

Changes to legislation: The Combined Authorities (Mayoral Elections) Order 2017, Paragraph 37 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 3

^{F1}... Mayoral Election (Combination of Polls) Rules

Textual Amendments

- F1** Words in Sch. 3 heading omitted (7.2.2024) by virtue of [The Combined Authorities \(Mayoral Elections\) Order 2017 \(Amendment\) Regulations 2024 \(S.I. 2024/131\)](#), regs. 1(3), **13(2)**

PART 4

Contested elections

Voting procedure

37.—(1) [^{F1}Subject to rule 35(3) and to paragraphs (1A) to (1M), a] ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- ^{F2}(a)
- (b) the number of the elector must be marked on the list mentioned in rule 28(4)(d) beside the number of the ballot paper to be issued to the elector,
- (c) a mark must be placed in the copy of the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received, and
- (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.

[^{F3}(1A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.

(1B) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.

(1C) Paragraph (1D) applies in relation to a voter where—

- (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document.

(1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place.

(1E) The presiding officer must refuse to deliver a ballot paper to a voter where—

- (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.

(1F) Paragraph (1E)(a) does not apply where—

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- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

(1G) The refusal to deliver a ballot paper to a voter under paragraph (1E) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

(1H) In this rule, a “forged document” means a false document made to resemble a specified document.

(1I) In this rule, a “specified document”—

- (a) except in the case of a voter who has an anonymous entry in the register of electors, means a document which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter who has an anonymous entry in the register of electors, means an anonymous elector’s document which—
 - (i) was issued by the registration officer for the ^{F4}... council in whose area the polling station to which the voter is allotted is situated,
 - (ii) contains the number—
 - (aa) allocated to the voter as stated in the copy of the register of electors, or
 - (bb) where an entry relating to the voter is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the election is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.

(1M) References in this rule to producing a document are to producing it for inspection.]

(2) In the case of an elector who has an anonymous entry, the elector (E) must show the presiding officer E's official poll card ^{F5}....

(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

^{F6}(a)

- (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 the paper and fold it up so as to conceal the vote, 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 so folded up into the ballot box in the presiding officer's presence.

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

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(6) The same copy of the register of electors which is used under paragraph (1) for the [F7CA/CCA] mayoral election or, where paragraph (3) applies, the same copy of the notice issued under section 13B(3B) or (3D) in the 1983 Act, may be used for each relevant election or referendum, and—

- (a) one mark may be placed in that copy of the register or on that notice under paragraph (1) (c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each election or referendum, but
- (b) where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark must be placed in the copy of that register or, as the case may be, on that notice or in that list so as to identify each election or referendum in respect of which a ballot paper was issued.

(7) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purposes of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1), and these rules apply in relation to such a voter accordingly.

Textual Amendments

- F1** Words in Sch. 3 rule 37(1) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **96(8)(a)(i)** (with reg. 1(6)(7))
- F2** Sch. 3 rule 37(1)(a) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **96(8)(a)(ii)** (with reg. 1(6)(7))
- F3** Sch. 3 rule 37(1A)-(1M) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **96(8)(b)** (with reg. 1(6)(7))
- F4** Word in Sch. 3 rule 37(1)(b)(i) omitted (7.2.2024) by virtue of [The Combined Authorities \(Mayoral Elections\) Order 2017 \(Amendment\) Regulations 2024 \(S.I. 2024/131\)](#), regs. 1(3), **13(20)(a)**
- F5** Words in Sch. 3 rule 37(2) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **96(8)(c)** (with reg. 1(6)(7))
- F6** Sch. 3 rule 37(3)(a) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **96(8)(d)** (with reg. 1(6)(7))
- F7** Word in Sch. 3 rule 37(6) substituted (7.2.2024) by [The Combined Authorities \(Mayoral Elections\) Order 2017 \(Amendment\) Regulations 2024 \(S.I. 2024/131\)](#), regs. 1(3), **13(20)(b)**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [art. 9 inserted by S.I. 2024/131 reg. 9](#)