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STATUTORY INSTRUMENTS

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**2009 No. 813**

**REPRESENTATION OF THE  
PEOPLE, NORTHERN IRELAND**

**The European Parliamentary Elections (Northern  
Ireland) (Amendment) Regulations 2009**

*Made - - - - 26th March 2009*

*Coming into force in accordance with regulation 1(2)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 13BA of the Representation of the People Act 1983<sup>(1)</sup>, sections 6(5) and 7 of the European Parliamentary Elections Act 2002<sup>(2)</sup> and section 42 of the Electoral Administration Act 2006<sup>(3)</sup>.

The Secretary of State has consulted the Electoral Commission pursuant to section 7(1) and (2)(a) and (e) of the Political Parties, Elections and Referendums Act 2000<sup>(4)</sup> and section 42(9) of the Electoral Administration Act 2006.

In accordance with section 201(2) of the Representation of the People Act 1983, section 13(2) of the European Parliamentary Elections Act 2002 and section 42(10) of the Electoral Administration Act 2006 a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009.

(2) These Regulations shall come into force on the day after the day on which they are made.

(3) These Regulations extend to Northern Ireland only.

**Interpretation**

2. Unless the context otherwise requires, in these Regulations and in any provision applied by these Regulations—

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(1) 1983 c. 2. Section 13BA was inserted by section 6(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).  
(2) 2002 c. 24 (“the 2002 Act”). The 2002 Act was amended by section 1 of the European Parliament (Representation) Act 2003 (c. 7). Other amendments made by that Act to the 2002 Act are not relevant to Northern Ireland.  
(3) 2006 c. 22.  
(4) 2000 c. 41. Section 7(2)(a) was amended by section 15 of, and paragraph 8 of Schedule 3 to, the European Parliamentary Elections Act 2002 (c. 24).

- (a) “the 2004 Regulations” means the European Parliamentary Elections (Northern Ireland) Regulations 2004<sup>(5)</sup>; and
- (b) a reference to a numbered regulation or Schedule means the regulation or Schedule so numbered in the 2004 Regulations.

### **Amendments to the 2004 Regulations**

#### **3. For regulation 2 (interpretation) substitute the following—**

##### **“2. Unless the context otherwise requires, in these Regulations—**

“1983 Act” means the Representation of the People Act 1983;

“1985 Act” means the Representation of the People Act 1985<sup>(6)</sup>;

“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“2001 Franchise Regulations” means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001<sup>(7)</sup>;

“2002 Act” means the European Parliamentary Elections Act 2002;

“2003 Act” means the European Parliament (Representation) Act 2003<sup>(8)</sup>;

“2006 Act” means the Electoral Administration Act 2006;

“2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008<sup>(9)</sup>;

“the absent voters list” means, in relation to any election, the list kept under regulation 9(6);

“citizen of the Union” is to be construed in accordance with Article 8 of the Treaty establishing the European Community<sup>(10)</sup>, and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

“completed corresponding number list” means a list prepared under rule 20 of the European Parliamentary elections rules, including the parts which are completed in accordance with rules 30(3)(d) and 39(1)(b) of those rules or paragraph 21(1) of Schedule 2 to these Regulations;

“disability”, in relation to doing a thing, includes a short term inability to do it;

“dwelling” includes any part of a building where that part is occupied separately as a dwelling;

“election” means a European Parliamentary election;

“election court” means, in relation to a European Parliamentary election petition, the judges presiding at the trial;

“elector” means, in relation to an election, any person who has for the time being an entry in a register of electors, but does not include those shown in such a register as below voting age on the day fixed for the poll;

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(5) S.I. 2004/1267 as amended by S.I. 2004/1374, S.I. 2004/1771 and S.I. 2005/2114.

(6) 1985 c. 50.

(7) S.I. 2001/1184, which was amended by S.I. 2003/1557. Other amendments are not relevant to these Regulations.

(8) 2003 c. 7.

(9) S.I. 2008/1741.

(10) O.J. L 278, 08.10.1976, p.21 (Cmnd.3780). Article 8 was substituted by Article 12 of the Lisbon Treaty (Cmnd. 7294, European Communities Series No.13) which was signed by the United Kingdom on 13 December 2007 but which has yet to be ratified.

“European Parliamentary elections rules” means the rules in Schedule 1 to these Regulations;

“European Parliamentary election petition” means a petition presented in pursuance of Part 4 of these Regulations;

“European Parliamentary overseas elector” means a person falling within section 8(4) of the 2002 Act;

“European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of regulations made under section 3 of the 1985 Act(11);

“legal incapacity” includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by these Regulations or by any Act;

“legal process” means a claim form, application, notice, writ, summons or other process;

“the list of proxies” means, in relation to any election, the list kept under regulation 9(6);

“marked register” is the copy of a register of electors marked in accordance with rule 39(1)(c) of the European Parliamentary elections rules;

“marked copy of the absent voters list or the proxy postal voters list” is the copy of that list marked as mentioned in paragraph 31 of Schedule 2 to these Regulations for the purposes of rule 33(1) of the European Parliamentary elections rules;

“overseas elector” means a person falling within section 8(2)(b) of the 2002 Act;

“overseas elector’s declaration” has the meaning given by section 2 of the 1985 Act(12);

“the proxy postal voters list” means, in relation to any election, the list kept under regulation 11(8);

“register of electors” means any part of—

- (a) a register of parliamentary or, in the case of peers, local electors,
- (b) a register under section 3 of the 1985 Act,
- (c) a register under regulation 5 of the 2001 Franchise Regulations,

in force within the electoral region at the time of a European Parliamentary election in that region;

“registration officer” means the Chief Electoral Officer for Northern Ireland;

“service voter” means a person who has made a service declaration and is registered or entitled to be registered in pursuance of it;

“sub-agent” has the meaning given by regulation 35(1);

“universal service provider” means a universal service provider within the meaning of the Postal Services Act 2000(13); and

“voter” means a person voting at an election and includes a person voting as proxy and, except in the European Parliamentary elections rules, a person voting by proxy; and “vote” (whether noun or verb) is to be construed accordingly, except that in those

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(11) Section 3 was substituted by paragraph 4 of Schedule 2 to the Representation of the People Act 2000 (c. 2). The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) were made under this provision.

(12) 1985 c. 50. Section 2 was substituted by section 8 of, and paragraphs 1 and 3 of Schedule 2 to, the Representation of the People Act 2000 (c. 2) and sub-section (2) was subsequently amended by section 12(9) of the Electoral Administration Act 2006 (c. 22). S.I. 2008/1741 was also made under this section.

(13) 2000 c. 26.

rules any reference to an elector voting or an elector's vote is to include a reference to an elector voting by proxy or an elector's vote given by proxy.”

4. After regulation 2 (interpretation) insert—

**“Forms**

**2A.** The forms set out in the Appendix of Forms in Part 8 of Schedule 1 (European Parliamentary elections rules) and the Appendix of Forms in Schedule 2 (absent voting) to these Regulations may be used with such variations as the circumstances may require, provided that the form used is substantially to the like effect as the corresponding form in that Part or Schedule.”.

5. In regulation 6 (rules for European Parliamentary elections), after paragraph (2) insert—

“(2A) The returning officer may take such steps as he thinks appropriate to remedy any act or omission on his part, or the part of a relevant person, which—

- (a) arises in connection with any function he or a relevant person has in relation to the election; and
- (b) is not in accordance with the European Parliamentary elections rules or other requirements applicable to the election.

(2B) The returning officer may not under paragraph (2A) re-count the votes given at an election after the result has been declared.

(2C) These are the relevant persons—

- (a) the registration officer;
- (b) a presiding officer;
- (c) a person providing goods or services to the returning officer;
- (d) a deputy of any person mentioned in sub-paragraphs (a) to (c) or a person appointed to assist, or in the course of his employment assisting, such a person in connection with any function that person has in relation to the European Parliamentary election.”.

6. In regulation 7 (manner of voting) after paragraph (6) insert—

“(6A) Paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 43(4) or (6) of the European Parliamentary elections rules.”.

7. In regulation 8 (absent vote at elections for an indefinite period) amend paragraph (4)(b) by substituting “disability” for “physical incapacity”.

8. In regulation 11 (voting as proxy) after paragraph (10) insert—

“(10A) Paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 42(4) or (6) of the European Parliamentary elections rules.”.

9. After regulation 12 (offences as to declarations) insert—

**“Offences relating to applications for postal and proxy votes**

**12A.—**(1) A person commits an offence if he—

- (a) engages in an act specified in paragraph (2) at a European Parliamentary election, and

(b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.

(2) These are the acts—

(a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);

(b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;

(c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed by the person entitled to the vote;

(d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.

(3) In paragraph (1)(b) property includes any description of property.

(4) In paragraph (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or proxy postal ballot paper (as the case may be).

(5) A person who commits an offence under paragraph (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.”.

**10.** Omit regulation 14 (modification of the Regulations for 2004 elections).

**11.**—(1) Amend regulation 16 (payments by and to returning officers) as follows.

(2) For paragraphs (1) to (4) substitute—

“(1) The returning officer may recover his charges in respect of services rendered, or expenses incurred, for or in connection with a European Parliamentary election if—

(a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election; and

(b) the total of his charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, an order made by the Secretary of State.

(2) An order under paragraph (1)(b) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description and, subject to paragraph (3), the returning officer may not recover more than that amount in respect of any such services or expenses.

(3) The Secretary of State may, in a particular case, authorise the payment of—

(a) more than the overall recoverable amount, or

(b) more than the specified maximum recoverable amount for any specified services or expenses,

if satisfied that the conditions in paragraph (4) are met.

(4) The conditions referred to in paragraph (3) are—

(a) that it was reasonable for the returning officer to render the services or incur the expenses; and

(b) that the charges in question are reasonable.”.

(3) In paragraph (9) for “paragraphs (1) and (2)” substitute “paragraph (1)”.

**12.**—(1) Amend regulation 18 (effect of registers) as follows.

- (2) In sub-paragraph (2)(b)(i) insert “qualifying” before “Commonwealth”.
- (3) In paragraph (3), before “the relevant date” insert—
- “qualifying Commonwealth citizen” means a Commonwealth citizen who either—
- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is by virtue of any enactment, to be treated as having) any description of such leave; and”
- 13.**—(1) Amend regulation 22 (registration appeals) as follows.
- (2) For paragraph (1) substitute—
- “(1) Subject to paragraph (2) an appeal lies to the county court from any decision under these Regulations of the registration officer—
- (a) disallowing a person’s application to vote by post or proxy as elector or to vote by post as proxy, or
- (b) to remove his entry from the absent voters list, list of proxies or the proxy postal voters list,
- in any case where the application or entry is not related to a particular election only.”
- (3) In paragraph (4) for “sections 13A and 13B” substitute “section 13A”.
- (4) In paragraph (5) for “section 13(5), 13A(2) or 13B(3)” substitute “section 13(5) or 13A(2)”.
- 14.** In regulation 24(2) (offences relating to specified documents) for “rule 37” substitute “rule 39”.
- 15.** In regulation 25 (other voting offences)—
- (a) after paragraph (7) insert—
- “(7A) A person is not guilty of an offence under paragraph (3)(b) or (4)(b) only by reason of his having marked a tendered ballot paper in pursuance of rule 42(4) or (6) of the European Parliamentary elections rules”; and
- (b) in paragraph (8) for “rule 40(4)” substitute “rule 42(9)”.
- 16.**—(1) Amend regulation 26 (breach of official duty) as follows.
- (2) In paragraph (3)—
- (a) after sub-paragraph (b) omit “and” and insert—
- “(ba) any other person whose duty it is to be responsible after a European Parliamentary election for the used ballot papers and other documents (including returns and declarations as to expenses), and”; and
- (b) in sub-paragraph (c) for “(a) and (b)” substitute “(a) to (ba)”.
- (3) After paragraph (3) insert—
- “(4) The returning officer shall not be guilty of an offence under paragraph (1) of this regulation where—
- (a) although guilty of an act or omission in breach of official duty,
- (b) he remedies that act or omission in full by taking steps under regulation 6(2A).
- (5) Paragraph (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.”.
- 17.** In regulation 29 (offences in connection with candidature), which shall become paragraph (1) of that regulation—

- (a) for “rule 8(1)” substitute “rule 7(1)”; and
- (b) at the end insert—

“(2) A person is guilty of a corrupt practice if, in the case of a European Parliamentary election, he makes in any document in which he gives his consent to his nomination as a candidate in accordance with rule 6 of the European Parliamentary elections rules—

- (a) a statement of his date of birth, or
- (b) a statement as to his qualification for being elected at that election,

which he knows to be false in any particular.

(3) For the purposes of paragraph (2), a statement as to a candidate’s qualification is a statement—

- (a) that he is qualified for being elected,
- (b) that he will be qualified for being elected, or
- (c) that to the best of his knowledge and belief he is not disqualified for being elected”

**18.**—(1) Amend regulation 30 (requirement of secrecy) as follows.

(2) For paragraph (1)(c) substitute—

“(c) every person so attending by virtue of any of sections 6A to 6D of the 2000 Act(14),”

(3) After each occurrence of the word “number” in paragraph (2)(a), (4)(c), (5)(b) and (c) and (6) of that regulation, insert “or other unique identifying mark”.

**19.** In regulation 31(3) (prohibition on publication of exit polls) before the definition of “forecast” insert ““close of the poll” means, in the case of a general election of MEPs, the close of the polling in the member State whose electors are the last to vote in the election;”.

**20.** In regulation 32 (interpretation of Part 2) amend the definition of “election expenses” in paragraph (1) by substituting “regulations 55 and 57” for “regulations 55 to 57”.

**21.** In regulation 33(2) (computation of time for purposes of Part 2), omit the words “Maundy Thursday”.

**22.** In regulation 39 (payment of expenses through election agent) amend paragraph (5)(d) by substituting “55(5)” for “55(5)(b)”.

**23.** Amend regulation 41 (expenses incurred otherwise than for elections purposes) by—

- (a) omitting from paragraph (2) the words in parenthesis “(determined in accordance with regulation 56)”; and
- (b) substituting in paragraph (3) “regulations 55 and 57” for “regulations 55 to 57”.

**24.**—(1) Amend regulation 42 (prohibition of expenses not authorised by election agent) as follows.

(2) For paragraphs (1) and (2) substitute—

“(1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred after a person becomes a candidate by any person other than the candidate, the candidate’s election agent and persons authorised in writing by the election agent on account—

- (a) of holding public meetings or organising any public display; or

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(14) Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (c. 41) were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise representing to the electors the candidate or the candidate's views or the extent or nature of the candidate's backing or disparaging a registered party or its candidates or an independent candidate.

(1A) Sub-paragraph (c) of paragraph (1) does not restrict the publication of any matter relating to the election in—

- (a) a newspaper or other periodical,
- (b) a broadcast made by the British Broadcasting Corporation, or
- (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990<sup>(15)</sup> or Part 1 or 2 of the Broadcasting Act 1996<sup>(16)</sup>.

(1B) Paragraph (1) does not apply to any expenses incurred by any person—

- (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action), or
- (b) in travelling or living away from home or similar personal expenses.

(2) For the purposes of paragraph (1B), the “permitted sum” means £5,000; and expenses must be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding paragraph (1B)) fall within paragraph (1).

(2A) For the purposes of paragraph (1), expenditure incurred before or on the date when a person becomes a candidate is to be treated as having been incurred after that date if it is incurred in connection with any thing which is used or takes place after that date.”.

**25.** In regulation 47 (return as to election expenses)—

- (a) in sub-paragraph (2)(c) for “regulation 40(2)” substitute “regulation 42(3)”; and
- (b) in sub-paragraph (3)(e) for “regulation 55(5)(b)” substitute “regulation 55(5)”.

**26.** In regulation 51(1) (court's power to require information from election agent or sub-agent) after the words “such particulars as will” omit “;”.

**27.** In regulation 54(2) (inspection of returns and declarations) for “regulation 47(3)(f)” substitute “paragraph 10 of Schedule 4 to these Regulations”.

**28.** For regulations 55 (meaning of election expenses) and 56 (incurring of election expenses for purposes of regulation 55) substitute the following—

**“Meaning of “election expenses”**

**55.—**(1) In this Part of these Regulations “election expenses” in relation to a candidate at an election means (subject to paragraph (3) and regulation 57) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 5A which is used for the purposes of the candidate's election on or after the date when he becomes a candidate at the election.

(2) No election expenses are to be regarded as incurred by virtue of paragraph (1) or regulation 57 in respect of any matter specified in Part 2 of Schedule 5A.

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<sup>(15)</sup> 1990 c. 42. Parts 1 and 3 have been amended by the Communications Act 2003 (c. 21).

<sup>(16)</sup> 1996 c. 55. Parts 1 and 2 have been amended by the Communications Act 2003 (c. 21).



(3) In this regulation and regulation 57 “for the purposes of the candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election.

(4) For the purposes of this Part of these Regulations and in Schedule 5A, election expenses are incurred by or on behalf of a candidate at an election if they are incurred—

- (a) by the candidate or his election agent, or
- (b) by any person authorised in writing by the candidate or his election agent to incur expenses.

(5) In this Part of these Regulations and in Schedule 5A, any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses—

- (a) which are incurred as mentioned in paragraph (1) on or before the date when he becomes a candidate at the election, but
- (b) which by virtue of that paragraph fall to be regarded as election expenses.

(6) In this Part of these Regulations and in Part 4 and in Schedule 5A, any reference (in whatever terms) to promoting or procuring a candidate’s election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.

**56.** Schedule 5A, which makes provision for election expenses, has effect.”.

**29.** In regulation 57 (property, goods, services etc provided free of charge or at a discount) amend paragraph (2) by substituting “Part 2 of Schedule 5A to these Regulations” for “regulation 55(3)”.

**30.**—(1) Amend regulation 68 (details to appear on election publications) as follows.

(2) After paragraph (7) insert—

“(7A) For the purposes of paragraph (7)(c), election material to which paragraph (7B) applies—

- (a) is not to be regarded as being published on behalf of a candidate merely because it can be regarded as promoting, procuring or enhancing that candidate’s electoral success or standing, but
- (b) may be regarded as being published on behalf of the party mentioned in paragraph (7B).

(7B) This paragraph applies to election material which can reasonably be regarded as promoting, procuring or enhancing the electoral success or standing of two or more candidates standing in the name of a party.”

**31.** In regulation 73 (undue influence), for paragraph (2)(b) substitute—

“(b) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents or intends to impede or prevent the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon or intends so to compel, induce or prevail upon an elector or proxy for an elector either to vote or to refrain from voting.”.

**32.** In regulation 79(1) (method of questioning European Parliamentary elections) for “rule 60” substitute “rule 64”.

**33.** In regulation 81(1) (time for presentation or amendment of European Parliamentary election petition) for “rule 60” substitute “rule 64”.

**34.** In regulation 84 (security for costs) the sentence beginning with the words “The security shall be” is to become paragraph (1A).

35. In regulation 89(1)(a) (duty to answer relevant questions) for “husband or wife” substitute “spouse or civil partner”.

36. In regulation 99 (prosecutions for corrupt practices), in sub-paragraph (1)(a)(i) before “23” insert “12A,”.

37. After regulation 111 (service of notices) insert—

**“Translations etc. of certain documents**

**111A.**—(1) Paragraphs (2) and (3) apply to any document which by virtue of these Regulations is required or authorised to be given to voters or displayed in any place for the purposes of a European Parliamentary election.

(2) The person who is required or authorised to give or display the document (“P”) must, as P thinks appropriate, give or display or otherwise make available in such form as P thinks appropriate—

- (a) the document in Braille;
- (b) the document in languages other than English;
- (c) graphical representations of the information contained in the document;
- (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.

(3) P must also, as P thinks appropriate, make available the information contained in the document in such audible form as P thinks appropriate.

(4) Paragraphs (2) and (3) do not apply to—

- (a) the nomination paper; or
- (b) the ballot paper.

(5) The returning officer may cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper.

(6) The sample copy mentioned in paragraph (5)—

- (a) must have printed the words “Vote for as many candidates as you wish in order of preference” both at the top and immediately below the list of candidates, and
- (b) may include a translation of those words into such other languages as the returning officer thinks appropriate.

(7) The returning officer must provide at every polling station in the election an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted.

(8) The sample copy mentioned in paragraph (7) must be clearly marked as a specimen provided only for the guidance of voters.”.

**European Parliamentary elections rules**

38. For Schedule 1, substitute the Schedule comprising Schedule 1 to these Regulations.

**Absent voting at European Parliamentary elections**

39. For Schedule 2, substitute the Schedule comprising Schedule 2 to these Regulations.

**Modifications for relevant citizens of the Accession States in 2004**

**40.** Omit Schedule 3.

**Election expenses**

**41.** After Schedule 5, insert the Schedule comprising Schedule 3 to these Regulations.

**Combined polls**

**42.** For Schedule 6, substitute the Schedule comprising Schedule 4 to these Regulations.

Northern Ireland Office  
26th March 2009

*Paul Goggins*  
Minister of State

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

SCHEDULE 1

Regulation 38

“SCHEDULE 1

Regulation 6

EUROPEAN PARLIAMENTARY ELECTIONS RULES

PART 1

PROVISIONS AS TO TIME

**Timetable**

1.—(1) The proceedings at the election must be conducted in accordance with the following timetable.

**Timetable**

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the date of the poll.
Delivery of nomination papers	Between the hours of 10 a.m. and 4 p.m. on any day after the date of the publication of the notice of election but not later than the 19th day before the date of the poll.
Delivery of notices of withdrawals of candidature	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers	During the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following; but <ul style="list-style-type: none"> <li>(a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery, and in the case of a nomination paper so delivered no objection may be so made to the sufficiency or nature of the particulars of a candidate unless made at or immediately after the time of the delivery of the nomination paper; and</li> <li>(b) the foregoing provisions do not apply to objections made in pursuance of rule 15(2).</li> </ul>
Publication of statement of candidates nominated	If no objections to nomination papers are made, at the close of the time for doing so,  or  if any such objections are made, not before they are disposed of, but not later than 24 hours after the last time for delivery of nomination papers.

<i>Proceeding</i>	<i>Time</i>
Polling	Between the hours of 7 a.m. and 10 p.m. on the day of the poll.

(2) A reference in these rules to the timetable is a reference to the timetable in paragraph (1).

### **Computation of time**

2.—(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 returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means—

- (a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(17) in any part of the United Kingdom,
- (b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland,

but at a general election sub-paragraph (b) and not sub-paragraph (a) of this paragraph applies in relation to any proceedings extending, by reason of riot or open violence, beyond the time laid down by the timetable.

## **PART 2**

### **STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS**

#### **Notice of election**

3.—(1) The returning officer 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 paper may be obtained at that place and those times.

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

(3) The notice of election must state the date by which (except in such circumstances as are provided for in paragraph 8 of Schedule 2)—

- (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 in order that they may be effective for the election.

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(17) 1971 c. 80.

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### **Nomination of candidates**

4.—(1) Each candidate must be nominated by a separate nomination paper, which is signed and delivered by the candidate himself or a person authorised in writing by him.

(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 his 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 in addition to the other name.

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

- (a) a description which is authorised as mentioned in rule 5(1) or (3), or
- (b) the word “Independent”.

(5) Where a nomination paper is delivered in respect of the same person after an earlier paper in respect of that person has been delivered, that later paper must be deemed to supersede the earlier one.

(6) A nomination paper may consist of a single sheet or of two or more sheets securely fastened together.

(7) The returning officer must supply any elector (within the meaning of regulation 58(4)) with a form of nomination paper at the place and during the time for delivery of nomination papers but it is not necessary for a nomination to be on a form supplied by the returning officer.

### **Nomination papers: name of registered political party**

5.—(1) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party in relation to the electoral region and the description is authorised by a certificate—

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

(2) In paragraph (1) an authorised description may be either—

- (a) the name of the party registered under section 28 of the 2000 Act, or
- (b) a description of the party registered under section 28A(18) of that Act.

(3) 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—

- (a) the candidate is standing on behalf of two or more registered parties,
- (b) each of the parties is a qualifying party in relation to the electoral region, and
- (c) the description is a registered description authorised by a certificate—

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

- (i) issued by or on behalf of the registered nominating officer of each of the parties, and
- (ii) received by the returning officer before the last time for the delivery of nomination papers set out in the timetable.

(4) For the purposes of paragraph (3), a description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Act.

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's registered nominating officer.

(6) For the purposes of the application of this rule in relation to an election—

- (a) “registered political 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, and
- (b) a registered political party is a qualifying party if the party was at the relevant time in the Northern Ireland register mentioned under that Part of that Act.

(7) For the purposes of paragraph (6)(a) any day falling within rule 2(1) must be disregarded.

#### **Consent to nomination**

6.—(1) A person shall not be validly nominated as a candidate unless his consent to nomination—

- (a) is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers,
- (b) is attested by one witness, and
- (c) is delivered at the place and within the time for the delivery of nomination papers, subject to paragraph (2).

(2) If the returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given, a telegram (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this rule to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent is not required.

(3) A candidate's consent given under this rule must state the day, month and year of his birth, and—

- (a) that he is aware of the provisions of section 10 of the European Parliamentary Elections Act 2002<sup>(19)</sup>, and
- (b) that to the best of his knowledge and belief he is not disqualified for the office of MEP.

#### **Candidature by relevant citizen of the Union**

7.—(1) Where the candidate is a relevant citizen of the Union, he shall not be validly nominated as a candidate unless a declaration under paragraph (2) and a certificate under paragraph (3) are delivered at the place and within the time for the delivery of nomination papers.

(2) The declaration referred to in paragraph (1) must be made by or on behalf of the candidate and state, in addition to his name—

- (a) his nationality;
- (b) his home address in the United Kingdom in full;

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<sup>(19)</sup> 2002 c. 24. Section 10 has been amended by section 145 of, and paragraph 32 of Schedule 17 to, the Constitutional Reform Act 2005 (c. 4) but those amendments have not yet been brought into force. It has also been amended by section 18 of the Electoral Administration Act 2006 (c. 22).

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- (c) that he is not standing as a candidate for election to the European Parliament in any other member State at elections held in the same period;
- (d) where his name has been entered in a register of electors in a locality or constituency in the member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last entered.

(3) The certificate referred to in paragraph (1) must be made by the competent administrative authorities in the member State of which the candidate is a national stating either that he has not been deprived of his right to stand as a candidate in that State or that no such disqualification is known to those authorities.

(4) As soon as practicable after publication of the statement of candidates nominated, the returning officer must send to the Secretary of State a copy of the declaration made under paragraph (2) by any candidate who stands nominated as a candidate.

(5) In this rule “locality or constituency” and “competent administrative authorities” have the same meaning as they have in the directive of the Council of the European Communities No.93/109/EC(20).

#### **Deposit**

**8.—(1)** A person shall not be validly nominated as a candidate unless the sum of £5,000 is deposited by him or on his behalf with the returning officer 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 returning officer’s consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

but the returning officer 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 a 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 returning officer (unless they have previously been given to him under regulation 34 or 35 of these Regulations).

#### **Place for delivery of nomination papers**

**9.** The returning officer must fix the place in the electoral region at which nomination papers are to be delivered to him, and must attend there during the time for their delivery and for the making of objections to them.

#### **Right to attend nomination**

**10.—(1)** Except for the purpose of delivering a nomination paper or of assisting the returning officer, no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as a candidate, or
- (b) the election agent of a candidate, or
- (c) a person authorised in writing to deliver a nomination paper, or

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(20) O.J.L 329, 30.12.1993, page 34.



- (d) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Act<sup>(21)</sup>.
- (2) The right to attend conferred by this rule includes the right—
  - (a) to inspect, and
  - (b) to object to the validity of, any nomination paper.
- (3) Paragraph (2) does not apply to a person mentioned in paragraph (1)(d).
- (4) One other person chosen by each candidate is entitled to be present at the delivery of the candidate's nomination, and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in paragraph (1) but without any such right as is conferred by paragraph (2).

### **Decisions as to validity of nomination papers**

- 11.**—(1) Where a nomination paper and the candidate's consent to it (and, where required, a declaration and certificate under rule 7(1) and (3)) are delivered and a deposit is made in accordance with these rules, the candidate must be deemed to stand nominated unless and until—
- (a) the returning officer decides that the nomination paper is invalid, or
  - (b) proof is given to the returning officer's satisfaction of the candidate's death, or
  - (c) the candidate withdraws.
- (2) The returning officer is entitled to hold a nomination paper of a candidate invalid only on one of the following grounds—
- (a) that the particulars of the candidate are not as required by law,
  - (b) that the nomination paper does not otherwise comply with the requirement set out in rule 4(1), or
  - (c) that the candidate is disqualified by the Representation of the People Act 1981<sup>(22)</sup> (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act).
- (3) The returning officer must give his decision on any objection to a nomination paper—
- (a) as soon as practicable after it is made, and
  - (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable.
- (4) If in the returning officer's opinion a nomination paper breaches rule 5(1) or (3), 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 close of the period for delivery of nomination papers set out in the timetable.
- (5) Where the returning officer decides that a nomination paper is invalid, he must endorse on the paper the fact and the reasons for his decision and sign the paper.
- (6) The returning officer's decision that a nomination paper is valid is final and may not be questioned in any proceeding whatsoever.
- (7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on a European Parliamentary election petition.

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<sup>(21)</sup> 2000 c. 41. Sections 6A and 6B were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

<sup>(22)</sup> 1981 c. 34.

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### **Withdrawal of candidates**

- 12.** A candidate may withdraw his candidature by notice of withdrawal—
- (a) signed by him and attested by one witness, and
  - (b) delivered to the returning officer at the place for delivery of nomination papers.

### **Publication of statement of candidates nominated**

**13.—**(1) The returning officer must prepare and publish a statement (“the statement of candidates nominated”) showing—

- (a) the persons who have been and stand nominated as candidates; and
- (b) 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 candidates as given in their nomination papers.

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

(4) Paragraph (3) does not apply if the returning officer 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 returning officer 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 as candidates 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 returning officer must send to the Electoral Commission a copy of the statement.

### **Correction of minor errors**

**14.—**(1) The returning officer may, if he thinks fit, at any time before the publication under rule 13 of the statement of candidates nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include obvious errors of spelling in relation to the details of a candidate or the authorised description of a registered party.

(3) Anything done by the returning officer in pursuance of this rule may not be questioned in any proceedings other than proceedings on a European Parliamentary election petition.

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

### **Disqualification by Representation of the People Act 1981**

**15.—**(1) If it appears to the returning officer that any of the persons nominated as a candidate might be disqualified by the Representation of the People Act 1981<sup>(23)</sup> (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act) he must, as soon as practicable after the expiry of the time allowed for the delivery of nomination papers, prepare and publish a draft of the statement required under rule 13.

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(23) 1981 c. 34.

(2) The draft must be headed “draft statement of candidates nominated” and must contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that he is disqualified for nomination under the Representation of the People Act 1981 may do so between the hours of 10 a.m. and 4 p.m. on the day and at the place specified in the notice; and the day so specified must be the day after the last day for the delivery of nomination papers.

#### **Adjournment of nomination proceedings in case of riot**

**16.**—(1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—

- (a) the proceedings must be abandoned for that day, and
- (b) if that day is the last day for the delivery of nomination papers, the proceedings must be continued on the next day as if that were the last day for such delivery,

and that day must be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).

(2) Where proceedings are abandoned by virtue of this rule, nothing—

- (a) may be done after they are continued if the time for doing it had passed at the time of the abandonment,
- (b) done before the abandonment is invalidated by reason of the abandonment.

#### **Method of election**

**17.**—(1) If the statement of candidates nominated shows more persons standing nominated than there are seats to be filled, a poll must be taken in accordance with Part 3 of these Rules.

(2) If the statement of candidates nominated shows a number of persons standing nominated which is the same as or less than the number of seats to be filled, those persons must be declared to be elected in accordance with Part 4 of these Rules.

## **PART 3**

### **CONTESTED ELECTIONS**

#### **CHAPTER 1**

##### **General Provisions**

#### **Poll to be taken by ballot**

**18.** The votes at the poll must be given by ballot, and the votes given to each candidate must be counted and the result of the poll determined in accordance with rules 52 to 63.

#### **The ballot papers**

**19.**—(1) The ballot of every voter must consist of a ballot paper, and the persons shown in the statement of candidates nominated as standing nominated, and no others, are entitled to have their names inserted in the ballot paper.

(2) Every ballot paper must be in the Form A in the Appendix of Forms, and must be printed in accordance with the directions in that Appendix, and—

- (a) must contain the names of the persons shown in the statement of candidates nominated,
- (b) must be capable of being folded up, and

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(c) must have a number and other unique identifying mark printed on the back.

(3) If, on behalf of a candidate who is the subject of a party's authorisation under rule 5(1), the registered nominating officer of that party 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).

(4) The request must be—

(a) made in writing to the returning officer, and

(b) received by him before the last time for the delivery of nomination papers set out in the timetable.

(5) If, on behalf of a candidate who is the subject of two or more parties' authorisations under rule 5(3), the registered nominating officers of those parties so request, the ballot paper must contain, against the candidate's particulars the registered emblem of one of those parties (or, as the case may be, one of its registered emblems).

(6) The request must be—

(a) made in writing by the nominating officers of the parties jointly to the returning officer, and

(b) received by him before the last time for the delivery of nomination papers set out in the timetable.

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

### **Corresponding number list**

**20.**—(1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all the ballot papers to be issued by him in pursuance of rule 25(1) or provided by him in pursuance of rule 30(1).

(2) The form of corresponding number list to be prepared by the returning officer for the purpose of this rule must be in Form B in the Appendix of Forms.

(3) The form of corresponding number list to be prepared by the returning officer for the purposes of rules 30(3)(d) and 39(1)(b) must be in Form C in the Appendix of Forms.

(4) The form of corresponding number list to be prepared by the returning officer for the purpose of this rule when the poll at a European Parliamentary election is to be taken with the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act<sup>(24)</sup> (combination of polls at parliamentary, European Parliamentary and local elections) must be in Form D in the Appendix of Forms.

(5) The form of corresponding number list to be prepared by the returning officer for the purposes of rules 30(3)(d) and 39(1)(b) when the poll at a European Parliamentary election is to be taken with the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local elections) must be in Form E in the Appendix of Forms.

### **The official mark**

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

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<sup>(24)</sup> 1985 c. 50. Section 15(1) was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58) and was extended to Northern Ireland by the Elections Act 2001 (c. 7). Other amendments made to this section are not relevant to Northern Ireland.

(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 elections for the same European Parliamentary electoral region.

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

#### **Prohibition of disclosure of vote**

**22.** No person who has voted at the election must, in any legal proceeding to question the election or return, be required to state for whom he has voted.

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

**23.—**(1) The returning officer may use, free of charge, for the purpose of taking the poll—

- (a) a room in a school to which this rule applies;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) This rule applies to a school in receipt of a grant out of moneys appropriated by an Act of the Northern Ireland Assembly.

(3) The returning officer must make good any damage done to, and defray any expense incurred by the persons having control over, any room which has been used in accordance with this rule by reason of its being used for the purpose of taking the poll.

(4) This rule does not apply to any school adjoining or adjacent to any church or other place of worship nor to any school connected with a nunnery or other religious establishment.

### **CHAPTER 2**

#### **Action to be Taken Before the Poll**

#### **Notice of poll**

**24.—**(1) The returning officer must in the statement of candidates nominated include a notice of the poll, stating the day on which and hours during which the poll will be taken.

(2) The returning officer must also give public notice of—

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

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

#### **Postal ballot papers**

**25.—**(1) The returning officer must, in accordance with Schedule 2, issue to those entitled to vote by post a ballot paper and a declaration of identity in the form set out in that Schedule, together with such envelopes for their return as are specified in that Schedule.

(2) In accordance with regulation 111A, the returning officer 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).

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(3) The returning officer must ensure that the return of the ballot paper and the declaration of identity is free of charge to the voter.

#### **Provision of polling stations**

**26.**—(1) The returning officer 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 polling district must be in the polling place for that district.

(4) The returning officer 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**

**27.**—(1) The returning officer must appoint and pay a presiding officer to attend at each polling station and such clerks 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 returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(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 these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station or refuse to deliver a ballot paper under paragraph (4) of rule 39 (including that paragraph as applied by rules 40, 41 and 42).

#### **Appointment of verifying officers and clerks**

**28.**—(1) The returning officer must appoint verifying officers to attend at such places as he considers necessary for the purposes of the verification of the ballot paper accounts and such clerks as may be necessary for the purposes of the verification, but he shall not appoint a person who has been employed by or on behalf of a candidate in or about the election.

(2) The returning officer may, if he thinks fit, act as a verifying officer and the provisions of these rules relating to a returning officer shall apply to a returning officer so acting, with the necessary modifications as to things to be done by the returning officer to the verifying officer or by the verifying officer to the returning officer.

(3) A verifying officer may do, by the clerks appointed to assist him, any act which he is required or authorised by these rules to do.

#### **Issue of official poll cards**

**29.**—(1) The returning officer must as soon as practicable after the publication of the notice of election send to electors and their proxies the appropriate official poll card, but a card need not be sent to any person—

(a) as an elector if he is placed on the absent voters list for the election; or

(b) as a proxy if he is entitled to vote by post as proxy at the election,

and a card must not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration.

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(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 issued to an elector must be in Form F in the Appendix of Forms.

(4) The official poll card issued to the proxy of an elector must be in Form G in the Appendix of Forms.

(5) The official poll card must set out—

- (a) the name of the electoral region;
- (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;
- (d) such other information as the returning officer thinks appropriate,

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

(6) In this rule "elector" has the same meaning as in regulation 58(4) and, pending publication of the register, the elector's number in the register includes his number (if any) in the electors list for that register.

### **Equipment of polling stations**

**30.**—(1) The returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.

(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 returning officer 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 names of the electors allotted to the station;
- (c) the parts of any special lists prepared for the election corresponding to the register of electors or such part of it as provided under sub-paragraph (b);
- (d) Form C prepared under rule 20(3) 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 registers of electors includes a reference to copies of any notices issued under section 13BA(9) of the 1983 Act<sup>(25)</sup> in respect of alterations to the register.

(5) The returning officer must also provide each polling station with—

- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) a device of such description as is set out in paragraph (9) 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) A notice in Form H in the Appendix of Forms, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

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<sup>(25)</sup> Section 13BA(9) of the Representation of the People Act 1983 (c. 2) was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

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- (7) In every compartment of every polling station there must be exhibited the notice—  
“Remember—use 1,2,3 etc. at this election—this is an election by proportional representation. Number the candidates in order of your preference putting “1” against the candidate of your first preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish”.
- (8) Where proof has been given to the returning officer’s satisfaction of the death of a candidate, he must provide each presiding officer with sufficient number of notices to this effect for display in every compartment of every polling station.
- (9) The device referred to in paragraph (5)(b) 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 identify—
    - (i) the spaces on the ballot paper on which he may mark his vote; and
    - (ii) the candidate to whom each such space refers.

#### **Appointment of polling and counting agents**

- 31.**—(1) The election agent or sub-agent of a candidate or any person authorised in writing by such an agent or that candidate may, before the commencement of the poll, appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
  - (b) counting agents to attend at the verification of the ballot paper accounts and the counting of the votes.
- (2) 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.
- (3) The returning officer or, as the case may be, verifying officer may limit the number of counting agents, so that—
- (a) the number must be 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 verification of the ballot paper accounts or the counting of the votes by the number obtained by adding together the number of candidates.
- (4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the person by whom the appointment was made to the returning officer and must be given not later than the second day (computed like any period of time in the timetable) before the day of the poll.
- (5) If an agent dies, or becomes incapable of acting, the person by whom the appointment was made may appoint another agent in his place, and must forthwith give to the returning officer notice in writing of the name and address of the agent appointed.
- (6) 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.
- (7) Any notice required to be given to a counting agent by the returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.



(8) 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 any such agent in doing any such act or thing.

(9) The election agent or sub-agent of a candidate may do or assist in doing anything which a polling or counting agent of that candidate is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of the election agent or sub-agent of a candidate instead of that candidate's polling agent or counting agents.

(10) 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 returning officer 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 in writing of the provisions of paragraphs (1), (4) and (7) of regulation 30; and
  - (b) every person attending at the verification of the ballot paper accounts or the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of paragraphs (2), (3) and (7) of that regulation.

#### **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 absent 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 returning officer must mark the list as provided for in paragraph 31(5) of Schedule 2.

(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.

### **CHAPTER 3**

#### **The Poll**

#### **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) the returning officer, his deputies or clerks;

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- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act<sup>(26)</sup>;
- (h) the constables on duty; and
- (i) 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 any candidate.

(4) A constable or person employed by a returning officer must not be admitted to vote in person elsewhere than at his own polling station under rule 26, except on production and surrender of a certificate as to his employment which must be in Form I in the Appendix of Forms and signed by an officer of police of or above the rank of inspector or by the returning officer, 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, or
- (b) by any other person authorised in writing by the returning officer 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.

(5) Other than as provided by paragraph (6), the presiding officer and his clerks must not, during the poll, disclose information regarding the number of ballot papers delivered to voters at his polling station.

(6) The returning officer may, before the commencement of the poll, issue directions to the presiding officer as to how and when he may disclose information regarding the number of ballot papers delivered to voters at his polling station.

### **Sealing of ballot boxes**

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

- (a) show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty,
- (b) then, if it has a lock, lock it up,
- (c) place his seal on it in such a manner so as to prevent its being opened without breaking the seal,
- (d) place it in his view for the receipt of ballot papers, and
- (e) keep it so locked, if it has a lock, and sealed.

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<sup>(26)</sup> Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (c. 41) were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

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### 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 applying for a ballot paper who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and if the candidate or the candidate’s election or polling agent requires the question to be put:

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Questions</i>
1	A person applying as an elector	<ul style="list-style-type: none"> <li>(a) —“Are you the person registered in the register of electors for this election as follows (<i>read the whole entry from the register</i>)?” [R]</li> <li>(b) —“Have you already voted, (here in the UK or in another member State at this general election) (here or elsewhere at this by-election) of MEPs otherwise than as proxy for some other person?” [R]</li> <li>(c) —“What is your date of birth?”</li> </ul>
2	A person applying as proxy	<ul style="list-style-type: none"> <li>(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]</li> <li>(b) —“Have you already voted here or elsewhere at this (general election) (by-election) of MEPs, as proxy on behalf of C.D.?” [R]</li> <li>(c) —“Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.?” [R]</li> </ul>
3	Person applying as proxy if the question at entry 2(c) is not answered in the affirmative	“Have you at this (general election) (by-election) of MEPs already voted in this electoral region on behalf of two persons of whom you are not the spouse, civil

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<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Questions</i>
		partner, parent, grandparent, brother, sister, child or grandchild?" [R]
4	Person applying as an elector in relation to whom there is an entry in the absent voters list	(a) —“Did you apply to vote by post?” (b) —“Why have you not voted by post?”
5	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 13BA(9) of the 1983 Act(27), the reference in the question at entry 1(a) to reading from the register must be taken as references to reading from the notice issued under that section.

(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 by reason only that—

- (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) Subject to paragraphs (3) to (8) below and rule 37, a ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and 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 30(3)(d) beside the number of the ballot paper to be issued to him;
- (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.

(2) In the case of an elector who is added to the register in pursuance of a notice issued under section 13BA(9) of the 1983 Act, paragraph (1) is modified as follows—

(27) Section 13BA of the Representation of the People Act 1983 (c. 2) was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

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- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13BA(9) of the 1983 Act”;
  - (b) in sub-paragraph (c), for “in the copy of the register of electors” substitute “on the copy of the notice issued under section 13BA(9) of the 1983 Act”.
- (3) A ballot paper must not be delivered to a voter unless he has produced a specified document to the presiding officer or a clerk.
- (4) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced must deliver a ballot paper to the voter unless the officer or clerk decides that—
- (a) the document; or
  - (b) the apparent age of the voter as compared with his age according to the date supplied as the date of birth pursuant to section 10A(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act<sup>(28)</sup>,

raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.

(5) Where in such a case it is a presiding officer who so decides, he must refuse to deliver a ballot paper to the voter.

(6) Where in such a case it is a clerk who so decides, he must refer the matter and produce the document to the presiding officer, who must proceed as if it had been to him that the voter had presented himself and produced the document in the first place.

(7) For the purposes of this rule a specified document is one which for the time being falls within the following list—

- (a) a licence to drive a motor vehicle if the licence bears the photograph of the person to whom it is issued;
- (b) a passport issued by a member State of the European Union;
- (c) an electoral identity card issued under section 13C of the 1983 Act<sup>(29)</sup>;
- (d) a Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (e) a Blind Person’s SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (f) a War Disabled SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (g) a 60+ SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st October 2008.

In sub-paragraph (a), a licence to drive a motor vehicle is a licence granted under Part 3 of the Road Traffic Act 1972<sup>(30)</sup> or Part 3 of the Road Traffic Act 1988<sup>(31)</sup> or under the Road Traffic (Northern Ireland) Order 1981<sup>(32)</sup> or any corresponding enactment for the time being in force.

(8) References in this rule to producing a document are to producing it for inspection.

(9) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and—

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<sup>(28)</sup> 1983 c. 2. Sections 10(4A) and 13A(2A) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); section 10(1) was amended by and section 10(1A) was inserted by section 2 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

<sup>(29)</sup> 1983 c. 2. Section 13C was inserted by section 4 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13).

<sup>(30)</sup> 1972 c. 20. This Act was repealed by the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

<sup>(31)</sup> 1988 c. 52.

<sup>(32)</sup> S.I. 1981/154.

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- (a) must secretly record his vote by placing on the ballot paper “1” opposite the name of the candidate of his first choice and, if he wishes, by placing “2” opposite the name of his second choice, “3” opposite the name of the candidate of his third choice and so on in order of his preference;
  - (b) fold the paper so as to conceal his vote;
  - (c) show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark; and
  - (d) put the ballot paper so folded up into the ballot box in the presiding officer’s presence.
- (10) 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.

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

**40.**—(1) Subject to paragraph (2), 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 ballot paper to be marked in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) Paragraphs (3) to (8) of rule 39 shall apply in the case of a voter who applies under paragraph (1) as they apply in the case of a voter who applies under rule 39(1), but by reading references to delivering a ballot paper to a voter as references to causing a voter’s ballot paper to be marked.

(3) The name and number on the copy of the register of electors of every voter whose ballot paper 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 ballot papers marked by the presiding officer”).

(4) 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 13BA(9) of the 1983 Act<sup>(33)</sup>, paragraph (3) applies as if for “on the copy of 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 13BA(9) of the 1983 Act”.

#### **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 blindness or other disability, or by an inability to read, as to be unable to vote without assistance.

(2) Subject to paragraph (3), if the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and

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<sup>(33)</sup> Section 13BA of the Representation of the People Act 1983 (c. 2) was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

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(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 this rule; and

(ii) has not previously assisted more than one voter with disabilities to vote at the election,

he 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) Paragraphs (3) to (8) of rule 39 shall apply in the case of a voter who applies under paragraph (1) as they apply in the case of a voter who applies under rule 39(1), but by reading references to delivering a ballot paper to a voter as references to granting a voter’s application.

(4) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person is 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.

(5) The name and number on the copy of 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”).

(6) 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.

(7) In the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act, paragraph (5) applies as if for “on the copy of 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 13BA(9) of the 1983 Act”.

(8) The declaration made by the companion—

(a) must be in Form J in the Appendix of Forms; 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 must forthwith be given to the presiding officer who must attest and retain it.

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

#### **Tendered ballot papers: circumstances where available**

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

(a) a particular elector named on 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 rule 37(1) 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—

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- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
  - (b) he is also named in the absent 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 rule 37(1) 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 on the register who is also named in the absent 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 rule 37(1) 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.
- (7) Paragraphs (3) to (8) of rule 39 shall apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1) as they apply in the case of a voter who applies for a ballot paper under rule 39(1).
- (8) Paragraph (9) applies where—
- (a) under paragraph (3) of rule 37, a ballot paper is not delivered to a person following his unsatisfactory answer to the question numbered 1(c) in paragraph (1) of that rule; or
  - (b) a presiding officer refuses to deliver a ballot paper to a person under paragraph (5) of rule 39 (including that paragraph as applied by rules 40 and 41 and this rule).
- (9) The person must, on satisfactorily answering the questions permitted by rule 37(1) to be asked at the poll (or, where paragraph (8)(a) applies, the other questions), nevertheless be entitled, subject to 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 in 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 a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act<sup>(34)</sup>, this rule and rule 42 apply as if—

- (a) in rule 42(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13BA(9) 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 13BA(9) of the 1983 Act”; and
- (c) in paragraph (2) of this rule, for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9) of the 1983 Act”.

(5) A person who marks a tendered ballot paper under paragraph (9) of rule 42 must sign the paper, unless it was marked after an application was refused under rule 40 or 41.

(6) A paper which is required to be signed under paragraph (5) and is not so signed will be void.

#### **Refusal to deliver ballot paper**

44.—(1) This rule applies where a presiding officer refuses to deliver a ballot paper under paragraph (5) of rule 39 (including that paragraph as applied by rule 40, 41 or 42).

(2) The refusal may be subject to review on a European Parliamentary election petition but, subject to that, is final and may not be questioned in any proceedings whatsoever.

#### **Spoilt ballot papers**

45. 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 another ballot paper in the place of the ballot paper so delivered (in these rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

#### **Alteration of registers**

46.—(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 13BA(9) of the 1983 Act which takes effect on the day of the poll.

(2) For the purposes of section 13BA(8) of the 1983 Act a representation may be made orally or in writing.

(3) Where a representation under section 13BA(8) of the 1983 Act is made at a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the registration officer.

(4) Where a notice is issued under section 13BA(9) of the 1983 Act on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the presiding officer.

(5) Such steps may include communicating the notice to the presiding officer by telephone.

(6) Where a notice issued under section 13BA(9) of the 1983 Act is communicated to a presiding officer by whatever means, the presiding officer must make a written record of that notice and forward the record to the returning officer as soon as possible after the day of the poll.

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<sup>(34)</sup> Section 13BA of the Representation of the People Act 1983 (c. 2) was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

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(7) For the purposes of section 13BA(7) and (8) of the 1983 Act, the prescribed time on the day of the poll is 7pm.

#### **Adjournment of poll in case of riot**

**47.**—(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 returning officer.

(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 Regulations to the close of the poll must be construed accordingly.

#### **Procedure on close of poll**

**48.**—(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 13BA(9) of the 1983 Act) and the list of proxies,
- (e) the lists prepared under rule 20 including the parts which were marked with the numbers of electors in accordance with rule 39(1)(b) (together referred to in these rules as “the completed corresponding number lists”),
- (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 46, and the declarations made by the companions of voters with disabilities,

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

(2) 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 lists mentioned in paragraph (1)(e) or the certificates as to employment on duty on the day of the poll mentioned in paragraph (1)(f).

(3) The packets must be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

## CHAPTER 4

### Counting of Votes

#### Attendance at verification of ballot paper accounts

**49.**—(1) The verifying officer must make arrangement for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll, and must give to the counting agents notice in writing of the time and place at which he will begin such verification.

(2) No person other than—

- (a) the returning officer, the verifying officer and his clerks,
- (b) the candidates and one other person chosen by each of them,
- (c) the election agents,
- (d) the counting agents, and
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act<sup>(35)</sup>,

may attend the verification of the ballot paper accounts, unless permitted by the verifying officer to attend.

(3) A person not entitled to attend the verification of ballot paper accounts must not be permitted to do so by the verifying officer unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.

(4) The verifying officer must give the counting agents all such reasonable facilities for observing 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.

#### Procedure at verification of ballot paper accounts

**50.**—(1) The verifying officer must in the presence of the counting agents—

- (a) open each ballot box and count and record the number of ballot papers in it and verify each ballot paper account; and
- (b) count such of the postal ballot papers as have been duly returned and record the number counted.

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

- (a) it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated; and
- (b) in the case of an elector, that declaration of identity states the date of birth of the elector and the returning officer is satisfied that the date stated corresponds with the date supplied as the date of the elector's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act<sup>(36)</sup>.

(3) In the case of an elector, unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act<sup>(37)</sup> applies, the declaration of identity referred to in paragraph (2) must not be taken to be duly signed unless the returning officer is satisfied that the signature on the declaration corresponds with the

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(35) Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (c. 41) were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

(36) 1983 c. 2. Sections 10 (4A) and 13A(2A) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); section 10(1) was amended by and section 10(1A) was inserted by section 2 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(37) 1983 c. 2. Sections 10(4B), 10A(1B) and 13A(2A) were all inserted by the Electoral Fraud (Northern Ireland) Act 2002 (c. 13).

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signature supplied as the elector's pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act.

(4) The verifying officer must not count any tendered ballot paper.

(5) The verifying officer, while counting and recording the number of ballot papers, must keep the ballot papers with their faces downwards.

(6) The verifying officer 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 counting agent may copy.

(7) The verifying officer must, subject to the directions of the returning officer, determine the hours during which the procedure under this rule is proceeded with.

(8) The verifying officer must take proper precautions for the security of the ballot papers and documents.

(9) On completion of the procedure under this rule, the verifying officer must, subject to the directions of the returning officer, make up into packets the ballot papers counted by him, seal them up in containers endorsing on each a description of the area to which the ballot papers relate, and deliver or cause to be delivered the containers to the returning officer together with a list of them and of the contents of each container and a statement of his verification of the ballot paper accounts.

#### **Attendance at counting of votes**

**51.**—(1) The returning officer must make arrangements for counting the votes in the presence of the counting agents—

(a) in the case of a general election of MEPs, before or after the material time and in either case so as to comply with rule 55(2) as soon as practicable after the material time,

(b) in the case of a by-election, as soon as practicable after the close of the poll,

and must give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) For the purposes of paragraph (1), the “material time” means, in relation to a general election of MEPs, the close of the polling in the member State whose electors are the last to vote in the election.

(3) No person other than—

(a) the returning officer and his clerks,

(b) the candidates and one other person chosen by each of them,

(c) the election agents,

(d) the counting agents,

(e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act<sup>(38)</sup>,

may be present at the counting of the votes, unless permitted by the returning officer to attend.

(4) A person not entitled to attend at the counting of the votes must not be permitted to do so by the returning officer unless he—

(a) is satisfied that the efficient counting of the votes will not be impeded; and

(b) has either consulted the election agents or thought it impracticable to do so.

<sup>(38)</sup> Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (c. 41) were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

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(5) The returning officer 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.

### **Interpretation of rules 53 to 63**

**52.** In rules 53 to 63—

“continuing candidate” means any candidate not deemed to be elected and not excluded;

“count” means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of excluded candidates;

“deemed to be elected” means deemed to be elected for the purposes of counting the votes but without prejudice to the declaration of the result of the poll;

“mark” means a figure, a word written in the English language or a mark such as “X”;

“non-transferable vote” means a ballot paper—

- (a) on which no second or subsequent preference is recorded for a continuing candidate, or
- (b) which is excluded by the returning officer under rule 59(4);

“preference” as used in the following contexts has the meaning assigned below—

- (a) “first preference” means the figure “1” or any mark which clearly indicates a first (or only) preference;
- (b) “next available preference” means a preference which is the second or, as the case may be, subsequent preference recorded in consecutive order for a continuing candidate (any candidate who is deemed to be elected or is excluded being ignored); and
- (c) in this context “second preference” is shown by the figure “2” or any mark which clearly indicates a second preference, a third preference by the figure “3” or any mark which clearly indicates a third preference, and so on;

“quota” means the number calculated in accordance with rule 56;

“stage of the count” means—

- (a) the determination of the first preference vote for each candidate; or
- (b) the transfer of a surplus of a candidate deemed to be elected; or
- (c) the exclusion of one or more candidates at any given time;

“surplus” means the number of votes by which the total number of votes for any candidate (whether first preference or transferred votes, or a combination of both) exceeds the quota; but references in these rules to the transfer of the surplus mean the transfer (at a transfer value) of all transferable papers from the candidate who has the surplus;

“transferable paper” means a ballot paper on which, following a first preference, a second preference or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

“transferred vote” means a vote derived from a ballot paper on which a second or subsequent preference is recorded for the candidate to whom that paper has been transferred;

“transfer value” means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 57.

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### **Preliminary proceedings and conduct of the count**

53.—(1) Where the verifying officer has made the ballot papers into packets in accordance with rule 50(9), the returning officer must open such packets and mix together the ballot papers received.

(2) The returning officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(3) The returning officer must as far as practicable proceed continuously with counting the votes, allowing only time for refreshment and excluding (except in so far as he and the agents otherwise agree), the hours between 11 in the evening and 9 on the following morning.

(4) For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

(5) During the time so excluded the returning officer 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 the documents.

### **Rejected ballot papers**

54.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which the figure “1” standing alone is not placed so as to indicate a first preference for any candidate, or
- (c) on which the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate, or
- (d) 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, or
- (e) which is unmarked,

will be void and not counted, but the ballot paper will not be void by reason only of carrying the words “one”, “two”, “three” and so on, or any other mark instead of a figure if in the opinion of the returning officer, the mark clearly indicates a preference or preferences.

(2) The returning officer 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 is made by an election agent to his decision.

(3) The returning officer must prepare a statement showing the number of ballot papers rejected by him under sub-paragraphs (a), (b), (c), (d) and (e) of paragraph (1) and must, on request, allow any candidate or election agent to copy that statement.

(4) The decision of the returning officer on any question arising in respect of a ballot paper shall be final but may be subject to review on a European Parliamentary election petition.

### **First stage**

55.—(1) The returning officer must sort the ballot papers into parcels according to the candidates for whom first preference votes are given.

(2) The returning officer must then count the number of first preference votes given on ballot papers for each candidate and must record those numbers.

(3) The returning officer must also ascertain and record the number of valid ballot papers.

### **The quota**

**56.**—(1) The returning officer must divide the number of valid ballot papers by a number exceeding by one the number of members to be elected.

(2) The result, increased by one, of the division under paragraph (1) (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as “the quota”).

(3) At any stage of the count a candidate whose total vote equals or exceeds the quota shall be deemed to be elected, except that at any election where there is only one vacancy a candidate will not be deemed to be elected until the procedure set out in paragraphs (1) to (3) of rule 59 has been complied with.

### **Transfer of votes**

**57.**—(1) Where the number of first preference votes for any candidate exceeds the quota, the returning officer must sort all the ballot papers on which first preference votes are given for that candidate into sub-parcels so that they are grouped—

(a) according to the next available preference given on those papers for any continuing candidate, or

(b) where no such preference is given, as the sub-parcel of non-transferable votes.

(2) The returning officer must count the number of ballot papers in each sub-parcel referred to in paragraph (1).

(3) The returning officer must, in accordance with this rule and rule 58, transfer each sub-parcel of ballot papers referred to in paragraph (1)(a) to the candidate for whom the next available preference is given on those papers.

(4) The vote on each ballot paper transferred under paragraph (3) shall be at a value (“the transfer value”) which—

(a) reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus, and

(b) is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot papers on which those votes are given, the calculation being made to two decimal places (ignoring the remainder if any).

(5) Where at the end of any stage of the count involving the transfer of ballot papers, the number of votes for any candidate exceeds the quota, the returning officer must sort the ballot papers in the sub-parcel of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped—

(a) according to the next available preference given on those papers for any continuing candidate, or

(b) where no such preference is given, as the sub-parcel of non-transferable votes.

(6) The returning officer must, in accordance with this rule and rule 58, transfer each sub-parcel of ballot papers referred to in paragraph (5)(a) to the candidate for whom the next available preference is given on those papers.

(7) The vote on each ballot paper transferred under paragraph (6) shall be at—

(a) a transfer value calculated as set out in paragraph (4)(b), or

(b) at the value at which that vote was received by the candidate from whom it is now being transferred, whichever is the less.

(8) Each transfer of a surplus constitutes a stage in the count.

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(9) Subject to paragraph (10), the returning officer must proceed to transfer transferable papers until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.

(10) Transferable papers shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are—

- (a) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote, or
- (b) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidate next above such candidates.

(11) This rule shall not apply at an election where there is only one vacancy.

### **Supplementary provisions on transfer**

**58.**—(1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the highest surplus must be transferred first, and if—

- (a) the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded vote at the earliest preceding stage at which they had unequal votes, must be transferred first, and
- (b) the votes credited to two or more candidates were equal at all stages of the count, the returning officer must decide between those candidates by lot and the transferable papers of the candidate on whom the lot falls must be transferred first.

(2) The returning officer must, on each transfer of transferable papers under rule 57—

- (a) record the total value of the votes transferred to each candidate,
- (b) add that value to the previous total of votes recorded for each candidate and record the new total,
- (c) record as non-transferable votes the difference between the surplus and the total transfer value of the transferred votes and add that difference to the previously recorded total of non-transferable votes, and
- (d) compare—
  - (i) the total number of votes then recorded for all of the candidates, together with the total number of non-transferable votes, with
  - (ii) the recorded total of valid first preference votes.

(3) All ballot papers transferred under rule 57 or 59 must be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel.

(4) Where a ballot paper is so marked that it is unclear to the returning office at any stage of the count under rule 55 or 57 for which candidate the next preference is recorded, the returning officer must treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper must be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.

### **Exclusion of candidates**

**59.**—(1) If—



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- (a) all transferable papers which under the provisions of rule 57 (including that rule as applied by paragraph (11) of this rule) and this rule are required to be transferred, have been transferred, and
- (b) subject to rule 60, one or more vacancies remain to be filled,

the returning officer must exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph (12) applies, the candidates with the then lowest votes).

(2) The returning officer must sort all the ballot papers on which first preference votes are given for the candidate or candidates excluded under paragraph (1) into two sub-parcels so that they are grouped as—

- (a) ballot papers on which a next available preference is given, and
- (b) ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded).

(3) The returning officer shall, in accordance with this rule and rule 58, transfer each sub-parcel of ballot papers referred to in paragraph (2)(a) to the candidate for whom the next available preference is given on those papers.

(4) The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.

(5) If, subject to rule 60, one or more vacancies still remain to be filled, the returning officer must then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph (1) into sub-parcels according to their transfer value.

(6) The returning officer must transfer those papers in the sub-parcel of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).

(7) The vote on each transferable paper transferred under paragraph (6) shall be at the value at which that vote was received by the candidate excluded under paragraph (1).

(8) Any papers on which no next available preferences have been expressed must be set aside as non-transferable votes.

(9) After the returning office has completed the transfer of the ballot papers in the sub-parcel of ballot papers with the highest transfer value he must proceed to transfer in the same way the sub-parcel of ballot papers with the next highest value and so on until he has dealt with each sub-parcel of a candidate excluded under paragraph (1).

(10) The returning officer must after each stage of the count completed under this rule—

- (a) record—
  - (i) the total value of votes, or
  - (ii) the total transfer value of votes, transferred to each candidate;
- (b) add that total to the previous total of votes recorded for each candidate and record the new total;
- (c) record the value of non-transferable votes and add that value to the previous non-transferable votes total; and
- (d) compare—
  - (i) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with

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(ii) the recorded total of valid first preference votes.

(11) If after a transfer of votes under any provision of this rule, a candidate has a surplus, that surplus must be dealt with in accordance with paragraphs (5) to (10) of rule 57 and rule 58.

(12) Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the returning officer must in one operation exclude such two or more candidates.

(13) If, when a candidate has to be excluded under this rule, two or more candidates each have the same number of votes and are lowest—

- (a) regard must be had to the total number of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at the at stage must be excluded; and
- (b) where the number of votes credited to those candidates was equal at all stages, the returning officer must decide between the candidates by lot and the candidate on whom the lot falls must be excluded.

#### **Filling of last vacancies**

**60.**—(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates will thereupon be deemed to be elected.

(2) Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to other continuing candidates together with any surplus not transferred, the candidate will thereupon be deemed to be elected.

(3) Where the last vacancies can be filled under this rule, no further transfer of votes may be made.

#### **Recount**

**61.**—(1) The returning officer on completion of each stage of the count must, before proceeding with the next stage, inform all the candidates and their election agents then present of his intention, subject to a request for a re-count, to proceed to the next stage.

(2) The returning officer must comply with a request from a candidate or his election agent for a re-count of the last completed stage made before the returning officer proceeds to the next stage, but nothing in this rule shall require the returning office to re-count the same parcel or sub-parcel more than once.

(3) The returning officer may, if he thinks fit, re-count ballot papers either once or more often.

(4) Where as a result of a re-count an error is discovered, the returning officer must, where necessary, amend any results previously announced by him.

#### **Order of election of candidates**

**62.**—(1) The order in which candidates whose votes equal or exceed the quota are deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for rule 57(10).

(2) A candidate credited with a number of votes equal to, and not greater than, the quota shall, for the purposes of this rule, be regarded as having had the smallest surplus at the stage of the count at which he obtained the quota.

(3) Where the surpluses of two or more candidates are equal and are not required to be transferred, regard must be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidate who had the greatest number of votes at that stage shall be deemed to be the largest.

(4) Where the number of votes credited to two or more candidates were equal at all stages of the count, the returning officer must decide between them by lot and the candidate on whom the lot falls shall be deemed to have been elected first.

#### **Decisions of returning officer**

**63.** The decision of the returning officer, whether expressed or implied, on any question which arises in relation to the exclusion of any candidate under rule 59 or to any ballot paper or transfer of votes shall be final, but may be reviewed on a European Parliamentary election petition.

## **PART 4**

### **FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS**

#### **Declaration of result**

**64.—**(1) In a contested election, when the result of the poll has been ascertained, the returning officer must forthwith—

- (a) declare to be elected those candidates who are deemed to be elected under rules 53 to 63;
- (b) notify their names to the Secretary of State;
- (c) give public notice of—
  - (i) the names of those candidates;
  - (ii) the number of first preference votes for each candidate whether elected or not;
  - (iii) any transfer of votes;
  - (iv) the total number of votes for each candidate at each stage of the count at which such transfer took place; and
  - (v) the order in which the successful candidates were elected.

(2) In the case of an uncontested election, the statement of candidates nominated, in addition to showing the person or persons standing nominated, must also declare that person or those persons to be elected; and the returning officer must forthwith notify his or their names to the Secretary of State.

#### **Return or forfeiture of candidate's deposit**

**65.—**(1) The deposit made under rule 8 of these rules must either be returned to the person making it or his personal representatives or be forfeited to Her Majesty.

(2) Except in the cases mentioned in paragraphs (4) and (5), 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 it would be disregarded under rule 2(1) in computing any period of time for the purposes of the timetable for an election of the kind in question; 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) Where—

- (a) a candidate is not shown as standing nominated in the statement of candidates nominated, or
- (b) the candidate has died,

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the deposit must be returned as soon as practicable after the publication of that statement or the time when the returning officer is satisfied of the candidate's death, as the case may be.

(5) Subject to paragraph (4), the deposit must be forfeited if a poll is taken and, if the number of votes credited to the candidate at any stage of the counting of the votes does not exceed one quarter of the quota.

## PART 5

### DISPOSAL OF DOCUMENTS

#### Sealing up of ballot papers

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

(2) The returning officer must not open the sealed packets of—

- (a) tendered ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to employment on duty on the day of the poll, or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13BA(9) of the 1983 Act<sup>(39)</sup>) and lists of proxies.

#### Retention of documents by the Chief Electoral Officer for Northern Ireland

**67.**—(1) The returning officer (as the Chief Electoral Officer) must then retain the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) 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 46, and the declarations made by the companions of voters with disabilities,
- (d) the packets of the completed corresponding number lists,
- (e) the packets of certificates as to employment on duty on the day of the poll,
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13BA(9) of the 1983 Act) and of the absent voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents.

(2) In this rule and in rules 68 and 69 “Chief Electoral Officer” means the Chief Electoral Officer for Northern Ireland.

#### Orders for production of documents

**68.**—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the Chief Electoral Officer; or

<sup>(39)</sup> Section 13BA of the Representation of the People Act 1983 (c. 2) was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

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- (b) for the opening of a sealed packet of completed corresponding number lists and certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

may be made by a county court or the High 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 a European Parliamentary election petition.

(2) An order for the opening of a sealed packet of completed corresponding number lists or certificates or for the inspection of any counted ballot papers in the custody of the Chief Electoral Officer may be made by an election court.

(3) Subject to paragraph (4), 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 may think expedient.

(4) In making and carrying into effect an order under paragraph (1) for the opening of 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.

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

(6) Any power given under this rule—

- (a) to the High Court, may be exercised by any judge of the court otherwise than in open court; and
- (b) to a county court, may be exercised in such manner as may be provided by rules of court.

(7) Where an order is made for the production by the Chief Electoral Officer of any document in his possession relating to any specified election—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order will be conclusive evidence that the document 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.

(8) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any election, and
- (b) a completed corresponding number list with a number marked in writing 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 whose entry in the register of electors or on a notice issued under section 13BA(9) of the 1983 Act at the time of the election contained the same number as the number written as mentioned in subparagraph (b) of this paragraph.

(9) Save as provided by this rule, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the Chief Electoral Officer or open any sealed packets of completed corresponding number lists and certificates.

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### **Retention and public inspection of documents**

**69.**—(1) The Chief Electoral Officer must retain for a year all documents to which rule 67 applies, and then, unless otherwise directed by order of the High Court, the Crown Court or a magistrates' court, shall cause them to be destroyed.

(2) The documents mentioned in paragraph (1) except—

- (a) ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to the employment on duty on the day of the poll,

shall be open to public inspection as provided in Part 7 of these Rules.

## **PART 6**

### **DEATH OF CANDIDATE**

#### **Independent candidate**

**70.**—(1) This rule applies if at a contested election proof is given to the returning officer'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 rule 71, 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 34(1)(c) and (d) (admission to polling station);
- (b) rule 49(2)(b) to (d) (attendance at verification of ballot paper accounts);
- (c) rule 51(3)(b) to (d) (attendance at counting of votes);
- (d) rule 65(5) (return or forfeiture of candidate's deposit).

(4) For the purposes of this rule a person is named or to be named in the ballot papers as an independent candidate if the description (if any) on his nomination paper is not as authorised as mentioned in rule 5(1) or (3).

#### **Deceased independent candidate's votes are equal to or exceed the quota**

**71.**—(1) This rule applies if at an election mentioned in rule 70(1) the deceased candidate's votes are equal to or exceed the quota.

(2) Rule 64(1) (declaration of result) does not apply but the returning officer must—

- (a) declare that the votes given to the deceased candidate are equal to or exceed the quota (as the case may be),
- (b) declare that no MEP is returned, and
- (c) give public notice of—
  - (i) the number of first preference votes given for each candidate,
  - (ii) any transfer of votes,
  - (iii) the total number of votes for each candidate at each stage of the count at which such transfer took place,
  - (iv) the order in which the successful candidates were, subject to the provisions of this rule, elected, and

- (v) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers prepared under rule 54(3).
- (3) Rule 65 does not apply in relation to the remaining candidates.
- (4) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.
- (5) The day appointed by order under section 4 of the 2002 Act<sup>(40)</sup> must be taken as the first Thursday after the expiry of 45 days starting on the day of the election mentioned in rule 70(1).
- (6) No fresh nomination is necessary in the case of a person shown in the statement of candidates nominated as standing nominated, and no other nomination may be made.
- (7) The last day on which notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (6) may be delivered is the fourteenth day before the day appointed for the poll under paragraph (5).
- (8) Rule 8 does not apply.
- (9) In this rule and rule 72 any period of days shall be calculated in accordance with rule 2(1) except that paragraph (1)(b) of that rule shall be applied as if this were an election to which rule 2(2)(b) applied.

#### **Party candidate**

**72.**—(1) This rule applies if—

- (a) at a contested election proof is given to the returning officer'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 papers has died, and
  - (b) that person is standing in the name of a registered political party.
- (2) The returning officer must—
- (a) countermand notice of the poll, or
  - (b) if polling has begun, direct that the poll be abandoned.
- (3) The procedure with reference to the election must be commenced afresh subject to the following provisions of this rule.
- (4) The day appointed by order under section 4 of the 2002 Act must be taken as the first Thursday after the expiry of 45 days starting on the day the proof is given to the returning officer.
- (5) No fresh nomination is necessary in the case of a person shown in the statement of candidates nominated as standing nominated.
- (6) No other nomination may be made except for a person standing in the name of the same registered political party in whose name the deceased candidate was standing.
- (7) The last day on which a nomination mentioned in paragraph (6) may be delivered is the fifteenth day before the day appointed for the poll under paragraph (4).
- (8) The last day on which notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (5) or in pursuance of paragraph (6) may be delivered is the fifteenth day before the day appointed for the poll under paragraph (4).
- (9) For the purposes of this rule—
- (a) a person stands in the name of a registered political party if his nomination paper contains a description which is authorised as mentioned in rule 5(1) or (3); and

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<sup>(40)</sup> 2002 c. 24.

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(b) a registered political party is a party which is registered under Part 2 of the 2000 Act<sup>(41)</sup>.

### **Abandoned poll**

**73.**—(1) This rule applies to a poll which is abandoned in pursuance of rule 72(2)(b).

(2) The presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery of ballot boxes and ballot papers and other documents as he is required to take on the close of the poll except that he must deliver or cause them to be delivered to the returning officer.

(3) The returning officer (as the Chief Electoral Officer for Northern Ireland) must retain 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) No step or further step is to be taken for the counting of the ballot papers or of the votes.

(6) The returning officer must seal up all the ballot papers (whether the votes on them have been counted or not) and it is not 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 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) the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on the day of the poll, unless the order is made by a court with reference to a prosecution.

## **PART 7**

### **ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION**

#### **Interpretation and general**

**74.**—(1) In this Part—

“Chief Electoral Officer” means the Chief Electoral Officer for Northern Ireland;

“edited register” has the same meaning as in regulation 93 of the 2008 Regulations;

“enactment” has the same meaning as in section 17(2) of the Representation of the People Act 2000<sup>(42)</sup>;

“the full register” means the register published under section 13(1) or (3) of the 1983 Act;

“marked register and lists” means any part of the marked copies of the full register, marked copy notices under section 13BA(9) of the 1983 Act<sup>(43)</sup>, list of proxies, absent voters list and proxy postal voters list retained by the Chief Electoral Officer under rule 67;

<sup>(41)</sup> 2000 c. 41. Part 2 establishes two registers of political parties, one for Great Britain and one for Northern Ireland.

<sup>(42)</sup> 2000 c. 2.

<sup>(43)</sup> Section 13BA of the Representation of the People Act 1983 (c. 2) was inserted by Section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).



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“processor” means any person who provides a service which consists of putting information in data form or processing information in data form and any reference to a processor includes a reference to his employees;

“relevant conditions” has the same meaning as in section 33(1) of the Data Protection Act 1998<sup>(44)</sup>;

“research purposes” shall be construed in accordance with section 33(1) of the Data Protection Act 1998; and

“2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008<sup>(45)</sup>.

(2) In this Part, any reference to an employee of any person who has access to a copy of the full register shall be deemed to include a person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(3) The processor may not disclose the full register or the information contained in it except to the person who supplied it to the processor or an employee of that person or a person who is entitled to obtain a copy of the full register under the 2008 Regulations or any employee of such a person.

(4) In this Part, any reference to a day that is disregarded shall be interpreted, or any period of days shall be calculated, in accordance with rule 2(1) except the reference in that rule to a “bank holiday” shall mean a bank holiday within the meaning of paragraph (2)(b) of that rule.

(5) Any duty on the Chief Electoral Officer to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

(6) The Chief Electoral Officer may unseal the packets of documents he is required to keep under rule 67 as necessary to comply with his duties under this Part.

### **Supply of marked registers and lists after a European Parliamentary election**

75.—(1) Any person entitled to be supplied in accordance with regulation 99, 102, 104, 105, 106, 107 or 111 of the 2008 Regulations with copies of the full register at a particular European Parliamentary election is also a person entitled, subject to this rule and rule 78, to request that the Chief Electoral Officer supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(2) A person whose entitlement to request copies of the marked register or lists under paragraph (1) arises from being in a category of persons to whom regulation 102, 104, 105, or 106 applies before a particular European Parliamentary election, shall be entitled to request those documents regardless of whether, after that election, he remains in a category of persons who are entitled under those provisions.

(3) A request under paragraph (1) must be made in writing and must—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;
- (b) state whether a printed copy of the records or lists is requested or a copy in data form; and
- (c) state the purpose for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose.

(4) The Chief Electoral Officer must supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

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<sup>(44)</sup> 1998 c. 29.

<sup>(45)</sup> S.I. 2008/1741.

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- (a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which they are requested; and
- (b) he has received payment of a fee calculated in accordance with rule 78.

(5) If the Chief Electoral Officer is not satisfied in accordance with paragraph (4)(a) he may treat the request for a marked register or a list as a request for information in unmarked lists under regulation 66 of the 2008 Regulations or for the published copy of the full register in accordance with regulation 110 of the 2008 Regulations, or both.

(6) A person who obtains a copy of any part of a marked register or list under this rule may only use it for the permitted purpose specified in rule 77(2), and any conditions—

- (a) specified in that rule, or
- (b) which would apply to the use of the full register under whichever of regulations 99, 102, 104, 105, 106, 107 or 111 of the 2008 Regulations entitled that person to obtain that document,

shall apply to such use.

(7) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this rule may—

- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein, or
- (b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this rule,

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

### **Inspection of documents open to public inspection**

**76.**—(1) Any person is entitled to request that the Chief Electoral Officer make available for inspection a copy of any of the following documents (referred to in this rule and rule 77 as the “documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to an election as the Chief Electoral Officer is required by or under any enactment to retain for any period except—
  - (i) ballot papers,
  - (ii) completed corresponding number lists, and
  - (iii) certificates of employment on the day of the election.

(2) A request under paragraph (1) must be made in writing and must specify—

- (a) which documents are requested;
- (b) the purpose for which the information in any document will be used,
- (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose,
- (d) who will inspect the documents,
- (e) the date on which they wish to inspect the documents, and
- (f) whether they would prefer to inspect the documents in printed or data form.

(3) Subject to paragraph (2) the Chief Electoral Officer must make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

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(4) If the date on which the requestor wishes to inspect the documents is a day more than 10 days after the date of the receipt of the request, the Chief Electoral Officer must make the documents open to inspection on that date or, if that is a day disregarded by virtue of rule 2, the next day that is not so disregarded.

(5) Where a request has been made to inspect copies of the marked register or lists under paragraph (2) and the Chief Electoral Officer is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he must inform the requestor—

- (a) of his decision under this paragraph, and
- (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 52 of the 2008 Regulations<sup>(46)</sup>.

(6) A person who obtains a copy of or information in any document open to public inspection under this rule may use it only for the permitted purposes specified in rule 77, and any conditions—

- (a) specified in that rule,
- (b) specified in paragraph (8) below, or
- (c) which would apply to the use of the full register under regulation 107 of the 2008 Regulations where such a person has obtained a copy of that document under paragraph (9) below,

shall apply to such use.

(7) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the Chief Electoral Officer must ensure the manner in which, and the equipment on which, that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic or any other means.

(8) Subject to paragraph (9), a person who inspects a copy of a document open to public inspection, whether in printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

(9) The Chief Electoral Officer must, on request, supply free of charge copies of any documents open to public inspection to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 107 of the 2008 Regulations applies.

#### **Conditions on the use, supply and disclosure of documents open to public inspection**

77.—(1) Subject to paragraphs (2) and (3), the restrictions on the supply, disclosure and use of information in regulations 94 and 95 of the 2008 Regulations shall apply to the documents open to public inspection as they apply to the full register.

(2) Where a person—

- (a) obtains copies of information in the marked register or lists in accordance with rule 75(1), or
- (b) inspects information in accordance with rule 76(1),

the permitted purpose means either research purposes or electoral purposes.

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(46) S.I. 2008/1741.

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(3) Where a copy of any information was supplied in the circumstances to which rule 76(9) applies, the permitted purpose means the purposes set out in regulation 107(3) of the 2008 Regulations.

#### **Fees relating to the marked registers and lists**

**78.**—(1) The fee to be paid in accordance with rule 75(4)(b) by a person making a request for a copy of the whole or of any part of the marked register or lists is set out in paragraph (2).

(2) The fee shall be—

- (a) in printed form, the sum of £10 plus £5 for each 1000 entries (or remaining part of 1000 entries) in the register or lists; and
- (b) in data form, the sum of £20 plus £1.50 for each 1000 entries (or remaining part of 1000 entries) in the register or lists.

(3) For the purposes of this rule, a request for a copy of the whole or the same part of the marked register or lists in both a printed and data form may be treated as two separate requests.

## **PART 8**

### **APPENDIX OF FORMS**

*Note:*— The forms contained in this Appendix may be adapted so far as circumstances require.

Form A	Form of Front of Ballot Paper and Form of Back of Ballot Paper together with the Directions for printing the ballot paper
Form B	Corresponding Number List for issue of postal ballot papers at a European Parliamentary Election
Form C	Corresponding Number List for use in polling station at a European Parliamentary Election
Form D	Corresponding Number List for issue of postal ballot papers to be used when a European Parliamentary Election is combined with another election
Form E	Corresponding Number List for use in polling station when a European Parliamentary Election is combined with another election
Form F	Official Poll Card issued to an elector voting at a polling station
Form G	Official Poll Card issued to a proxy voting at a polling station
Form H	Directions for guidance for voters at a polling station
Form I	Certificate of Employment
Form J	Form of declaration to be made by the companion of a voter with disabilities





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**FORM ATHE BALLOT PAPER**

**Rule 19**

**Rule 19  
FORM A: THE BALLOT PAPER**

*Form of front of ballot paper*

Mark order of preference in space below		
		<p><b>BITTERN</b> (Richard Bittern of 5 Down Street, Bangor, Co. Down. Democratic Unionist Party)</p>
		<p><b>DIPPER</b> (JOANNA Dipper of 9 Mourne View, Donaghadee, Co. Down. Independent)</p>
		<p><b>DIPPER</b> (MARTIN Dipper of 8 Magilligan Drive, Portaferry, Co. Down. SDLP (Social Democratic and Labour Party))</p>
		<p><b>FINCH</b> (John Finch of 29 Gilford Place, Millisle, Co. Down. Sinn Féin)</p>
		<p><b>KITE</b> (Julie Kite of Glen Cottage, Banbridge, Co. Down. Independent)</p>
		<p><b>LINNET</b> (Harry Linnet of 7 Gortin Mansions, Dromara, Co. Down. Ulster Unionist Party)</p>
		<p><b>ROBIN</b> (David Robin of 3 Strangford Road, Killinchy, Co. Down. Independent)</p>
		<p><b>SPARROW</b> (Arne Sparrow of 41 Devenish Drive, Ballynahinch, Co. Down. Independent)</p>
		<p><b>SWALLOW</b> (Peter Swallow of 3 Mourne View, Bangor, Co. Down. Independent)</p>
		<p><b>SWIFT</b> (Lee Swift of 11 Moira Terrace, Newry, Co. Down. Independent)</p>

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*Form of Back of Ballot Paper*

[Number]

[Other Unique Identifying Mark]

Electoral Region of Northern Ireland

[insert date of election here]

**Directions as to printing the ballot paper**

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. The following arrangements shall be observed in the printing of the front of the ballot paper –
  - (a) apart from the instruction “Mark order of preference in space below” in the top-left hand corner no other word or words shall be printed on the ballot paper except the particulars of the candidates and words forming part of emblems;
  - (b) no rules shall be printed on the face except the horizontal rule separating the instruction mentioned in sub-paragraph (a) from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rule separating those particulars and emblems from the spaces on the left side of the paper where the order of preference is to be marked (except where paragraph 3(d) applies in which case each column must be separated by a double vertical rule);
  - (c) the whole space between the horizontal rule after the instruction mentioned in sub-paragraph (a) and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
3.
  - (a) The front of the ballot paper shall contain the names, addresses and descriptions, if any, of the candidates standing nominated. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates bearing the same surname, in alphabetical order of their other names, or if the names are the same, in the alphabetical order of their home addresses or descriptions;
  - (b) the surname of each candidate shall be printed by itself in large capitals, and the candidate’s full name, address and description (as given on the statement of candidates nominated) shall be printed underneath (subject to sub-paragraph (c)) in ordinary type;
  - (c) where the surnames of two or more candidates are the same there shall be printed in small capitals the other names of such candidates and if those are the same so much of the descriptions or home addresses of such candidates as will enable the electors to distinguish between them;
  - (d) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting;
  - (e) the ballot papers shall be numbered consecutively with the number and other unique identifying mark printed on the back in or about the centre of the paper.
4. 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.

**FORM BCorresponding Number List**

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**Rule 20(2)**

**Rule 20(2)**  
**FORM B**

**Corresponding Number List**  
**(to be used at a European Parliamentary election taken alone)**

Electoral Region of Northern Ireland

Constituency: .....

Date of Poll: .....

Sheet No: .....

<b>Ballot Paper Number</b>	<b>Unique Identifying Mark</b>	<b>Elector Number</b>
		<i>(to be completed only in respect of ballot papers issued to postal voters)</i>

**FORM C Corresponding Number List**

**Rule 20(3)**

**Rule 20(3)**  
**FORM C**

**Corresponding Number List**  
**(to be used in polling stations at a European Parliamentary election taken alone)**

Electoral Region of Northern Ireland

Constituency: .....

Date of Poll: .....

Polling Station: .....

Sheet No: .....

<b>Ballot Paper Number</b>	<b>Elector Number</b>
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**FORM D Corresponding Number List**

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**Rule 20(4)**

**Rule 20(4)**  
**FORM D**

**Corresponding Number List**  
**(to be used when a European Parliamentary election is combined with another election)**

Constituency/  
Area(s): .....  
Date of Poll: .....  
Sheet No: .....

<b>Ballot Paper Number</b>	<b>Unique Identifying Mark</b>	<b>Elector Number</b>
<i>Identify the number issued for each election</i>	<i>Identify the mark for each ballot paper</i>	<i>(to be completed only in respect of ballot papers issued to postal voters)</i>

**FORM EC**Corresponding Number List

**Rule 20(5)**

**Rule 20(5)**  
**FORM E**

**Corresponding Number List**  
**(to be used in polling stations when a European Parliamentary election is combined with another election)**

Constituency/  
Area(s): .....  
Date of Poll: .....  
Polling Station: .....  
Sheet No: .....

<b>Ballot Paper Number</b>	<b>Elector Number</b>
<i>(identify the number issued for each election)</i>	

**FORM FE**ELECTOR'S OFFICIAL POLL CARD



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Rule 29(3)

**Rule 29(3)**  
**FORM F: ELECTOR'S OFFICIAL POLL CARD**

*Front of card*

EUROPEAN PARLIAMENTARY ELECTION  
ELECTORAL REGION OF NORTHERN IRELAND

OFFICIAL POLL CARD

Constituency

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Polling Day

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Your polling station will be

---

Polling hours 7 a.m. to 10p.m.

---

Number on register

---

Name

---

Address

---

*Back of card*

EUROPEAN PARLIAMENTARY ELECTION

**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. Remember that you will not be able to vote unless you show an approved form of photographic identification.**

When you go to the polling station, tell the clerk your name and address, as shown on the front of this card and show your photographic identification. If the clerk is satisfied that you are entitled to vote you will be given a ballot paper.

Go to one of the compartments. Number the candidates in order of your preference, putting "1" against the candidate of your first preference, "2" against your second preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper, or your vote may not be counted.

Fold the ballot paper in two. Show the number and other unique identifying mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

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

If you have appointed a proxy to vote in person for you, you may still vote at this

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election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

If you need help with voting please ask the clerk who will explain the assistance which can be provided.

To obtain information in relation to the approved forms of photographic identification or other information relating to voting procedures please phone **[Help Line Number]**.

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ISSUED BY THE RETURNING OFFICER

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FORM GPROXY'S OFFICIAL POLL CARD

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**Rule 29(4)**

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**Rule 29(4)**  
**FORM G: PROXY'S OFFICIAL POLL CARD**

*Front of card*

EUROPEAN PARLIAMENTARY ELECTION  
ELECTORAL REGION OF NORTHERN IRELAND

PROXY'S OFFICIAL POLL CARD

Proxy's name

---

Proxy's address

---

Electoral Region of Northern Ireland

---

Constituency

Polling day

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The poll will be open from 7 a.m. to 10 p.m.

*Back of card*

The elector named below whose proxy you are is entitled to vote at the polling station— *[insert name of polling station]*

To vote as proxy you must go to that polling station. Remember that you will not be able to vote unless you show an approved form of photographic identification. Tell the clerk that you wish to vote as proxy, show your approved form of photographic identification and give the name and qualifying address of the elector, as follows:

Number on register

---

Name (of elector)

---

Address

---

If the clerk is satisfied that you are able to vote as a proxy you will be given the elector's ballot paper.

The method of voting as proxy is the same as for casting your own vote. Go to one of the compartments. Number the candidates in order of the elector's preference, putting "1" against the candidate of the elector's first preference, "2" against the elector's second preference and so on. You should not put the same preference against more than one candidate. You may show the elector's preference for as many or as few candidates as the elector wishes. Put no other mark on the ballot paper, or the vote

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may not count.

Fold the ballot paper in two. Show the number and other unique identifying mark to the presiding officer, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of a sentence. It is also an offence to vote at this election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may vote in person at this election. If they wish to do so they must vote in person before you vote on their behalf.

If you need help with voting please ask the clerk who will explain the assistance which can be provided.

To obtain information in relation to the approved forms of photographic identification or other information relating to voting procedures please phone **[Help Line Number]**.

ISSUED BY THE RETURNING OFFICER

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## FORM H GUIDANCE FOR VOTERS

Rule 30(6)

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### Rule 30(6)

#### FORM H: GUIDANCE FOR VOTERS

#### EUROPEAN PARLIAMENTARY ELECTION ELECTORAL REGION OF NORTHERN IRELAND

#### GUIDANCE FOR VOTERS

1. When you are given a ballot paper go to one of the voting compartments.
  2. Number the candidates in order of preference, putting "1" against your first choice, "2" against your second choice and so on. You should not put the same number against more than one candidate. You may put a number for as many or as few candidates as you wish. Put no other mark on the ballot paper or your vote may not be counted.
  3. Fold the ballot paper in two. Show the back of the ballot paper to the presiding officer so as to disclose the number and other unique identifying mark but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station immediately.
  4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
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## FORM I CERTIFICATE OF EMPLOYMENT

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**Rule 34(4)**

**Rule 34(4)**

**FORM I: CERTIFICATE OF EMPLOYMENT**

EUROPEAN PARLIAMENTARY ELECTION  
ELECTORAL REGION OF NORTHERN IRELAND

Constituency \_\_\_\_\_

I certify that (name) \_\_\_\_\_

who is numbered \_\_\_\_\_

in the register of 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—

*\*Delete whichever \*(a) as a constable*

*is inappropriate \*(b) by me.*

Signature \_\_\_\_\_

\*Returning officer/police officer (inspector or above).

Date \_\_\_\_\_

Note: The person named above is entitled to vote at any polling station in the Electoral Region of Northern Ireland on production and surrender of this certificate to the presiding officer.

**FORM JDECLARATION TO BE MADE BY THE COMPANION OF A VOTER WITH DISABILITIES**

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Rule 41(8)

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**Rule 41(8)**

**FORM J: DECLARATION TO BE MADE BY THE COMPANION OF A VOTER WITH DISABILITIES**

**Declaration to be made by the Companion of a Voter with Disabilities  
European Parliamentary Election in the Electoral Region of Northern Ireland**

I, \_\_\_\_\_  
have been requested to assist \_\_\_\_\_

*(in the case of a voter with disabilities voting as proxy add)*

voting as proxy for \_\_\_\_\_  
whose number in the register is \_\_\_\_\_

to record their vote at the election now being held in this electoral region, hereby declare that

**(please tick appropriate box)**

I am entitled to vote as an elector at this election

I am the \* \_\_\_\_\_

of the voter and have attained the age of eighteen years and I have not previously assisted any voter with disabilities

except \_\_\_\_\_

of \_\_\_\_\_

to vote at this election.

\* -- state the relationship of the companion to the voter

**Signed** \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

I am the Presiding Officer for the \_\_\_\_\_ polling station  
in the Electoral Region of Northern Ireland and certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

**Signed** \_\_\_\_\_  
Presiding Officer at the [ \_\_\_\_\_ ] Polling Station.  
\_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock (a.m.) (p.m.)

**NOTES**      **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 THE EUROPEAN PARLIAMENTARY 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.**

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SCHEDULE 2

Regulation 39

“SCHEDULE 2

Regulation 13

ABSENT VOTERS

PART 1

APPLICATIONS

**Interpretation of Part 1**

**1.** In this Part—

“allotted polling station” means in relation to an elector, the polling station allotted or likely to be allotted to that elector under the European Parliamentary elections rules; and

“related” has the meaning set out in paragraph 5(5).

General requirements for applications for an absent vote

**2.—(1)** An application under regulation 8, 9, 10 or 11 must comply with the requirements of this paragraph and such further requirements in this Schedule as are relevant to the application.

(2) The application must state, in addition to the matters required by regulation 8(1)(c) to (e) or regulation 9(1)(c) to (e) in the case of an application under regulation 8(1) or 9(1)—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is or will be registered in the register except in the case of an application under regulation 11;
- (c) in the case of such an application, the proxy’s address, together with the name of the elector for whom he will act as proxy and the elector’s address for the purposes of subparagraph (b); and
- (d) in the case of an application under regulation 8(1), 9(1) or 11(4) or (7), the grounds on which the elector claims to be entitled to an absent vote.

(3) The application must be made in writing and be signed and dated by the applicant.

(4) Where an application is made to vote by proxy, it must include an application for the appointment of a proxy which meets the requirements of paragraph 3.

**Additional requirements for applications for the appointment of a proxy**

**3.** An application for the appointment of a proxy under regulation 10(6) or (7) must state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, must contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, or
- (b) if it is also signed by the person to be appointed, must contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant’s proxy.

**Additional requirements for applications on grounds of blindness or other disability**

4.—(1) An application under regulation 8(4)(b) must specify the disability by reason of which it is made.

- (2) Subject to sub-paragraph (3), such an application must be attested and signed by—
- (a) a registered medical practitioner;
  - (b) a registered nurse;
  - (c) a Christian Science practitioner;
  - (d) the person registered under the Registered Homes (Northern Ireland) Order 1992(47) as carrying on a residential care home within the meaning of article 3 of that Order or a nursing home within the meaning of article 16 of that Order, where the application states that the applicant is resident in such a home;
  - (e) the person in charge of residential accommodation provided under article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(48), where the application states that the applicant is resident in such accommodation; or
  - (f) the manager or other person in charge of premises forming one of a group of premises provided for persons of pensionable age or persons with a disability for which there is a resident manager or other person in charge, where the application states that the applicant resides in such premises.
- (3) The person attesting the application must state—
- (a) his name and address and the qualification by virtue of which he attests the application;
  - (b) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
  - (c) that to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (4) Sub-paragraphs (2) and (3) shall not apply where—
- (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by the Health and Social Services Board which is specified in the application; or
  - (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(49)) because of the disability specified in the application.
- (5) The fact that an applicant is registered with a Health and Social Services Board as a blind person shall be deemed sufficient evidence that the applicant is eligible for an absent vote on the grounds set out in regulation 8(4)(b).

**Additional requirements for applications based on occupation, service, employment or attendance on a course**

5.—(1) An application under regulation 8(4)(c) must state—

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(47) S.I. 1992/3204 (N.I. 20); the definitions of "residential care home" and "nursing home" have been amended by Schedule 9 to S.I. 1995/755 (N.I.12).

(48) S.I. 1972/1265 (N.I. 14).

(49) 1992 c. 7 (N.I.).

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- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or civil partner or, as the case may be, it is the applicant or his spouse or civil partner who is attending the course provided by an educational institution in respect of which the application is made;
  - (b) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
  - (c) where the person in respect of whose occupation, service or employment it is made (in this paragraph referred to as “the employed person”) is self-employed, that fact; and in any other case the name of that person’s employer;
  - (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.
- (2) Such an application must be attested and signed—
- (a) where the employed person is self-employed, by a person who—
    - (i) is aged 18 years or over;
    - (ii) knows the self-employed person; and
    - (iii) is not related to him;
  - (b) where the employed person is not self-employed, by his employer or by another employee to whom this function is delegated by the employer; and
  - (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.
- (3) The person attesting an application under sub-paragraph (2) must—
- (a) where the applicant is the employed person or the person attending the course, certify that the statements required by paragraphs (a) to (d) of sub-paragraph (1) to be included in the application are true; or
  - (b) where the applicant is the spouse or civil partner of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of paragraphs (a) to (c) of sub-paragraph (1) are true.
- (4) The person attesting an application under sub-paragraph (2) must also state—
- (a) his name and address, that he is aged 18 years or over, that he knows the employed person or person attending a course provided by an educational institution but is not related to him; and
  - (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
  - (c) if he is attesting an application made on the ground of attendance at a course provided by an educational institution, the post he holds at that institution.
- (5) For the purposes of this paragraph and paragraph 6 below, one person is related to another if he is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the other.

#### **Additional requirements for applications in respect of a particular election**

**6.—(1)** An application under regulation 9(1) must set out why the applicant’s circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Except in respect of an application to which sub-paragraph (4), (6) or (8) applies, such an application must be signed and attested by a person who—



- (a) is aged 18 years or over;
  - (b) resides in the United Kingdom;
  - (c) knows the applicant but is not related to him; and
  - (d) has not attested under this paragraph any other application in respect of the election for which the application he attests is made.
- (3) The person attesting an application under sub-paragraph (2) must state—
- (a) his full name and address;
  - (b) that he is aged 18 years or over;
  - (c) that he resides in the United Kingdom;
  - (d) that he knows the applicant but is not related to him; and
  - (e) that he has not attested under sub-paragraph (2) any other application in respect of the election for which the application he attests is made;
- and must certify that, to the best of his knowledge and belief, the statement included in the application in accordance with sub-paragraph (1) is true.
- (4) This sub-paragraph applies in respect of an application under regulation 9(1) in which the grounds set out in accordance with sub-paragraph (1) are that the applicant will be or is likely to be ill on the date of the poll, and which—
- (a) specifies that illness; and
  - (b) is attested and signed by one of the persons specified in paragraphs (a), (b) and (c) of paragraph 4(2).
- (5) The person attesting an application under sub-paragraph (4) must state—
- (a) his name and address;
  - (b) the qualification by virtue of which he is authorised to attest it;
  - (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with sub-paragraph (1); and
  - (d) that to the best of his knowledge and belief—
    - (i) the applicant is suffering from the illness specified in the application;
    - (ii) that he will be or is likely to be so suffering on the date of the poll; and
    - (iii) that he cannot reasonably be expected to vote in person at his allotted polling station because of that illness.
- (6) This sub-paragraph applies in respect of an application under regulation 9(1)—
- (a) which is received by the registration officer after 5 p.m. on the fourteenth day (calculated in accordance with paragraph 8(5) below) before the date of the poll at the election in question (“the standard closing date for applications”) but before 5 p.m. on the sixth day (so calculated) before the date of that poll;
  - (b) in which the circumstances set out in accordance with sub-paragraph (1) relate to the applicant’s health;
  - (c) which includes a statement to the effect that, before the standard closing date for applications, the applicant could not have reasonably foreseen that those circumstances would, or would be likely to, exist on the date of the poll; and
  - (d) which is attested and signed by one of the persons specified in paragraphs (a), (b) and (c) of paragraph 4(2).
- (7) The person attesting an application under sub-paragraph (6) must state—

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- (a) his name and address;
  - (b) the qualification by virtue of which he is authorised to attest it;
  - (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with sub-paragraph (1); and
  - (d) that, to the best of his knowledge and belief, the statement which the applicant made in accordance with sub-paragraph (6)(c) is correct.
- (8) This sub-paragraph applies in respect of an application under regulation 9(1)—
- (a) which is received by the registration officer during the period specified in sub-paragraph (6)(a);
  - (b) in which the circumstances set out in accordance with sub-paragraph (1) relate to the applicant’s employment either as a constable or by the returning officer on the date of the poll of the election for which the application is made for a purpose connected with that election or any other parliamentary or European Parliamentary election the poll for which is held on the same day;
  - (c) which states the employment in question; and
  - (d) in the case of a constable, which is signed by a member of the Police Service of Northern Ireland of or above the rank of inspector.

**Additional requirements for applications by proxies to vote by post at a particular election**

7. An application under regulation 11(6) must set out why the applicant’s circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the European Parliamentary elections rules.

**Closing date for applications**

8.—(1) An application under regulation 8(1) or (7), 10(6) or 11(4) shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at that election.

(2) Subject to sub-paragraph (3), an application under regulation 9(1) or (2), 10(4) or 11(6) or (7) shall be refused if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at the election for which it is made.

(3) Sub-paragraph (2) shall not apply to an application which satisfies the requirements of either sub-paragraphs (6) and (7) or sub-paragraph (8) of paragraph 6; and such an application shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the day of the poll at the election for which it is made.

(4) An application under—

(a) regulation 8(6)(a) by an elector to be removed from the record kept under regulation 8(5),  
or

(b) regulation 11(10)(a) by a proxy to be removed from the record kept under regulation 11(5),  
and a notice under regulation 10(9) by an elector cancelling a proxy’s appointment shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the date of the poll at that election.

(5) In computing a period of days for the purposes of this paragraph, Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday shall be disregarded.

(6) In sub-paragraph (5) “bank holiday” means—

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- (a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(50) in any part of the United Kingdom, and
- (b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland;

except that where, at a European Parliamentary general election, any proceedings are commenced afresh by reason of a candidate's death, paragraph (b), not paragraph (a), shall apply.

### **Grant or refusal of applications**

9.—(1) Where the registration officer grants an application under regulation 8, 9, 10 or 11, he must, where practicable, notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he must confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The proxy paper to be issued by the registration officer on the appointment of a proxy must be in Form K in the Appendix of Forms.

(4) Where the registration officer refuses an application under regulation 8, 9, 10 or 11, he must notify the applicant of his decision and, in the case of an application under regulation 8(1) or 11(4), of the reasons for it; and he must date such a notification.

(5) Where under paragraph 8(1) or (4) the registration officer disregards an application for the purposes of a particular election, he must where practicable, notify the applicant of this.

### **Notice of appeal**

10.—(1) A person desiring to appeal under regulation 22(1) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notification given under paragraph 9(4) specifying the grounds of appeal.

(2) The registration officer must forward any such notice to the appropriate county court together in each case with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

### **Cancellation of proxy appointment**

11. Where the appointment of a proxy is cancelled by notice given to the registration officer under regulation 10(9) or ceases to be in force under that provision or is no longer in force under regulation 10(10)(b), the registration officer must—

- (a) notify the person whose appointment as proxy has been cancelled, or expired, or ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy, and
- (b) remove his name from the record kept under regulation 8(5)(b).

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### **Inquiries by registration officer**

**12.**—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown in the record kept under regulation 8(5) by virtue of an application under that regulation on the grounds set out in sub-paragraph (b) or (c) of regulation 8(4).

(2) In the case of a person who is shown in the record kept under regulation 8(5) by virtue of an application under that regulation on the grounds set out in regulation 8(4)(c), the registration officer must make the inquiries referred to in sub-paragraph (1) above not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

### **Records and lists kept under regulations 8, 9 and 11**

**13.**—(1) The registration officer must, on request, supply free of charge a copy of the lists kept under regulation 9(6) and 11(8) to each candidate at a European Parliamentary election or his election agent.

(2) The registration officer must make available for inspection at his office a copy of the records kept under regulations 8(5) and 11(5).

(3) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with paragraph 8(5) above) the registration officer must publish the lists kept under regulations 9(6) and 11(8) by making a copy of them available for inspection at his office.

### **Marked register for polling stations**

**14.** To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” must be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

## **PART 2**

### **ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS**

#### **Interpretation of Part 2**

**15.** For the purposes of this Part—

“agent” includes an election agent and a person appointed to attend in the election agent’s place;  
“ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 23;

“corresponding number list” means the list prepared under rule 20 of the European Parliamentary elections rules;

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter” means an elector or proxy who is entitled to vote by post;

“postal voters’ ballot box” means the ballot box referred to in paragraph 28(1)(a);

“receptacle for ballot paper envelopes” and other references to specified receptacles, means the receptacles referred to in paragraph 28(5);

“spoilt postal ballot paper” means a ballot paper referred to in paragraph 26(1);

“universal postal service provider” has the meaning given in the Postal Services Act 2000<sup>(51)</sup> to a “universal service provider”; and

“valid declaration of identity” means one falling within paragraph 32(1).

issue of postal ballot papers

#### **Form of declaration of identity**

**16.** The form of the declaration of identity for the purposes of rule 25 of the European Parliamentary elections rules must be in Form L in the Appendix of Forms.

#### **Persons entitled to be present at proceedings on issue and receipt of postal ballot papers**

**17.** Without prejudice to the provisions of sections 6A to 6E of the 2000 Act<sup>(52)</sup> no person may be present at the proceedings on the issue or receipt of postal ballot papers at a European Parliamentary election other than—

- (a) the returning officer and his clerks;
- (b) a candidate;
- (c) an election agent or any person appointed by a candidate to attend in his election agent’s place; and
- (d) any agents appointed under paragraph 18.

#### **Agents of candidates who may attend proceedings on issue or receipt of postal ballot papers**

**18.—(1)** Each candidate may appoint one or more agents to attend the proceedings on the issue or receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint so that the number authorised must be the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed must be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers or the opening of the postal voters’ ballot box, as the case may be.

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

(4) Agents may be appointed and notice of appointment given to the returning officer by the candidate’s election agent instead of by the candidate.

(5) In this Part references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (1), who are within the number authorised by the returning officer.

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

(7) Where in this Part any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

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<sup>(51)</sup> 2000 c. 26.

<sup>(52)</sup> 2000 c. 41; sections 6A, 6B, 6C, 6D and 6E were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

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### **Notification of requirement of secrecy**

**19.** The returning officer must make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of regulation 30(5) and (7).

### **Notice of issue of postal ballot papers**

**20.**—(1) The returning officer must give each candidate not less than 48 hours' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents the candidate may appoint under paragraph 18 to attend that issue.

(2) Where any subsequent issue of postal ballot papers is made, the returning officer must notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents the candidate may appoint under paragraph 18 to attend such issue.

### **Procedure on issue of postal ballot paper**

**21.**—(1) The number of the elector as stated in the register must be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to the elector.

(2) A mark must be placed in the absent voters list or the proxy postal voters list against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(3) The number of a postal ballot paper must be marked on the declaration of identity sent with that paper.

(4) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in paragraph 23 are to be sent is—

- (a) in the case of an elector, the address shown in the absent voters list;
- (b) in the case of a proxy, the address shown in the proxy postal voters list.

### **Refusal to issue postal ballot paper**

**22.** Where the returning officer is satisfied that two or more entries in the absent voters list, or the proxy postal voters list or in each of those lists relate to the same elector, he must not issue more than one ballot paper in respect of that elector.

### **Envelopes**

**23.**—(1) Sub-paragraphs (2) and (3) specify the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 25 of the European Parliamentary elections rules).

(2) There must be issued an envelope for the return of the postal ballot paper and the declaration of identity (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There must also be issued a smaller envelope (referred to as a “ballot paper envelope”) which must be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”; and
- (c) the number of the ballot paper, unless the envelope has a window through which the number on the ballot paper can be displayed.

### **Sealing up and security of completed corresponding number and other lists**

**24.**—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer must make up into a packet the completed corresponding number lists of those ballot papers which have been issued and must seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers has been issued, the returning officer must make up into a packet the marked copies of the absent voters list and the proxy postal voters list and must seal such a packet.

(3) Until the time referred to in sub-paragraph (2), the returning officer must take proper precautions for the security of the lists referred to in that sub-paragraph.

### **Delivery of postal ballot papers**

**25.**—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm; or
- (c) clerks appointed under rule 27(1) of the European Parliamentary elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters must be counted and delivered to that provider or firm by the returning officer with such form of receipt to be endorsed by the provider or firm as may be arranged.

(3) Postage must be prepaid on envelopes addressed to the postal voters (except where sub-paragraph (1)(c) applies) and on the covering envelopes.

### **Spoilt postal ballot papers**

**26.**—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt postal ballot paper”) he may return (either by hand or by post) to the returning officer the spoilt postal ballot paper and the declaration of identity.

(2) On receipt of the documents referred to in sub-paragraph (1), the returning officer must issue another postal ballot paper except where those documents are received after 5 p.m. on the day before the day of the poll.

(3) Paragraphs 21 (except sub-paragraph (3)), 23, 24 and, subject to sub-paragraph (6) below, 25 apply to the issue of a replacement postal ballot paper under sub-paragraph (2).

(4) The spoilt postal ballot paper and the declaration of identify must be immediately cancelled.

(5) The returning officer, as soon as practicable after cancelling those documents, must make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet must be opened, the additional cancelled documents included in it and the packet sealed again.

(6) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with paragraph 25.

(7) The returning officer must enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and address of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this paragraph; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

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## receipt of postal ballot papers

### **Notice of opening of postal ballot paper envelopes**

**27.**—(1) The returning officer must give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice must specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under paragraph 18(1) to attend each opening.

### **Postal ballot boxes and receptacles**

**28.**—(1) The returning officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box must be marked “postal voters' ballot box” or “postal ballot box”, as the case may be.

(3) The postal ballot box must be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer must then lock the postal ballot box, if it has a lock, and apply his seal in such manner as to prevent its being opened without breaking the seal; and any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer must provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity; and
- (c) the receptacle for ballot paper envelopes.

(6) The returning officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

### **Receipt of covering envelope**

**29.** The returning officer must, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box.

### **Opening of postal voters' ballot box**

**30.**—(1) Each postal voters' ballot box must be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box must be opened at the counting of the postal ballot papers under rule 50 of the European Parliamentary elections rules.

### **Opening of covering envelopes**

**31.**—(1) When a postal voters' ballot box is opened, the returning officer must count and record the number of covering envelopes, and must then open each covering envelope separately.



- (2) The procedure in paragraph 32 applies where a covering envelope contains both—
  - (a) a declaration of identity; and
  - (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.
- (3) Where the covering envelope does not contain the declaration of identity separately, the returning officer must open the ballot paper envelope to ascertain whether the declaration of identity is inside.
- (4) Where a covering envelope does not contain both—
  - (a) a declaration of identity (whether separately or not), and
  - (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,the returning officer must mark the covering envelope “rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.
- (5) Where an envelope opened in accordance with sub-paragraph (1) contains a declaration of identity, the returning officer must, having first unsealed the relevant packet, place a mark in the marked copy of the absent voters list or the proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned as provided for in rule 33 of the European Parliamentary elections rules.
- (6) A mark made under sub-paragraph (5) must be distinguishable from and must not obscure the mark made under paragraph 21(2).
- (7) As soon as practicable after the last covering envelope has been opened, the returning officer must make up into a packet the copy of the absent voters list and the copy of the proxy postal voters list that have been marked in accordance with sub-paragraph (5) and must seal such a packet.

#### **Procedure in relation to declarations of identity on receipt of covering envelope**

- 32.**—(1) A declaration of identity is a valid declaration of identity for the purposes of this Part if—
- (a) it is duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address, and
  - (b) in the case of an elector, the requirements of rule 50(2)(b) and (3) of the European Parliamentary elections rules are satisfied.
- (2) The returning officer must satisfy himself that the declaration of identity is a valid declaration of identity.
- (3) Where the returning officer is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.
- (4) Before placing the declaration in the receptacle for rejected votes, the returning officer must show it to the agents and, if any of them object to his decision, he must add the words “rejection objected to”.
- (5) The returning officer must then examine the number on the valid declaration of identity against the number on, or displayed through a window in, the ballot paper envelope and, where they are the same, he must place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.
- (6) Where—
- (a) the number on a valid declaration of identity is not the same as the number on, or displayed through a window in, the ballot paper envelope, or
  - (b) that envelope has no number on it and the number is not displayed through a window in it,
- the returning officer must open the envelope.

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- (7) Sub-paragraph (8) applies where—
- (a) there is a valid declaration of identity but no ballot paper envelope, or
  - (b) the ballot paper envelope has been opened under paragraph 31(3) or sub-paragraph (6) above.
- (8) In the circumstances described in sub-paragraph (7), the returning officer must place—
- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid declaration of identity;
  - (b) in the receptacle for rejected votes, any other ballot paper, with the valid declaration of identity attached and marked “rejected”;
  - (c) in the receptacle for rejected votes, any valid declaration of identity marked “rejected” where there is no ballot paper; and
  - (d) in the receptacle for declarations of identity, any valid declaration not disposed of under paragraph (b) or (c).

#### **Opening of ballot paper envelopes**

**33.**—(1) The returning officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

- (2) He must place—
- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope (or, if the envelope has no number, the ballot paper number can be seen through a window in the envelope);
  - (b) in the receptacle for rejected votes, any other ballot paper which must be marked “rejected” and to which must be attached the ballot paper envelope; and
  - (c) in the receptacle for rejected votes any ballot paper envelope which must be marked “rejected” because it does not contain a ballot paper.

#### **Sealing of receptacles**

**34.** As soon as practicable after the completion of the procedure under paragraph 33, the returning officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes, and
- (b) the receptacle of declarations of identity,

and must seal up such packets.

#### **Abandoned poll**

**35.** Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) must not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part; and
- (b) must, notwithstanding paragraphs 31 to 33, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

### Retention of documents

36.—(1) The returning officer must, as the Chief Electoral Officer for Northern Ireland, retain at the same time as he retains the documents mentioned in rule 67 of the European Parliamentary elections rules—

- (a) any packets referred to in paragraphs 24, 26(5) and 34, subject to paragraph 35, endorsing on each packet a description of its contents and the date of the election to which it relates, and
- (b) a completed statement in Form M in the Appendix of Forms of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll,
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer must put them unopened in a separate packet, seal up such packet and endorse and retain it at a subsequent date in the manner described in sub-paragraph (1).

(3) Rules 68 and 69 of the European Parliamentary elections rules shall apply to any packet or document retained under this paragraph.

(4) A copy of the statement referred to in sub-paragraph (1)(b) must be provided by the returning officer to the Electoral Commission.

## PART 3

### APPENDIX OF FORMS

*Note:-* the forms contained in this appendix may be adapted so far as circumstances require.

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Form K	Proxy paper
Form L	Declaration of identity
Form M	Completed statement of number of postal ballot papers issued”

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#### FORM KPROXY PAPER

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**Rule 9(3)**

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**Paragraph 9(3)**  
**FORM K: PROXY PAPER**

---

Constituency/Area

---

European Parliamentary Electoral Region of Northern Ireland

---

Name of Proxy

---

Address

---

is appointed as proxy for

(Name of elector)

---

\*(who is qualified to be registered for)

(Qualifying address)

---

\*(who qualifies as an overseas elector in respect of the above constituency) to vote for him/her at

\*(the \*[parliamentary] \*[European Parliamentary] election for the above\* [constituency])

\*[European Parliamentary electoral region] on (date)

\*(any \*[parliamentary] \*[European Parliamentary] election for the above\* [constituency]\*[European Parliamentary electoral region]) on (date)

\*(This proxy appointment is not valid until)

---

Signature

---

Electoral Registration Officer

---

Address

---

Date

---

*\* Delete whichever is inappropriate*

---

**YOUR RIGHT TO VOTE AS PROXY**

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
2. Your appointment as proxy may be for a particular election only, or it may be for an indefinite period.  
  
If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.  
  
If it is for an indefinite period, you have in general the right to vote as proxy at any parliamentary or European Parliamentary election for which the elector is qualified to vote until the electoral registration officer informs you to the contrary.
3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so.
4. If you cannot vote in person at the polling station, you should consult the electoral registration officer about your right to vote by post.

**FORM LDECLARATION OF IDENTITY**

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**Paragraph 16**

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**Paragraph 16**  
**FORM L: DECLARATION OF IDENTITY**

*Front of form*

**DECLARATION OF IDENTITY**

EUROPEAN PARLIAMENTARY ELECTION  
ELECTORAL REGION OF NORTHERN IRELAND

Ballot Paper No

---

I am the person to whom the ballot paper numbered above was sent.

My date of birth is.....[DD/MM/YYYY] (you are not required to give your date of birth if you are to vote as a proxy for someone else).

Voter's signature

---

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature

---

Name of witness (PRINT CLEARLY IN CAPITAL LETTERS)

---

Address of witness (PRINT CLEARLY IN CAPITAL LETTERS)

---

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

---

Back of form

**INSTRUCTIONS TO THE VOTER**

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, and write clearly his or her name and address. Unless you are voting as a proxy, you must also give your date of birth. Without all the above the declaration will be invalid.
2. Mark your vote by putting "1" against the candidate of your first choice, "2" against your second choice and so on. Do this secretly. If you can't vote without assistance, the person who assisted you must not disclose how you have voted.
3. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper or your vote may not be counted.
4. Put the ballot paper in the smaller envelope marked "A" and seal it. Then put the envelope marked "A", together with this declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the returning officer not later than the close of the poll.
5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.
6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.
7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

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**FORM M STATEMENT AS TO POSTAL BALLOT PAPERS**

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Paragraph 36

**Paragraph 36**

**FORM M: STATEMENT AS TO POSTAL BALLOT PAPERS**

EUROPEAN PARLIAMENTARY ELECTION  
ELECTORAL REGION OF NORTHERN IRELAND

Constituency

Date of poll

<p><b><u>A. Issue of postal ballot papers</u></b>                  1. Total number of postal ballot papers issued under paragraph 21 of Schedule 2*                  2. Total number of postal ballot papers issued under paragraph 26(2) of Schedule 2 (where the first ballot paper was spoiled and returned for cancellation)                  3. Total number of postal ballot papers issued (1+2)</p>	<p><b><u>Number</u></b></p>
<p><b><u>B. Receipt of postal ballot papers</u></b>                  4. Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraph 26(1) of Schedule 2 with spoiled postal ballot papers)                  5. Number of covering envelopes received by the returning officer after the close of poll, excluding any returned as undelivered                  6. Number of postal ballot papers returned spoiled for cancellation under paragraph 26(1) of Schedule 2 in time for another ballot paper to be issued                  7. Number of postal ballot papers returned as spoiled too late for another ballot paper to be issued                  8. Number of covering envelopes returned as undelivered (up to the date of this statement)                  9. Number of covering envelopes not received by the returning officer by the date of this statement                  10. Total Nos. 4 to 9 (This number should be the same as that in 3 above)</p>	<p><b><u>Number</u></b></p>
<p><b><u>C. Count of postal ballot papers</u></b>                  11. Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraph 26(1) of Schedule 2 with spoiled ballot papers)                  12. Number of ballot papers returned by postal voters which were included in the count of ballot papers                  13. Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under paragraph 26(4) of Schedule 2 are not rejections and should be included in items 2 and 6 above)</p>	<p><b><u>Number</u></b></p>
<p>Date</p>	

Signed

*Returning Officer*

Address

\* Schedule 2 to the European Parliamentary Elections (Northern Ireland) Regulations 2004 (S.I. 2004/1267).

SCHEDULE 3

Regulation 41

“SCHEDULE 5A

Regulations 55 and 56

Election expenses

PART 1

LIST OF MATTERS

1. Advertising of any nature (whatever the medium used).  
Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
2. Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area).  
Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
3. Transport (by any means) of persons to any place.  
Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.
4. Public meetings (of any kind).  
Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.
5. The services of an election agent or any other person whose services are engaged in connection with the candidate’s election.
6. Accommodation and administrative costs.

PART 2

GENERAL EXCLUSION

7. The payment of any deposit required by rule 8 of the European Parliamentary elections rules.
8. The publication of any matter, other than an advertisement, relating to the election in—
  - (a) a newspaper or periodical;
  - (b) a broadcast made by the British Broadcasting Corporation;
  - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990<sup>(53)</sup> or Part 1 or 2 of the Broadcasting Act 1996<sup>(54)</sup>.
9. The provision of any facilities provided in pursuance of any right conferred on candidates at an election by these Regulations.

<sup>(53)</sup> 1990 c. 42. Parts 1 and 3 have been amended by the Communications Act 2003 (c. 21).

<sup>(54)</sup> 1996 c. 55. Parts 1 and 2 have been amended by the Communications Act 2003 (c. 21).

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**10.** The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.

**11.—(1)** Accommodation which is the candidate’s sole or main residence.

(2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.

**12.—(1)** Transport by a means of transport which was acquired by the candidate principally for his own personal use.

(2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.

**13.—(1)** Computing or printing equipment which was acquired by the candidate principally for his own personal use.

(2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge.”

SCHEDULE 4

Regulation 42

“SCHEDULE 6

Regulation 115

COMBINED POLLS

general

**1.** This Schedule applies in the circumstances set out in regulation 115 of these Regulations.

**2.** In this Schedule, and in any provision modified by this Schedule, “relevant election” means a parliamentary election or a local election the poll at which is taken together with the poll at the European Parliamentary election.

europaean parliamentary elections rules

**3.** In rule 19(2) (ballot papers), after sub-paragraph (c) insert—

“(d) must be of a different colour from that of any ballot paper used at any relevant election.”.

**4.** In rule 24 (notice of poll), after paragraph (2) insert—

“(3) The notice published under paragraph (2)—

(a) must state that the poll at the European Parliamentary election is to be taken with the poll at a relevant election;

(b) must specify the relevant parliamentary constituency or district council.”.

**5.** In rule 29 (issue of official poll cards), after paragraph (5) insert—

“(5A) An official poll card issued under this rule may be combined with an official poll card issued at a relevant election, with necessary adaptation.”.

**6.** In rule 30 (equipment of polling stations)—

(a) after paragraph (1) insert—

“(1A) The same ballot box may be used for the poll at the European Parliamentary election and the poll at each relevant election.



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- (1B) Where the same ballot box is not used under paragraph (1A), each ballot box must be clearly marked with—
- (a) the election to which it relates, as shown on the ballot papers for that election; and
  - (b) the words “Please insert the *[specify colour of ballot papers in question]* coloured ballot papers in here”;
- (b) after paragraph (5) insert—
- “(5A) The large version of the ballot paper referred to in paragraph (5)(a) above must be printed on paper of the same colour as that of the ballot papers for use at the European Parliamentary election.”;
- (c) in paragraph (6), for “inside and outside every polling station” substitute “outside every polling station and in every compartment of every polling station”;
- (d) after paragraph (6) insert—
- “(6A) The notice referred to in paragraph (6) must—
- (a) clearly indicate the election to which it relates; and
  - (b) be printed on paper of the same colour as the ballot papers (other than tendered ballot papers) used at the election to which it relates.”; and
- (e) omit paragraph (7).
7. In rule 34(1) (admission to polling station), after sub-paragraph (g) insert—
- “(ga) persons entitled to be admitted at a relevant election.”.
8. In rule 37 (questions to be put to voters), in questions 1(b), 2(b) and 3 in the table in paragraph (1) on each occasion on which it occurs after “at this” insert “European Parliamentary election”.
9. In rule 39 (voting procedure), after paragraph (10) insert—
- “(11) The same copy of the register (or as the case may be, the notice issued under section 13BA(9) of the 1983 Act) may be used under paragraph (1) above for each relevant election and one mark may be placed in that register (or on that notice) under paragraph (1)(c) above or in the list of proxies under paragraph (1)(d) above to denote that a ballot paper has been received in respect of each relevant election; except that, where a ballot paper has been issued in respect of only one election, a different mark must be placed in the register (or on the notice) or list (as the case may be) so as to identify the election in respect of which the ballot paper is issued.”.
10. In rule 40 (votes marked by presiding officer) after paragraph (4) insert—
- “(4A) The same list may be used under paragraph (3) for each relevant election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were marked in pursuance of this rule in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.
11. In rule 41 (voting by persons with disabilities) after paragraph (6) insert—
- “(6A) The same list may be used under paragraph (5) for each relevant election and, where it is so used, an entry in that list shall be taken to mean that votes were given in accordance with this rule in respect of each election, unless the list identifies the election at which the vote was so given.”.
12. In rule 43 (tendered ballot papers: general provisions) after paragraph (3) insert—
- “(3A) The same list may be used under paragraph (2) for each relevant election and, where it is so used, an entry in the list shall be taken to mean that the tendered ballot papers were marked

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in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”.

**13.** In rule 46 (alteration of registers) at the end of paragraph (1) insert—

“The same list may be used for each relevant election and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election unless the list identifies the election for which a ballot paper was issued.”

**14.** In rule 48 (procedure on close of poll)—

(a) in paragraph (1) after “polling agents” where those words first appear insert “appointed for the purposes of the European Parliamentary election and those appointed for the purposes of each relevant election”;

(b) after paragraph (1) insert—

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) above shall not be combined with the contents of packets made up under the corresponding rule that applies at each relevant election; nor shall the statement prepared under paragraph (3) below be so combined.”.

**15.** At the end of rule 53 (preliminary proceedings and conduct of the count) insert—

“(6) Where separate ballot boxes have been used, no ballot paper marked in respect of the European Parliamentary election shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election.”

**16.** In rule 72 (party candidate)—

(a) after paragraph (2) insert—

“(2A) Neither the countermand of the poll at the European Parliamentary election nor the direction that the poll be abandoned affects the poll at any relevant election.”;

(b) in paragraph (3) after “with reference to the” insert “European Parliamentary”.

**17.** In rule 73 (abandoned poll) for paragraphs (2) to (6) substitute—

“(2) No further ballot papers at the European Parliamentary election shall be delivered in any polling station.

(3) At the close of the poll for any relevant election the presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery of ballot boxes and ballot papers and other documents as he would be required to take if the European Parliamentary election has not been abandoned except that he must deliver or cause them to be delivered to the returning officer.

(4) It is not necessary for a ballot paper account for the European Parliamentary election to be prepared or verified.

(5) Having separated the ballot papers relating to any relevant election, the returning officer must take no step or further step for the counting of the ballot papers used at the European Parliamentary election or of the votes.

(6) The returning officer must seal up all of the ballot papers used at the European Parliamentary election whether the votes have been counted or not and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(6A) The returning officer (as the Chief Electoral Officer for Northern Ireland) must retain the ballot papers used at the European Parliamentary election and other documents in his possession as he is required to do on the completion in due course of the counting of the vote at any relevant election”.

absent voting

18. After paragraph 15 of Schedule 2 (interpretation of Part 2) insert—

**“Combination of polls**

15A. Where the poll at the European Parliamentary election is to be taken together with the poll at a relevant election, the proceedings on the issue and receipt of postal ballot papers in respect of each relevant election shall be taken together.”

19. In paragraph 16 of Schedule 2 (form of declaration of identity) for “in Form L in the Appendix of Forms” substitute—

- “(a) in Form L in the Appendix of Forms at a European Parliamentary election where the poll is taken alone, and
- (b) in Form N in the Appendix of Forms at a European Parliamentary election where the poll is taken together with the poll at a relevant election.”

20. In paragraph 21 of Schedule 2 (procedure on issue of postal ballot paper), at the end insert—

“(5) Where the poll at the European Parliamentary election is taken together with the poll at a relevant election, the colour of the postal ballot paper must also be marked on the declaration of identity sent with that paper.”

21. In paragraph 23 of Schedule 2 (envelopes), at the end insert—

“(4) Where the poll at the European Parliamentary election is taken together with the poll at a relevant election—

- (a) the envelope referred to in sub-paragraph (2) above must also be marked “Covering envelope for the *[insert colour of ballot paper]* coloured ballot paper”, and
- (b) on the envelope referred to in sub-paragraph (3) above after the words “Ballot paper envelope” there must be added “for the *[insert colour of ballot paper]* coloured ballot paper”.”

22. In the Appendix of Forms at the end of Schedule 2, after Form M insert—

**"FORM N DECLARATION OF IDENTITY (COMBINED POLLS)**

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“FORM N

**DECLARATION OF IDENTITY (COMBINED POLLS)**

(for use when a European Parliamentary poll is combined with a parliamentary poll or a local poll)

*Front of form*

**EUROPEAN PARLIAMENTARY ELECTION**

**ELECTORAL REGION OF NORTHERN IRELAND**

**DECLARATION OF IDENTITY**

To be returned with the *[insert colour of ballot paper]* coloured ballot paper No.....

I am the person to whom the *[insert colour of ballot paper]* coloured ballot paper numbered as above was sent.

My date of birth is: ..... [DD/MM/YYYY] (you are not required to give your date of birth if you are to vote as a proxy for someone else)

Voter's signature

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature

Name of witness (WRITE CLEARLY)

Address of witness (WRITE CLEARLY)

**SEE INSTRUCTIONS ON THE BACK OF THIS FORM**

*Back of form*

**INSTRUCTIONS TO THE VOTER**

1. You must sign this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day. That person should then sign this declaration as a witness, adding his or her name and address. Unless you are voting as a proxy, you must also give your date of birth. Without all the above the declaration will be invalid.
2. Mark your vote by putting "1" against the candidate of your first choice, "2" against the candidate of your second choice and so on. Do this secretly. If you can't vote without assistance, the person who assisted you must not disclose how you have voted.
3. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper, or your vote may not be counted.
4. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows—
  - (a) place each ballot paper in the correct smaller envelope and seal it;
  - (b) put the envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
  - (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.

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5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election. You are entitled to vote at different elections which are held on the same day.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity (make sure it is the correct one) and the envelopes marked "A" and "B" (again make sure they are the correct envelopes). Remember that there is little time available if a fresh postal ballot paper is to be issued and counted".

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 amend the European Parliamentary Elections (Northern Ireland) Regulations 2004 ([S.I. 2004/1267](#)) ("the 2004 Regulations"), which set out in full how European Parliamentary elections are to be conducted. The 2004 Regulations correspond to provisions of the Representation of the People Acts of 1983 and 1985 and regulations made under them, which they apply subject to modification.

The 2009 Regulations apply for the purposes of European Parliamentary elections the changes to electoral procedures made by the Electoral Administration Act 2006 ("the 2006 Act") and the Northern Ireland (Miscellaneous Provisions) Act 2006 ("the Miscellaneous Provisions Act"). They also apply the amendments made for the purposes of implementing the 2006 Act's provisions by the Representation of the People (Northern Ireland) Regulations 2008 ([S.I. 2008/1741](#)) ("the 2008 Regulations") and other amendments to subordinate legislation made since the 2004 Regulations were made.

The amendments made to the 2004 Regulations reflect the changes made by the 2006 Act to the Representation of the People Act 1983 ("the 1983 Act"). Regulation 11 of these Regulations amends regulation 16 of the 2004 Regulations to bring the provisions relating to the payments to and by the returning officer at European Parliamentary elections into line with provision made at parliamentary elections by section 29 of the 2006 Act. Regulation 28 amends the 2004 Regulations so that the definition of "election expenses" contained in the 2004 Regulations mirrors that contained in section 90ZA of and Schedule 4A to the 1983 Act (as inserted by section 27 of the 2006 Act). New regulation 111A of the 2004 Regulations, as inserted by regulation 37, makes provision which is equivalent to section 199B of the 1983 Act (translations etc. of certain documents) as inserted by section 36 of the 2006 Act.

Schedule 1 to the Regulations replaces the European Parliamentary elections rules in Schedule 1 to the 2004 Regulations. Those rules apply with modifications and exceptions the Parliamentary elections rules set out in Schedule 1 to the 1983 Act. In particular they make provision for the single transferable vote form of proportional representation in European elections in the Northern Ireland electoral region. The European Parliamentary elections rules as substituted include with

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modifications the amendments to the Parliamentary elections rules made by the 2006 Act and the Miscellaneous Provisions Act. Particular changes that have been made to reflect these modifications are mentioned below.

The rules reflect new security measures introduced by the 2006 Act. Ballot papers must contain a security marking (the official mark) and a unique identifying mark. Counterfoils on ballot papers are replaced by corresponding number lists.

The rules reflect changes made as to persons who may be admitted to polling stations and the count to observe elections.

Amendments are made in consequence of the provisions in section 13BA of the 1983 Act as inserted by section 6 of the Miscellaneous Provisions Act. Amendments are made to provide for the transmission of information to a presiding officer about alterations to the electoral register taking place on the day of the poll.

The provisions that apply when a candidate dies prior to being returned as an MEP have been changed to reflect changes made to the Parliamentary elections rules made by section 24 of the 2006 Act. These now comprise a new part 6.

Additional provision has been made for the public inspection of certain electoral documents and including the right to inspect or obtain copies of the marked copies of the various electoral registers and lists marked during the election. These provisions reflect similar provisions made in the 2008 Regulations and comprise a new part 7.

Schedule 2 to these Regulations substitutes a new Schedule 2 to the 2004 Regulations (absent voting). Minor changes have been made to this Schedule to reflect the introduction of corresponding number lists and modifications made to the absent voter provisions applying at Parliamentary elections in the 2008 Regulations.

Schedule 3 to these Regulations inserts a new Schedule 5A (election expenses) in the 2004 Regulations. It follows the changes to election expenses detailed above and reflects the changes made to the 1983 Act by section 27 of the 2006 Act.

Schedule 4 to these Regulations substitutes a new Schedule 6 (combined polls) to the 2004 Regulations. Again only minor changes have been made to this Schedule to reflect the changed European Parliamentary elections rules numbering and to make appropriate provision for the introduction of corresponding number lists, late registration and the changes made to provisions on death of candidates.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.