-align: center;">56ZA.—(1) As soon as the CRO has received such a direction as is mentioned in rule 55(4)(b) he must count the number of second preference votes for each of the candidates remaining in the contest given by voters who did not give their first preference vote to any of those candidates.</p> <p style="text-align: center;">(2) A ballot paper which is not otherwise void and on which not more than one second preference vote is marked will be valid as respects that vote and must be counted accordingly if, but only if, a valid first preference vote has also been marked.</p> <p style="text-align: center;">(3) Rules 47, 49, 50, 53 and 55 will apply in relation to the count of second preference votes as they apply in relation to the count of first preference votes, and as if references to first preference votes were references to second preference votes.</p> <p style="text-align: center;">(4) The CRO may not be required to re-examine any decision taken under rule 50.</p> <p style="text-align: center;">(5) As soon as practicable after the second preference votes have been counted, the CRO must inform the GLRO of the number of second preference votes cast for each of the candidates remaining in the contest.”.</p> |
| MER rule 56 (the second calculation and resolution of equality) | <p>For paragraph (1) substitute—</p> <p>“(1) As soon as the GLRO has received the information required by rule 56ZA(5) from every CRO he must comply with paragraph 4(5) and (6) of Schedule 2 to the 1999 Act.”.</p> |
| CMER rule 54 (declaration of result) | Omit paragraphs (2) and (3). |
| LMER rule 57 (declaration of result) | Omit paragraphs (3) and (4). |
| MER rule 57 (declaration of result) | Omit paragraphs (2)(e), (4) and (5). |

SCHEDULE 9

Rule 9

REQUIREMENTS FOR NOTICES FOR GUIDANCE OF VOTERS

Interpretation**1.** In this Schedule—

“CMER” means the Constituency Members Election Rules in Schedule 1 or 5;

“LMER” means the London Members Election Rules in Schedule 2 or 6;

“MER” means the Mayoral Election Rules in Schedule 3 or 7.

Requirement relating to all notices

2. Notices must be provided by the GLRO for the guidance of voters in accordance with the CMER, LMER, MER.

3. Notices for the guidance of voters to be exhibited—

(a) outside the polling station,

(b) inside the polling station—

(i) in the communal areas, and

(ii) in a voting compartment,

may differ depending on where they are to be displayed.

4. Notices provided must be of the same description and appearance or in a form to the like effect for use at all polling stations in all Assembly constituencies.

5. Notices may contain any information providing guidance to voters as to how to exercise their vote in a manner that will ensure that it is regarded as validly cast and can be efficiently processed by the electronic counting system if one is in use, but must not contain—

(a) any material referring to or promoting any candidate or party at the election, other than such name and particulars of such candidate or registered party as may appear on a ballot paper at the election, or

(b) any example or illustration referring to a candidate or a registered party that does not equally refer to all candidates and registered parties (as the case may be) at the election.

Requirements relating to specific notices**6.** Notices for display inside a polling station must contain information explaining—

(a) which election each ballot paper is for,

(b) how many votes a voter has in each election,

(c) the marks to be used, and the manner in which they should be used, in order to ensure that a vote is counted for any candidate or party (as the case may be),

(d) whether or not the voter should fold the ballot paper in two before showing the presiding officer the number and the other unique identifying mark on the back and putting it in the ballot box,

(e) which ballot box the voter is to put their ballot paper into after recording their vote, and

(f) what to do if the voter spoils a ballot paper.

7. Notices for display inside a polling station may also contain information giving examples or illustrating of any of the kinds of information in paragraph 5 of this Schedule.

8. Notices for display inside a voting compartment shall contain information explaining—
 - (a) which election each ballot paper is for,
 - (b) how many votes a voter has in each election.
9. Notices for display inside a polling booth may also contain—
 - (a) the information mentioned in paragraph 6(c) to (f) of this Schedule, and
 - (b) information giving examples or illustration of any of the information mentioned in paragraph 6(a) to (f) of this Schedule.
10. All notices shall be easily legible.

SCHEDULE 10

Schedule of Forms

Interpretation

1. In this Schedule—

“CMER” means the Constituency Members Election Rules in Schedule 1 or 5;

“LMER” means the London Members Election Rules in Schedule 2 or 6;

“MER” means the Mayoral Election Rules in Schedule 3 or 7.

2. The forms in this Schedule may be adapted so far as circumstances require, but any adaptation made by the CRO must, where appropriate, be in compliance with any direction issued by the GLRO under rule 11.

Forms

- Form 1: Nomination paper (constituency and individual London member candidates)
- Form 2: Nomination paper (London member party list candidates)
- Form 3: Nomination paper (Mayor of London candidates)
- Form 4: Candidates consent to nomination
- Form 5: Ballot paper for constituency member elections
- Form 6: Ballot paper for London members elections
- Form 7: Ballot paper for mayoral elections
- Form 8: Corresponding number list L1
- Form 9: Corresponding number list L2
- Form 10: Postal voting statement (constituency member or mayoral by-election)
- Form 11: Postal voting statement (ordinary election)
- Form 12: Official poll card
- Form 13: Official postal poll card
- Form 14: Official proxy poll card
- Form 15: Official proxy postal poll card
- Form 16: Notices for the guidance of voters at by –elections and Ordinary elections
- Form 17: Notices for guidance of voters at Authority elections combined with another election

Status: *This is the original version (as it was originally made).*

Form 18: Certificate of employment

Form 19: Declaration to be made by the companion of a voter with disabilities

Form 20: Election agent's declaration as to election expenses (list candidates)

Form 21: List candidate's declaration as to election expenses

Status: This is the original version (as it was originally made).

Form 1 – Constituency Member and London Member (individual) Candidates

CMER rule 6 and LMER rule 6

Form of Nomination Paper

| Office Use Only | | |
|-----------------|----------------|----------|
| Date delivered | Time delivered | Initials |

ELECTION OF *[CONSTITUENCY][LONDON] MEMBERS (INDIVIDUAL CANDIDATE) OF THE LONDON ASSEMBLY

**delete whichever is inappropriate*

..... Constituency

Date of election

Candidate's Surname

Other Names (in full)

Commonly used Surname (if any)

Commonly used Forenames (if any)

Description (if any)
(for ballot paper – not to exceed six words)

Home Address (in full)

.....

Signature

Name (CAPITAL LETTERS)

Date

NOTES

1. The attention of candidates and election agents is drawn to the rules for filling up nomination papers and other provisions relating to nomination and deposits contained in the Constituency Members Election Rules and the London Members Election Rules.
2. Where a candidate is commonly known by some title they may be described by their title as if it were part of their surname.
3. Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
4. The ballot paper will show the other name if the GLRO or CRO (as applicable) thinks that the use of the commonly used name may
 - (a) be likely to mislead or confuse electors, or
 - (b) that the commonly used name is obscene or offensive.

Status: This is the original version (as it was originally made).

Form 2 – London Member (party list) Candidates

LMER rule 7

Form of Nomination Paper

Office Use Only

| | | |
|----------------|----------------|----------|
| Date delivered | Time delivered | Initials |
|----------------|----------------|----------|

**ELECTION OF LONDON MEMBERS (LIST CANDIDATES)
OF THE LONDON ASSEMBLY**

Date of election

Name of Registered Political Party

| Candidate's surname | Other forenames in full | Commonly used surname (if any) | Commonly used forenames (if any) | Home Address in full |
|---------------------|-------------------------|--------------------------------|----------------------------------|----------------------|
| 1. | | | | |
| 2. | | | | |
| 25. | | | | |

This list is issued by the *party's nominating officer/*a person authorised in writing by the party's nominating officer.

**delete whichever is inappropriate*

[If this form is to be signed by a person authorised by the nominating officer, a copy of the authorisation should be supplied].

Signature

Name (CAPITAL LETTERS)

Date

NOTES

- The attention of the registered nominating officer or the person authorised by him is drawn to the rules for filling up the nomination paper and other provisions relating to nomination and deposits contained in the London Members Election Rules.
- Where a candidate included in party list is commonly known by some title they may be described by their title as if it were part of their surname.
- Where a candidate included in party list uses a name which is different from any other name they have, the commonly used name (instead of any other name) will appear on the ballot paper.
- The ballot paper will show the other name if the GLRO thinks that the commonly used name may
 - be likely to mislead or confuse electors, or
 - that the commonly used name is obscene or offensive.

Status: This is the original version (as it was originally made).

Form 3 – Candidate to be the Mayor of London

MER rule 6

Form of Nomination Paper

Office Use Only

| | | |
|----------------|----------------|----------|
| Date delivered | Time delivered | Initials |
|----------------|----------------|----------|

ELECTION OF THE MAYOR OF LONDON

Date of Election

We, the undersigned, being persons entitled to mayoral votes as electors at an ordinary election, do hereby nominate the person whose name appears below as a candidate to be the Mayor of London. At least ten of us are ordinarily resident in the City. In relation to each London borough, at least ten of us are ordinarily resident there.

| Candidate's surname | Other forenames in full | Commonly used surname (if any) | Commonly used forenames (if any) | Description (if any) use no more than six words | Home Address in full |
|---------------------|-------------------------|--------------------------------|----------------------------------|---|----------------------|
| | | | | | |

| Electoral Areas | Signatures | Print Name | Electoral Number |
|-------------------------------|------------|------------|------------------|
| Barking & Dagenham | | | |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| Barnet | | | |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| Bexley | | | |
| 1 – 10 | | | |
| Brent | | | |
| 1 – 10 | | | |
| Bromley | | | |
| 1 – 10 | | | |
| Camden | | | |
| 1 – 10 | | | |
| City of London | | | |
| 1 – 10 | | | |

Status: This is the original version (as it was originally made).

| | | | |
|--------------------------------|--|--|--|
| Croydon 1 - 10 | | | |
| Ealing 1 - 10 | | | |
| Enfield 1 - 10 | | | |
| Greenwich 1 - 10 | | | |
| Hackney 1 - 10 | | | |
| Hammersmith & Fulham 1 - 10 | | | |
| Haringey 1 - 10 | | | |
| Harrow 1 - 10 | | | |
| Havering 1 - 10 | | | |
| Hillingdon 1 - 10 | | | |
| Hounslow 1 - 10 | | | |
| Islington 1 - 10 | | | |
| Kensington & Chelsea 1 - 10 | | | |
| Kingston-upon-Thames 1 - 10 | | | |
| Lambeth 1 - 10 | | | |
| Lewisham 1 - 10 | | | |
| Merton 1 - 10 | | | |
| Newham 1 - 10 | | | |
| Redbridge 1 - 10 | | | |
| Richmond-upon-Thames 1 - 10 | | | |
| Southwark 1 - 10 | | | |
| Sutton 1 - 10 | | | |
| Tower Hamlets 1 - 10 | | | |
| Waltham Forest 1 - 10 | | | |
| Wandsworth 1 - 10 | | | |
| Westminster 1 - 10 | | | |

NOTES

1. The attention of candidates and election agents is drawn to the rules for filling up nomination papers and other provisions relating to nomination and deposits contained in the Mayoral Election Rules ("MER").
2. Where a candidate is commonly known by some title they may be described by their title as if it were part of their surname.
3. Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper
4. The ballot paper will show the other name if the GLRO thinks that the use of the commonly used name may
 - (a) be likely to mislead or confuse electors, or
 - (b) that the commonly used name is obscene or offensive.
5. A person's electoral number is his number in the register to be used at the election, including the distinctive letter of the parliamentary polling district in which he is registered.
6. An elector may not subscribe more than one nomination paper for the same Mayor of London election.
7. In this form "elector" –
 - (a) means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of election; and
 - (b) includes a person then shown in the 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.
8. However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

Status: This is the original version (as it was originally made).

Form 4 – Candidates Consent to Nomination

CMER rule 7, LMER rule 9, MER rule 8

GREATER LONDON AUTHORITY

ELECTION OF *CONSTITUENCY/*LONDON ASSEMBLY MEMBERS/*THE MAYOR OF

LONDON Constituency

*delete whichever is inappropriate

Date of election

I (name in full).....

Of (home address in full).....

hereby consent to my nomination as a candidate for election as *the constituency member for the Assembly constituency of..... /*a London Member of the London Assembly/*the Mayor of London

*delete whichever is inappropriate

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community, who has attained the age of 18 years and that

* (a) I am registered as a local government elector for the election named above in respect of (qualifying address in full) in the London Borough of (insert name of borough) and my electoral number (see Note below) is.....; or

* (b) I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant of the following land or other premises in the area [description and address of land or premises]; or

* (c) my principal or only place of work during those 12 months has been in that area at [give address of place of work and, where appropriate, name of employer]; or

* (d) I have during the whole of those twelve months resided in that area at (give address in full)

*delete whichever is inappropriate

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in section 21 of the Greater London Authority Act 1999, or specified in any order under subsection (1)(b) of that section, or any decision made under section 79 the Local Government Act 2000, (copies of which are printed overleaf).

Date of birth

Signature

Date

Signed in my presence

Signature of witness

Name and address of witness

(WRITE CLEARLY)

Notes

- 1. A person's electoral number is his number in the register to be used at the election, including the distinctive letter of the parliamentary polling district in which he is registered.
2. A candidate who is qualified by more than one qualification may complete any of those that may apply.

Back of form

Set out sections 21 of the Greater London Authority Act 1999 and section 79 of the Local Government Act 2000 (as amended from time to time).






Form 5 – Ballot paper for Constituency Member elections

CMER rule 17

**Election of the London Assembly
Constituency Member – [name of constituency]**

Front of Ballot Paper

Vote once (X) in one blank box

| | | |
|---|---|--|
|  | <p>BASWRA Paresh Baswra</p> <p>Liberal Democrat</p> | |
|  | <p>CRANLEY Alana Cranley</p> <p>Green Party</p> | |
|  | <p>EDGBASTON Richard Edgbaston</p> <p>The Common Good Party</p> | |
|  | <p>GUNNIL-WALKER Roger Gunnil-Walker</p> <p>The Labour Party Candidate</p> | |
|  | <p>SMITH CATHERINE ANGELINA Smith</p> <p>Independent</p> | |
|  | <p>SMITH KEITH JAMES Smith</p> <p>The Conservative Party Candidate</p> | |

Back of Ballot Paper

Ballot Paper Number

Unique Identifying Mark

Election for (insert description of election(s))

on 20 ..

Status: This is the original version (as it was originally made).

Directions as to Printing the Ballot Paper

CMER rule 17(3)

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper:-
 - (a) no word shall be printed on the face except –
 - (i) the headings “Election of the London Assembly” and “Constituency Member” – “[Name of constituency]”;
 - (ii) the direction “Vote once (X) in one blank box”
 - (iii) the particulars of the candidates; and
 - (iv) the words forming part of emblems;
 - (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the spaces on the right where the vote is to be marked;
 - (c) the whole space between the top and the bottom of the paper shall be equally divided between the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above.

Nothing in paragraph 2 prohibits the use of A4 ballot papers with clearly defined blank space for electronic counting purposes if the GLRO or CRO (as applicable) thinks it is appropriate.

Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of numbers, candidate’s particulars and spaces where the vote is to be marked. If the GLRO or CRO thinks it is appropriate for the ballot paper to be printed with more than one column, in such a case, each column must be separated by a double vertical rule.

3. The words mentioned in paragraph 2(a)(i) and (ii) above may be printed in upper and lower case.
4. The surname of each candidate shall in all cases be printed by itself in large capitals.
5. The full particulars of each candidate shall be set out below their surname and shall be printed in ordinary type except that small capitals shall be used –
 - (a) if their surname is the same as another candidate’s, for their other names; and
 - (b) if their other names are also the same as the other candidate’s for his description unless each of them is the same as that of another candidate with the same surname and other names.
6. Where an emblem is to be printed against a candidate’s particulars –
 - (a) it shall be printed to the left of the ballot paper before the number of the candidate; and
 - (b) its size as printed shall not exceed two centimetres square.
7. The number and other unique identifying mark shall be printed on the back of the ballot paper.
8. Where votes are to be counted electronically the words DO NOT FOLD may be printed on the reverse of the ballot papers to be used at polling stations.

Form 6 – Ballot paper for London Members elections

LMER rule 18

**Election of the London Assembly
London Member**

Front of Ballot Paper

Vote once (X) in one blank box

| | | | |
|---|---|---|--|
|  | 1 | THE COMMON GOOD PARTY | |
|  | 2 | CONSERVATIVE PARTY | |
|  | 3 | THE GREEN PARTY | |
|  | 4 | THE LABOUR PARTY | |
|  | 5 | THE LIBERAL DEMOCRAT PARTY | |
| | 6 | WILLIAMS Keith James Williams Independent | |

Back of Ballot Paper

Ballot Paper Number
Unique Identifying Mark

Election for (insert description of election(s))

on 20 ..

Status: This is the original version (as it was originally made).

Directions as to Printing the Ballot Paper

LMER rule 18(4)

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper:-
 - (a) no word shall be printed on the face except –
 - (v) the headings “Election of the London Assembly”, and “London Member”;
 - (vi) the direction “Vote once (X) in one blank box”
 - (vii) the particulars of the candidates; and
 - (viii) words forming part of emblems;
 - (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the spaces on the right where the vote is to be marked;
 - (c) the whole space between the top and bottom of the paper shall be equally divided between the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above.

Nothing in paragraph 2 prohibits the use of A4 ballot papers with clearly defined blank space for electronic counting purposes if the GLRO thinks it is appropriate.

Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of numbers, candidate’s particulars and spaces where the vote is to be marked. If the GLRO thinks it is appropriate for the ballot paper to be printed with more than one column, in such a case, each column must be separated by a double vertical rule.

3. The words mentioned in paragraph 2(a)(i) and (ii) above may be printed in upper and lower case.
4. The name of each party and surname of individual candidate shall in all cases be printed by itself in large capitals, and their full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used –
 - (c) if the surname is the same as another candidate’s, for their other names; and
 - (d) if the other names are also the same as the other candidate’s for his description unless each of them is the same as that of another candidate with the same surname and other names.
5. Where an emblem is to be printed against a candidate’s particulars –
 - (a) it shall be printed to the left of the ballot paper before the number of the candidate; and
 - (b) its size as printed shall not exceed two centimetres square.
6. The number and other unique identifying mark shall be printed on the back of the ballot paper.
7. Where votes are to be counted electronically the words DO NOT FOLD may be printed on the reverse of the ballot papers to be used at polling stations.






Form 7 – Ballot paper for Mayoral Elections

MER rule 17

Election of the Mayor

Front of Ballot Paper

Vote once (X) in column one for your first choice
Vote once (X) in column two for your second choice

| | | | Column One (First Choice) | Column Two (Second Choice) |
|---|---|---|------------------------------|-------------------------------|
|  | 1 | BASWRA Paresh Baswra Liberal Democrat | | |
|  | 2 | CRANLEY Alana Cranley Green Party | | |
|  | 3 | EDGBASTON Richard Edgbaston The Common Good Party | | |
|  | 4 | GUNNIL-WALKER Roger Gunnil-Walker The Labour Party Candidate | | |
| | 5 | SMITH CATHERINE ANGELINA Smith Independent | | |
|  | 6 | SMITH KEITH JAMES Smith The Conservative Party Candidate | | |

Back of Ballot Paper

Ballot Paper Number
 Unique Identifying Mark

Election for (insert description of election(s))

on20 ..

Status: This is the original version (as it was originally made).

Directions as to Printing the Ballot Paper

MER rule 17(3)

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
 2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper:-
 - (a) no word shall be printed on the face except the heading "Election of the Mayor", the direction "Vote once (X) in column one for your first choice, Vote once (X) in column two for your second choice", the indications "column one first choice" and "column two second choice", the particulars of the candidates and words forming part of emblems. Where there are only two candidates for the office of Mayor references to columns may be omitted. Where the GLRO thinks it is appropriate for the face of the ballot paper to be printed with more than one column each column must be separated by a double vertical line and the words "in column one" and "in column two" and "column one" and "column two" may be omitted;
 - (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand-side and the spaces on the right where the vote is to be marked and the vertical rule separating the columns in which the first and second preference votes are to be marked;
 - (c) the whole space between the top and the bottom of the paper shall be equally divided between the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above.
- Nothing in paragraph 2 prohibits the use of A4 ballot papers with clearly defined blank space for electronic counting purposes if the GLRO thinks it is appropriate.
- Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of numbers, candidate's particulars and spaces where the vote is to be marked. If the GLRO thinks it is appropriate for the ballot paper to be printed with more than one column, in such a case, each column must be separated by a double vertical rule.
3. The words mentioned in paragraph 2(a) above may be printed in upper and lower case.
 4. The surname of each candidate shall in all cases be printed by itself in large capitals, and their full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used –
 - (a) if the surname is the same as another candidate's, for their other names; and
 - (b) if the other names are also the same as the other candidate's, either for their home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.
 5. Where an emblem is to be printed against a candidate's particulars –
 - (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidate's particulars from the spaces where the vote is to be marked; and
 - (b) its size as printed shall not exceed two centimetres square.
 6. The number and other unique identifying mark shall be printed on the back of the ballot paper.
 7. Where votes are to be counted electronically the words DO NOT FOLD may be printed on the reverse of the ballot papers to be used at polling stations.

Status: This is the original version (as it was originally made).

Form 10 – form of postal voting statement (Constituency and Mayoral elections otherwise than at ordinary elections)

CMER rule 23, LMER rule 24, MER rule 23

Postal Voting Statement

*Voter's name: Ballot paper No.
*(Constituency Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)
[other identifying mark]

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

 (voter's date of birth)
DAY MONTH YEAR

#Signature (Please use black pen)

| |
|--|
| |
|--|

 (voter's signature) IMPORTANT – Keep signature within border

*(Constituency Returning Officer to omit where a person has been granted a waiver)

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the Constituency Returning Officer

INSTRUCTIONS TO THE VOTER

Complete the ballot paper yourself and in private.

If you need help contact the Constituency Returning Officer's staff as shown below

[contact details for assistance include address as appropriate]

1. You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.
2. (Constituency Members Election) Vote once (X) in one blank box.
3. *(London Mayoral Election) Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice. *(GLRO to amend as appropriate where more than one column is used or where there are only two candidates for the office of Mayor)
4. Do not mark your ballot paper in any other way or your votes may not be counted.
5. If you need help voting, the person helping you must not tell anyone how you voted.
6. Put the ballot paper in the small envelope marked **A** and seal it.
7. Complete the postal voting statement by signing it, and providing your date of birth.

Status: This is the original version (as it was originally made).

8. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
9. After receiving this postal vote, you cannot vote in person at a polling station at this election.
10. If you accidentally spoil your ballot paper, you can apply to the Constituency Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoiled ballot papers, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Constituency Returning Officer as soon as possible.

! Your ballot paper and the postal voting statement must be received by the Constituency Returning Officer by 10 p.m. on [day/date of poll]. You can deliver your completed postal vote to any polling station in your constituency on polling day.

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.

#{Constituency Returning Officer to omit where a person has been granted a waiver}

Status: This is the original version (as it was originally made).

Form 11 – form of postal voting statement (Ordinary elections)

CMER rule 23, LMER 24, MER rule 23

Postal Voting Statement

*Voter's name: Ballot paper Nos.
*(Constituency Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)
[other identifying marks]

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPERS NUMBERED ABOVE WERE SENT TO

Date of birth:

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

 (voter's date of birth)
DAY MONTH YEAR

#Signature (Please use black pen)

| |
|--|
| |
|--|

 (voter's signature)
IMPORTANT – Keep signature within border

*(Constituency Returning Officer to omit where a person has been granted a waiver)

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the Constituency Returning Officer

INSTRUCTIONS TO THE VOTER

**Complete the ballot paper yourself and in private.
If you need help contact the Constituency Returning Officer's staff as shown below**

[contact details for assistance
include address as appropriate]

- 1. You must provide your [# signature and] date of birth. If you do not, this postal voting statement will be invalid and your vote(s) will not be counted.
- 2. When you are voting in a Greater London Authority election—

In the constituency members' election ([insert colour of ballot paper] ballot paper), Vote once (X) in one blank box.

In the London members' election ([insert colour of ballot paper] ballot paper), Vote once (X) in one blank box.

*[In the London Mayoral election ([insert colour of ballot paper] ballot paper), Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice.] *(GLRO to amend as appropriate where more than one column is used or where there are only two candidates for the office of Mayor)

Status: This is the original version (as it was originally made).

3. When you are voting in a local government election (*insert colour of ballot paper*) ballot paper), mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. Vote for no more than [...] candidates.
4. When you are voting in a Parliamentary election (*insert colour of ballot paper*) ballot paper), mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only.
5. When you are voting in a European Parliamentary election (*insert colour of ballot paper*) ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.
6. When you are voting in a [specify] election (*insert colour of ballot paper*) ballot paper), mark a cross (X) in the box on the right hand side of the name of the candidate(s) of your choice. Vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE.
7. [* When you are voting in a referendum, mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only.]
8. Do not mark your ballot papers in any other way or your votes may not be counted.
9. If you need help voting, the person helping you must not tell anyone how you voted.
10. Put all the ballot papers in the small envelope marked **A** and seal it.
11. Complete the postal voting statement by signing it, and providing your date of birth.
12. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.

After receiving this postal vote, you cannot vote in person at a polling station at this election.

If you accidentally spoil any of your ballot papers, you can apply to the Constituency Returning Officer for a replacement before 5 p.m. on [*day/date of poll*]. You must return all the ballot papers, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Constituency Returning Officer as soon as possible.

! Your ballot papers and the postal voting statement must be received by the Constituency Returning Officer by 10 p.m. on [*day/date of poll*]. You can deliver your completed postal vote to any polling station in your electoral area/ward on polling day.

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot papers.

It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.

#[Constituency Returning Officer to omit where a person has been granted a waiver]

| | |
|--|--|
| Form 12 | CMER rule 26, LMER rule 27, MER rule 26 |
| OFFICIAL POLL CARD (to be sent to an elector voting in person) <i>Front of card</i> | |
| OFFICIAL POLL CARD | |
| Constituency: Electoral division/ward: Polling Day: Polling hours: 7 a.m. to 10 p.m. Your polling station will be: | Number on register: *Name *Address *(Constituency Returning Officer to omit where poll card sent to an anonymous elector. Poll card to anonymous elector must be delivered in a sealed envelope.) |
| *This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i> | |
| GREATER LONDON AUTHORITY ELECTIONS | |
| *When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The clerk will confirm your entry on the register. When you are given your ballot papers, go to one of the polling booths. #[In the London Mayoral election (insert colour of ballot paper), Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice.] #(GLRO to amend as appropriate where more than one column is used or where there are only two candidates for the office of Mayor) In the Constituency members' election (insert colour of ballot paper) Vote once (X) in one blank box. In the London members' election (insert colour of ballot paper), Vote once (X) in one blank box. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement. #[Do not fold the ballot paper(s)] [Fold the ballot paper(s) in two]. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper(s) in the ballot box and leave the polling station. #(if votes are to be counted manually omit the words in the first set of brackets) If you will be away on the date of the poll – <ul style="list-style-type: none"> • You can apply to vote by post. Your application must be received by the Constituency Returning Officer before 5 p.m. on [-11 day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this election. • You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5 p.m. on [-6 day/date deadline]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you. In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date deadline]. To change any of your voting arrangements please contact [helpline number] as soon as possible. | |
| Issued by the Constituency Returning Officer | |

Status: This is the original version (as it was originally made).

[Where poll card sent to an anonymous elector substitute for the paragraphs marked with * above, as appropriate:-

You must have this card with you when you vote. You cannot vote without it.

When you go to the polling station, ask to speak to the presiding officer and show them this card.

The presiding officer will confirm your entry on the register.

Status: This is the original version (as it was originally made).

| | |
|---|--|
| Form 13 | CMER rule 26, LMER rule 27, MER rule 26 |
| OFFICIAL POSTAL POLL CARD (to be sent to an elector voting by post) <i>Front of card</i> | |
| OFFICIAL POSTAL POLL CARD | |
| Constituency: Electoral division/ward: For the election on: [day/date] Number on Register: *Name and Address: *(Constituency Returning Officer to omit where poll card sent to an anonymous elector. Poll card to anonymous elector must be delivered in a sealed envelope). | This notice is to tell you that you have asked to vote by post for this election, and you will not be able to vote in a polling station. If you want to cancel your postal vote please call the helpline number shown below before 5 p.m. on [-11 day/date deadline]. We will send your postal voting papers around [day/date]. Addressed to: (Name and Address) If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help. |
| If you lose or accidentally spoil your postal ballot papers, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll]. | |
| This card is to provide you with information about voting by post. SEE INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i> | |
| GREATER LONDON AUTHORITY ELECTIONS | |
| When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot papers. Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Constituency Returning Officer please call the helpline number shown below. You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Constituency Returning Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Constituency Returning Officer can cross check your signature against other records that they hold. If you lose or accidentally spoil your ballot papers, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll]. Complete and return your postal vote as soon as possible. The Constituency Returning Officer must receive your postal vote by 10 p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in the electoral area. If you want to vote in person at these elections, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline]. If you need any assistance, please call our helpline on: [helpline number]. | |
| It is an offence to vote using a ballot paper that was not addressed to you. Issued by the Constituency Returning Officer | |

Status: This is the original version (as it was originally made).

| | |
|---|--|
| Form 14 | CMER rule 26, LMER rule 27, MER rule 26 |
| OFFICIAL PROXY POLL CARD (to be sent to an appointed proxy voting in person) <i>Front of card</i> | |
| OFFICIAL PROXY POLL CARD | |
| Constituency: Electoral division/ward: Polling Day: Polling hours: 7 a.m. to 10 p.m. Elector's polling station will be: | *This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy. *Proxy's name *Proxy's address *(Constituency Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of anonymous elector must be delivered in a sealed envelope.) |
| *This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i> | |
| GREATER LONDON AUTHORITY ELECTIONS | |
| *This poll card is to tell you that for this election you are appointed as proxy for: *(Elector's name) *(Elector's address) *(Elector's number on register) | |
| *When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the voter shown above. The clerk will confirm the entry on the register. When you are given the ballot papers, go to one of the polling booths. #[In the London Mayoral election (insert colour of ballot paper), Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice.] #(GLRO to amend as appropriate where more than one column is used or where there are only two candidates for the office of Mayor) In the constituency members' election (insert colour of ballot paper), Vote once (X) in the blank box. In the London members' election (insert colour of ballot paper), Vote once (X) in the blank box. If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement. #[Do not fold the ballot paper(s)] [Fold the ballot paper(s) in two]. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper(s) in the ballot box and leave the polling station. # (if votes are to be counted manually omit the words in the first set of brackets) | |
| If you will be away on the date of the poll, you can apply before 5 p.m. on [-11 day/date deadline] to vote by post. If you are given a postal vote, you or the elector will not be entitled to vote in person at this | |

Status: This is the original version (as it was originally made).

election.

The person who appointed you as proxy may vote at this election. If they wish to do so they must vote in person before you vote on their behalf.

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote as a proxy at the same election for more than two persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: [*helpline number*].

Issued by the Constituency Returning Officer

[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with * above, as appropriate:-

You must have this card with you when you vote, you cannot vote as proxy without it.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....

(Elector's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card].

Status: This is the original version (as it was originally made).

| | |
|---|---|
| Form 15 | CMER rule 26, LMER rule 27, MER rule 26 |
| OFFICIAL PROXY POSTAL POLL CARD (to be sent to an appointed proxy voting by post) <i>Front of card</i> | |
| OFFICIAL PROXY POSTAL POLL CARD | |
| Constituency: Electoral division/ward: For the election on: [day/date] Name and Address (Proxy): | This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. You will not be able to vote on behalf of the elector in a polling station. If you want to cancel this postal vote and vote in person on polling day, please call the helpline number shown below before 5 p.m. on [-11 day/date deadline]. We will send the proxy postal voting papers around [day/date]. If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help. |
| If you lose or accidentally spoil the elector's postal ballot papers, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll]. | |
| This card is to provide you with information about voting by post. SEE INFORMATION ON THE BACK OF THIS CARD | |
| <i>Back of card</i> | |
| GREATER LONDON AUTHORITY ELECTIONS | |
| <p>*This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post.</p> <p>.....</p> <p>*(Elector's name)</p> <p>.....</p> <p>*(Elector's address)</p> <p>When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.</p> <p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.</p> <p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Constituency Returning Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Constituency Returning Officer can cross check your signature against other records that they hold.</p> <p>If you lose or accidentally spoil the postal ballot papers, please call the helpline number below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].</p> <p>Complete and return the postal vote as soon as possible. The Constituency Returning Officer must receive the postal vote by 10 p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in the electoral area.</p> <p>If you want to vote in person as a proxy at these elections, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].</p> <p>It is illegal to do any of the following:</p> | |

Status: This is the original version (as it was originally made).

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote as a proxy at the same election for more than two persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: [*helpline number*].

Issued by the Constituency Returning Officer

[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with * above, as appropriate:-

This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote by post.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....
(Elector's number on register).

Status: This is the original version (as it was originally made).

Form 16 – Notices for guidance of voters at ordinary day elections (or for filling of a vacancy in an Assembly constituency or filling of a vacancy in the office of Mayor)

CMER rule 29, LMER rule 30, MER rule 29

Notice A – Notice for guidance of voters for display inside and outside polling stations

“GREATER LONDON AUTHORITY ELECTIONS

1. When you are given your ballot papers go to one of the polling booths.
2. At the Greater London Authority election –
* [The ballot paper for the election of **constituency members of the London Assembly** looks like this –
Insert the appropriate ballot paper
Vote once (X) in one blank box. Put no other mark on the ballot paper or your vote may not be counted.]

* [The ballot paper for the election of the London members of the London Assembly looks like this –
Insert the appropriate ballot paper
Vote once (X) in one blank box. Put no other mark on the ballot paper or your vote may not be counted.]

* [The ballot paper for the election of the Mayor of London looks like this –
Insert the appropriate ballot paper
[Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice. Put no other mark on the ballot paper or your vote may not be counted. # *(GLRO to amend as appropriate where more than one column is used or where there are only two candidates for the office of Mayor)*]

**(complete or omit as appropriate)*
3. When you have voted, * [DO NOT FOLD the ballot paper(s).] [FOLD the ballot paper(s) in two]. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot papers face down in the ballot box and leave the polling station. **(if votes are to be counted manually omit the words in the first set of brackets).*
4. If you spoil a ballot paper by mistake, take all the ballot papers to the presiding officer and ask for replacements.”

Notice B – Notice for guidance of voters for display inside polling stations

“GREATER LONDON AUTHORITY ELECTIONS

1. You will be given three ballot papers. When you are given your ballot papers go to one of the polling booths.

2. *[The ballot paper for the election of the **Mayor of London** looks like this –

Insert the appropriate ballot paper

[Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice. Put no other mark on the ballot paper, or your vote may not be counted. # *(GLRO to amend as appropriate where more than one column is used and where there are only two candidates for the office of Mayor)*

3. *[The ballot paper for the election of **constituency members of the London Assembly** looks like this –

Insert the appropriate ballot paper

Vote once (X) in one blank box. Put no other mark on the ballot paper, or your vote may not be counted.]

4. *[The ballot paper for the election of the **London members of the London Assembly** looks like this –

Insert the appropriate ballot paper

Vote once (X) in one blank box. Put no other mark on the ballot paper, or your vote may not be counted.]

**(complete or omit as appropriate)*

5. When you have voted, *[DO NOT FOLD the ballot paper(s)] [FOLD the ballot paper(s) in two]. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot papers face down in the ballot box and leave the polling station. **(if votes are to be counted manually omit the words in the first set of brackets).*

6. If you spoil a ballot paper by mistake, take all the ballot papers to the presiding officer and ask for replacements.”

Status: This is the original version (as it was originally made).

Notice C – Notice for guidance of voters for display inside polling stations

"ELECTION OF LONDON MEMBERS OF THE LONDON ASSEMBLY

The following candidates have been nominated by the Registered Political Parties indicated below as candidates to represent them in the London Assembly:

Insert particulars of parties and list candidates in the format required by LMER 12 (5)(a) "

Notice D1 – Notice for guidance of voters for display inside polling booths

"ELECTION OF THE MAYOR OF LONDON
(insert colour) ballot paper)

*#[Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice.]

#[GLRO to amend as appropriate where more than one column is used or where there are only two candidates for the office of Mayor]

*[ELECTION OF THE LONDON ASSEMBLY – CONSTITUENCY MEMBER
(insert colour) ballot paper)

Vote once (X) in one blank box.]

*[ELECTION OF THE LONDON ASSEMBLY – LONDON MEMBER
(insert colour) ballot paper)

Vote once (X) in one blank box.]

**(complete or omit as appropriate)*

**[DO NOT FOLD the ballot paper(s)] [FOLD the ballot paper(s) in two]. Put the ballot papers face down in the ballot box and leave the polling station. *(if votes are to be counted manually omit the words in the first set of brackets). "*

Notice D2 – Notice for guidance of voters for display inside polling stations

****[ELECTION OF THE MAYOR OF LONDON
(insert colour) ballot paper]**

[Vote once (X) in column one for your first choice and
Vote once (X) in column two for your second choice.]

#(GLRO to amend as appropriate where more than one column is used or where
there are only two candidates for the office of Mayor)

***[ELECTION OF THE LONDON ASSEMBLY – CONSTITUENCY MEMBER
(insert colour) ballot paper]**

Vote once (X) in one blank box.]

***[ELECTION OF THE LONDON ASSEMBLY – LONDON MEMBER
(insert colour) ballot paper]**

Vote once (X) in one blank box.]

**(complete or omit as appropriate)*

***[DO NOT FOLD the ballot paper(s).] [FOLD the ballot paper(s) in two].** **(if votes are to be
counted manually omit the words in the first set of brackets)*

Put the ballot papers face down in the ballot box and leave the polling station."

Status: This is the original version (as it was originally made).

Form 17 – Notices for guidance of voters at GLA election combined with another election or referendum

CMER rule 29, LMER rule 30, MER rule 29

Notice A1 – Notice for guidance of voters for display inside and outside polling stations

“GREATER LONDON AUTHORITY – ORDINARY ELECTIONS

1. When you are given your ballot papers go to one of the polling booths.

[*A. At the **Parliamentary election** mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. **Vote for ONE candidate only.**]

[*B. At the (specify name of) **Council election** mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. **Vote for no more than candidates.**]

[*C. At the **European Parliamentary election** mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. **Vote for ONE party or individual candidate only.**]

[*D. At the **Greater London Authority election** –

In the election of the **constituency members of the London Assembly, Vote once (X) in one blank box.**

In the election of the **London members of the London Assembly, Vote once (X) in one black box.**

In the election of the **Mayor of London, #**[Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice. *#(GLRO to amend as appropriate where more than one column is used and where there are only two candidates for the office of Mayor)*

*[E. At the (specify other) **election**, mark a cross (X) in the box on the right hand side of the name of the candidate(s) of your choice. **[Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice.**

*[F. At the (specify) referendum(s), mark a cross (X) in the box on the right hand side of the answer of your choice. **Vote ONCE only.**

**(complete or omit as appropriate)*

2. Put no other mark on the ballot paper or your vote may not be counted.

3. When you have voted, *[DO NOT FOLD the ballot paper(s) for (specify the election(s) at which the votes are to be counted electronically)] [FOLD the ballot paper(s) in two]. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot papers face down in the ballot box and leave the polling station. **(if votes are to be counted manually omit the words in the first set of brackets).*

4. If you spoil a ballot paper by mistake, take all the ballot papers to the presiding officer and ask for replacements.”

Status: This is the original version (as it was originally made).

Notice B1 – Notice for guidance of voters for display inside polling stations

"ELECTION OF LONDON MEMBERS OF THE LONDON ASSEMBLY

The following candidates have been nominated by the Registered Political Parties indicated below as candidates to represent them in the London Assembly:

Insert particulars of parties and list candidates in the format required by LMER 12 (5)(a)"

Notice C1 – Notice for guidance of voters for display inside polling stations

***[PARLIAMENTARY ELECTION
(insert colour) ballot paper]**

Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only]

***[EUROPEAN PARLIAMENTARY ELECTION
(insert colour) ballot paper]**

Mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or individual candidate only]

***[(specify name of) COUNCIL
(insert colour) ballot paper]**

Mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. Vote for no more than Candidates]

**ELECTION OF THE MAYOR OF LONDON
(insert colour) ballot paper)**

*[Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice.] * (GLRO to amend as appropriate where more than one column is used or where there are only two candidates for the office of Mayor)

**ELECTION OF THE LONDON ASSEMBLY – CONSTITUENCY MEMBER
(insert colour) ballot paper)**

Vote once (X) in one blank box.

**ELECTION OF THE LONDON ASSEMBLY – LONDON MEMBER
(insert colour) ballot paper)**

Vote once (X) in one blank box.

***[(Specify other) ELECTION
(insert colour) ballot paper]**

Mark a cross (X) in the box on the right hand side of the name of the candidate(s) of your choice. Vote once (X) in column one for your first choice and Vote once (X) in column two for your second choice.]

***[(Specify...) referendum(s)]
(insert colour) ballot paper)**

Mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only.

* (complete or omit as appropriate)"

Status: This is the original version (as it was originally made).

Notice D3 – Notice for guidance of voters for display inside polling booths

“* [PARLIAMENTARY ELECTION
(insert colour) ballot paper)
Vote for ONE candidate only]

* [(specify name of) COUNCIL
(insert colour) ballot paper)
Vote for no more than Candidates].

*[EUROPEAN PARLIAMENTARY ELECTION
(insert colour) ballot paper)
Vote for ONE party or candidate only]

ELECTION OF THE MAYOR OF LONDON
(insert colour) ballot paper)
#[Vote once (X) in column one for your first choice and
Vote once (X) in column two for your second choice.]

(GLRO to amend as appropriate where more than one column is used or where there are only two candidates for the office of Mayor)

ELECTION OF THE LONDON ASSEMBLY – CONSTITUENCY MEMBER
(insert colour) ballot paper)
Vote once (X) in one blank box.

ELECTION OF THE LONDON ASSEMBLY – LONDON MEMBER
(insert colour) ballot paper)
Vote once (X) in one blank box.

* [(Specify other) ELECTION
(insert colour) ballot paper)
Vote once (X) in column one for your first choice and
Vote once (X) in column two for your second choice.]

* [(Specify...) REFERNDUMS(S)
(insert colour) ballot paper)
Vote for one answer only.]

** (complete or omit as appropriate)*

*[DO NOT FOLD the ballot paper(s) for (specify the election(s) at which the votes are to be counted electronically)] [FOLD the ballot paper(s) in two]. **(if votes are to be counted manually omit the words in the first set of brackets)*

Put the ballot papers face down in the ballot box and leave the polling station."

Form 18 – Certificate of Employment

CMER rule 33(4), LMER rule 34(4), MER rule 33(4)

GREATER LONDON AUTHORITY

Certificate of Employment

REPRESENTATION OF THE PEOPLE ACTS

ELECTION IN THE CONSTITUENCY

I certify that (name).....who is numbered
..... in the register for electors for the constituency named above cannot reasonably be
expected to go in person to the polling station allotted to him or her at the election on [date of poll]
by reason of the particular circumstances of his or her employment on that date for a purpose
connected with the election –

* (a) as a constable

* (b) by me

Signature

* Constituency Returning Officer/Police Officer (Inspector or above)

Date

**delete whichever is inappropriate*

Note:- The person named above is entitled to vote at any polling station in the above constituency
on production and surrender of this certificate to the presiding officer.

Status: This is the original version (as it was originally made).

Form 19 – Declaration to be made by the companion of a voter with disabilities

CMER rule 40, LMER rule 41, MER rule 40

Declaration to be made by the companion of a voter with disabilities

I, (name of companion), of..... (address of companion) having been requested to assist(name of elector) (in the case of a voter with disabilities voting as proxy, adding 'voting as proxy for(name of elector)) whose number on the register is..... to record their vote now being held in this * in this constituency, hereby declare that

- I am entitled to vote as an elector at the said election
• I am the * of the said voter and have attained the age of 18 years, and
• I have not previously assisted any voter with disabilities [except..... (name of other elector), of(address of other elector) to vote at the said elections.

*State the relationship of the companion to the voter

Signed(Companion)

Date

I, the undersigned, being the presiding officer for (polling station) for the constituency hereby certify that the above declaration, having been first read to the above-named companion and was signed by the companion in my presence.

Signed (Presiding Officer)

Date

Time (a.m./p.m.)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under local elections rules that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

Form 20 – Election agent's declaration as to election expenses

LMER rule 68(1) and (2)

Part 1

Form of declaration as to election expenses by election agent who was not also list candidate

REPRESENTATION OF THE PEOPLE ACTS

GREATER LONDON AUTHORITY

ELECTION OF MEMBERS OF THE LONDON ASSEMBLY

Date of publication of notice of election

Name of Registered Party

I, (full names) of (full address, including post code) solemnly and sincerely declare as follows:

1. I was at this election the election agent for the candidates included in the list submitted by the registered party named above.
2. I have examined the return of election expenses "[about to be] delivered by me to the appropriate officer, of which a copy is now shown to me and marked (indicate how marked) and to the best of my knowledge and belief it is a complete and correct return as required by law.
*delete if inapplicable
3. To the best of my knowledge and belief, all expenses shown in the return as paid by me, except as otherwise state in relation to the personal expenses of the candidates.
4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of Declarant

Date

Note: Where there has been a change of election agent, suitable variations may be introduced.

Part 2

Modifications to form of declaration set out in Part 1 where a candidate included in a list is the election agent for candidates on that list

The modifications to the declaration set out in Part 1 are –

- (a) the substitution for paragraph 1 of the following –
"1. At this election I was one of the candidates included in the list submitted by the registered party named above and I was also the election agent for the candidates on that list."; and
- (b) in paragraph 3, the addition, after the word "candidates" of the words "other than myself".

Status: This is the original version (as it was originally made).

Form 21 – List candidate’s declaration as to election expenses

LMER rule 68(3) and (4)

Part 1

Form of declaration as to election expenses by list candidate who was not also election agent

REPRESENTATION OF THE PEOPLE ACTS

GREATER LONDON AUTHORITY

ELECTION OF MEMBERS OF THE LONDON ASSEMBLY

Date of publication of notice of election

Name of Registered Party

I, (full names) of (full address, including post code) solemnly and sincerely declare as follows:

1. I was at this election the candidates included in the list submitted by the registered party named above.
2. I have examined the return of election expenses “[about to be] delivered to the appropriate officer by person who was the election agent for all the candidates included in that list, of which a copy is now shown to me and marked (indicate how marked) and to the best of my knowledge and belief it is a complete and correct return as required by law.
*delete if inapplicable
3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by the list candidates’ election agent, except as otherwise state in relation to my personal expenses.
4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of Declarant

Date

Note: Where there has been a change of election agent, suitable variations may be introduced.

Part 2

Modifications to form of declaration set out in Part 1 where a candidate included in a list is the election agent for candidates on that list

The modifications to the declaration set out in Part 1 are –

- (a) the substitution for paragraph 1 of the following –
 - “1. At this election I was one of the candidates included in the list submitted by the registered party named above and I was also the election agent for the candidates on that list.”; and
- (b) in paragraph 3 –
 - (i) by the substitution for the words “by the list candidates’ election agent” of the words “by me”; and
 - (ii) by the substitution for the words “my personal expenses” of the words “the personal expenses of the candidates other than myself”.

