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STATUTORY INSTRUMENTS

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**2017 No. 67**

**LOCAL GOVERNMENT, ENGLAND**

**The Combined Authorities (Mayoral Elections) Order 2017**

*Made - - - - 30th January 2017*

*Coming into force in accordance with article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 114 and 117(1A) and (5) of, and paragraph 12 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009<sup>(1)</sup>.

The Secretary of State has consulted the Electoral Commission about this Order in accordance with paragraph 12(4) of Schedule 5B to that Act.

The provisions of this Order which relate to the limitation of election expenses (and the creation of criminal offences in connection with the limitation of such expenses) are made in accordance with a recommendation of the Electoral Commission.

In accordance with section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, a draft of this Order has been laid before and approved by resolution of each House of Parliament.

**Citation and commencement**

1. This Order may be cited as the Combined Authorities (Mayoral Elections) Order 2017 and comes into force the day after the day on which it is made.

**Interpretation**

2. In this Order—

“the 1983 Act” means the Representation of the People Act 1983<sup>(2)</sup>;

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the Elections Regulations” means the Representation of the People (England and Wales) Regulations 2001<sup>(3)</sup>;

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(1) 2009 c. 20. Section 117 was amended, and Schedule 5B inserted, by the Cities and Local Government Devolution Act 2016 (c. 1).

(2) 1983 c. 2.

(3) S.I. 2001/341 amended by S.I. 2001/1700, 2002/1871, 2006/2910, 2013/3198, 2015/1376 and 2015/1971.

“the Combined Authority Mayoral Elections Rules” means the rules set out in Schedule 1 or Schedule 3 to this Order as the case may be;

“the Referendums Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2012<sup>(4)</sup> or the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012<sup>(5)</sup>;

“candidate” means a candidate to be a combined authority mayor;

“combined authority mayor”, in relation to the area of a combined authority, means the mayor for the area of the authority by virtue of an order under section 107A(1)<sup>(6)</sup> of the 2009 Act;

“combined authority mayoral election” and “election” means an election for the return of a combined authority mayor;

“combined authority returning officer” means—

- (a) the person appointed under article 6; or
- (b) any person appointed under subsection section 35(4) of the 1983 Act by a person of a description mentioned in paragraph (a);

“constituent council” in relation to the area of a combined authority, means—

- (a) a county council the whole or any part of whose area is within the area of the combined authority; or
- (b) a district council whose area is within the area of the combined authority<sup>(7)</sup>;

“electoral area” means the area for the combined authority for which the election is held;

“European Parliamentary election” has the same meaning as in section 27(1) of the Representation of the People Act 1985<sup>(8)</sup>;

“local government election” has the same meaning as in section 203(1)<sup>(9)</sup> of the 1983 Act;

“local government mayoral election” means an election for the return of an elected mayor in accordance with Part 1A of the Local Government Act 2000<sup>(10)</sup>;

“police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011<sup>(11)</sup>;

“proper officer” has the meaning given by section 270(3) of the Local Government Act 1972<sup>(12)</sup>;

“referendum” means a referendum conducted under the Referendums Regulations;

“register of local government electors” means the register maintained under section 9 of the Representation of the People Act 1983<sup>(13)</sup>;

“relevant election or referendum” means one or more of the following—

- (a) a Parliamentary election,
- (b) a European Parliamentary election,

<sup>(4)</sup> S.I. 2012/323.

<sup>(5)</sup> S.I. 2012/444 amended by S.I. 2013/409, 2014/231 and 2014/925.

<sup>(6)</sup> Section 107A was inserted by the Cities and Local Government Devolution Act 2016, section 2.

<sup>(7)</sup> See section 120 of the Local Democracy, Economic Development and Construction Act 2009 for meaning of “combined authority”.

<sup>(8)</sup> 1985 c. 50.

<sup>(9)</sup> The definition of “local government election” in section 203(1) was amended by the Greater London Authority Act 1999 (c. 29), section 17 and Schedule 3. See Schedule 2 for further modifications of this section.

<sup>(10)</sup> 2000 c. 22. Part 1A was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

<sup>(11)</sup> 2011 c. 13.

<sup>(12)</sup> 1972 c. 70.

<sup>(13)</sup> 1983 c. 2. Section 9 was substituted by the Representation of the People Act 2000 (c. 2), section 8 and Schedule 1.

- (c) a local government election,
  - (d) a local government mayoral election,
  - (e) another combined authority mayoral election,
  - (f) a referendum,
  - (g) a police and crime commissioner election,
- the poll at which is taken together with the poll at the combined authority mayoral election;
- “returning officer”, in relation to a combined authority mayoral election, means—
- (a) the person appointed in accordance with article 5, or
  - (b) any person appointed under section 35(4)(**14**) of the 1983 Act by a person of a description mentioned in paragraph (a).

### **Conduct of combined authority mayoral elections**

**3.—**(1) Subject to article 4(1), a combined authority mayoral election shall be conducted in accordance with the rules set out in Schedule 1.

(2) The relevant provisions in the enactments referred to in paragraph (3) shall have effect in relation to the conduct of a combined authority mayoral election as they have effect in relation to the conduct of an election of councillors for any county electoral division or district ward subject to the modifications set out in paragraph (4).

(3) The enactments referred to in paragraph (2) are—

- (a) the 1983 Act,
- (b) the Representation of the People Act 1985,
- (c) the Representation of the People Act 2000(**15**),
- (d) the Political Parties, Elections and Referendums Act 2000(**16**),
- (e) the Elections Regulations, and
- (f) the Electoral Administration Act 2006(**17**).

(4) The modifications referred to in paragraph (2) are—

- (a) references in the relevant provisions to “local government elections” shall be taken to include combined authority mayoral elections,
- (b) references in the relevant provisions to a “candidate” shall be taken to include a candidate at a combined authority mayoral election,
- (c) references in the relevant provisions to a “returning officer” shall be taken to include a combined authority returning officer,
- (d) the other modifications set out in Schedule 2.

(5) In this article “relevant provisions” means the provisions which have effect in relation to the conduct of the election of councillors for any county electoral division or district ward.

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(14) Subsection (4) was amended by the Education Reform Act 1988 (c.40), section 237 and Schedule 12.

(15) 2000 c. 2.

(16) 2000 c. 41.

(17) 2006 c. 22.

### **Combination of polls**

4.—(1) Where the poll at a combined authority mayoral election is taken together with the poll at a relevant election or referendum a combined authority mayoral election shall be conducted in accordance with the rules set out in Schedule 3.

(2) The instruments specified in Schedule 4 are amended to make further provision for the combination of polls.

### **Returning officer**

5.—(1) Functions conferred by this Order on the returning officer, in relation to the area of a constituent council, shall be discharged by the person who is for the time being the returning officer for the area of that council by virtue of section 35 (returning officers: local elections) of the 1983 Act, as modified by Schedule 2 or (in the case of a combined poll) Schedule 4 to this Order.

(2) It is the returning officer's general duty at the election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Order.

(3) The returning officer must also appoint and pay any such persons as may be necessary for the purpose of the counting of the votes.

### **Combined authority returning officer**

6.—(1) The combined authority must appoint one of its officers, or one of the officers of a constituent council, to be the combined authority returning officer in relation to the election.

(2) The combined authority returning officer may give, to a returning officer, directions relating to the discharge of his or her functions at the election, including directions requiring the provision to the combined authority returning officer of any information which the returning officer has or is entitled to have, directions requiring him or her to take specified steps in preparation for the election, directions that the ballot papers shall be printed by the combined authority returning officer and directions that the count of votes shall be conducted at a central location.

(3) It shall be the duty of a returning officer to whom directions are given under paragraph (2) to discharge his or her functions at the election in accordance with the directions.

### **Questioning of combined authority mayoral election**

7. For the purposes of paragraph 12(6) of Schedule 5B to the 2009 Act, Part 3 (legal proceedings) of the 1983 Act shall have effect in relation to the questioning of an election for the return of a combined authority mayor as it has effect in relation to the questioning of an election under the Local Government Act 1972(18).

### **Free delivery of election addresses**

8.—(1) Each candidate at a combined authority mayoral election shall be entitled (subject to and in accordance with the provisions of Schedule 5) to have an election address prepared on behalf of the candidate included in a booklet of election addresses—

- (a) prepared by the combined authority returning officer, and
- (b) delivered by that officer to each person entitled to vote at that election.

(2) Candidates' election addresses shall be delivered at the expense of the combined authority.

(3) Schedule 5 (which makes provisions supplementing paragraph (1) above) shall have effect.

Signed by authority of the Secretary of State for Communities and Local Government

30th January 2017

*Andrew Percy*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

SCHEDULE 1

Article 3(1)

The Combined Authority Mayoral Elections Rules

CONTENTS

PART 1

General provisions

1. Citation
2. Interpretation

PART 2

Provisions as to time

3. Timetable
4. Computation of time

PART 3

Stages common to contested and uncontested elections

5. Notice of Election and provision of information to calculate election expense limits
6. Nomination of candidates
7. Nomination papers: name of registered political party
8. Subscription of nomination paper
9. Consent to nomination
10. Deposits
11. Place for delivery of nomination papers and right to attend nomination
12. Decisions as to validity of nomination papers
13. Publication of statement of persons nominated
14. Correction of minor errors
15. Withdrawal of candidature
16. Method of election

PART 4

Contested elections

17. Poll to be taken by ballot
18. The ballot papers
19. The corresponding number list
20. The official mark
21. Prohibition of disclosure of vote
22. Use of schools and public rooms
23. Notice of poll
24. Postal ballot papers
25. Provision of polling stations
26. Appointment of presiding officers and polling clerks
27. Issue of official poll cards

28. Equipment of polling stations
29. Appointment of polling and counting agents
30. Notification of requirement of secrecy
31. Return of postal ballot papers
32. Admission to polling station
33. Keeping of order in station
34. Sealing of ballot boxes
35. Questions to be put to voters
36. Challenge of voter
37. Voting procedure
38. Votes marked by presiding officer
39. Voting by persons with disabilities
40. Tendered ballot papers—circumstances where available
41. Tendered ballot papers—general provisions
42. Spoilt ballot papers
43. Correction of errors on day of poll
44. Adjournment of poll in case of riot
45. Procedure on close of poll
46. Attendance at verification
47. Procedure at verification of ballot paper accounts
48. Additional steps: verification and count carried out at different places
49. Attendance at the count
50. The first count
51. Rejected ballot papers
52. Decisions on ballot papers
53. Re-count
54. Procedure at conclusion of first count

#### PART 5

##### Further provision: three or more candidates

55. The count of second preference votes
56. The calculation of total votes

#### PART 6

##### Final proceedings in contested and uncontested elections

57. Combined authority returning officer's re-count
58. Combined authority returning officer's direction to count second preference votes
59. Returning officer's final statement, central calculation and declaration of result
60. Return or forfeiture of candidate's deposit

#### PART 7

##### Disposal of documents

61. Sealing up of ballot papers
62. Delivery and retention of documents
63. Orders for production of documents
64. Retention of documents

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

## PART 8

### Death of candidate

65. Countermand or abandonment of poll on death of a candidate

## PART 9

### Appendix of forms

Signature

Explanatory Note

Form 1 – Form of nomination paper

Form 2 – Candidate’s consent to nomination

Form 3 – Ballot paper (two candidates) including directions as to printing

Form 4 – Ballot paper (three or more candidates) including directions as to printing

Form 5 – Corresponding number list L1

Form 6 – Corresponding number list L2

Form 7 – Postal voting statement

Form 8 – Elector’s official poll card

Form 9 – Official postal poll card

Form 10 – Official proxy poll card

Form 11 – Official proxy postal poll card

Form 12 – Directions for the guidance of voters

Form 13 – Certificate of employment

Form 14 – Declaration of the companion of a voter with disabilities

## PART 1

### General provisions

#### **Citation**

1. These Rules may be cited as the Combined Authority Mayoral Elections Rules.

#### **Interpretation**

2.—(1) In these Rules, “the Appendix” means the Appendix to these Rules contained in Part 9 of this Schedule.

(2) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections), except for those defined in article 2 or modified by article 3, shall have the same meaning in these Rules as they have in that Act.



## PART 2

### Provisions as to time

#### Timetable

3. The proceedings at the election shall be conducted in accordance with the following Timetable:

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Between 10 am and 4 pm on any day after the date of publication of the notice of election but not later than the 19th day before the day of the election
The making of objections to nomination papers	(1) Subject to paragraph (2), during the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following.  (2) 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 made to the sufficiency or nature of the particulars of the candidate unless made at or immediately after the time of the delivery of the nomination paper.
Publication of statement as to persons nominated	Not later than 4 pm on the eighteenth day before the day of election
Delivery of notices of withdrawal of candidature	Not later than 4 pm on the nineteenth day before the day of election
Notice of poll	Not later than the sixth day before the day of election
Polling	Between the hours of 7 am and 10 pm on the day of election

#### Computation of time

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

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

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall 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 day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales<sup>(19)</sup>.

## PART 3

### Stages common to contested and uncontested elections

#### **Notice of Election and provision of information to calculate election expense limits**

- 5.—(1) The combined authority 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 papers 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 10 to be made by means of the electronic transfer of funds.

- (3) The notice of election must state the date by which—
- (a) applications to vote by post or by proxy, and
  - (b) other applications and notices about postal or proxy voting,

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

(4) Paragraphs (5) and (6) apply for the purposes of enabling persons to calculate the limitation of election expenses in accordance with section 76 of the Representation of the People Act 1983 (as modified by paragraph 1(21) of Schedule 2 to this Order).

(5) The combined authority returning officer must calculate the total number of entries in the register of electors to be used at the election as it has effect on the last day for publication of notice of the election in accordance with rule 3 and must, on written request, provide that information together with the total number of constituent councils.

(6) The information referred to in paragraph (5) must be provided as soon as practicable after the written request is received.

#### **Nomination of candidates**

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

(2) A nomination paper must be in the appropriate form in the Appendix or a form to the like effect and shall be delivered at the place fixed for the purpose by the combined authority returning officer.

- (3) Subject to paragraph (7), a nomination paper must state the candidate’s—
- (a) full names,
  - (b) home address, in full, and
  - (c) if desired, description,

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

- (4) If a candidate commonly uses—
- (a) a surname which is different from any other surname the candidate has, or
  - (b) a forename which is different from any other forename the candidate has,

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<sup>(19)</sup> 1971 c. 80.

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

- (5) The description (if any) can only be—
  - (a) one authorised as mentioned in rule 7(1) or (3), or
  - (b) the word “Independent”.

(6) Paragraph (7) applies where the mayor is to exercise functions of a police and crime commissioner in accordance with an order made under Schedule 5C(20) to the 2009 Act.

(7) Where this paragraph applies, the nomination paper, instead of stating the candidate’s home address—

- (a) may contain a statement made and signed by the candidate that he or she requires the home address not to be made public, and
- (b) if it does so, must state the name of the relevant local government electoral area.

(8) In this rule, “relevant local government electoral area” means—

- (a) where a candidate is registered in the register of local government electors at an address within the area of a constituent council, the area of that council;
- (b) where a candidate is not so-registered but is qualified to be elected as mayor(21) by virtue of residing, occupying land or other premises, or having his or her principal or only place of work, within the area of a constituent council, the area of that council.

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

7.—(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 area 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 combined authority returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 3.

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

- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000(22), or
- (b) a description of the party registered under section 28A 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 the parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate—

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

(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 Political Parties, Elections and Referendums Act 2000.

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(20) Schedule 5C was inserted by the Cities and Local Government Devolution Act 2016 (c. 1), section 4 and Schedule 2.

(21) See paragraph 8 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 for qualification requirements for mayoral candidates.

(22) 2000 c. 41. Section 28A was inserted by the Electoral Administration Act 2006 (c. 22), section 49(1).

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

(5) A person shall be guilty of a corrupt practice if that person fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's 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 Political Parties, Elections and Referendums Act 2000 on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election;

(b) a registered political party is a qualifying party in relation to an electoral area if the party was on the relevant day registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act.

(7) For the purposes of paragraph (6)(a), any day falling within rule 4(1) must be disregarded.

### **Subscription of nomination paper**

**8.—**(1) Subject to paragraphs (2) and (3), the nomination paper must be subscribed by two electors as proposer and seconder, and by at least ninety-eight other electors as assenting to the nomination.

(2) The subscribers referred to in paragraph (1) must include at least 10 local government electors in respect of each relevant constituent council.

(3) Where there are more than 10 relevant constituent councils, the minimum number of subscribers referred to in paragraph (1) shall be the number of relevant constituent councils multiplied by 10.

(4) Where a nomination paper has the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category must be taken into account to the exclusion of any others in that category.

(5) The nomination paper must give the electoral number<sup>(23)</sup> of each person subscribing it.

(6) The combined authority returning officer—

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

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

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the combined authority returning officer.

(7) In this rule—

“elector” means a person entitled to vote as elector at the combined authority mayoral election<sup>(24)</sup>;

“local government elector” means a person who is registered in the register of local government electors at an address within the constituent council's area;

“relevant constituent council” means a district council which is a constituent council, or in the case of an area for which there is no district council, the county council.

(8) But, in this rule, “elector” does not include a person who has an anonymous entry in the register of local government electors.

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<sup>(23)</sup> See section 9(3) of the Representation of the People Act 1983 (c. 2) for meaning of “electoral number”.

<sup>(24)</sup> See paragraph 6 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 for entitlement to vote.

### Consent to nomination

- 9.—(1) A person shall not be validly nominated unless his or her consent to nomination—
- (a) is given in writing, on or within one month before the last day for the delivery of nomination papers,
  - (b) is in the appropriate form in the Appendix or a form to the like effect and includes a copy of paragraph 9 of Schedule 5B to the 2009 Act, section 34 of the Localism Act 2011<sup>(25)</sup> and, where the combined authority mayor is to exercise functions of a police and crime commissioner in accordance with an order made under Schedule 5C to the 2009 Act, sections 64 to 68 of the Police Reform and Social Responsibility Act 2011<sup>(26)</sup>,
  - (c) is attested by one witness, and
  - (d) is delivered at the place and within the time for the delivery of nomination papers.

### Deposits

10.—(1) A person shall not be validly nominated unless the sum of £5000 is deposited by that person or on that person's behalf, with the combined authority returning officer at the place and within the time for delivery of nomination papers.

- (2) The deposit may be made either—
- (a) by the deposit of any legal tender, or
  - (b) by means of a banker's draft, or
  - (c) with the combined authority 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 combined authority returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if the combined authority returning officer does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit must at the time it is made give his or her name and address to the combined authority returning officer (unless they have previously been given to the combined authority returning officer under section 67<sup>(27)</sup> (appointment of election agent) of the 1983 Act.

### Place for delivery of nomination papers and right to attend nomination

11.—(1) The combined area returning officer must fix the place in the area of the combined authority at which nomination papers are to be delivered to that officer, and must attend there during the time for their delivery and for the making of objections to them.

(2) Except for the purpose of delivering a nomination paper or of assisting the combined authority returning officer, no other person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless that person is—

- (a) a person standing nominated as a candidate, or
- (b) the election agent, proposer or seconder of such a person, or
- (c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties and Referendums Act 2000 Act<sup>(28)</sup>.

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<sup>(25)</sup> 2011 c. 20.

<sup>(26)</sup> 2011 c. 13.

<sup>(27)</sup> Section 67 was amended by the Greater London Authority Act 1999 (c. 29), section 17 and Schedule 3 and by the Representation of the People Act 1985 (c. 50), section 24 and Schedule 4.

<sup>(28)</sup> 2000 c. 41. Section 6A and 6B were inserted by section 29 of the Electoral Administration Act 2006 (c.22). Section 6A(5) was amended by paragraph 10 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c.13) and by S.I. 2007/1388.

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

(3) Where a candidate is the candidate's own election agent, the candidate may name one other person and that person is entitled to attend in place of the election agent.

(4) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—

(a) to such one of those papers as the candidate may select, or

(b) in default of such a selection, to that one of those papers which is first delivered,

are entitled to attend as the person's proposer and seconder.

(5) 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.

(6) Paragraph (5) does not apply to a person mentioned in paragraph (2)(c).

(7) 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 (2) but without the right referred to in paragraph (5).

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

**12.**—(1) Where a nomination paper and the candidate's consent to nomination are delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

(a) the combined authority returning officer decides that the nomination paper is invalid, or

(b) where it applies, the combined authority returning officer decides that rule 6(7) has not been complied with, or

(c) proof is given to the combined authority returning officer's satisfaction of the candidate's death, or

(d) the candidate withdraws.

(2) The combined authority returning officer is entitled to hold the nomination paper of a person invalid only on one of the following grounds—

(a) that the particulars of the candidate or of the persons subscribing the paper are not as required by law, and

(b) that the paper is not subscribed as so required.

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

(4) If in the combined authority returning officer's opinion a nomination paper breaks rule 7(1) or (3), the combined authority returning officer 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 last time for delivery of nomination papers set out in the Timetable in rule 3.

(5) Where the combined authority returning officer decides that a nomination paper is invalid, the combined authority returning officer must endorse and sign on the paper the fact and the reasons for that decision.

(6) The combined authority returning officer must send notice of the decision that a nomination paper is valid or invalid to each candidate at the candidate's home address as given in the nomination paper.

(7) The combined authority returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

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

### **Publication of statement of persons nominated**

**13.**—(1) The combined authority returning officer must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

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

(3) If a person's nomination paper gives a commonly used surname or forename 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 combined authority 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 combined authority returning officer must give notice in writing to the candidate of the combined authority returning officer's reasons for refusing to allow the use of a commonly used name.

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

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

(8) In relation to a nominated person in whose case the nomination (or, if the person is nominated by more than one nomination paper, any of the nominations) contains—

(a) the statement mentioned in rule 6(7)(a), and

(b) the information mentioned in rule 6(7)(b),

the reference in paragraph (2) to the person's address shall be read as a reference to the information mentioned in rule 6(7)(b).

(9) Where—

(a) two or more of the names shown on the statement are the same or so similar as to be likely to cause confusion,

(b) the statement mentioned in rule 6(7)(a) has been made in relation to each of the persons in question, and

(c) the information mentioned in rule 6(7)(b) is the same for each of them,

the combined authority returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate in order to reduce the likelihood of confusion.

### **Correction of minor errors**

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

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number,
- (b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by the combined authority returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

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

### **Withdrawal of candidature**

15.—(1) A candidate may withdraw their candidature by notice of withdrawal—

- (a) signed by the candidate and attested by one witness, and
- (b) delivered to the combined authority returning officer at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by the candidate's proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if—

- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom, or
- (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

### **Method of election**

16. If, after any withdrawals under rule 15—

- (a) three or more candidates remain validly nominated, a poll shall be taken in accordance with Parts 4 and 5 of these Rules,
- (b) only two candidates remain validly nominated, a poll shall be taken in accordance with Part 4,
- (c) only one candidate remains validly nominated, that person shall be declared to be elected in accordance with Part 6.

## **PART 4**

### **Contested elections**

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

17. The votes at the poll shall be given by ballot.



### **The ballot papers**

**18.**—(1) The ballot of every person entitled to a vote at the election shall consist of a ballot paper.

(2) The persons remaining validly nominated, after any withdrawals, and no others, shall be entitled to have their names inserted in the ballot paper at that election.

(3) Every ballot paper must be in the appropriate form, and must be printed in accordance with the appropriate directions set out in the Appendix, and—

- (a) must contain the names and other particulars of the candidates as shown in the statement of persons nominated,
- (b) must be capable of being folded up, and
- (c) must have a number and other unique identifying mark printed on the back.

(4) If a candidate who is the subject of a party's authorisation under rule 7(1) so requests, the ballot paper must contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(5) If a candidate who is the subject of an authorisation by two or more parties under rule 7(3) so requests, the ballot paper must contain, against the candidate's particulars, the registered emblem (or, as the case may be, one of the registered emblems) of one of those parties.

(6) The candidate's request under paragraph (4) or (5) must—

- (a) be made in writing to the returning officer, and
- (b) be received by the returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 3.

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

### **The corresponding number list**

**19.**—(1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by the returning officer in pursuance of rule 24 or provided in pursuance of rule 28.

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

### **The official mark**

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

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

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

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

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

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

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

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

- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996(29)) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school,
- (b) a room the expense of maintaining which is met by any local authority.

(2) The use of a room in an unoccupied hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

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

### **Notice of poll**

**23.**—(1) The combined authority returning officer must publish notice of the poll stating—

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

(2) Where a candidate is nominated by more than one nomination paper, the nomination paper referred to in paragraph (1)(c) must be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken.

(3) The returning officer must, not later than the time of the publication of the notice of the poll, give public notice of—

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

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

### **Postal ballot papers**

**24.**—(1) The returning officer must, in accordance with regulations made under the 1983 Act, issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to the like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) 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).

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

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(29) 1996 c. 56.

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

### **Provision of polling stations**

**25.**—(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 the returning officer thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral area must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral area.

(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 polling clerks**

**26.**—(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 the returning officer 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 the returning officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer shall 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 or her, any act (including the asking of questions) which the presiding officer 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.

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

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

(2) An elector's official poll card must be sent or delivered to the elector's qualifying address<sup>(30)</sup>, and a proxy's to the proxy's address as shown in the list of proxies.

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

- (a) the name of the combined authority to which the election relates,
- (b) that the election is a combined authority mayoral election,
- (c) the elector's name, qualifying address and number on the register,
- (d) the date and hours of the poll and the situation of the elector's polling station,
- (e) such other information as the returning officer thinks appropriate,

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

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<sup>(30)</sup> See section 8(8)(b) of the Representation of the People Act 1983 (c. 2) for meaning of "qualifying address".

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

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

(5) Paragraph (7) of rule 8 shall apply for the interpretation of this rule.

### **Equipment of polling stations**

**28.**—(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 for the electoral area 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 for the electoral area or the part of it provided under sub-paragraph (b),
- (d) a list consisting of that part of the list prepared under rule 19 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D)(31) of the 1983 Act 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,
- (b) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted which must be clearly marked as a specimen provided only for the guidance of voters, and
- (c) 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 39(1)).

(6) The combined authority returning officer must prepare and provide each returning officer with—

- (a) a notice in the appropriate form in the Appendix giving directions for the guidance of voters in voting, which must be printed in conspicuous characters and exhibited inside and outside every polling station; and
- (b) the following notice which must be exhibited in every compartment of every polling station—

\*[Specify name of combined authority] COMBINED AUTHORITY MAYORAL ELECTION

\*[Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.]

(31) 1983 c. 2. Section 13B was inserted by the Representation of the People Act 2000 (c. 2), section 8 and Schedule 1; subsections (3B) and (3D) were inserted by the Electoral Administration Act 2000 (c. 22), section 11.

\*[Vote by putting a cross [X] in the box—

In column A next to your FIRST CHOICE candidate

In column B next to your SECOND CHOICE candidate

Your first and second choices should be different.]

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT COUNT.

\*Complete or omit as necessary.

(7) The combined authority returning officer may also provide copies of the notices mentioned in paragraph (6) in such other form described in section 199B(2) or (3) of the Representation of the People Act 1983(32) as the combined authority returning officer thinks appropriate and, if the returning officer agrees, these may also be exhibited inside and outside the polling station.

(8) Where the Electoral Commission publishes information about the supplementary vote system to be used at combined authority mayoral elections, the combined authority returning officer may provide each returning officer with a copy of that information for exhibition at a polling station.

(9) The device referred to in paragraph (5)(c) 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) hold the ballot paper firmly in place during use, and
- (c) provide suitable means for the voter to—
  - (i) identify the spaces on the ballot paper on which to mark a vote, and
  - (ii) identify the candidate to which each such space refers, and
  - (iii) mark the vote on the space the voter has chosen.

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

**29.**—(1) Subject to paragraphs (5), (6) and (7), before the commencement of the poll each candidate may appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation, and
- (b) counting agents to attend at the counting of the votes.

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

(3) For each count, one (but not more than one) counting agent may be designated as a person authorised to require a re-count under rule 53.

(4) A designation under paragraph (3) must be made as the same time as the person's appointment as a counting agent.

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

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

(7) The returning officer may limit the number of counting agents, but in doing so must ensure that—

- (a) the number is the same in the case of each candidate, and

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(32) Section 199B was inserted by the Electoral Administration Act 2006 (c. 22), section 36.

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

- (b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.
- (8) For the purposes of the calculations required by paragraph (5), a counting agent appointed for more than one candidate is a separate agent for each of the candidates for whom the agent has been appointed.
- (9) 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 and must be so given not later than the fifth day (disregarding any day referred to in rule 4(1)) before the day of the poll.
- (10) If an agent dies, or becomes incapable of acting, the candidate may appoint another person in his or her place, and must forthwith give to the returning officer notice in writing of the name and address of that other person.
- (11) Any appointment for a candidate authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.
- (12) In the following provisions of these Rules references to polling agents and counting agents shall 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.
- (13) 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.
- (14) A candidate may do any act or thing which any polling or counting agent of the candidate's, if appointed, would have been authorised to do, or may assist his or her agent in doing any such act or thing.
- (15) A candidate's election agent may do or assist in doing anything which the candidate's polling or counting agent is authorised to do, and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.
- (16) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling or counting agent, the non-attendance of any agent or agents 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.

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

- 30.**—(1) The returning officer must make such arrangements as the returning officer 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 subsections (1), (3) and (6) of section 66 of the 1983 Act, and
  - (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.
- (2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002<sup>(33)</sup> (police powers for employees).

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(33) 2002 c. 30.

### **Return of postal ballot papers**

**31.**—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the returning officer must mark the list in the manner prescribed by regulations made under the 1983 Act.

(2) Rule 47(4) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

### **Admission to polling station**

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

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000<sup>(34)</sup>,
- (g) the returning officer and the returning officer's clerks;
- (h) the combined authority returning officer and the combined authority returning officer's clerks,
- (i) the constables on duty, and
- (j) 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 shall be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable or person employed by a returning officer or by the combined authority returning officer must not be admitted to vote in person elsewhere than at their own polling station allotted to them under these Rules, except on production and surrender of a certificate as to that person's employment which must be in the appropriate form in the Appendix, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer or combined authority returning officer, as the case may be.

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

(6) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002.

### **Keeping of order in station**

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

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<sup>(34)</sup> 2000 c. 41. Sections 6A to 6D were inserted by the Electoral Administration Act 2006 (c. 22) and relevant amendments were made by the Police Reform and Social Responsibility Act 2011 (c. 13), section 74 and Schedule 10 and by the Recall of MPs Act 2015 (c. 25), section 20 and Schedule 6.

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

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

(a) by a constable in or near that station, or

(b) by any other person authorised in writing by the returning officer to remove him or her, and the person so removed shall not, without the presiding officer’s permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

**Sealing of ballot boxes**

**34.** 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 the box is empty,

(b) lock up the box (if it has a lock),

(c) place the presiding officer’s seal—

(i) on the lock, or

(ii) where the ballot box has no lock, on the box,

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

(d) place the box in his or her view for the receipt of ballot papers, and

(e) keep the box locked and sealed or, as the case may be, sealed.

**Questions to be put to voters**

**35.—(1)** At the time of the application for a ballot paper (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 the candidate or his election or polling agent requires the question to be put:

<i>Q No</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	(a) Are you the person registered in the register of local government electors for this election as follows? <i>read the whole entry from the register</i> [R]  (b) Have you already voted here or elsewhere at this election for a combined authority mayor otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a) Are you the person whose name appears as AB in the list of proxies for this election



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

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

(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 shall be permitted as to the right of any person to vote.

### **Challenge of voter**

**36.** A person must not be prevented from voting by reason only that—

- (a) a candidate or the candidate's election or polling agent declares that he or she 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 or she is suspected of committing or of being about to commit such an offence.

### **Voting procedure**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Voting by persons with disabilities**

**39.**—(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 the voter is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether the voter is so incapacitated by blindness or other disability, or by inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
  - (i) is a qualified person within the meaning of this rule, and
  - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that voter in connection with the giving of the voter’s vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules—

- (a) a person is a voter with disabilities if the voter has made such a declaration as is mentioned in paragraph (1), and
- (b) a person shall be qualified to assist a voter with disabilities to vote if that person is either—
  - (i) a person who is entitled to vote as an elector at the election, or
  - (ii) the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) Subject to paragraph (5), the name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters with disabilities assisted by companions”).

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

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

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

- (7) The declaration made by the companion of a voter with disabilities—
  - (a) must be in the appropriate form in the Appendix or a form to the like effect,
  - (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of the companion, and
  - (c) must forthwith be given to the presiding officer who must attest and retain it.
- (8) No fee or other payment shall be charged in respect of the declaration.

**Tendered ballot papers—circumstances where available**

- 40.**—(1) If a person, representing themselves 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 shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 41, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

- (2) Paragraph (4) applies if—
- (a) a person (P) applies for a ballot paper representing themselves to be a particular elector named on the register,
  - (b) P is also named in the postal voters list, and
  - (c) P claims that P did not make an application to vote by post at the election.

- (3) Paragraph (4) also applies if—
- (a) a person (P) applies for a ballot paper representing themselves to be a particular person named as a proxy in the list of proxies,
  - (b) P is also named in the proxy postal voters list, and
  - (c) P claims that they did not make an application to vote by post as proxy.

(4) P shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 41, 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 themselves to be—
- (a) a particular elector named on the register who is also named in the postal voters list, or
  - (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims to have lost or not received the postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 41, 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**

- 41.**—(1) A tendered ballot paper must—
- (a) be of a colour differing from that of the other ballot papers,

- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the presiding officer with the name of the voter and the voter's number in the register of electors, and set aside in a separate packet.
- (2) The name of the voter and the voter's number in 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 shall be the number of that elector.
- (4) In the case of an elector who has an anonymous entry, this rule and rule 40 apply subject to the following modifications—
  - (a) in paragraphs (1)(b) and (2) above, the references to the name of the voter shall be ignored,
  - (b) otherwise, a reference to a person named on a register or list shall be construed as a reference to a person whose number appears in the register or list (as the case may be).
- (5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 40 shall apply as if—
  - (a) in rule 40(1)(a), (2)(a) and (5)(a), for "named on the register" there were substituted "in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued",
  - (b) in paragraph (1)(b) of this rule for "the voter's number in the register of electors" there were substituted "the number relating to the voter on a notice issued under section 13B(3B) or (3D) of the 1983 Act",
  - (c) in paragraph (2) of this rule, for "the voter's number in the register of electors" there were substituted "the number relating to the voter on a notice issued under section 13B(3B) or (3D) of the 1983 Act".

### **Spoilt ballot papers**

**42.** A voter who has inadvertently dealt with the 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 the officer's 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.

### **Correction of errors on day of poll**

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

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

**44.—(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 Rules to the close of the poll shall be construed accordingly.

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

**45.**—(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 the presiding officer's own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the lists prepared under rule 19 including the parts which were completed in accordance with rule 37(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 43 (correction of errors on day of poll), and the declarations made by the companions of voters with disabilities,

and must deliver the packets or cause them to be delivered to the returning officer to be taken charge of by the returning officer; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.

(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 or the certificates as to employment on duty on the day of the poll.

(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 the presiding officer, and accounting for them under the heads—

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

### **Attendance at verification**

**46.**—(1) The returning officer must make arrangements 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.

(2) The returning officer must give to the counting agents notice in writing of the time and place at which the verification of the ballot paper accounts will begin.

(3) No person other than—

- (a) the returning officer and the returning officer's 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 Political Parties, Elections and Referendums Act 2000,
- (f) the combined authority returning officer and the combined authority returning officer's clerks,

may be present at the verification of the ballot papers, unless permitted by the returning officer to attend.

(4) A person not entitled to attend at the verification of the ballot papers shall not be permitted to do so by the returning officer unless the returning officer—

- (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.

(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 the returning officer can give them consistently with the orderly conduct of the proceedings and the discharge of the returning officer's duties in connection with them.

#### **Procedure at verification of ballot paper accounts**

**47.**—(1) The returning 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,
- (b) verify each ballot paper account,
- (c) 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 taken to be duly returned unless—

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

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

- (a) to the returning officer, is by hand or by post,
- (b) to a polling station, is by hand.

(4) A postal ballot paper or postal voting statement that reaches the returning officer or a polling station on or after the close of the poll is treated for the purposes of this rule as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.

(5) The returning officer, while counting and recording the number of ballot papers, 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.

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(6) Unless otherwise directed by the combined authority returning officer, the returning officer must determine the hours during which the procedure under this rule is to be carried out and must take proper precautions for the security of the ballot papers and documents.

(7) The returning officer (R) must verify each ballot paper account by comparing it with the number of ballot papers recorded by R, and the unused and spoiled ballot papers in R's possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and must draw up a provisional statement as to the result of the verification, which any election agent may copy.

(8) As soon as practicable after the returning officer has drawn up the statement as to the result of the verification, the returning officer must inform the combined authority returning officer of its contents.

**Additional steps: verification and count carried out at different places**

**48.**—(1) This rule applies where the votes at an election are to be counted at a place other than that at which the procedures for the verification of the ballot paper accounts are carried out.

(2) The returning officer must on completing the procedure under rule 47—

- (a) make up into packets the ballot papers and the postal ballot papers for the election and seal them up into containers endorsing on each the description of the voting area to which those ballot papers relate; and
- (b) deliver or cause to be delivered to the place at which the counting of the votes is to be carried out—
  - (i) those containers together with a list of them and of the contents of each, and
  - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification.

(3) If the packets are not delivered by the returning officer personally, their delivery must be in accordance with arrangements approved by the combined authority returning officer.

(4) The combined authority returning officer may give a returning officer directions which, once the packets have been delivered to the place where the votes at the election are to be counted, require the returning officer to take specified steps for the carrying out of further specified verification procedures in relation to the ballot papers and other documents relating to the election.

(5) In paragraph (4), “specified” means specified by the combined authority area returning officer in directions given under that paragraph.

**Attendance at the count**

**49.**—(1) The returning officer must make arrangements for counting the votes 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—

- (a) at which the returning officer will begin to count the votes, and
  - (b) at which the returning officer will begin any count of the second preference votes.
- (2) No person other than—
- (a) the returning officer and the returning officer's 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 Political Parties, Elections and Referendums Act 2000,
- (f) the combined authority returning officer and the combined authority returning officer's clerks,

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

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

- (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.

(4) 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 the returning officer can give them consistently with the orderly conduct of the proceedings and the discharge of the returning officer's duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

### **The first count**

**50.**—(1) Where the containers referred to in rule 48 are delivered to the place where the counting of votes is to be carried out, the returning officer must open in the presence of the counting agents all the packets of ballot papers other than those containing unused, spoilt or tendered ballot papers.

(2) The returning officer must not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(3) The returning officer shall then—

- (a) where the election is contested by three or more candidates, count the first preference votes given on them,
- (b) where the election is contested by only two candidates, count the votes given on them.

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

(5) The returning officer, while 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.

(6) The returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the returning officer may exclude the hours between 7 in the evening and 9 on the following morning.

(7) During the time so excluded the returning officer must—

- (a) place the ballot papers and other documents relating to the election under the returning officer's own seal and the seals of such of the counting agents as desire to affix their seals, and
- (b) otherwise take proper precautions for the security of the papers and documents.

## **Rejected ballot papers**

51.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which more than one first preference vote is given, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back, or
- (d) which is unmarked or void for uncertainty as to the first preference vote,

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

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

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

shall not for such reason be deemed to be void if—

- (i) at an election at which three or more candidates remain validly nominated, an intention that a vote shall be given, by way of a first preference vote, for not more than one of the candidates clearly appears, or
- (ii) at any other election, an intention that a vote shall be for one only of the candidates clearly appears,

and (in either case) the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) A ballot paper which is not otherwise void and on which not more than one first preference vote is marked (whether or not a second preference vote is marked) shall be valid as respects that vote, and counted accordingly.

(4) The returning officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if any objection is made to the returning officer’s decision by a counting agent.

(5) The returning officer must draw up a provisional statement showing the number of ballot papers rejected, under the several heads of—

- (a) want of official mark,
- (b) voting for more than one candidate as to the first preference vote,
- (c) writing or mark by which the voter could be identified, and
- (d) unmarked or void for uncertainty as to the first preference vote.

(6) As soon as practicable after the completion of that statement, the returning officer shall inform the combined authority returning officer of its contents.

(7) In the case of an election where only two candidates remain validly nominated, this rule is to apply as if—

- (a) in paragraph (1)(b), for “first preference vote” there were substituted “vote”,
- (b) in paragraphs (1)(d), (5)(b) and (d), the words “as to the first preference vote” were omitted,
- (c) paragraph (3) were omitted.

### **Decisions on ballot papers**

**52.** The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

### **Re-count**

**53.—**(1) A candidate, the candidate's election agent or the counting agent designated under rule 29(3) may, if present when the counting or any re-count of the votes or, as the case may be, the first preference votes, is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in the returning officer's opinion the request is unreasonable.

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

### **Procedure at conclusion of first count**

**54.—**(1) As soon as practicable after the conclusion of the first count (including any re-count), the returning officer must draw up a provisional statement showing—

- (a) the total number of ballot papers used,
- (b) the total number of rejected ballot papers,
- (c) at an election contested by three or more candidates—
  - (i) the number of first preference votes given for each candidate, and
  - (ii) the total number of first preference votes given, and
- (d) at an election contested by only two candidates, the number of votes given for each candidate.

(2) As soon as practicable after completion of the statement, the returning officer must—

- (a) inform such of the candidates and their election agents as are then present of the contents of the statements prepared in accordance with rule 51(5) and paragraph (1) of this rule, and
- (b) as soon as practicable, inform the combined authority returning officer of the contents of those statements.

## **PART 5**

### **Further provision: three or more candidates**

#### **The count of second preference votes**

**55.—**(1) If directed by the combined authority returning officer in accordance with rule 58, the returning officer must, at the time and place notified to the counting agents, count the number of second preference votes for each of the candidates remaining in the contest given by voters who did not give their first preference vote to any of those candidates.

(2) A ballot paper which is not otherwise void and on which not more than one second preference vote is marked shall be valid as respects that vote and shall be counted accordingly if, but only if, a valid first preference vote has also been marked.

(3) Rules 49(2) to (5), 50(4) to (7), 51 (except paragraph (3)) and 53 (except the words "the votes, or as the case may be," in both paragraphs where they appear) shall apply in relation to the

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count of second preference votes as they apply in relation to the count of first preference votes as if references to first preference votes were references to second preference votes.

(4) The returning officer shall not be required to re-examine any decision taken under rule 52.

#### **The calculation of total votes**

**56.**—(1) The returning officer must add the number of second preference votes given for a candidate to the number of first preference votes given for that candidate, to give that candidate's total number of votes.

(2) The returning officer must then draw up a provisional statement showing—

- (a) the total number of first preference votes given for each candidate,
- (b) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes,
- (c) the total number of votes given for each of those candidates, and
- (d) the number of ballot papers that were—
  - (i) valid as respects a first preference vote given for a candidate who did not remain in the contest after the count of the first preference votes, and
  - (ii) rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) As soon as practicable after completion of the statement, the returning officer must—

- (a) provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the statement, and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation,
- (b) as soon as practicable inform the combined authority returning officer of its contents.

## **PART 6**

### **Final proceedings in contested and uncontested elections**

#### **Combined authority returning officer's re-count**

**57.**—(1) Once the combined authority returning officer has received the report of any returning officer on the contents of his or her provisional statement prepared under rule 47(7), 54(1) or 56(2), the combined authority returning officer may direct the returning officer to re-count (or further re-count) the votes.

(2) A re-count directed by the combined authority returning officer under paragraph (1) may be of the votes in all the electoral area, or in such part of the electoral area as the combined authority returning officer considers reasonable.

(3) A returning officer must proceed with a re-count as soon as practicable after receipt of the combined authority returning officer's direction, and if not proceeding forthwith shall notify those counting observers entitled to be present at the re-count of the time and place at which the returning officer will begin to re-count the votes.

#### **Combined authority returning officer's direction to count second preference votes**

**58.**—(1) This rule applies if there are more than two candidates to be a combined authority mayor.

(2) If none of the candidates receive more than half of all first preference votes given in the election, the combined authority returning officer must direct each returning officer to count the number of second preference votes for each of the candidates remaining in the contest.

### **Returning officer's final statement, central calculation and declaration of result**

**59.**—(1) When the combined authority returning officer has determined not to direct that any re-count (or further re-count) must take place, he or she must direct the returning officers to draw up a final statement of the matters referred to in rule 47(7), 54(1) and, where applicable, 56(2) and to provide final versions of their statements of rejected ballot papers.

(2) The returning officer, having drawn up the final statement, must—

- (a) forthwith inform the combined authority returning officer of its contents, and
- (b) as soon as reasonably practicable give the combined authority returning officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(3) When authorised by the combined authority returning officer to do so, the returning officer must—

- (a) make a declaration of the matters referred to in the final statement, and
- (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(4) The combined authority area returning officer—

- (a) must make arrangements for the making of the calculation under this rule in the presence of the election agents, and
- (b) must give to those agents notice in writing of the time and place at which the calculation will begin.

(5) No person other than—

- (a) the combined authority area returning officer and the officer's clerks;
- (b) the returning officers and a clerk chosen by each of them;
- (c) the candidates and one person chosen by each of them;
- (d) the election agents;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000<sup>(35)</sup>,

may be present at a calculation, unless permitted by the combined authority returning officer to attend.

(6) A person not entitled to attend a calculation must not be permitted to do so by the combined authority area returning officer unless the officer—

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

(7) As soon as the combined authority returning officer has received the information required by paragraph (3) from every returning officer, the combined authority returning officer must—

- (a) in relation to an election contested by three or more candidates, ascertain the total of the first preference votes given to each candidate and, where relevant, the total of the second preference votes given to each candidate;

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<sup>(35)</sup> 2000 c. 41. Sections 6A to 6D were inserted by the Electoral Administration Act 2006 (c. 22), section 29.

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(b) in relation to an election contested by only two candidates, ascertain the total number of votes given to each candidate.

(8) As soon as the combined authority area returning officer has ascertained the result of the calculation, the officer must inform such of the election agents as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(9) A person informed of the relevant figures under paragraph (8) may require the combined authority returning officer to make a calculation again but the officer may refuse to do so if in the officer's opinion the request is unreasonable.

(10) In paragraphs (8) and (9), "the relevant figures" means—

(a) in the case of an election contested by three or more candidates—

(i) the number of first preference votes given for each candidate,

(ii) the calculation undertaken by the combined authority returning officer for the purpose of ascertaining whether a candidate is to be returned in accordance with paragraph 5(2) of Schedule 5B to the 2009 Act (candidate with overall majority of first preference votes);

(iii) where relevant—

(aa) the number of second preference votes given for each of the candidates remaining in the contest, and

(bb) the calculation undertaken by the combined authority returning officer for the purpose of ascertaining the total number of first and second preference votes given to each of those candidates.

(b) in the case of an election contested by only two candidates, the total number of votes given for each candidate.

(11) Where—

(a) an election is contested by only two candidates, and

(b) the total number of votes for each of them is unequal,

the combined authority returning officer must declare the candidate to whom the majority of the votes is given as the person to be returned as the combined authority mayor.

(12) Where—

(a) an election is contested by only two candidates, and

(b) the total number of votes given for each of them is equal,

the combined authority returning officer must decide by lots which of them is to be returned as the combined authority mayor.

(13) Where an election is contested by three or more candidates, the combined authority returning officer must—

(a) if one of candidates receives more than half of all the first preference votes given in the election, declare that candidate as the person to be returned as the combined authority mayor, or

(b) if none of the candidates receive more than half of all the first preference votes given in the election, declare the candidate with the most total preference votes as the person to be returned as the combined authority mayor.

(14) If, after the second preference votes have been counted, the total number of votes given for two or more candidates remaining in the contest is equal, the combined authority returning officer must decide by lots which of them is to be returned as the combined authority mayor.

- (15) The combined authority returning officer must give public notice of—
- (a) the name of the successful candidate,
  - (b) the total number of first preference votes given for each candidate,
  - (c) the number of rejected ballot papers at the election under each head shown in the statement of rejected ballot papers (rule 51(5)), and
  - (d) if second preference votes were counted—
    - (i) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes, and
    - (ii) the number of ballot papers rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.
- (16) In an uncontested election, the combined authority returning officer must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—
- (a) declare to be elected the person remaining validly nominated,
  - (b) give public notice of the name of the person declared to be elected.
- (17) The combined authority returning officer must inform the proper officer of the combined authority concerned of the result of the election.

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

**60.**—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 10 of these Rules shall be returned to the person making it or that person's personal representative.

(2) Subject to paragraph (4), the deposit shall 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 shall be disregarded if it would be disregarded under rule 4 in computing any period of time for the purpose of the timetable for a combined authority mayoral election, and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof of the candidate's death has been given to the combined authority returning officer before the conclusion of the first count, the deposit shall be returned as soon as practicable after the publication of the statement or after the death, as the case may be.

(5) Where a poll is taken, if, after the conclusion of the first count, the candidate is found not to have polled more than one-twentieth of the total number of first preference votes polled by all the candidates, the deposit shall be forfeited to the combined authority.

## **PART 7**

### **Disposal of documents**

#### **Sealing up of ballot papers**

**61.**—(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, including ballot papers rejected in part.

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

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- (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 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

### **Delivery and retention of documents**

**62.** The returning officer must then forward to the relevant registration officer of the constituent authority concerned the following documents—

- (a) the packets of ballot papers in the returning officer's 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 43 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 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

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

### **Orders for production of documents**

**63.—(1)** An order—

- (a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the relevant registration officer, or
- (b) for the opening of a sealed packet of the completed corresponding number lists or 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 the County Court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

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

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

as the court making the order may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of completed corresponding number lists or of certificates as to employment on duty on the day of the poll 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 shall not be disclosed until it has been proved—

- (i) that the elector's 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 the County Court under this rule.
- (6) Any power given under this rule to the County Court may be exercised by any judge of the court otherwise than in open court.
- (7) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified election—
- (a) the production by the registration officer or agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election, and
  - (b) any endorsement on any packet of ballot papers so produced shall 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,

shall 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 13B(3B) or (3D) of the 1983 Act at the time of the election contained the same number as the number written as mentioned in sub-paragraph (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 relevant registration officer or open any sealed packets of completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

### **Retention of documents**

**64.** The relevant registration officer must retain for one year all documents relating to an election forwarded to him or her in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an order of the County Court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

## **PART 8**

### **Death of candidate**

#### **Countermand or abandonment of poll on death of a candidate**

**65.—**(1) If at a contested election proof is given to the combined authority returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the combined authority returning officer must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 of the 1983 Act apply in respect of any vacancy which remains unfilled.

(2) Subject to paragraph (4), where the poll is abandoned by reason of a candidate's death no further ballot papers shall be issued, and the presiding officer at any polling station must take the

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like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as the presiding officer is required to take on the close of the poll in due course.

(3) The returning officer must dispose of ballot papers and other documents in the returning officer's possession as the officer is required to do on the completion in due course of the counting of the votes, subject to paragraphs (4) and (5).

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

(5) 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.

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

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

(8) No order is to be made for—

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

(b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution.

## PART 9

### Appendix of forms

Notes: In this Appendix any reference to a numbered rule is a reference to the rule of that number in the Combined Authority Mayoral Elections Rules.

The forms contained in this Appendix may be adapted so far as circumstances require.

#### **Forms**

Form 1: Nomination paper

Form 2: Candidate's consent to nomination

Form 3: Ballot paper (two candidates) including directions as to printing

Form 4: Ballot paper (three or more candidates) including directions as to printing

Form 5: Corresponding number List L1

Form 6: Corresponding number List L2

Form 7: Postal voting statement

Form 8: Elector's official poll card

Form 9: Official postal poll card

Form 10: Official proxy poll card

Form 11: Official proxy postal poll card

Form 12: Directions for guidance of voters

Form 13: Certificate of employment

Form 14: Declaration to be made by the companion of a voter with disabilities.

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Form 1 – Form of nomination paper

**Form of Nomination Paper**  
**(for use at combined authority mayoral elections)**

**Office use only**

Date Delivered	Time delivered	Details

ELECTION OF MAYOR for the Combined Authority of.....

Date of election .....

We, the undersigned, being local government electors for the said [*combined authority area*] do hereby nominate the person whose name appears below as a candidate at the mayoral election.

Candidate's surname	Other forenames in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any) use no more than six words	*Home Address in full / Local Government Electoral Area

*\*Delete as Appropriate*

*# I am content for my home address to be made public and have provided it above*

*# I do not wish for my home address to be made public and have instead provided my electoral area above*

*\*Delete whichever is inappropriate*

*#Candidate's Signature: .....*

*# Combined Authority Returning Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.*

Mr/Mrs/Miss/Ms/Dr/Other

Signature	Print name	Local Authority	Electoral number	
			Polling District	Number
Proposer.....	.....	.....	.....	.....
Secunder.....	.....	.....	.....	.....
We, the undersigned being local government electors for the said [electoral area], do hereby assent to the foregoing nomination				
Signature				
1.....	.....	.....	.....	.....
2.....	.....	.....	.....	.....
3.....	.....	.....	.....	.....
4.....	.....	.....	.....	.....

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5.....	.....	.....	.....	.....
6.....	.....	.....	.....	.....
7.....	.....	.....	.....	.....
8.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
90.....	.....	.....	.....	.....
91.....	.....	.....	.....	.....
92.....	.....	.....	.....	.....
93.....	.....	.....	.....	.....
94.....	.....	.....	.....	.....
95.....	.....	.....	.....	.....
96.....	.....	.....	.....	.....
97.....	.....	.....	.....	.....
98.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

NOTES

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination papers contained in rules in Schedule 1 to the Combined Authorities (Mayoral Elections) Order 2017.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
4. But the ballot paper will show the other name if the combined authority returning officer
  - (a) thinks that the use of the commonly used name may be likely to mislead or confuse electors, or
  - (b) that the commonly used name is obscene or offensive.
5. The description, if any, can only be
  - (a) one certified as an authorised or registered description as mentioned in rule 7 of the election rules, or
  - (b) the word "Independent".

6. In this form "elector"
  - (a) means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of election; and
  - (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
7. However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

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Form 2 – Candidate’s consent to nomination

**Form of Candidate's Consent to Nomination  
(for use at combined authority mayoral elections)**

**Front of form**

Date of election .....

I (name in full) .....

Of (home address in full) .....

hereby consent to my nomination as a candidate for election as the mayor for the [insert name] Combined Authority

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Union, who has attained the age of 18 years and that

\*(a) I am registered as a local government elector within the area of the combined authority named above in respect of ..... (qualifying address in full) and my electoral number (see Note below) is .....; or

\*(b) I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant of the following land or other premises in that area (description and address of land or premises) .....; or

\*(c) my principal or only place of work during those 12 months has been in that combined authority area at [give address of place of work and, where appropriate, name of employer] .....; or

\*(d) I have during the whole of those 12 months resided in that area at ..... (give address in full)

*\*Delete whichever is inappropriate*

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, paragraph 9 of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009, section 34 of the Localism Act 2011, \*[sections 64 to 68 of the Police Reform and Social Responsibility Act 2011] (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

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*\*Relevant Returning or Counting Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.*

Date of birth .....

Signature .....

Date of consent .....

Signed in my presence

Signature of witness .....

Name and address of witness .....  
(WRITE CLEARLY)

**NOTES**

1. A person's electoral number is that person's number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which that person is registered).
2. A candidate who is qualified by more than one qualification may complete any of those that may apply.

**Back of form**

**Set out paragraph 9 of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009, section 34 of the Localism Act 2011, \*[and sections 64 to 68 of the Police Reform and Social Responsibility Act 2011] (as amended from time to time.**

*\*Relevant Returning or Counting Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.*

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Form 3 – Ballot paper (two candidates)

Front of ballot paper – addresses shown

**Election of the Mayor for *(insert name of combined authority)***

Vote for **only one candidate** by putting a cross  in the box next to your choice.

**BASWRA, Paresh**

2 The Cottages, Anytown XY8 9JG

Cream Party

Cream  
Party  
emblem

**CRANLEY, Alana**

4 The Walk, Anytown XY9 5JJ

Purple Party

Purple  
Party  
emblem



*Back of Ballot Paper*

Number

Other unique identifying mark

Election for the Mayor of *[insert name of Combined Authority]*

on..... 20....

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

Front of ballot paper – address withheld

**Election of the Mayor for (*insert name of combined authority*)**

Vote for **only one candidate** by putting a cross  in the box next to your choice.

---

**BASWRA, Paresh**

2 The Cottages, Anytown XY8 9JG

Cream Party

Cream  
Party  
emblem

---

**CRANLEY, Alana**

(address in the [ ] local government electoral area)

Purple Party

Purple  
Party  
emblem

*Back of Ballot Paper*

Number

Other unique identifying mark

Election for the Mayor of *[insert name of Combined Authority]*

on..... 20....

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

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3 to 14 must be observed in the printing of the ballot paper.
3. No word may be printed on the face except:
  - a. the heading "Election of the Mayor for ....."
  - b. within that heading, the name of the combined authority
  - c. the direction "Vote for only one candidate by putting a cross [X] in the box next to your choice."
  - d. the particulars of the candidates and words forming part of emblems mentioned at paragraphs 6 and 7 below.
4. A box must be printed around the direction referred to in paragraph 3 (c)
5. No rule may be printed on the face except:
  - a. as part of a box around the direction mentioned in paragraph 3(c)
  - b. the horizontal rule separating the direction mentioned in paragraph 3(c) from the particulars of the candidates
  - c. the horizontal rule separating the particulars of the candidates from one another;
  - d. a final horizontal rule below the particulars of the second candidate
  - e. as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal rules referred to in paragraphs 5(b) and 5(c) must:
  - (a) be equally spaced and the space between each of them must be a minimum of 2.5 centimetres; and
  - (b) extend from a point at least in line with the text on the left hand side of the page to a point directly above the centre of the box below that rule
7. The horizontal rule referred to in paragraph 5(d) must:
  - (a) extend from a point at least in line with the text on the left hand side of the page to a point directly below the right hand edge of the box above that rule; and
  - (b) be thicker than the other horizontal lines
8. Where a registered emblem is to be printed against a candidates particulars;
  - (a) it is to be printed adjacent to and to the right of the candidate's particulars;
  - (b) its size as printed must not exceed two centimetres square.
9. The heading "Elections of the Mayor for....." must be in very large bold type.
10. The direction referred to in paragraph 3 (c) must be printed in bold type.
11. The candidates' names and descriptions, if any, must appear in bold type.






12. The surname of each candidate is to be printed in capitals with their other name(s) printed in lower case with initial capitals.
13. The descriptions of the candidates must appear in lower case with initial capitals.
14. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.

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Form 4 – Ballot paper (three or more candidates)  
 Front of ballot paper – all addresses shown

**Election of the Mayor for (insert name of combined authority)**

Vote once  in column A for your first choice, and  
 Vote once  in column B for your second choice

		Column A first choice	Column B second choice
<hr/> <b>BASWRA, Paresh</b> 2 The Cottages, Anytown XY8 9JG Liberal Democrats		 <input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>CRANLEY, Alana</b> 4 The Walk, Anytown XY9 5JJ Green Party		 <input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>EDGBASTON, Richard</b> 6 The Heath, Anytown XY4 0BH Common Good		<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>GUNNIL-WALKER, Roger</b> 33 The Lane, Anytown XY6 3GD Labour Party		 <input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>SMITH, Catherine Angelina</b> 21 The Grove, Anytown XY2 5JP Independent		<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>SMITH, Keith James</b> 3 The Road, Anytown XY3 4JN Conservative Party		 <input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>ZANUCK, George Henry</b> 17 The Parade, Anytown XY9 5KP United Kingdom Independence Party		 <input type="checkbox"/>	<input type="checkbox"/>

*Back of Ballot Paper*

Number

Other unique identifying mark

Election for the Mayor of *[insert name of Combined Authority]*






on..... 20....

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

Front of ballot paper – address withheld

**Election of the Mayor for (insert name of combined authority)**

Vote once  in column A for your first choice, and  
Vote once  in column B for your second choice

	Column A first choice	Column B second choice
<b>BASWRA, Paresh</b> 2 The Cottages, Anytown XY8 9JG <b>Liberal Democrats</b> 	<input type="checkbox"/>	<input type="checkbox"/>
<b>CRANLEY, Alana</b> 4 The Walk, Anytown XY9 5JJ <b>Green Party</b> 	<input type="checkbox"/>	<input type="checkbox"/>
<b>EDGBASTON, Richard</b> (address in the [ ] local government electoral area) <b>Common Good</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>GUNNIL-WALKER, Roger</b> 33 The Lane, Anytown XY6 3GD <b>Labour Party</b> 	<input type="checkbox"/>	<input type="checkbox"/>
<b>SMITH, Catherine Angelina</b> 21 The Grove, Anytown XY2 5JP <b>Independent</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SMITH, Keith James</b> 3 The Road, Anytown XY3 4JN <b>Conservative Party</b> 	<input type="checkbox"/>	<input type="checkbox"/>
<b>ZANUCK, George Henry</b> 17 The Parade, Anytown XY9 5KP <b>United Kingdom Independence Party</b> 	<input type="checkbox"/>	<input type="checkbox"/>



*Back of Ballot Paper*

Number

Other unique identifying mark

Election for the Mayor of *[insert name of Combined Authority]*

on..... 20....

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

#### Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3 to 17 must be observed in the printing of the ballot paper.
3. No word may be printed on the face except:
  - (a) the heading "Election of the Mayor for .....";
  - (b) within that heading, the name of the combined authority;
  - (c) the direction "Vote once [X] in column A for your first choice, and Vote once [X] in column B for your second choice";
  - (d) the indicators "Column A first choice" and "Column B second choice" above the boxes on the right hand side;
  - (e) the particulars of the candidates; and
  - (f) words forming part of emblems mentioned at paragraph 9 below.
4. A box must be printed around the direction referred to in paragraph 3(c).
5. No rule may be printed on the face except:
  - (a) as part of the box referred to in paragraph 4;
  - (b) a horizontal rule above the particulars of the first candidate;
  - (c) the horizontal rules separating the particulars of the candidates from one another;
  - (d) a final horizontal rule below the particulars of the last candidate; and
  - (e) as part of the boxes in column A and column B on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal rules referred to in paragraph 5(b) and 5(c) must:
  - (a) be equally spaced and the space between each of them must be a minimum of 2.5 centimetres; and
  - (b) extend from a point at least in line with the text on the left hand side of the page to a point immediately before the shading around the boxes in column A.
7. The horizontal rule referred to in paragraph 5(d) must:
  - (a) extend from a point at least in line with the text on the left hand side of the page to a point directly below the shading beyond the right hand edge of the box in column B above that rule; and
  - (b) be thicker than the other horizontal lines.

8. The boxes in columns A and B referred to in paragraph 5(e) must each be bordered by a shaded area no more than 0.4 cm thick at the outside edge. Each shaded area must include an embedded arrow pointing downwards from the top of the column underneath the words "Column A first choice" and "Column B second choice"
9. Where a registered emblem is to be printed against a candidate's particulars:
  - (a) it is to be printed adjacent to and to the right of the candidate's particulars;
  - (b) its size as printed must not exceed two centimetres square.
10. The heading "Election of the Mayor for ....." must be in very large bold type.
11. All other words must appear in type that is smaller than the heading.
12. The direction referred to in paragraph 3(c) must be printed in bold type.
13. The candidates' names and descriptions, if any, must appear in bold type.
14. The words "first choice" and "second choice" above the boxes where the vote is to be marked must be printed in bold type.
15. The surname of each candidate is to be printed in capitals with their other name(s) printed in lower case with initial capitals.
16. The particulars of the candidates must appear in lower case with initial capitals.
17. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.

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Form 5 – Corresponding number list L1

**Corresponding Number List – L1**  
(to be used at a mayoral election taken alone)

Electoral Area: .....

Date of Poll: .....

Sheet No: .....

<b>Ballot Paper Number</b>	<b>Unique Identifying Mark</b>	<b>Number on electoral register</b> <i>(to be completed only in respect of ballot papers issued to postal voters and proxies voting by post)</i>

### Form 6 – Corresponding number list L2

<b>Form 6</b>	
<b>Corresponding Number List – L2</b> (to be used in polling stations at a mayoral election taken alone)	
Electoral Area: .....	
Date of Poll: .....	
Polling Station: .....	
Sheet No: .....	
Ballot Paper Number	Number on electoral register

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

Form 7 – Postal voting statement  
Front of statement

<b>Postal voting statement</b>	<i>[Space for barcode]</i>
<b>Election of the Mayor for <i>[insert name of combined authority]</i></b>	
Date of election <i>[day] [date] [month] [year]</i>	
<p><b>Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper number _____</p> <p>* <i>Returning Officer to insert name but omit where sent to an anonymous elector</i></p> <p>(!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us <b>immediately</b> on <i>(insert helpline number)</i>.</p>	
<p><b>I am the person the ballot paper numbered above was sent to.</b></p> <p><b>My Date of Birth is:</b>      <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/>      <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/></p> <p style="text-align: center;">Day                      Month                      Year</p> <p><b>* My Signature is:</b> <b>(You must sign inside the box)</b></p> <p>* <i>Returning Officer to omit box where the elector has been granted a waiver</i></p> <div style="border: 1px solid black; width: 300px; height: 80px; margin-left: 100px;"></div> <p><b>We will check this information against our records for security.</b></p>	
<p><b>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once (unless you are appointed as a proxy) at the same election.</b></p> <p><i>Returning Officer to add pictorial guidance as appropriate.</i></p>	

Back of statement

## Instructions for voting by post

**Please read through carefully. If you need help, please call us on *[insert helpline number]***

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper.
2. Make sure you have filled in the **date of birth *\*[and signature]* box[es]** on this postal voting statement.  
*\* Returning Officer to delete where elector is granted a waiver.*
3. #**[Vote for only one candidate** by putting a cross  in the box next to your choice.]  
#**[Vote by putting a cross  in the box**  
In column A next to your first choice candidate  
In column B next to your second choice candidate  
Your first and second choices should be different.]  
*# Returning Officer to amend when there are only two candidates for the office of Mayor*
4. Do not mark the ballot paper in any other way or your vote may not count.
5. We must get your postal vote by **10pm on *[day] [date of poll]***. If you miss the post, you can hand it in at our office or at any polling station in the local authority area before **10pm on *[day] [date of poll]***.
6. After receiving this postal vote, you cannot vote in person at a polling station in this election.

## Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as **we can only issue a replacement before 5pm on *[day] [date] [month]***.  
If you apply after **5pm on *[day before poll]*** we can only issue a replacement if you return this ballot pack by hand.

**Electoral fraud is a crime. It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person.**

The Returning Officer issued this statement.

*Returning Officer to add pictorial guidance as appropriate.*

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

## Form 8 – Elector’s official poll card

### Front of card

Front of card

<b>Poll card</b>
Election of Mayor for <i>[insert name of combined authority]</i>
Date of election <i>[day] [date] [month] [year]</i>

<b>Voting information</b>	
Polling Day	
Voting hours	
Your polling station will be	

**Please turn over**

Your details:

\* *[Elector's name and qualifying address details here]*

\* *Returning Officer to omit where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope*

**Number on register:**

\*\* *[You do not need to take this card with you in order to vote.]*

\*\* *[You must have this card with you. You cannot vote without it.]*

\*\* *If anonymous elector omit the words in the first set of brackets. If not omit the words in the second set of brackets.*

*[insert helpline and other details including website]*

### Back of card

*This space for map or other information such as helpline and website details*

**It is an offence to:**

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

If you need any help or to find out if your polling station is accessible, please contact us.

*[Returning Officer to add contact details including website if appropriate]*

**If undelivered return to:**

*[insert return address]*

**If you are away or cannot go to the polling station on *[day] [date of poll]* you can do one of the following:**

- Apply to vote by post. Completed applications must reach us **before 5pm on *[day] [date of deadline]***. If you are given a postal vote, you will not be able to vote in person at this election.

OR

- Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us **before 5pm on *[day] [date of deadline]***. If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.

**If after 5pm on *[the sixth day before the date of the poll]* you are unable to vote in person because you:**

- **Have a medical emergency**
- **Learn you cannot go to the polling station because of work reasons**

You can apply to vote by proxy. Completed applications must reach us **before 5pm on *[day] [date of deadline]***. To find out how to apply, call the helpline immediately.

The Returning Officer issued this card.



## Form 9 – Official postal poll card

Front of card

<b>Postal poll card</b>
Election of Mayor for <i>[insert name of combined authority]</i>
Date of election <i>[day] [date] [month] [year]</i>

<b>Voting information</b>
We will send your postal vote around <i>[day] [date] [month] [year]</i> <i>*[addressed to:]</i>
<i>*[Electors name and address]</i>

Please turn over

Your details:  <i>* [Elector's name and qualifying address details here]</i>  <i>*Returning Officer to omit in both places where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope</i>  <b>Number on register:</b>
---

### Your postal vote

- You will receive a postal vote for this election because you asked to vote by post.
- You will not be able to vote in a polling station.
- **If you have not received your postal vote by *[day] [date] [month]* call *[insert helpline number]*.**

Back of card

<b>How to vote</b>
<ol style="list-style-type: none"><li>1. When you receive your postal vote, read the instructions carefully.</li><li>2. Your postal vote includes your ballot paper and a postal voting statement.</li><li>3. Complete both of these and return them immediately.</li><li>4. We need to receive your postal vote by <b>10pm on <i>[day/date of poll]</i></b>.</li></ol>

**📞** If you need information in another format, please call our helpline below.

**📞** If you need help to vote, you can ask someone you know or get independent help by calling our helpline:

*[insert helpline and other details including website]*

<b>If you lose your postal vote or make a mistake</b>
<ul style="list-style-type: none"><li>• Please phone the helpline immediately.</li><li>• We can only issue a replacement postal vote before 5pm on <b><i>[day/date of deadline]</i></b>.</li></ul>
If you would rather vote in person, or ask someone else to vote on your behalf, you must cancel your postal vote <b>before 5pm on <i>[day/date of deadline]</i></b> . For more information, please call the helpline.

<b>It is an offence to:</b>
<ul style="list-style-type: none"><li>• vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper</li><li>• vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person</li><li>• vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild</li><li>• vote as a proxy for someone if you know that by law they are not allowed to vote</li></ul>

The Returning Officer issued this card.

If undelivered, return to:

*[insert return address]*

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

## Form 10 – Official proxy poll card

Front of card

<b>Proxy poll card</b>
Election of Mayor for <i>[insert name of combined authority]</i>
Date of election <i>[day] [date] [month] [year]</i>

<b>Voting information</b>	
Polling Day	
Voting hours	
Your polling station will be	

Please turn over

Your details: * <i>[Proxy's name and qualifying address details here]</i> *Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope
---

**You will receive a proxy vote**

\*\* *[The person named on the back of this card [Another person] has appointed you as a proxy to vote on their behalf at this election.*

\*\* *[You do not need to take this card with you to vote.] [You must have this card with you. You cannot vote as a proxy without it.]*

\*\* *If sent to the proxy of an anonymous elector omit the words in the first set of brackets. If not omit the words in the each of the second sets of brackets.*

*[Insert helpline and other details including website]*

Back of card

For this election you are proxy for:

*^**[Elector's name]*  
*^**[Elector's address]*  
*^**[Elector's number on register]*  
*[the person with this elector number: (insert elector's number on register)]*

*^**If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets.*

**The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.**

This space for map or other information such as helpline and website details:

**📞** If you need any help or to find out if your polling station is accessible, please contact us.  
*[Returning Officer to add contact details including website if appropriate]*

**How to vote as a proxy**

1. *^**[At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.]* *^**[At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper for the person you are proxy for.]*  
*^**If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets.*
2. Go to one of the voting booths.
3. Follow the instructions on how to mark the ballot paper.
4. Fold the ballot paper and put in the ballot box.

**If you need any help, just ask the staff.**

<b>If you are away or cannot go to the polling station on <i>[day]</i> <i>[date of poll]</i>.</b>
<ul style="list-style-type: none"> <li>• You can apply to vote by post. The deadline for completed applications is <b>5pm on <i>[day]</i> <i>[date of deadline]</i></b>.</li> <li>• If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this election.</li> <li>• <b>To find out how to apply, please call us on <i>[insert helpline number or other contact details.]</i></b></li> </ul>

**It is an offence to:**

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Returning Officer issued this card.

If undelivered return to  
*[insert return address]*

## Form 11 – Official proxy postal poll card

Front of card

<b>Proxy postal poll card</b>
Election of Mayor for <i>[insert name of combined authority]</i>
Date of election <i>[day] [date] [month] [year]</i>

<b>Voting information</b>
We will send your postal vote around <i>[day] [date] [month] [year]</i> <i>*[addressed to:]</i>
<i>*[Proxy's name and address details here]</i>
<i>*Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope</i>

Please turn over

Back of card


For this election you are proxy for:


*\*(Elector's name)  
(Elector's address)  
(Elector's number on register)  
[the person with this elector number: (insert elector's number on register)]*

*\*If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets.*

### How to vote

1. When you receive your postal vote, read the instructions carefully.
2. Your postal vote includes your ballot paper and a postal voting statement.
3. Complete both of these and return them immediately.
4. We need to receive your postal vote by **10pm on *[day/date of poll]***.

 If you need information in another format, please call our helpline below.

 If you need help to vote, you can ask someone you know or get independent help by calling our helpline:

*[insert helpline and other details including website]*

### Voting as a proxy

\*\* [The person named on the back of this card] [Another person] has appointed you as a proxy to vote on their behalf at this election.

\*\* If sent to the proxy of an anonymous elector omit the words in the first set of brackets. If not omit the words in the each of the second sets of brackets.

### Your postal vote

- You will receive a postal vote for this election because you asked to vote by post.
- You will not be able to vote as a proxy in a polling station.
- If you have not received your postal vote by *[day] [date] [month]* call *[insert helpline number]*

### If you lose your postal vote or make a mistake

- Please phone the helpline immediately.
- We can only issue a replacement postal vote before 5pm on ***[day/date of deadline]***.

If you would rather vote in person you must cancel your postal vote **before 5pm on *[day/date of deadline]***. For more information, please call the helpline.

### It is an offence to:

- vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper
- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Returning Officer issued this card.

If undelivered, return to:

*[insert return address]*

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

Form 12 – Directions for the guidance of voters

## How to vote at this election

1

Go to the desk and tell the staff your name and address.  
They will give you your ballot paper.



2

Take your ballot paper to a voting booth.



3

Read the instructions in the booth and mark your ballot paper.



4

When you have marked your ballot paper, fold it so that nobody can see how you have voted.



5

Put your folded ballot paper into the ballot box.



**(!) Voting is secret. Do not let anyone see how you have voted.**

**❗ If you make a mistake or need some help, just ask the staff.**

Form 13 – Certificate of employment

<b>Certificate of Employment</b>
<b>Election of the Mayor for the area of [insert name of combined authority]</b>
*Relevant constituent council:
Date of election (day) (date) (month) (year)
The person named below is entitled to vote at any polling station in the area of the above named relevant constituent council on production and surrender of this certificate to the Presiding Officer.
I certify that _____ (name of elector) Who is numbered** _____ in the register of electors for the area of the relevant constituent council named above, cannot reasonably be expected to go in person to the polling station allotted to him/her at this election by reason of his/her employment on the above date for a purpose connected with this election:  - as a constable*** - as a Police Community Support Officer*** - by me (only applies to Returning Officer's staff)***  Signature _____ Returning Officer / Police Officer (Inspector or above)***  Date _____
*A relevant constituent council is a district council, the area of which is part of the area of the combined authority, or in the case of a part of the combined authority area for which there is a county council but no district councils, the county council. ** The elector's number can be found on the poll card which was sent to them shortly after the election was announced, or can be checked by contacting the Electoral Registration Officer. *** Person completing the form to delete whichever does not apply.

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

Form 14 – Declaration of the companion of a voter with disabilities

<b>Declaration for the companion of a voter with disabilities</b>	
<b>Election of the Mayor for <i>[insert name of combined authority]</i></b>	
Date of election <i>[day] [date] [month] [year]</i>	
<p>A voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote at this election without assistance.</p> <p>In this form, "voter" means the person casting the vote at the election and includes a person voting as a proxy.</p>	
<b>Part 1 To be completed by the voter's companion</b>	
Companion's name	
Companion's address	
Voter's name	
<p><i>[Only for use if the disabled voter is acting as a proxy]</i>                  Voter is acting as proxy for:</p>	
Elector's number <i>[if the disabled voter is acting as a proxy, this is the number of the person for whom the voter is acting]</i>	
<p><b>I have been requested to assist the voter named above to record their vote at this election. I declare that:</b></p> <p><b>(1)</b></p> <ul style="list-style-type: none"> <li>● I am entitled to vote as an elector at this election</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>● I am the *spouse/*civil partner/*parent/*brother/*sister/*child of the voter with disabilities and am 18 years of age or over</li> </ul> <p style="text-align: center;"><i>*Please delete whichever does not apply</i></p> <p><b>AND</b></p> <p><b>(2)</b></p> <ul style="list-style-type: none"> <li>● I have not previously assisted more than one voter with disabilities at this election.</li> </ul> <p>If I have assisted one other voter their name and address is:</p>	
<i>[Complete if appropriate]</i> Name and address of other person assisted	

<b>NOTE – It is a criminal offence to communicate at any time to any person any information as to the way in which the voter intends to vote or has voted.</b>			
Companion's signature		Date	
<b>Part 2 To be completed by the Presiding Officer</b>			
I, the undersigned, being the Presiding Officer for:			
Polling station		Electoral area of	
certify that the above declaration was signed in my presence.		Presiding Officer signature	
Date		Time (exact)	

SCHEDULE 2

Article 3(2) and (4)

Modifications of Acts and statutory instrument

**The Representation of the People Act 1983**

1.—(1) The Representation of the People Act 1983**(36)** has effect in relation to the conduct of a combined authority mayoral election with the following modifications.

(2) Section 13AB**(37)** (alteration of registers: interim publication dates) has effect as if in subsection (5) for “returning officer” there were substituted “combined authority returning officer”.

(3) Section 13B**(38)** (alteration of registers: pending elections) has effect as if in subsection (5) in the definition of “the final nomination day” for “returning officer” there were substituted “combined authority returning officer”.

(4) Section 31**(39)** (polling districts and stations at local government elections) has effect as if for subsection (1) there were substituted—

“(1) For combined authority mayoral elections, the district council may divide an electoral division into polling districts, and may alter any polling district.”

(5) Section 35**(40)** (returning officers: local elections in England and Wales) has effect as if after subsection (2C) there were inserted—

**(36)** 1983 c. 2.

**(37)** Section 13AB was inserted by the Electoral Registration and Administration Act 2013 (c. 6), section 16.

**(38)** Section 13B was inserted by the Representation of the People Act 2000 (c. 2), section 8 and Schedule 1.

**(39)** Section 31 was amended by the Local Government Act 1985 (c.51), Schedule 17; by the Greater London Authority Act 1999 (c.29) Schedule 3; and by the Electoral Administration Act 2006 (c. 22), Schedule 1.

**(40)** Relevant amendments were made by the Local Government Act 1985, section 102 and Schedule 16.

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

“(2D) Subject to subsection (2E), each constituent council shall appoint an officer of the council to be the returning officer for the election of a combined authority mayor.

(2E) Where, in relation to an area within the area of the combined authority, there is both a district council which is a constituent council and a county council which is a constituent council, subsection (2D) shall only apply in relation to the district council.

(2F) In subsections (2D) and (2E), “constituent council” has the same meaning as in article 2 of the Combined Authorities (Mayoral Elections) Order 2017.”.

- (6) Section 36(41) (local elections in England and Wales) has effect as if—
- (a) in subsection (3) in paragraph (a), after “such a councillor,” there were inserted “or the election for a combined authority mayor”,
  - (b) after subsection (4B) there were inserted—
 

“(4C) All expenditure properly incurred by a returning officer or combined authority returning officer in relation to the holding of a combined authority mayoral election shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the combined authority, exceed that scale, be paid by the combined authority.”
  - (c) after subsection (6A) there were inserted—
 

“(6B) Subsection (6) above shall apply in relation to a combined authority mayoral election as it has effect in relation to an election of a councillor for any local government area in England and Wales, but taking the reference to the council of the area as a reference to the combined authority.”
- (7) Section 39(42) (local elections void etc. in England and Wales) has effect as if—
- (a) in subsection (1) for “returning officer” there were substituted “combined authority returning officer”;
  - (b) in subsection (2), after “other reason”, there were inserted “a combined authority mayoral election or”,
  - (c) in subsection (5), in paragraph (a), after “section 36 above”, there were inserted “or, in the case of a combined authority mayoral election, an order under paragraph 12 of Schedule 5B to the 2009 Act”,
  - (d) in subsection (6), in paragraph (a)—
    - (i) in sub-paragraph (i), after “section 36”, there were inserted “or Part 6 of the 2009 Act (and the order under paragraph 12 of Schedule 5B to that Act)”; and
    - (ii) there were omitted “, or, as the case may be, the district council, or Welsh county or county borough council,”.
- (8) Section 40(43) (timing as to local elections in England and Wales) has effect as if—
- (a) in subsection (1), after “the 1999 Act”, there were inserted “or an order under paragraph 3 or paragraph 12 of Schedule 5B to the 2009 Act”,
  - (b) in subsection (2), after “the 1999 Act” there were inserted “and (in the case of a combined authority mayoral election) paragraph 2 or an order under paragraph 3 or paragraph 12 of Schedule 5B to the 2009 Act”,

(41) Relevant amendments were made by the Representation of the People Act 1985 (c. 50), section 17, by the Local Government and Rating Act 1997 (c. 29), section 33 and Schedule 3; and by the Local Government Act 1985, section 102 and Schedule 17.

(42) Relevant amendments were made by the Education Reform Act 1988 (c. 40), section 237 and Schedule 13; and the Local Government (Wales) Act 1994 (c. 19), section 66, Schedule 16 and Schedule 18.

(43) Relevant amendments were made by the Electoral Registration and Administration Act 2013 (c. 6), section 15; by the Representation of the People Act 1985 (c. 50), section 19(1) and by the Greater London Authority Act 1999 (c. 29), section 17 and Schedule 3.



- (c) in subsection (3)—
- (i) after “section 36 above”, there were inserted “or an order under paragraph 3 or paragraph 12 of Schedule 5B to the 2009 Act”; and
  - (ii) after “such rules” (in both places) and “those rules”, there were inserted “or that order (as the case may be)”.
- (9) Section 46 (further provision as to local election voting) has effect as if subsection (1) were omitted.
- (10) Section 47 (loan of equipment for local elections) has effect as if in subsection (2)—
- (a) paragraph (b) were omitted; and
  - (b) for “those Acts”, there were substituted “that Act or Part 6 of the 2009 Act”.
- (11) Section 48 (validity of local elections and legal costs) has effect as if in subsection (1), after “section 42 above”, there were inserted “or an order under paragraph 12 of Schedule 5B to the 2009 Act”.
- (12) Section 50 (effect of mis-description) has effect as if in paragraph (c)—
- (a) after “this Part of this Act”, there were inserted “(as applied for the purposes of combined authority mayoral elections), and an order under paragraph 12 of Schedule 5B to the 2009 Act”; and
  - (b) the words “and the parliamentary elections rules,” were omitted.
- (13) Section 52(44) (discharge of registration duties) has effect as if in subsections (1) and (4), after “this Act”, there were inserted “(including any such functions in relation to combined authority mayoral elections)”.
- (14) Section 54(45) (payment of expenses of registration) has effect as if in subsection (1) after “this Act”, at the first place where these words appear, there were inserted “(including any such functions in relation to combined authority mayoral elections)”.
- (15) Section 61(46) (other voting offences) has effect as if—
- (a) after subsection (2A) insert there were inserted—
    - “(2B) In the case of a combined authority mayoral election, paragraph (a) of subsection (2) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as an elector otherwise than by proxy more than once at the same combined authority mayoral election.”
  - (b) after subsection (3A) there were inserted—
    - “(3B) In the case of a combined authority mayoral election, paragraph (a) of subsection (3) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as a proxy for the same elector more than once at the same combined authority mayoral election.”
  - (c) in subsection (6A), for “rule 40 (1ZC) or (1ZE) of the parliamentary elections rules”, there were substituted “rule 40(4) or (6) of the Combined Authority Mayoral Elections Rules”.
- (16) Section 65A(47) (false statements in nomination papers etc.) has effect as if in subsection (1) after paragraph (aa) there were inserted—

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(44) Relevant amendments were made by the Representation of the People Act 1985, section 24 and Schedule 4 and the Local Government (Wales) Act 1994, section 66 and Schedules 16 and 18.

(45) Relevant amendments were made by the Representation of the People Act 1985, section 24 and Schedule 4.

(46) Subsection (6A) was inserted by the Electoral Administration Act 2006, section 38(3).

(47) Section 65A was inserted by the Representation of the People Act 2000 (c. 2), section 15 and Schedule 6. Relevant amendments were made by the Political Parties and Elections Act 2009 (c. 12), section 39 and Schedule 6.

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

- “(ab) a statement under rule 6(7)(b) of the Combined Authority Mayoral Elections Rules which the person knows to be false in any particular, or”.
- (17) Section 67 (appointment of election agent) has effect as if in subsection (2)—
- (a) after “this Act”, where it first appears, there were inserted “or, in the case of a combined authority mayoral election, such of the provisions of this Act as are applied by an order under paragraph 12 of Schedule 5B to the 2009 Act,”;
  - (b) after “this Act”, in the second place, there were inserted “or, in the case of a combined authority mayoral election, any applicable provision of this Act,”
  - (c) in subsection (7) at the end there were inserted—
    - “(c) in relation to a combined authority mayoral election, the combined authority returning officer.”
- (18) Section 68(48) (nomination of sub-agent) has effect as if—
- (a) in subsection (1), after “an Authority election,” there were inserted “or combined authority mayoral election”;
  - (b) in subsection (3) for “second” there were substituted “fifth”.
- (19) Section 69(49) (office of election agent or sub-agent) has effect as if in subsection (2) after paragraph (b) there were inserted—
- “(c) of an election agent for a combined authority mayoral election shall be within the combined authority area for which the election of the combined authority mayor is held, and that of a sub-agent shall be in the area within which he or she is appointed to act.”
- (20) Section 70(50) (effect of default in election agent’s appointment) has effect as if—
- (a) in subsection (4)(a) for the words in brackets there were substituted “(or where, in the case of a combined authority mayoral election, the address is not given on that statement, the address as given in accordance with rule 9(b) of Schedule 1 or Schedule 3, as the case may be, to the Combined Authorities (Mayoral Elections) Order 2017”;
  - (b) after subsection (7) there were inserted—
    - “(7A) Subsection (6) applies whether or not a statement has been made under rule 6(7) of the Combined Authority Mayoral Elections Rules requiring the candidate’s home address not to be made public.”
- (21) Section 76 (limitation of election expenses) has effect as if for subsection (2) there were substituted—
- “(2) That maximum amount is £2,362 multiplied by the total number of constituent councils together with an additional 5.9p for every entry in the register of electors to be used at the election.”
- (22) Section 85 (penalty for “sitting or voting” where no return and declarations transmitted) has effect as if subsection (2) were omitted.
- (23) Section 85A(51) (disqualification where no return and declarations transmitted after election of Mayor of London) has effect as if—
- (a) for “an election of the Mayor of London” there were substituted “a combined authority mayoral election”; and
  - (b) for “Mayor of London”, in the second place, there were substituted “combined authority mayor”.

(48) Section 68 was amended by the Greater London Authority Act 1999, section 17 and Schedule 3.

(49) Relevant amendments were by the Greater London Authority Act 1999, section 17 and Schedule 3.

(50) Subsection (7) was inserted by the Political Parties and Elections Act 2009, section 39 and Schedule 6.

(51) Section 85A was inserted by the Greater London Authority Act 1999, section 17 and Schedule 3.

(24) Section 87A(**52**) (duty of appropriate officer to forward returns and declarations to Electoral Commission) has effect as if in subsection (1) after paragraph (b) there were inserted “or, (c) a combined authority mayoral election”.

(25) Section 94(**53**) (imitation poll cards) has effect as if in subsection (2)—

(a) after “section 36” there were inserted “above, or an order under paragraph 12 of Schedule 5B to the 2009 Act”; and

(b) after “the rules”, there were inserted “or, as the case may be, the order”.

(26) Section 96(**54**) (schools and rooms for local election meetings) has effect as if in subsection (1), after “section 36”, there were inserted “above, or an order under paragraph 12 of Schedule 5B to the 2009 Act”.

(27) Section 97 (disturbances at election meetings) has effect as if in subsection (2), in paragraph (b), after “section 36”, there were inserted “above, or an order under paragraph 12 of Schedule 5B to the 2009 Act”.

(28) Section 99 (officials not to act for candidates) has effect as if in subsection (1), in paragraph (b), after “section 36”, there were inserted “above, or an order under paragraph 12 of Schedule 5B to the 2009 Act”.

(29) Section 118A(**55**) (meaning of candidate) has effect as if in subsection (3), after “local government Act”, there were inserted “or at an election for a combined authority mayor under the 2009 Act”.

(30) Section 199B(**56**) (translation of certain documents) has effect as if in subsection (6), after paragraph (b) there were inserted—

“(ba) in the case of an election for a combined authority mayor under the 2009 Act, must have printed at the top of the list of candidates the words “Vote (x) for one candidate only” if there are only two candidates, or the words “Vote once (x) in column A for your first choice, and Vote once (x) in column B for your second choice” if there are three or more candidates;”.

(31) Section 203(**57**) (local government provisions as to England and Wales) has effect as if in subsection (1)—

(a) after the definition of “the 1999 Act”, there were inserted—

““the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;”

(b) after the definition of “Authority election” there were inserted—

““combined authority” means an authority established under section 103(1) of the 2009 Act;”

“combined authority mayoral election” means the election of a mayor for a combined authority under Part 6 of the 2009 Act;

“combined authority returning officer” has the same meaning as in article 2 of the Combined Authorities (Mayoral Elections) Order 2017.”

(c) in the definition of “electoral area” after paragraph (c) there were inserted—

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(52) Section 87A was inserted by the Political Parties, Elections and Referendums Act 2000, section 138 and Schedule 18.

(53) Subsection (2) was inserted by the Representation of the People Act 1985, section 24 and Schedule 4.

(54) Section 96 was substituted by the Representation of the People Act 1985, section 24 and Schedule 4; other relevant amendments were made by the Greater London Authority Act 1999, section 17 and Schedule 3.

(55) Section 118A was inserted by the Political Parties, Elections and Referendums Act 2000, section 135.

(56) Section 199B was inserted by the Electoral Administration Act 2006, section 36.

(57) Relevant amendments were made by the Representation of the People Act 1985, section 24 and Schedule 4 and by the Greater London Authority Act 1999, section 17 and Schedule 3.

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- “(d) the combined authority area for which the election of a combined authority mayor is held under the 2009 Act;”
- (d) in the definition of “local government election”, at the end of paragraph (b), there were inserted—
- “or
- (c) any combined authority mayoral election;”.
- (e) in subsection (1A), at the end, there were inserted “or a combined authority mayoral election”.

(32) Schedule 4A(58) (election expenses) has effect as if in paragraph 7 for “rule 9 of Schedule 1 to this Act” there were substituted “rule 10 of Schedule 1 or Schedule 3, as the case may be, to the Combined Authorities (Mayoral Elections) Order 2017”.

### **The Representation of the People Act 1985**

2.—(1) The Representation of the People Act 1985(59) has effect in relation to the conduct of a combined authority mayoral election with the following modifications.

(2) Section 15 (combination of polls at parliamentary, European Parliamentary and local elections) has effect as if—

- (a) in subsection (1), at the end of paragraph (c), there were inserted—
- “(ca) a combined authority mayoral election and an election of one or more of the descriptions specified in paragraphs (a) to (c) or a local authority mayoral election.”.
- (b) subsections (5) and (5A) were omitted.

### **The Representation of the People Act 2000**

3.—(1) The Representation of the People Act 2000(60) has effect in relation to the conduct of a combined authority mayoral election with the following modifications.

(2) Schedule 4 (absent voting in Great Britain) has effect as if—

- (a) in paragraph 1, in sub-paragraph (1)—
- (i) in the definition of “the appropriate rules”, at the end of paragraph (b), there were inserted—
- “and
- (c) in the case of a combined authority mayoral election, the Combined Authority Mayoral Elections Rules, within the meaning of the Combined Authorities (Mayoral Elections) Order 2017;”
- (ii) after that definition, there were inserted the following definition—
- ““combined authority mayoral election” means an election of a mayor for a combined authority in accordance with Part 6 of the Local Democracy, Economic Development and Construction Act 2009;”
- (iii) in the definition of “local government election”, at the end there were inserted “and includes a combined authority mayoral election”.

(58) Schedule 4A was inserted by the Electoral Administration Act 2006, section 27.

(59) 1985 c. 50. Relevant amendments were made by the Scotland Act 2012 (c. 11), section 2.

(60) 2000 c. 2. Relevant amendments were made by the Electoral Administration Act 2006, section 38, 74 and Schedule 1.

- (b) in paragraph 2, in sub-paragraph (6A) for “rule 40(1ZC) or (1ZE) of the parliamentary elections rules”, there were substituted “rule 40(4) or (6) of the Combined Authority Mayoral Elections Rules”.
- (c) in paragraph 7, in sub-paragraph (10) for “rule 40(1ZC) or (1ZE) of the parliamentary elections rules”, there were substituted “rule 40(4) or (6) of the Combined Authority Mayoral Elections Rules”.

### **The Political Parties, Elections and Referendums Act 2000**

4.—(1) The Political Parties, Elections and Referendums Act 2000(61) has effect in relation to the conduct of a combined authority mayoral election with the following modifications.

(2) Schedule 7(62) (control of donations to individuals and members associations) has effect as if—

- (a) in paragraph 1 after sub-paragraph (2) there were inserted—
  - “(2A) “Combined authority” means a combined authority established by an order under Part 6 of the Local Democracy, Economic Development and Construction Act 2009.”,
- (b) in paragraph 1(8) in sub-paragraph (g) after “the Local Government Act 2000” there were inserted “or mayor for a combined authority”,
- (c) in paragraph 4(1)(aa) after “local authority” there were inserted “or combined authority”,
- (d) in paragraph 15A(3) after sub-paragraph (c) there were inserted—
  - “(d) if the holder of a relevant elective office is a mayor of a combined authority, the combined authority of which he is the mayor.”

(3) Schedule 7A(63) (control of loans etc. to individuals and member associations) has effect as if—

- (a) in paragraph 1 after sub-paragraph (2) there were inserted—
  - “(2A) “Combined authority” means a combined authority established by an order under Part 6 of the Local Democracy, Economic Development and Construction Act 2009.”
- (b) in paragraph 16(4) after sub-paragraph (c) there were inserted—
  - “(d) if the holder of a relevant elective office is a mayor of a combined authority, the combined authority of which he is the mayor.”

### **The Representation of the People (England and Wales) Regulations 2001**

5.—(1) The Representation of the People (England and Wales) Regulations 2001(64) have effect in relation to the conduct of a combined authority mayoral election with the following modifications.

(2) Regulation 3 (interpretation) has effect as if—

- (a) at the end of paragraph (2)(b) there were inserted—
  - “, or
  - (c) the corresponding rule in the Combined Authorities (Mayoral Elections) Order 2017 in the case of an election of a mayor for a combined authority.”
- (b) at the end of paragraph (4) there were inserted—

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(61) 2000 c. 41.

(62) Paragraph 15A was inserted by the Electoral Administration Act 2006, section 59(1) and amended by S.I. 2012/1917.

(63) Schedule 7A was inserted by the Electoral Administration Act 2006, section 61(7) and Schedule 1.

(64) S.I. 2001/341. There are no relevant amendments.

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“(5) A reference in these Regulations to a local government election shall, except in paragraph (2)(b) above, include an election of a mayor for a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009.”

(3) Regulation 50 (interpretation of Part 4) has effect as if at the end of the definition of “Schedule 4” there were inserted “as modified by Schedule 2 to the Combined Authorities (Mayoral Elections) Order 2017.”

(4) Regulation 64 (interpretation of Part 5) has effect as if, at the appropriate place, there were inserted—

““candidate” includes a candidate at a combined authority mayoral election under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;”

(5) Regulation 65 (combination of polls) has effect as if after paragraph (b) there were inserted—  
“, or

(c) subsection (3) of section 36 of the 1983 Act, as modified by Schedule 2 to the Combined Authorities (Mayoral Elections) Order 2017.”

(6) Regulation 69 (agents of candidates who may attend proceedings on receipt of postal ballot papers) has effect as if in paragraphs (4) and (6) for “returning officer” there were substituted “combined authority returning officer”.

(7) Regulation 103 (supply of register etc. to elected representatives for electoral purposes and restrictions on use) has effect as if—

(a) in paragraph (1) after subparagraph (g) there were inserted—

“(h) the mayor for the area of a combined authority by virtue of an order under section 107A(1) of the Local Democracy, Economic Development and Construction Act 2009 where the registration area falls wholly or partly within the area of the combined authority.”;

(b) in paragraph (2) after subparagraph (g) there were inserted—

“(h) in the case of a mayor falling within paragraph (1)(h) above, is so much of them as relates to any part of the area of the combined authority for which he is elected as falls within the registration area.”

### **The Electoral Administration Act 2006**

**6.—(1)** The Electoral Administration Act 2006(**65**) has effect in relation to the conduct of a combined authority mayoral election with the following modifications.

(2) Section 32 (photographs on ballot papers: piloting) has effect as if—

(a) in subsections (1), (5) and (6) for “local authority” there were substituted “combined authority” in each place;

(b) in subsection (5) for “local authority’s” there were substituted “combined authority’s”,

(c) subsections (9) and (10)(b) were omitted.

(3) Section 44 (access to other election documents: supplementary) has effect as if in subsection (12), at the end there were inserted “subject to modifications made by the Combined Authorities (Mayoral Elections) Order 2017.”.

(4) Section 69 (encouraging electoral participation) has effect as if in subsection (9) at the end, there were inserted—

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(65) 2006 c. 22.

- “(g) elections for mayors for combined authorities under Part 6 of the Local Democracy, Economic Development and Construction Act 2009.”

## SCHEDULE 3

Article 4

### Combined Authority Mayoral Election (Combination of Polls) Rules

## CONTENTS

### PART 1

#### General provisions

1. Citation
2. Interpretation

### PART 2

#### Provisions as to time

3. Timetable
4. Computation of time

### PART 3

#### Stages common to contested and uncontested elections

5. Notice of Election and provision of information to calculate election expense limits
6. Nomination of candidates
7. Nomination papers: name of registered political party
8. Subscription of nomination paper
9. Consent to nomination
10. Deposits
11. Place for delivery of nomination papers and right to attend nomination
12. Decisions as to validity of nomination papers
13. Publication of statement of persons nominated
14. Correction of minor errors
15. Withdrawal of candidature
16. Method of election

### PART 4

#### Contested elections

17. Poll to be taken by ballot
18. The ballot papers
19. The corresponding number list
20. The official mark
21. Prohibition of disclosure of vote
22. Use of schools and public rooms

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23. Notice of poll
24. Postal ballot papers
25. Provision of polling stations
26. Appointment of presiding officers and polling clerks
27. Issue of official poll cards
28. Equipment of polling stations
29. Appointment of polling and counting agents
30. Notification of requirement of secrecy
31. Return of postal ballot papers
32. Admission to polling station
33. Keeping of order in station
34. Sealing of ballot boxes
35. Questions to be put to voters
36. Challenge of voter
37. Voting procedure
38. Votes marked by presiding officer
39. Voting by persons with disabilities
40. Tendered ballot papers—circumstances where available
41. Tendered ballot papers—general provisions
42. Spoilt ballot papers
43. Correction of errors on day of poll
44. Adjournment of poll in case of riot
45. Procedure on close of poll
46. Attendance at verification
47. Procedure at verification of ballot paper accounts
48. Additional steps: verification and count carried out at different places
49. Attendance at the count
50. The first count
51. Rejected ballot papers
52. Decisions on ballot papers
53. Re-count
54. Procedure at conclusion of first count

#### PART 5

Further provision: more than two candidates

55. The count of second preference votes
56. The calculation of total votes

#### PART 6

Final proceedings in contested and uncontested elections

57. Combined authority returning officer's re-count
58. Combined authority returning officer's direction to count second preference votes
59. Returning officer's final statement, central calculation and declaration of result
60. Return or forfeiture of candidate's deposit

#### PART 7

Disposal of documents

61. Sealing up of ballot papers



- 62. Delivery and retention of documents
- 63. Orders for production of documents
- 64. Retention of documents

PART 8

Death of candidate

- 65. Countermand or abandonment of poll on death of a candidate

PART 9

Appendix of Forms

Signature

Explanatory Note

Form 1: Nomination paper

Form 2: Candidate's consent to nomination

Form 3: Ballot paper (two candidates) including directions as to printing

Form 4: Ballot paper (three or more candidates) including directions as to printing

Form 5: Corresponding Number List L1

Form 6: Corresponding Number List L2

Form 7(1): Postal Voting Statement

Form 7(2): Postal Voting Statement

Form 8: Elector's official poll card

Form 9: Official postal poll card

Form 10: Official proxy poll card

Form 11: Official proxy postal poll card

Form 12: Directions for guidance of voters

Form 13: Certificate of employment

Form 14: Declaration to be made by the companion of a voter with disabilities.

PART 1

General provisions

**Citation**

1. These Rules may be cited as the Combined Authority Mayoral Elections (Combination of Polls) Rules.

**Interpretation**

2.—(1) In these Rules—

“the Appendix” means the Appendix to these Rules contained in Part 9 of this Schedule;

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“the Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004<sup>(66)</sup>;

“counting observer” has the same meaning as in regulation 2(1) of the Referendums Regulations;

“local counting area” has the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004<sup>(67)</sup>;

“petition organiser” has the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011<sup>(68)</sup>;

“polling observer” has the same meaning as in regulation 2(1) of the Referendums Regulations;

“voting area” has the same meaning as in regulation 2 of the Referendums Regulations.

(2) In the case of a referendum, a reference to—

- (a) a “candidate” shall be construed as a reference to a petition organiser,
- (b) an “election agent” or a “counting agent” shall be construed as a reference to a counting observer,
- (c) a “polling agent” shall be construed as a reference to a polling observer, and
- (d) a “returning officer” shall be construed as a reference to a counting officer.

(3) Subject to paragraph (4), other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

(4) Where such expressions are used in relation to a combined authority mayoral election, they have the meaning as defined in article 2 or modified by article 3.

## PART 2

### Provisions as to time

#### Timetable

3. The proceedings at the election shall be conducted in accordance with the following Timetable:

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Between 10 am and 4 pm on any day after the date of publication of the notice of election but not later than the 19th day before the day of the election
The making of objections to nomination papers	(1) Subject to paragraph (2), during the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following.  (2) No objection may be made in the afternoon of that last day except to a nomination paper

<sup>(66)</sup> S.I. 2004/294.

<sup>(67)</sup> S.I. 2004/293.

<sup>(68)</sup> S.I. 2011/2914.

<i>Proceeding</i>	<i>Time</i>
	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 made to the sufficiency or nature of the particulars of the candidate unless made at or immediately after the time of the delivery of the nomination paper
Publication of statement as to persons nominated	Not later than 4 pm on the eighteenth day before the day of election
Delivery of notices of withdrawal of candidature	Not later than 4 pm on the nineteenth day before the day of election
Notice of poll	Not later than the sixth day before the day of election
Polling	Between the hours of 7 am and 10 pm on the day of election

### **Computation of time**

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

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

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall 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 day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales<sup>(69)</sup>.

## **PART 3**

### **Stages common to contested and uncontested elections**

#### **Notice of Election and provision of information to calculate election expense limits**

5.—(1) The combined authority 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 papers 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 10 to be made by means of the electronic transfer of funds.

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

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

<sup>(69)</sup> 1971 c. 80.

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

(4) Paragraphs (5) and (6) apply for the purposes of enabling persons to calculate the limitation of election expenses in accordance with section 76 of the Representation of the People Act 1983 (as modified by paragraph 1(21) of Schedule 2 to this Order).

(5) The combined authority returning officer must calculate the total number of entries in the register of electors to be used at the election as it has effect on the last day for publication of notice of the election in accordance with rule 3 and must, on written request, provide that information together with the total number of constituent councils.

(6) The information referred to in paragraph (5) must be provided as soon as practicable after the written request is received.

### **Nomination of candidates**

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

(2) A nomination paper must be in the appropriate form in the Appendix or a form to the like effect and shall be delivered at the place fixed for the purpose by the combined authority returning officer.

(3) Subject to paragraph (7), a nomination paper must state the candidate's—

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

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

(4) If a candidate commonly uses—

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

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

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

- (a) one authorised as mentioned in rule 7(1) or (3), or
- (b) the word “Independent”.

(6) Paragraph (7) applies where the mayor is to exercise functions of a police and crime commissioner in accordance with an order made under Schedule 5C(70) to the 2009 Act.

(7) Where this paragraph applies, the nomination paper, instead of stating the candidate's home address—

- (a) may contain a statement made and signed by the candidate that he or she requires the home address not to be made public, and
- (b) if it does so, must state the name of the relevant local government electoral area.

(8) In this rule, “relevant local government electoral area” means—

- (a) where a candidate is registered in the register of local government electors at an address within the area of a constituent council, the area of that council;
- (b) where a candidate is not so-registered but is qualified to be elected as mayor(71) by virtue of residing, occupying land or other premises, or having his or her principal or only place of work, within the area of a constituent council, the area of that council.

(70) Schedule 5C was inserted by the Cities and Local Government Devolution Act 2016 (c. 1), section 4 and Schedule 2.

(71) See paragraph 8 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 for qualification requirements for mayoral candidates.

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

7.—(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 area 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 combined authority returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 3.

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

- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000(72), or
- (b) a description of the party registered under section 28A 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 the parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate—

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

(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 Political Parties, Elections and Referendums Act 2000.

(5) A person shall be guilty of a corrupt practice if that person fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's 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 Political Parties, Elections and Referendums Act 2000 on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election,
- (b) a registered political party is a qualifying party in relation to an electoral area if the party was on the relevant day registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act.

(7) For the purposes of paragraph (6)(a), any day falling within rule 4(1) must be disregarded.

### **Subscription of nomination paper**

8.—(1) Subject to paragraphs (2) and (3), the nomination paper must be subscribed by two electors as proposer and seconder, and by at least ninety-eight other electors as assenting to the nomination.

(2) The subscribers referred to in paragraph (1) must include at least 10 local government electors in respect of each relevant constituent council.

(3) Where there are more than 10 relevant constituent councils, the minimum number of subscribers referred to in paragraph (1) shall be the number of relevant constituent councils multiplied by 10.

(4) Where a nomination paper has the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up

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(72) 2000 c. 41. Section 28A was inserted by the Electoral Administration Act 2006, section 49(1).

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to the required number) appearing first on the paper in each category must be taken into account to the exclusion of any others in that category.

(5) The nomination paper must give the electoral number(73) of each person subscribing it.

(6) The combined authority returning officer—

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

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

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the combined authority returning officer.

(7) In this rule—

“elector” means a person entitled to vote as elector at the combined authority mayoral election(74);

“local government elector” means a person who is registered in the register of local government electors at an address within the constituent council’s area;

“relevant constituent council” means a district council which is a constituent council, or in the case of an area for which there is no district council, the county council.

(8) But, in this rule, “elector” does not include a person who has an anonymous entry in the register of local government electors.

### **Consent to nomination**

**9.—**(1) A person shall not be validly nominated unless their consent to nomination—

(a) is given in writing, on or within one month before the last day for the delivery of nomination papers,

(b) is in the appropriate form in the Appendix or a form to the like effect and includes a copy of paragraph 9 of Schedule 5B to the 2009 Act, section 34 of the Localism Act 2011(75) and, where the combined authority mayor is to exercise functions of a police and crime commissioner in accordance with an order made under Schedule 5C to the 2009 Act, sections 64 to 68 of the Police Reform and Social Responsibility Act 2011,

(c) is attested by one witness, and

(d) is delivered at the place and within the time for the delivery of nomination papers.

### **Deposits**

**10.—**(1) A person shall not be validly nominated unless the sum of £5000 is deposited by that person or on that person’s behalf, with the combined authority returning officer at the place and within the time for delivery of nomination papers.

(2) The deposit may be made either—

(a) by the deposit of any legal tender, or

(b) by means of a banker’s draft, or

(c) with the returning officer’s consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

(73) See section 9(3) of the Representation of the People Act 1983 (c. 2) for meaning of “electoral number”.

(74) See paragraph 6 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 for entitlement to vote.

(75) 2011 c. 20.

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

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

### **Place for delivery of nomination papers and right to attend nomination**

**11.**—(1) The combined area returning officer must fix the place in the area of the combined authority at which nomination papers are to be delivered to that officer, and must attend there during the time for their delivery and for the making of objections to them.

(2) Except for the purpose of delivering a nomination paper or of assisting the combined authority returning officer, no other person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless that person is—

- (a) a person standing nominated as a candidate, or
- (b) the election agent, proposer or seconder of such a person, or
- (c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties and Referendums Act 2000 Act<sup>(76)</sup>.

(3) Where a candidate is the candidate's own election agent, the candidate may name one other person and that person is entitled to attend in place of the election agent.

(4) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—

- (a) to such one of those papers as the candidate may select, or
- (b) in default of such a selection, to that one of those papers which is first delivered,

are entitled to attend as the person's proposer and seconder.

(5) 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.

(6) Paragraph (5) does not apply to a person mentioned in paragraph (2)(c).

(7) 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 (2) but without the right referred to in paragraph (5).

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

**12.**—(1) Where a nomination paper and the candidate's consent to nomination are delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the combined authority returning officer decides that the nomination paper is invalid, or
- (b) where it applies, the combined authority returning officer decides that rule 6(7) has not been complied with, or

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<sup>(76)</sup> 2000 c. 41. Section 6A and 6B were inserted by section 29 of the Electoral Administration Act 2006 (c.22). Section 6A(5) was amended by paragraph 10 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c.13) and by S.I. 2007/1388.

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- (c) proof is given to the combined authority returning officer's satisfaction of the candidate's death, or
  - (d) the candidate withdraws.
- (2) The combined authority returning officer is entitled to hold the nomination paper of a person invalid only on one of the following grounds—
- (a) that the particulars of the candidate or of the persons subscribing the paper are not as required by law, and
  - (b) that the paper is not subscribed as so required.
- (3) Subject to paragraph (4), the combined authority returning officer must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.
- (4) If in the combined authority returning officer's opinion a nomination paper breaks rule 7(1) or (3), the combined authority returning officer 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 last time for delivery of nomination papers set out in the Timetable in rule 3.
- (5) Where the combined authority returning officer decides that a nomination paper is invalid, the combined authority returning officer must endorse and sign on the paper the fact and the reasons for that decision.
- (6) The combined authority returning officer must send notice of the decision that a nomination paper is valid or invalid to each candidate at the candidate's home address as given in the nomination paper.
- (7) The combined authority returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.
- (8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Publication of statement of persons nominated**

- 13.**—(1) The combined authority returning officer must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers.
- (3) If a person's nomination paper gives a commonly used surname or forename 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 combined authority 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 combined authority returning officer must give notice in writing to the candidate of the combined authority returning officer's reasons for refusing to allow the use of a commonly used name.
- (6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.



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

(8) In relation to a nominated person in whose case the nomination (or, if the person is nominated by more than one nomination paper, any of the nominations) contains—

- (a) the statement mentioned in rule 6(7)(a), and
- (b) the information mentioned in rule 6(7)(b),

the reference in paragraph (2) to the person's address shall be read as a reference to the information mentioned in rule 6(7)(b).

(9) Where—

- (a) two or more of the names shown on the statement are the same or so similar as to be likely to cause confusion,
- (b) the statement mentioned in rule 6(7)(a) has been made in relation to each of the persons in question, and
- (c) the information mentioned in rule 6(7)(b) is the same for each of them,

the combined authority returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate in order to reduce the likelihood of confusion.

#### **Correction of minor errors**

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

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number,
- (b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by the combined authority returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

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

#### **Withdrawal of candidature**

**15.**—(1) A candidate may withdraw their candidature by notice of withdrawal—

- (a) signed by the candidate and attested by one witness, and
- (b) delivered to the combined authority returning officer at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by the candidate's proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if—

- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom, or

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- (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

#### **Method of election**

- 16. If, after any withdrawals under rule 15—
  - (a) three or more candidates remain validly nominated, a poll shall be taken in accordance with Parts 4 and 5 of these Rules,
  - (b) only two candidates remain validly nominated, a poll shall be taken in accordance with Part 4,
  - (c) only one candidate remains validly nominated, that person shall be declared to be elected in accordance with Part 6.

## **PART 4**

### **Contested elections**

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

- 17. The votes at the poll shall be given by ballot.

#### **The ballot papers**

- 18.—(1) The ballot of every person entitled to a vote at the election shall consist of a ballot paper.
- (2) The persons remaining validly nominated, after any withdrawals, and no others, shall be entitled to have their names inserted in the ballot paper at that election.
- (3) Every ballot paper must be in the appropriate form, and must be printed in accordance with the appropriate directions set out in the Appendix, and—
  - (a) must contain the names and other particulars of the candidates as shown in the statement of persons nominated,
  - (b) must be capable of being folded up, and
  - (c) must have a number and other unique identifying mark printed on the back
  - (d) must be of a different colour from that of any ballot papers used at any relevant election or referendum.
- (4) If a candidate who is the subject of a party's authorisation under rule 7(1) so requests, the ballot paper must contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).
- (5) If a candidate who is the subject of an authorisation by two or more parties under rule 7(3) so requests, the ballot paper must contain, against the candidate's particulars, the registered emblem (or, as the case may be, one of the registered emblems) of one of those parties.
- (6) The candidate's request under paragraph (4) or (5) must—
  - (a) be made in writing to the returning officer, and
  - (b) be received by the returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 3.
- (7) The order of the names in the ballot paper must be the same as in the statement of persons nominated.

### **The corresponding number list**

**19.**—(1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by the returning officer in pursuance of rule 24 or provided in pursuance of rule 28.

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

### **The official mark**

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

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

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

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

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

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

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

- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996<sup>(77)</sup>) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school,
- (b) a room the expense of maintaining which is met by any local authority.

(2) The use of a room in an unoccupied hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

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

### **Notice of poll**

**23.**—(1) The combined authority returning officer must publish notice of the poll stating—

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

(2) Where a candidate is nominated by more than one nomination paper, the nomination paper referred to in paragraph (1)(c) must be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken.

(3) The returning officer must, not later than the time of the publication of the notice of the poll, give public notice of—

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<sup>(77)</sup> 1996 c. 56.

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

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

- (4) The notice published under paragraph (3) above shall—
  - (a) state that the poll at the combined authority mayoral election is to be taken together with the poll at a relevant election or referendum,
  - (b) specify the parliamentary constituency, local counting area, Assembly constituency, voting area or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election is held, and
  - (c) where the polls are to be taken together in part of the electoral area only, specify that part.

### **Postal ballot papers**

**24.**—(1) The returning officer must, in accordance with regulations made under the 1983 Act, issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to the like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) 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).

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

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

### **Provision of polling stations**

**25.**—(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 the returning officer thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral area must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral area.

(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 polling clerks**

**26.**—(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 the returning officer

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 the returning officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer shall 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 or her, any act (including the asking of questions) which the presiding officer 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.

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

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

(2) An elector's official poll card must be sent or delivered to the elector's qualifying address<sup>(78)</sup>, and a proxy's to the proxy's address as shown in the list of proxies.

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

- (a) the name of the combined authority to which the election relates,
- (b) that the election is a combined authority mayoral election,
- (c) the elector's name, qualifying address and number on the register,
- (d) the date and hours of the poll and the situation of the elector's polling station,
- (e) such other information as the returning officer thinks appropriate,

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

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

(5) Paragraph (7) of rule 8 shall apply for the interpretation of this rule.

(6) If the returning officer and the returning officer for each relevant election or referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every relevant election or referendum.

### **Equipment of polling stations**

**28.**—(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) The same ballot box may be used for the poll at the combined authority mayoral election and the poll at every relevant election or referendum, if the returning officer thinks fit.

(3) 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.

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

- (a) materials to enable voters to mark the ballot papers,

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<sup>(78)</sup> See section 8(8)(b) of the Representation of the People Act 1983 (c. 2) for meaning of "qualifying address".

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- (b) copies of the register of electors for the electoral area 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 for the electoral area or the part of it provided under sub-paragraph (b),
  - (d) a list consisting of that part of the list prepared under rule 19 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.
- (5) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D)(79) of the 1983 Act in respect of alterations to the register.
- (6) The returning officer must also provide each polling station with—
- (a) at least one large version of each ballot paper which must be printed on the same colour paper as the corresponding ballot paper and must be displayed inside the polling station for the assistance of voters who are partially sighted,
  - (b) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted which must be clearly marked as a specimen provided only for the guidance of voters, and
  - (c) a device of such description as is set out in paragraph (11) 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 39(1)).
- (7) Where notwithstanding paragraph (2) above separate ballot boxes are to be used, each ballot box must be clearly marked with—
- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum,
  - (b) the words “Place the [*specify colour of ballot papers in question*] ballot papers in here”.
- (8) The combined authority returning officer must prepare and provide each returning officer with—
- (a) a notice in the appropriate form in the Appendix giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station, and
  - (b) the following notice which must be exhibited in every compartment of every polling station—
- PARLIAMENTARY ELECTION  
 ([Specify colour] ballot paper)  
 Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.  
 \*EUROPEAN PARLIAMENTARY ELECTION  
 ([Specify colour] ballot paper)  
 Vote ONLY ONCE by putting a cross [X] in the box next to your choice.  
 \*[Specify name of council] COUNCIL ELECTION  
 ([Specify colour] ballot paper)  
 \*[Vote for NO MORE THAN ... CANDIDATES by putting a cross [X] in the box next to EACH of your choices.]

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(79) 1983 c. 2. Section 13B was inserted by the Representation of the People Act 2000 (c. 2), section 8 and Schedule 1; subsections (3B) and (3D) were inserted by the Electoral Administration Act 2000 (c. 22), section 11.

\*[Vote ONLY ONCE by putting a cross [X] in the box next to your choice.]

\*[Specify name of combined authority] COMBINED AUTHORITY MAYORAL ELECTION

([Specify colour] ballot paper)

\*[Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.]

\*[Vote by putting a cross [X] in the box

In column A next to your FIRST CHOICE candidate

In column B next to your SECOND CHOICE candidate

Your first and second choices should be different.]

\*LOCAL MAYORAL ELECTION FOR [specify name of authority]

([Specify colour] ballot paper)

\*[Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.]

\*[Vote by putting a cross [X] in the box

In column 1 next to your FIRST CHOICE candidate

In column 2 next to your SECOND CHOICE candidate

Your first and second choices should be different.]

\*POLICE AND CRIME COMMISSIONER ELECTION FOR [specify police area]

([Specify colour] ballot paper)

\*[Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.]

\*[Vote by putting a cross [X] in the box

In column 1 next to your FIRST CHOICE candidate

In column 2 next to your SECOND CHOICE candidate

Your first and second choices should be different.]

\*[Specify other] ELECTION/REFERENDUM

([Specify colour] ballot paper)

[Specify voting instructions in accordance with the legislation governing the election or referendum]

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT COUNT.

\*[PLEASE DO NOT FOLD THE BALLOT PAPERS FOR [specify the elections and/or referendum(s) at which the votes are to be counted electronically]. Post them, face downwards, in the [\*appropriate] ballot box.]

\*Complete or omit as necessary.

# Alternatively, insert such information as the combined authority returning officer may decide.

(9) The combined authority returning officer may also provide copies of the notice mentioned in paragraph (8) in such other form described in section 199B of the Representation of the People Act

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1983<sup>(80)</sup> as the combined authority returning officer thinks appropriate and, if the returning officer agrees, these may also be exhibited inside and outside the polling station.

(10) Where the Electoral Commission publishes information about the supplementary vote system to be used at combined authority mayoral elections, the combined authority returning officer may provide each returning officer with a copy of that information for exhibition at a polling station.

(11) The device referred to in paragraph (6)(c) 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) hold the ballot paper firmly in place during use, and
- (c) provide suitable means for the voter to—
  - (i) identify the spaces on the ballot paper on which to mark a vote, and
  - (ii) identify the candidate to which each such space refers, and
  - (iii) mark the vote on the space the voter has chosen.

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

**29.**—(1) Subject to paragraphs (5), (6) and (7), before the commencement of the poll each candidate may appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation, and
- (b) counting agents to attend at the counting of the votes.

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

(3) For each count, one (but no more than one) counting agent may be designated as a person authorised to require a re-count under rule 53.

(4) A designation under paragraph (3) must be made at the same time as the person's appointment as a counting agent.

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

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

(7) The returning officer may limit the number of counting agents, but in doing so must ensure that—

- (a) the number is the same in the case of each candidate, and
- (b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(8) For the purposes of the calculations required by paragraph (5), a counting agent appointed for more than one candidate is a separate agent for each of the candidates for whom the agent has been appointed.

(9) 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 and must be so given not later than the fifth day (disregarding any day referred to in rule 4(1)) before the day of the poll.

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<sup>(80)</sup> 1983 c. 2. Section 199B was inserted by the Electoral Administration Act 2006 (c. 22), section 36.



(10) Notices of the appointment of polling agents and counting agents which are required by paragraphs (9) and (11) to be given to the returning officer must be given to that returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

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

(12) Any appointment for a candidate authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

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

(14) 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.

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

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

(17) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling or counting agent, the non-attendance of any agent or agents 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.

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

**30.**—(1) The returning officer must make such arrangements as the returning officer 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 subsections (1), (3) and (6) of section 66 of the 1983 Act, and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.

(2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002<sup>(81)</sup> (police powers for employees).

#### **Return of postal ballot papers**

**31.**—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or

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<sup>(81)</sup> 2002 c. 30.

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- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the returning officer must mark the list in the manner prescribed by regulations made under the 1983 Act.

(2) Rule 47(4) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

### **Admission to polling station**

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

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,
- (g) the returning officer and the returning officer’s clerks,
- (h) the combined authority returning officer and the combined authority returning officer’s clerks,
- (i) the constables on duty,
- (j) the companions of voters with disabilities, and
- (k) persons entitled to be admitted to the polling station at a relevant election or referendum with which the poll at the combined authority mayoral election is combined.

(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 shall be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable or person employed by a returning officer or by the combined authority returning officer must not be admitted to vote in person elsewhere than at their own polling station allotted to them under these Rules, except on production and surrender of a certificate as to that person’s employment which must be in the appropriate form in the Appendix, or a form to the like effect (in these Rules referred to as “a certificate as to employment on duty on the day of the poll”), and signed by an officer of police of or above the rank of inspector or by the returning officer or combined authority returning officer, as the case may be.

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

(6) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).

### **Keeping of order in station**

**33.**—(1) It is the presiding officer’s duty to keep order at the polling station.

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

- (a) by a constable in or near that station, or

(b) by any other person authorised in writing by the returning officer to remove him or her, and the person so removed shall not, without the presiding officer’s permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

**Sealing of ballot boxes**

**34.** 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 the box is empty,
- (b) lock up the box (if it has a lock),
- (c) place the presiding officer’s seal—
  - (i) on the lock, or
  - (ii) where the ballot box has no lock, on the box,
 in such a manner as to prevent its being opened without breaking the seal,
- (d) place the box in his or her view for the receipt of ballot papers, and
- (e) keep the box locked and sealed or, as the case may be, sealed.

**Questions to be put to voters**

**35.—(1)** At the time of the application for a ballot paper (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 the candidate or his election or polling agent requires the question to be put:

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

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

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

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

(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 shall be permitted as to the right of any person to vote.

**Challenge of voter**

**36.** A person must not be prevented from voting by reason only that—

- (a) a candidate or the candidate's election or polling agent declares that he or she 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 or she is suspected of committing or of being about to commit such an offence.

### **Voting procedure**

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

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 28(4)(d) beside the number of the ballot paper to be issued to the elector,
- (c) a mark must be placed in the copy of the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received, and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The same list may be used for the combined authority mayoral election and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

### **Voting by persons with disabilities**

**39.**—(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 the voter is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether the voter is so incapacitated by blindness or other disability, or by inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
  - (i) is a qualified person within the meaning of this rule, and
  - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that voter in connection with the giving of the voter’s vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules—

- (a) a person is a voter with disabilities if the voter has made such a declaration as is mentioned in paragraph (1), and
- (b) a person shall be qualified to assist a voter with disabilities to vote if that person is either—
  - (i) a person who is entitled to vote as an elector at the election, or

(ii) the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) Subject to paragraph (5), the name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters with disabilities assisted by companions”).

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

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

(7) The same list may be used for the combined authority mayoral election and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.

(8) The declaration made by the companion of a voter with disabilities—

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

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

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

**40.**—(1) If a person, representing themselves 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 shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 41, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

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

(3) Paragraph (4) also applies if—

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

(4) P shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 41, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

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

(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 themselves to be—

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

and claims to have lost or not received the postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 41, 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**

**41.**—(1) A tendered ballot paper must—

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

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

(3) The same list may be used for the combined authority mayoral election and each relevant election or referendum and, where it so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

(4) 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 shall be the number of that elector.

(5) In the case of an elector who has an anonymous entry, this rule and rule 40 apply subject to the following modifications—

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

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 40 shall apply as if—

- (a) in rule 40(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”,
- (b) in paragraph (1)(b) of this rule for “the voter’s number in the register of electors” there were substituted “the number relating to the voter on a notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (c) in paragraph (2) of this rule, for “the voter’s number in the register of electors” there were substituted “the number relating to the voter on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

### **Spoilt ballot papers**

**42.** A voter who has inadvertently dealt with the 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 the officer’s 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.



### **Correction of errors on day of poll**

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

(2) The same list may be used for each relevant election or referendum and, where it so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election or referendum, unless the list identifies the election or referendum for which a ballot paper was issued.

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

**44.**—(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 Rules to the close of the poll shall be construed accordingly.

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

**45.**—(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 the presiding officer's own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the lists prepared under rule 19 including the parts which were completed in accordance with rule 37(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 43 (correction of errors on day of poll), and the declarations made by the companions of voters with disabilities,

and must deliver the packets or cause them to be delivered to the returning officer to be taken charge of by the returning officer; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.

(2) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) above must not be combined with the contents of the packets made under the corresponding rule that applies at any relevant election or referendum; nor shall the statement prepared under paragraph (5) below be so combined.

(3) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

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

(4) 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 or the certificates as to employment on duty on the day of the poll.

(5) 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 the presiding officer, and accounting for them under the heads—

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

#### **Attendance at verification**

**46.**—(1) This rule and rules 47 and 48 apply where the returning officer at the combined authority mayoral election discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(2) The returning officer must—

- (a) make arrangements for the verification of the ballot paper accounts in the presence of the counting agents appointed for the purposes of the combined authority mayoral election and those appointed for the purpose of each relevant election or referendum as soon as practicable after the close of the poll, and
- (b) give to the counting agents appointed for the purposes of the combined authority mayoral election and those appointed for the purpose of each relevant election or referendum notice in writing of the time and place at which the verification of the ballot paper accounts will begin.

(3) No person other than—

- (a) the returning officer and the returning officer’s 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 Political Parties, Elections and Referendums Act 2000,
- (f) the combined authority returning officer and the combined authority returning officer’s clerks,

may be present at the verification of the ballot papers, unless permitted by the returning officer to attend.

(4) A person not entitled to attend at the verification of the ballot papers shall not be permitted to do so by the returning officer unless the returning officer—

- (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.

(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 the returning officer can give them consistently with the orderly conduct of the proceedings and the discharge of the returning officer’s duties in connection with them.

### **Procedure at verification of ballot paper accounts**

- 47.—(1) The returning officer must—
- (a) in the presence of the counting agents appointed for the purposes of the combined authority mayoral election and each relevant election or referendum open each ballot box and count and record separately the number of ballot papers used in each election,
  - (b) in the presence of the election agents appointed for the purposes of the combined authority mayoral election and each relevant election or referendum verify each ballot paper account,
  - (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the combined authority mayoral election and each relevant election or referendum,
  - (d) separate the ballot papers relating to the combined authority mayoral election from the ballot papers relating to each relevant election or referendum,
  - (e) make up into packets the ballot papers for each relevant election or referendum and seal them up into separate containers endorsing on each a description of the area to which the ballot papers relate,
  - (f) deliver or cause to be delivered to the returning officer for the relevant election or referendum to which the ballot papers relate—
    - (i) those containers, together with a list of them and of the contents of each, and
    - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election, and
  - (g) at the same time deliver or cause to be delivered to that officer packets that so relate containing—
    - (i) the unused and spoilt ballot papers,
    - (ii) the tendered ballot papers.
    - (iii) the certificates as to employment on duty on the day of the poll.
- (2) A postal ballot paper must not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (3) and reaches the returning officer or any polling station in the local authority area for which the returning officer acts before the close of the poll, and
  - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (3) and reaches the returning officer or such a polling station before that time,
  - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
  - (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act, the returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).
- (3) The manner in which any postal ballot paper or postal voting statement may be returned—
- (a) to the returning officer, is by hand or by post,
  - (b) to a polling station, is by hand.
- (4) A postal ballot paper or postal voting statement that reaches the returning officer or a polling station on or after the close of the poll is treated for the purposes of this rule as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.

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

(5) Where separate ballot boxes are used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box intended for use at any relevant election or referendum.

(6) The returning officer, while counting and recording the number of ballot papers, 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.

(7) Unless otherwise directed by the combined authority returning officer, the returning officer must determine the hours during which the procedure under this rule is to be carried out and must take proper precautions for the security of the ballot papers and documents.

(8) The returning officer (R) must verify each ballot paper account by comparing it with the number of ballot papers recorded by R, and the unused and spoiled ballot papers in R's possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and must draw up a provisional statement as to the result of the verification, which any election agent may copy.

(9) As soon as practicable after the returning officer has drawn up the statement as to the result of the verification, the returning officer must inform the combined authority returning officer of its contents.

#### **Additional steps: verification and count carried out at different places**

**48.—**(1) This rule applies where the votes at an election are to be counted at a place other than that at which the procedures for the verification of the ballot paper accounts are carried out.

(2) The returning officer must on completing the procedure under rule 47—

- (a) make up into packets the ballot papers and the postal ballot papers for the election and seal them up into containers endorsing on each the description of the voting area to which those ballot papers relate; and
- (b) deliver or cause to be delivered to the place at which the counting of the votes is to be carried out—
  - (i) those containers together with a list of them and of the contents of each, and
  - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification.

(3) If the packets are not delivered by the returning officer personally, their delivery must be in accordance with arrangements approved by the combined authority returning officer.

(4) The combined authority returning officer may give a returning officer directions which, once the packets have been delivered to the place where the votes at the election are to be counted, require the returning officer to take specified steps for the carrying out of further specified verification procedures in relation to the ballot papers and other documents relating to the election.

(5) In paragraph (4), “specified” means specified by the combined authority area returning officer in directions given under that paragraph.

#### **Attendance at the count**

**49.—**(1) Where the returning officer at the combined authority mayoral election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, the returning officer must—

- (a) make arrangements for counting the votes at the election as soon as practicable after the close of the poll in the presence of the counting agents appointed for the purposes of that election; and

- (b) give the counting agents notice in writing of the time and place at which the counting of votes will begin.
- (2) Where the returning officer at the combined authority mayoral election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, the returning officer must—
- (a) make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to the returning officer by the person who does discharge those functions, and
  - (b) give to the counting agents notice in writing of the time, if by then the returning officer has received the ballot papers, and of the place at which the returning officer will begin to count the votes.
- (3) No person other than—
- (a) the returning officer and the returning officer’s 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 Political Parties, Elections and Referendums Act 2000,
  - (f) the combined authority returning officer and the combined authority returning officer’s clerks,
- may be present at the counting of the votes under rule 50, unless permitted by the returning officer to attend.
- (4) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless the returning officer—
- (a) is satisfied that the efficient separation of the ballot papers or, as the case may be, 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.
- (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 the returning officer can give them consistently with the orderly conduct of the proceedings and the discharge of the returning officer’s duties in connection with them.
- (6) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

### **The first count**

**50.**—(1) Where the returning officer at the combined authority mayoral election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, the returning officer must, after completion of the proceedings under rule 47, mix together all of the ballot papers used at the combined authority mayoral election and count the votes given on them.

(2) Where the returning officer at the combined authority mayoral election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, the returning officer must—

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- (a) on receipt of containers containing the ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 49(2), in the presence of the counting agents, open each container,
  - (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Elections Regulations, or under that regulation as applied by this Order or regulations made under sections 9MG and 105 of the Local Government Act 2000<sup>(82)</sup> or sections 52ZQ and 113 of the Local Government Finance Act 1992<sup>(83)</sup>, count such of the postal ballot papers as have been duly returned and record the number counted; and
  - (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.
- (3) Paragraph (10) does not apply to proceedings under paragraph (2).
- (4) The returning officer must then—
- (a) where the election is contested by three or more candidates, count the first preference votes given on them,
  - (b) where the election is contested by only two candidates, count the votes given on them
- (5) A postal ballot paper must not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (6) and reaches the returning officer or any polling station in the appropriate electoral area before the close of the poll,
  - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches the returning officer or such a polling station before that time,
  - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
  - (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act, the returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy.
- (6) The manner in which any postal ballot paper or postal voting statement may be returned—
- (a) to the returning officer, is by hand or by post,
  - (b) to a polling station, is by hand.
- (7) A postal ballot paper or postal voting statement that reaches the returning officer or a polling station on or after the close of the poll is treated for the purposes of this rule as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.
- (8) The appropriate electoral area in respect of any voter shall be—
- (a) the area which is common to the parliamentary constituency, electoral area, local counting area, local authority area or voting area (as the case may be) in which the polls at the combined authority mayoral election and any relevant election or referendum are being taken together, and
  - (b) in respect of which polls the voter has been issued with a postal ballot paper,
- and in subparagraph (a) “electoral area” means the local authority area for which the returning officer acts.
- (9) The returning officer must not count any tendered ballot papers.

<sup>(82)</sup> Section 9MG was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

<sup>(83)</sup> Section 52ZQ was inserted by the Localism Act 2011, section 72 and Schedule 5.

(10) While counting and recording the number of postal ballot papers and counting the votes, the returning officer 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.

(11) The returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the returning officer may exclude the hours between 7 in the evening and 9 on the following morning.

(12) During the time so excluded the returning officer must—

- (a) place the ballot papers and other documents relating to the election under the returning officer's own seal and the seals of such of the counting agents as desire to affix their seals, and
- (b) otherwise take proper precautions for the security of the papers and documents.

### **Rejected ballot papers**

**51.**—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which more than one first preference vote is given, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back, or
- (d) which is unmarked or void for uncertainty as to the first preference vote,

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

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

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

shall not for such reason be deemed to be void if—

- (i) at an election at which three or more candidates remain validly nominated, an intention that a vote shall be given, by way of a first preference vote, for not more than one of the candidates clearly appears, or
- (ii) at any other election, an intention that a vote shall be for one only of the candidates clearly appears,

and (in either case) the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) A ballot paper which is not otherwise void and on which not more than one first preference vote is marked (whether or not a second preference vote is marked) shall be valid as respects that vote, and counted accordingly.

(4) The returning officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if any objection is made to the returning officer's decision by a counting agent.

(5) The returning officer must draw up a provisional statement showing the number of ballot papers rejected, under the several heads of—

- (a) want of official mark,
- (b) voting for more than one candidate as to the first preference vote,
- (c) writing or mark by which the voter could be identified, and

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- (d) unmarked or void for uncertainty as to the first preference vote.
- (6) As soon as practicable after the completion of that statement, the returning officer must inform the combined authority returning officer of its contents.
- (7) In the case of an election where only two candidates remain validly nominated, this rule is to apply as if—
  - (a) in paragraph (1)(b), for “first preference vote” there were substituted “vote”,
  - (b) in paragraphs (1)(d), (5)(b) and (d), the words “as to the first preference vote” were omitted,
  - (c) paragraph (3) were omitted.

### **Decisions on ballot papers**

**52.** The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

### **Re-count**

**53.—**(1) A candidate, the candidate’s election agent or the counting agent designated under rule 29(3) may, if present when the counting or any re-count of the votes or, as the case may be, the first preference votes, is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in the returning officer’s opinion the request is unreasonable.

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

### **Procedure at conclusion of first count**

**54.—**(1) As soon as practicable after the conclusion of the first count (including any re-count), the returning officer must draw up a provisional statement showing—

- (a) the total number of ballot papers used,
  - (b) the total number of rejected ballot papers,
  - (c) at an election contested by three or more candidates—
    - (i) the number of first preference votes given for each candidate, and
    - (ii) the total number of first preference votes given, and
  - (d) at an election contested by only two candidates, the number of votes given for each candidate.
- (2) As soon as practicable after completion of the statement, the returning officer must—
- (a) inform such of the candidates and their election agents as are then present of the contents of the statements prepared in accordance with rule 51(5) and paragraph (1) of this rule, and
  - (b) inform the combined authority reporting officer of the contents of those statements.



## PART 5

### Further provision: more than two candidates

#### **The count of second preference votes**

**55.**—(1) If directed by the combined authority returning officer in accordance with rule 58, the returning officer must, at the time and place notified to the counting agents, count the number of second preference votes for each of the candidates remaining in the contest given by voters who did not give their first preference vote to any of those candidates.

(2) A ballot paper which is not otherwise void and on which not more than one second preference vote is marked shall be valid as respects that vote and shall be counted accordingly if, but only if, a valid first preference vote has also been marked.

(3) Rules 49(2) to (5), 50(4) to (7), 51 (except paragraph (3)) and 53 (except the words “the votes, or as the case may be,” in both paragraphs where they appear) shall apply in relation to the count of second preference votes as they apply in relation to the count of first preference votes as if references to first preference votes were references to second preference votes.

(4) The returning officer shall not be required to re-examine any decision taken under rule 52.

#### **The calculation of total votes**

**56.**—(1) The returning officer must add the number of second preference votes given for a candidate to the number of first preference votes given for that candidate, to give that candidate’s total number of votes.

(2) The returning officer must then draw up a provisional statement showing—

- (a) the total number of first preference votes given for each candidate,
- (b) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes,
- (c) the total number of votes given for each of those candidates, and
- (d) the number of ballot papers that were—
  - (i) valid as respects a first preference vote given for a candidate who did not remain in the contest after the count of the first preference votes, and
  - (ii) rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) As soon as practicable after completion of the statement, the returning officer must—

- (a) provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the statement, and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation,
- (b) as soon as practicable inform the combined authority returning officer of its contents.

## PART 6

### Final proceedings in contested and uncontested elections

#### **Combined authority returning officer’s re-count**

**57.**—(1) Once the combined authority returning officer has received the report of any returning officer on the contents of his or her provisional statement prepared under rule 47(8), 54(1) or 56(2),

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the combined authority returning officer may direct the returning officer to re-count (or further re-count) the votes.

(2) A re-count directed by the combined authority returning officer under paragraph (1) may be of the votes in all the electoral area, or in such part of the electoral area as the combined authority returning officer considers reasonable.

(3) A returning officer must proceed with a re-count as soon as practicable after receipt of the combined authority returning officer's direction, and if not proceeding forthwith shall notify those counting observers entitled to be present at the re-count of the time and place at which the returning officer will begin to re-count the votes.

### **Combined authority returning officer's direction to count second preference votes**

**58.**—(1) This rule applies if there are more than two candidates to be a combined authority mayor.

(2) If none of the candidates receive more than half of all first preference votes given in the election, the combined authority returning officer must direct each returning officer to count the number of second preference votes for each of the candidates remaining in the contest.

### **Returning officer's final statement, central calculation and declaration of result**

**59.**—(1) When the combined authority returning officer has determined not to direct that any re-count (or further re-count) must take place, he or she must direct the returning officers to draw up a final statement of the matters referred to in rule 47(8), 54(1) and, where applicable, 56(2) and to provide final versions of their statements of rejected ballot papers.

(2) The returning officer, having drawn up the final statement, must—

- (a) forthwith inform the combined authority returning officer of its contents, and
- (b) as soon as reasonably practicable give the combined authority returning officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(3) When authorised by the combined authority returning officer to do so, the returning officer must—

- (a) make a declaration of the matters referred to in the final statement, and
- (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(4) The combined authority area returning officer—

- (a) must make arrangements for the making of the calculation under this rule in the presence of the election agents, and
- (b) must give to those agents notice in writing of the time and place at which the calculation will begin.

(5) No person other than—

- (a) the combined authority area returning officer and the officer's clerks;
- (b) the returning officers and a clerk chosen by each of them;
- (c) the candidates and one person chosen by each of them;
- (d) the election agents;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000<sup>(84)</sup>,

<sup>(84)</sup> 2000 c. 41. Sections 6A to 6D were inserted by the Electoral Administration Act 2006 (c. 22), section 29.

may be present at a calculation, unless permitted by the combined authority returning officer to attend.

(6) A person not entitled to attend a calculation must not be permitted to do so by the combined authority area returning officer unless the officer—

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

(7) As soon as the combined authority returning officer has received the information required by paragraph (3) from every returning officer, the combined authority returning officer must—

- (a) in relation to an election contested by three or more candidates, ascertain the total of the first preference votes given to each candidate and, where relevant, the total of the second preference votes given to each candidate;
- (b) in relation to an election contested by only two candidates, ascertain the total number of votes given to each candidate.

(8) As soon as the combined authority area returning officer has ascertained the result of the calculation, the officer must inform such of the election agents as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(9) A person informed of the relevant figures under paragraph (8) may require the combined authority returning officer to make a calculation again but the officer may refuse to do so if in the officer's opinion the request is unreasonable.

(10) In paragraphs (8) and (9), "the relevant figures" means—

- (a) in the case of an election contested by three or more candidates—
  - (i) the number of first preference votes given for each candidate,
  - (ii) the calculation undertaken by the combined authority returning officer for the purpose of ascertaining whether a candidate is to be returned in accordance with paragraph 5(2) of Schedule 5B to the 2009 Act (candidate with overall majority of first preference votes);
  - (iii) where relevant—
    - (aa) the number of second preference votes given for each of the candidates remaining in the contest, and
    - (bb) the calculation undertaken by the combined authority returning officer for the purpose of ascertaining the total number of first and second preference votes given to each of those candidates.

(11) in the case of an election contested by only two candidates, the total number of votes given for each candidate.

(12) Where—

- (a) an election is contested by only two candidates, and
- (b) the total number of votes for each of them is unequal,

the combined authority returning officer must declare the candidate to whom the majority of the votes is given as the person to be returned as the combined authority mayor.

(13) Where—

- (a) an election is contested by only two candidates, and
- (b) the total number of votes given for each of them is equal,

the combined authority returning officer must decide by lots which of them is to be returned as the combined authority mayor.

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(14) Where an election is contested by three or more candidates, the combined authority returning officer must—

- (a) if one of candidates receives more than half of all the first preference votes given in the election, declare that candidate as the person to be returned as the combined authority mayor, or
- (b) if none of the candidates receive more than half of all the first preference votes given in the election, declare the candidate with the most total preference votes as the person to be returned as the combined authority mayor.

(15) If, after the second preference votes have been counted, the total number of votes given for two or more candidates remaining in the contest is equal, the combined authority returning officer must decide by lots which of them is to be returned as the combined authority mayor.

(16) The combined authority returning officer must give public notice of—

- (a) the name of the successful candidate,
- (b) the total number of first preference votes given for each candidate,
- (c) the number of rejected ballot papers at the election under each head shown in the statement of rejected ballot papers (rule 51(5)), and
- (d) if second preference votes were counted—
  - (i) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes, and
  - (ii) the number of ballot papers rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(17) In an uncontested election, the combined authority returning officer must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the person remaining validly nominated,
- (b) give public notice of the name of the person declared to be elected.

(18) The combined authority returning officer must inform the proper officer of the combined authority concerned of the result of the election.

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

**60.**—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 10 of these Rules shall be returned to the person making it or that person's personal representative.

(2) Subject to paragraph (4), the deposit shall 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 shall be disregarded if it would be disregarded under rule 4 in computing any period of time for the purpose of the timetable for a combined authority mayoral election, and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof of the candidate's death has been given to the combined authority returning officer before the conclusion of the first count, the deposit shall be returned as soon as practicable after the publication of the statement or after the death, as the case may be.

(5) Where a poll is taken, if, after the conclusion of the first count, the candidate is found not to have polled more than one-twentieth of the total number of first preference votes polled by all the candidates, the deposit shall be forfeited to the combined authority.

## PART 7

### Disposal of documents

#### Sealing up of ballot papers

**61.**—(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, including ballot papers rejected in part.

(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 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

(3) Where the returning officer discharges the functions referred to in regulation 5 of the Combinations of Polls Regulations, the returning officer must also not open the sealed packets of—

- (a) the completed corresponding number lists, or
- (b) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies

#### Delivery and retention of documents

**62.**—(1) The returning officer must then forward to the relevant registration officer of the constituent council concerned the following documents—

- (a) the packets of ballot papers in the returning officer's 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 43 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 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

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

(2) At an election where the returning officer does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (1) shall have effect as if subparagraphs (c), (d) and (f) were omitted.

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(3) In this rule and in rules 60, 61 and 62 references to the relevant registration officer are to the registration officer of the constituent council in relation to whose area the returning officer exercises functions under this Order.

### **Orders for production of documents**

**63.**—(1) An order—

- (a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the relevant registration officer, or
- (b) for the opening of a sealed packet of the completed corresponding number lists or 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 the County Court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

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

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

as the court making the order may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of completed corresponding number lists or of certificates as to employment on duty on the day of the poll 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 shall not be disclosed until it has been proved—

- (i) that the elector's 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 the County Court under this rule.

(6) Any power given under this rule to the County Court may be exercised by any judge of the court otherwise than in open court.

(7) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified election—

- (a) the production by the registration officer or agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election, and
- (b) any endorsement on any packet of ballot papers so produced shall 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,

shall 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 13B(3B) or (3D)

of the 1983 Act at the time of the election contained the same number as the number written as mentioned in sub-paragraph (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 relevant registration officer or open any sealed packets of completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

### **Retention of documents**

**64.** The relevant registration officer must retain for one year all documents relating to an election forwarded to him in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an order of the County Court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

## **PART 8**

### **Death of candidate**

#### **Countermand or abandonment of poll on death of a candidate**

**65.—**(1) 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 as candidate in the ballot papers has died, then the returning officer must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 (local elections void etc. in England and Wales) of the 1983 Act apply in respect of any vacancy which remains unfilled.

(2) Neither the countermand of the poll at the combined authority mayoral election nor the direction that the poll be abandoned shall affect the poll at each relevant election or referendum.

(3) Where the poll at the combined authority mayoral election is abandoned by reason of a candidate's death no further ballot papers shall be issued.

(4) Subject to paragraph (6), at the close of the poll at any relevant election or referendum the presiding officer must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as he would be required to do if the poll at the combined authority mayoral election had not been abandoned.

(5) The returning officer must dispose of ballot papers used at the combined authority mayoral election (at which the candidate has died) as he is required to do on the completion in due course of the counting of the votes subject to paragraphs (6) and (7).

(6) It is not necessary for any ballot paper account at that election to be prepared or verified.

(7) The returning officer, having separated the ballot papers relating to each relevant election or referendum must take no step or further step for the counting of the ballot papers used at the combined authority mayoral election (at which a candidate has died) or of the votes cast at that mayoral election.

(8) The returning officer must seal up all those ballot papers used at the combined authority mayoral election, 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.

(9) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents by the relevant registration officer relating to a poll at the combined authority mayoral election apply to any such documents relating to a poll abandoned by reason of a candidate's death, subject to paragraphs (10) and (11).

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

(11) No order is to be made for—

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

(b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution.

## PART 9

### Appendix of Forms

Notes: In this Appendix any reference to a numbered rule is a reference to the rule of that number in the Combined Authority Mayoral Elections Rules.

The forms contained in this Appendix may be adapted so far as circumstances require.

Form 1: Nomination paper

Form 2: Candidate's consent to nomination

Form 3: Ballot paper (two candidates) including directions as to printing

Form 4: Ballot paper (three or more candidates) including directions as to printing

Form 5: Corresponding Number List M1

Form 6: Corresponding Number List M2

Form 7(1): Postal Voting Statement

Form 7(2): Postal Voting Statement

Form 8: Elector's official poll card

Form 9: Official postal poll card

Form 10: Official proxy poll card

Form 11: Official proxy postal poll card

Form 12: Directions for guidance of voters

Form 13: Certificate of employment

Form 14: Declaration to be made by the companion of a voter with disabilities.



Form 1: Nomination paper

**Form of Nomination Paper**  
**(for use at combined authority mayoral elections)**

**Office use only**

Date Delivered	Time delivered	Details

ELECTION OF MAYOR for the Combined Authority of.....

Date of election .....

We, the undersigned, being local government electors for the said [*combined authority area*] do hereby nominate the person whose name appears below as a candidate at the mayoral election.

Candidate's surname	Other forenames in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any) use no more than six words	*Home Address in full / Local Government Electoral Area

\*Delete as Appropriate

# I am content for my home address to be made public and have provided it above

# I do not wish for my home address to be made public and have instead provided my electoral area above

\*Delete whichever is inappropriate

#Candidate's Signature: .....

# Combined Authority Returning Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.

Mr/Mrs/Miss/Ms/Dr/Other

Signature	Print name	Local Authority	Electoral number Polling District	Number
Proposer.....	.....	.....	.....	.....
Secunder.....	.....	.....	.....	.....
We, the undersigned being local government electors for the said [electoral area], do hereby assent to the foregoing nomination				
Signature				
1.....	.....	.....	.....	.....
2.....	.....	.....	.....	.....
3.....	.....	.....	.....	.....
4.....	.....	.....	.....	.....

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

5.....	.....	.....	.....	.....
6.....	.....	.....	.....	.....
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NOTES

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination papers contained in rules in Schedule 3 to the Combined Authorities (Mayoral Elections) Order 2017.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
4. But the ballot paper will show the other name if the combined authority returning officer
  - (a) thinks that the use of the commonly used name may be likely to mislead or confuse electors, or
  - (b) that the commonly used name is obscene or offensive.
5. The description, if any, can only be
  - (a) one certified as an authorised or registered description as mentioned in rule 7 of the election rules, or
  - (b) the word "Independent".

6. In this form "elector"
  - (a) means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of election; and
  - (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
7. However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

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

Form 2: Candidate’s consent to nomination

**Form of Candidate's Consent to Nomination  
(for use at combined authority mayoral elections)**

**Front of form**

Date of election .....

I (name in full) .....

Of (home address in full) .....

hereby consent to my nomination as a candidate for election as the mayor for the [insert name] Combined Authority

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Union, who has attained the age of 18 years and that

\*(a) I am registered as a local government elector within the area of the combined authority named above in respect of ..... (qualifying address in full) and my electoral number (see Note below) is .....; or

\*(b) I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant of the following land or other premises in that area (description and address of land or premises) .....; or

\*(c) my principal or only place of work during those 12 months has been in that combined authority area at [give address of place of work and, where appropriate, name of employer] .....; or

\*(d) I have during the whole of those 12 months resided in that area at ..... (give address in full)

\*Delete whichever is inappropriate

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, paragraph 9 of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009, section 34 of the Localism Act 2011, \*[sections 64 to 68 of the Police Reform and Social Responsibility Act 2011] (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

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

*\*Relevant Returning or Counting Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.*

Date of birth .....

Signature .....

Date of consent .....

Signed in my presence

Signature of witness .....

Name and address of witness .....  
(WRITE CLEARLY)

**NOTES**

1. A person's electoral number is that person's number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which that person is registered).
2. A candidate who is qualified by more than one qualification may complete any of those that may apply.

**Back of form**

**Set out paragraph 9 of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009, section 34 of the Localism Act 2011, \*[and sections 64 to 68 of the Police Reform and Social Responsibility Act 2011] (as amended from time to time.**

*\*Relevant Returning or Counting Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.*

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

Form 3: Ballot paper (two candidates)  
Front of ballot paper – all addresses shown

**Election of the Mayor for *(insert name of combined authority)***

Vote for **only one candidate** by putting a cross  in the box next to your choice.

<b>BASWRA, Paresh</b> 2 The Cottages, Anytown XY8 9JG Cream Party	Cream Party emblem	<input type="checkbox"/>
<b>CRANLEY, Alana</b> 4 The Walk, Anytown XY9 5JJ Purple Party	Purple Party emblem	<input type="checkbox"/>

*Back of Ballot Paper*

Number

Other unique identifying mark

Election for the Mayor of *[insert name of Combined Authority]*

on..... 20....

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

Front of ballot paper – address withheld

**Election of the Mayor for *(insert name of combined authority)***

Vote for **only one candidate** by putting a cross  in the box next to your choice.

---

**BASWRA, Paresh**

2 The Cottages, Anytown XY8 9JG

Cream Party

Cream  
Party  
emblem

---

**CRANLEY, Alana**

(address in the [ ] local government electoral area)

Purple Party

Purple  
Party  
emblem



*Back of Ballot Paper*

Number

Other unique identifying mark

Election for the Mayor of *[insert name of Combined Authority]*

on..... 20....

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

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3 to 14 must be observed in the printing of the ballot paper.
3. No word may be printed on the face except:
  - a. the heading "Election of the Mayor for ....."
  - b. within that heading, the name of the combined authority
  - c. the direction "Vote for only one candidate by putting a cross [X] in the box next to your choice."
  - d. the particulars of the candidates and words forming part of emblems mentioned at paragraphs 6 and 7 below.
4. A box must be printed around the direction referred to in paragraph 3 (c)
5. No rule may be printed on the face except:
  - a. as part of a box around the direction mentioned in paragraph 3(c)
  - b. the horizontal rule separating the direction mentioned in paragraph 3(c) from the particulars of the candidates
  - c. the horizontal rule separating the particulars of the candidates from one another;
  - d. a final horizontal rule below the particulars of the second candidate
  - e. as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal rules referred to in paragraphs 5(b) and 5(c) must:
  - (a) be equally spaced and the space between each of them must be a minimum of 2.5 centimetres; and
  - (b) extend from a point at least in line with the text on the left hand side of the page to a point directly above the centre of the box below that rule
7. The horizontal rule referred to in paragraph 5(d) must:
  - (a) extend from a point at least in line with the text on the left hand side of the page to a point directly below the right hand edge of the box above that rule; and
  - (b) be thicker than the other horizontal lines
8. Where a registered emblem is to be printed against a candidates particulars;
  - (a) it is to be printed adjacent to and to the right of the candidate's particulars;
  - (b) its size as printed must not exceed two centimetres square.
9. The heading "Elections of the Mayor for ....." must be in very large bold type.
10. The direction referred to in paragraph 3 (c) must be printed in bold type.
11. The candidates' names and descriptions, if any, must appear in bold type.

12. The surname of each candidate is to be printed in capitals with their other name(s) printed in lower case with initial capitals.

13. The descriptions of the candidates must appear in lower case with initial capitals.






14. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.

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

Form 4: Ballot paper (three or more candidates)  
 Front of ballot paper – all addresses shown

**Election of the Mayor for (insert name of combined authority)**

Vote once  in column A for your first choice, and  
 Vote once  in column B for your second choice

		Column A first choice	Column B second choice
<hr/> <b>BASWRA, Paresh</b> 2 The Cottages, Anytown XY8 9JG Liberal Democrats		 <input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>CRANLEY, Alana</b> 4 The Walk, Anytown XY9 5JJ Green Party		 <input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>EDGBASTON, Richard</b> 6 The Heath, Anytown XY4 0BH Common Good		<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>GUNNIL-WALKER, Roger</b> 33 The Lane, Anytown XY6 3GD Labour Party		 <input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>SMITH, Catherine Angelina</b> 21 The Grove, Anytown XY2 5JP Independent		<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>SMITH, Keith James</b> 3 The Road, Anytown XY3 4JN Conservative Party		 <input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>ZANUCK, George Henry</b> 17 The Parade, Anytown XY9 5KP United Kingdom Independence Party		 <input type="checkbox"/>	<input type="checkbox"/>

*Back of Ballot Paper*

Number

Other unique identifying mark

Election for the Mayor of *[insert name of Combined Authority]*






on..... 20....

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

Front of ballot paper – address withheld

**Election of the Mayor for (insert name of combined authority)**

Vote once  in column A for your first choice, and  
 Vote once  in column B for your second choice

	Column A first choice	Column B second choice
<hr/> <b>BASWRA, Paresh</b> 2 The Cottages, Anytown XY8 9JG Liberal Democrats 	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>CRANLEY, Alana</b> 4 The Walk, Anytown XY9 5JJ Green Party 	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>EDGBASTON, Richard</b> (address in the [ ] local government electoral area) Common Good	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>GUNNIL-WALKER, Roger</b> 33 The Lane, Anytown XY6 3GD Labour Party 	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>SMITH, Catherine Angelina</b> 21 The Grove, Anytown XY2 5JP Independent	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>SMITH, Keith James</b> 3 The Road, Anytown XY3 4JN Conservative Party 	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <b>ZANUCK, George Henry</b> 17 The Parade, Anytown XY9 5KP United Kingdom Independence Party 	<input type="checkbox"/>	<input type="checkbox"/>

*Back of Ballot Paper*

Number

Other unique identifying mark

Election for the Mayor of *[insert name of Combined Authority]*

on..... 20....

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

#### Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3 to 17 must be observed in the printing of the ballot paper.
3. No word may be printed on the face except:
  - (a) the heading "Election of the Mayor for .....";
  - (b) within that heading, the name of the combined authority;
  - (c) the direction "Vote once [X] in column A for your first choice, and Vote once [X] in column B for your second choice";
  - (d) the indicators "Column A first choice" and "Column B second choice" above the boxes on the right hand side;
  - (e) the particulars of the candidates; and
  - (f) words forming part of emblems mentioned at paragraph 9 below.
4. A box must be printed around the direction referred to in paragraph 3(c).
5. No rule may be printed on the face except:
  - (a) as part of the box referred to in paragraph 4;
  - (b) a horizontal rule above the particulars of the first candidate;
  - (c) the horizontal rules separating the particulars of the candidates from one another;
  - (d) a final horizontal rule below the particulars of the last candidate; and
  - (e) as part of the boxes in column A and column B on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal rules referred to in paragraph 5(b) and 5(c) must:
  - (a) be equally spaced and the space between each of them must be a minimum of 2.5 centimetres; and
  - (b) extend from a point at least in line with the text on the left hand side of the page to a point immediately before the shading around the boxes in column A.
7. The horizontal rule referred to in paragraph 5(d) must:
  - (a) extend from a point at least in line with the text on the left hand side of the page to a point directly below the shading beyond the right hand edge of the box in column B above that rule; and
  - (b) be thicker than the other horizontal lines.



8. The boxes in columns A and B referred to in paragraph 5(e) must each be bordered by a shaded area no more than 0.4 cm thick at the outside edge. Each shaded area must include an embedded arrow pointing downwards from the top of the column underneath the words "Column A first choice" and "Column B second choice"
9. Where a registered emblem is to be printed against a candidate's particulars:
  - (a) it is to be printed adjacent to and to the right of the candidate's particulars;
  - (b) its size as printed must not exceed two centimetres square.
10. The heading "Election of the Mayor for ....." must be in very large bold type.
11. All other words must appear in type that is smaller than the heading.
12. The direction referred to in paragraph 3(c) must be printed in bold type.
13. The candidates' names and descriptions, if any, must appear in bold type.
14. The words "first choice" and "second choice" above the boxes where the vote is to be marked must be printed in bold type.
15. The surname of each candidate is to be printed in capitals with their other name(s) printed in lower case with initial capitals.
16. The particulars of the candidates must appear in lower case with initial capitals.
17. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.





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

Form 7(1): Postal Voting Statement

<b>Postal voting statement</b>	<i>[Space for barcode]</i>																
<b>Election of the Mayor for <i>[insert name of combined authority]</i></b> <i>[Relevant Returning or Counting Officer to insert title(s) of other elections and referendums as appropriate]</i>																	
Date of election(s) [and referendum(s)] <i>[day] [date] [month] [year]</i>																	
<p><b>Important – you must fill in and return this postal voting statement with your completed ballot papers for them to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper numbers _____</p> <p>* <i>Relevant Returning Officer or Counting Officer to insert name but omit where sent to an anonymous elector</i></p> <p>(!) Check that the numbers on the back of your ballot papers match the numbers shown above. If these do not match, call us <b>immediately</b> on <i>(insert helpline number)</i>.</p>																	
<p><b>I am the person the ballot papers numbered above were sent to.</b></p> <p><b>My Date of Birth is:</b></p> <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;"> </td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;"> </td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;"> </td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;"> </td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;"> </td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;"> </td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;"> </td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;"> </td> </tr> <tr> <td colspan="2" style="text-align: center;">Day</td> <td colspan="2" style="text-align: center;">Month</td> <td colspan="4" style="text-align: center;">Year</td> </tr> </table> <p>* <b>My Signature is:</b>  <b>(You must sign inside the box)</b></p> <p>* <i>Relevant Returning or Counting Officer to omit box where the elector has been granted a waiver</i></p> <div style="border: 1px solid black; width: 300px; height: 80px; margin-left: auto; margin-right: auto;"></div> <p><b>We will check this information against our records for security.</b></p>										Day		Month		Year			
Day		Month		Year													
<p><b>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once at the same election [or referendum] (unless you are appointed as a proxy).</b></p> <p><i>Relevant Returning or Counting Officer to add pictorial guidance as appropriate.</i></p>																	

## Instructions for voting by post

Please read through carefully. If you need help, please call us on *[insert helpline number]*

- For your votes to be counted, you must fill in and return this postal voting statement with **all** your ballot papers (listed below).
  - Make sure you have filled in the **date of birth** *\*[and signature]* box(es) on this postal voting statement.  
*\*Returning Officer to delete where elector is granted a waiver.*
- \* UK Parliamentary election (*[insert colour]* ballot paper)**
- [Vote for **only one** candidate by putting a cross  in the box next to your choice.]
- \* [Local government election]/[Parish/Community council election] (*[insert colour]* ballot paper)**
- [Vote for **only one** candidate by putting a cross  in the box next to your choice.]
  - [Vote for **no more than** \_\_\_\_\_ candidates by putting a cross  in the box next to **each** of your choices.]
- \* European Parliamentary election (*[insert colour]* ballot paper)**
- [Vote **only once** by putting a cross  in the box next to your choice.]
- \* Election of the Mayor for *[insert name of combined authority]* (*[insert colour]* ballot paper)**
- # [Vote for **only one** candidate by putting a cross  in the box next to your choice.]
  - # [Vote by putting a cross  in the box  
In column A next to your first choice candidate  
In column B next to your second choice candidate  
Your first and second choices should be different]
  - # *Relevant Returning or Combined Authority Returning Officer to amend when there are only two candidates for the office of Mayor*
- \* [*Specify other*] election/referendum (*[insert colour]* ballot paper)**
- [*Specify voting instructions in accordance with the legislation governing the election or referendum*]  
*\* Relevant Returning or Combined Authority Returning Officer to add/amend as appropriate*
- (!) Do not mark the ballot papers in any other way or your votes may not count.
- (!) We must get your postal vote by **10pm on *[day]* *[date of poll]***. If you miss the post, you can hand it in at our office or at any polling station in the local authority area before **10pm on *[day]* *[date of poll]***.
- (!) After receiving this postal vote, you cannot vote in person at a polling station in *[this]* *[these]* election(s) *[and referendum(s)]*.

## Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as **we can only issue a replacement before 5pm on *[day]* *[date]* *[month]***. If you apply after **5pm on *[day before poll]*** we can only issue a replacement if you return this ballot pack by hand.

**Electoral fraud is a crime. It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person.**

The Returning Officer issued this statement.

*Relevant Returning or Combined Authority Returning Officer to add pictorial guidance as appropriate.*

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

Form 7(2): Postal Voting Statement

<b>Postal voting statement</b>	<i>[Space for barcode]</i>
<b>Election of the Mayor for <i>[insert name of combined authority]</i></b>	
Date of election <i>[day] [date] [month] [year]</i>	
<p><b>Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper number _____</p> <p>* <i>Returning Officer to insert name but omit where sent to an anonymous elector</i></p> <p>(!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us <b>immediately</b> on <i>(insert helpline number)</i>.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><b>I am the person the ballot paper numbered above was sent to.</b></p> <p><b>My Date of Birth is:</b>    <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/>    <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/></p> <p style="text-align: center;">Day                      Month                      Year</p> <p><b>* My Signature is:</b> <b>(You must sign inside the box)</b></p> <p>* <i>Returning Officer to omit box where the elector has been granted a waiver</i></p> <div style="border: 1px solid black; width: 100%; height: 60px; margin-top: 5px;"></div> <p><b>We will check this information against our records for security.</b></p> </div> <p><b>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter’s ballot paper. It is an offence to vote more than once (unless you are appointed as a proxy) at the same election.</b></p> <p><i>Returning Officer to add pictorial guidance as appropriate.</i></p>	

## Instructions for voting by post

Please read through carefully. If you need help, please call us on *[insert helpline number]*

- For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper for the election of the Mayor for *[insert name of combined authority]*
- Make sure you have filled in the **date of birth** *\*[and signature]* box[es] on this postal voting statement.  
*\*Returning Officer to delete where elector is granted a waiver.*

**Election of Mayor for *[insert name of combined authority]* (*[insert colour]* ballot paper)**

- #*[Vote for only one candidate* by putting a cross  in the box next to your choice.]
- #*[Vote by putting a cross  in the box*  
In column A next to your first choice candidate  
In column B next to your second choice candidate  
Your first and second choices should be different.]  
*#Relevant Returning or Combined Authority Returning Officer to amend when there are only two candidates for the office of Mayor.*
- Do not mark the ballot paper in any other way or your vote may not count.
- We must get your postal vote by **10pm on *[day]* *[date of poll]***. If you miss the post, you can hand it in at our office or at any polling station in the local authority area before **10pm on *[day]* *[date of poll]***.
- After receiving this postal vote, you cannot vote in person at a polling station in this election.

### Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as **we can only issue a replacement before 5pm on *[day]* *[date]* *[month]***.  
If you apply after **5pm on *[day before poll]*** we can only issue a replacement if you return this ballot pack by hand.

**Electoral fraud is a crime. It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person.**

The Returning Officer issued this statement.

*Returning Officer to add pictorial guidance as appropriate.*

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

### Form 8: Elector's official poll card

Front of card

<b>Poll card</b>
Election of Mayor for <i>[insert name of combined authority]</i>
Date of election <i>[day] [date] [month] [year]</i>

<b>Voting information</b>	
Polling Day	
Voting hours	
Your polling station will be	

Please turn over

<p>Your details:</p> <p>* <i>[Elector's name and qualifying address details here]</i></p> <p>*<i>Returning Officer to omit where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope</i></p> <p><b>Number on register:</b></p>
---

\*\* [You do not need to take this card with you in order to vote.]

\*\* [You must have this card with you. You cannot vote without it.]

\*\* *If anonymous elector omit the words in the first set of brackets. If not omit the words in the second set of brackets.*

*[insert helpline and other details including website]*

Back of card

<p><i>This space for map or other information such as helpline and website details</i></p>
--

It is an offence to:

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

<p> If you need any help or to find out if your polling station is accessible, please contact us.</p> <p><i>[Returning Officer to add contact details including website if appropriate]</i></p>
--

If undelivered return to:

*[insert return address]*

<p><b>If you are away or cannot go to the polling station on <i>[day] [date of poll]</i> you can do one of the following:</b></p> <ul style="list-style-type: none"> <li>• Apply to vote by post. Completed applications must reach us <b>before 5pm on <i>[day] [date of deadline]</i></b>. If you are given a postal vote, you will not be able to vote in person at this election.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us <b>before 5pm on <i>[day] [date of deadline]</i></b>. If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.</li> </ul>
--

<p><b>If after 5pm on <i>[the sixth day before the date of the poll]</i> you are unable to vote in person because you:</b></p> <ul style="list-style-type: none"> <li>• <b>Have a medical emergency</b></li> <li>• <b>Learn you cannot go to the polling station because of work reasons</b></li> </ul> <p>You can apply to vote by proxy. Completed applications must reach us <b>before 5pm on <i>[day] [date of deadline]</i></b>. To find out how to apply, call the helpline immediately.</p>
--

The Returning Officer issued this card.



## Form 9: Official postal poll card

Front of card

<b>Postal poll card</b>
Election of Mayor for <i>[insert name of combined authority]</i>
Date of election <i>[day] [date] [month] [year]</i>

<b>Voting information</b>
We will send your postal vote around <i>[day] [date] [month] [year]</i> <i>*[addressed to:]</i>
<i>*[Electors name and address]</i>

Please turn over

Your details:  <i>* [Elector's name and qualifying address details here]</i>  <i>*Returning Officer to omit in both places where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope</i>  <b>Number on register:</b>
---

### Your postal vote

- You will receive a postal vote for this election because you asked to vote by post.
- You will not be able to vote in a polling station.
- **If you have not received your postal vote by *[day] [date] [month]* call *[insert helpline number]*.**

Back of card

<b>How to vote</b>
<ol style="list-style-type: none"><li>1. When you receive your postal vote, read the instructions carefully.</li><li>2. Your postal vote includes your ballot paper and a postal voting statement.</li><li>3. Complete both of these and return them immediately.</li><li>4. We need to receive your postal vote by <b>10pm on <i>[day/date of poll]</i></b>.</li></ol>

**📞** If you need information in another format, please call our helpline below.

**📞** If you need help to vote, you can ask someone you know or get independent help by calling our helpline:

*[insert helpline and other details including website]*

<b>If you lose your postal vote or make a mistake</b>
<ul style="list-style-type: none"><li>• Please phone the helpline immediately.</li><li>• We can only issue a replacement postal vote before 5pm on <b><i>[day/date of deadline]</i></b>.</li></ul> <p>If you would rather vote in person, or ask someone else to vote on your behalf, you must cancel your postal vote <b>before 5pm on <i>[day/date of deadline]</i></b>. For more information, please call the helpline.</p>

<b>It is an offence to:</b>
<ul style="list-style-type: none"><li>• vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper</li><li>• vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person</li><li>• vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild</li><li>• vote as a proxy for someone if you know that by law they are not allowed to vote</li></ul>

The Returning Officer issued this card.

If undelivered, return to:

*[insert return address]*

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

### Form 10: Official proxy poll card

Front of card

<b>Proxy poll card</b>
Election of Mayor for <i>[insert name of combined authority]</i>
Date of election <i>[day] [date] [month] [year]</i>

<b>Voting information</b>	
Poling Day	
Voting hours	
Your polling station will be	

Please turn over

Your details:  * <i>[Proxy's name and qualifying address details here]</i>  *Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope
---

**You will receive a proxy vote**

\*\* *[The person named on the back of this card] [Another person] has appointed you as a proxy to vote on their behalf at this election.*

\*\* *[You do not need to take this card with you to vote.] [You must have this card with you. You cannot vote as a proxy without it.]*

\*\* *If sent to the proxy of an anonymous elector omit the words in the first set of brackets. If not omit the words in the each of the second sets of brackets.*

*[Insert helpline and other details including website]*

Back of card


For this election you are proxy for

\* *[Elector's name]*  
 \* *[Elector's address]*  
 \* *[Elector's number on register]*  
*[The person with this elector number: (insert elector's number on register)]*

*\*If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets.*

**The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.**

This space for map or other information such as helpline and website details

 If you need any help or to find out if your polling station is accessible, please contact us.  
*[Returning Officer to add contact details including website if appropriate]*

**How to vote as a proxy**

1. *\*[At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.] \*At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper for the person you are proxy for.]*  
*\*If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*
2. Go to one of the voting booths.
3. Follow the instructions on how to mark the ballot paper.
4. Fold the ballot paper and put in the ballot box.

**If you need any help, just ask the staff.**

<p><b>If you are away or cannot go to the polling station on <i>[day] [date of poll]</i>:</b></p> <ul style="list-style-type: none"> <li>• You can apply to vote by post. The deadline for completed applications is <b>5pm on <i>[day] [date of deadline]</i></b>.</li> <li>• If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this election.</li> <li>• <b>To find out how to apply, please call us on <i>[insert helpline number or other contact details]</i>.</b></li> </ul>
--

**It is an offence to:**

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Returning Officer issued this card.

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If undelivered return to  
*[insert return address]*

## Form 11: Official proxy postal poll card

Front of card

<b>Proxy postal poll card</b>
<b>Election of Mayor for</b> <i>[insert name of combined authority]</i>
Date of election <i>[day] [date] [month] [year]</i>

<b>Voting information</b>
<b>We will send your postal vote around <i>[day] [date] [month] [year]</i></b> <b><i>*[addressed to:]</i></b>
<i>*[Proxy's name and qualifying address details here]</i>
<i>*Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope</i>

Please turn over

Back of card

For this election you are proxy for:

*^Elector's name)  
(Elector's address)  
(Elector's number on register)  
(the person with this elector number: (insert elector's number on register))*

*^If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets.*

<b>How to vote</b>
<ol style="list-style-type: none"> <li>1. When you receive your postal vote, read the instructions carefully.</li> <li>2. Your postal vote includes your ballot paper and a postal voting statement.</li> <li>3. Complete both of these and return them immediately.</li> <li>4. We need to receive your postal vote by <b>10pm on <i>[day/date of poll]</i></b>.</li> </ol>

**📞** If you need information in another format, please call our helpline below.

**📞** If you need help to vote, you can ask someone you know or get independent help by calling our helpline:

*[insert helpline and other details including website]*

### Voting as a proxy

**\*\*** [The person named on the back of this card] [Another person] has appointed you as a proxy to vote on their behalf at this election.

**\*\*** *If sent to the proxy of an anonymous elector omit the words in the first set of brackets. If not omit the words in the each of the second sets of brackets.*

### Your postal vote

- You will receive a postal vote for this election because you asked to vote by post.
- You will not be able to vote as a proxy in a polling station.
- **If you have not received your postal vote by *[day] [date] [month]* call *[insert helpline number]***

### If you lose your postal vote or make a mistake

- Please phone the helpline immediately.
- We can only issue a replacement postal vote before 5pm on ***[day/date of deadline]***.

If you would rather vote in person you must cancel your postal vote **before 5pm on *[day/date of deadline]***. For more information, please call the helpline.

### It is an offence to:

- vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper
- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Returning Officer issued this card.

If undelivered, return to:

*[insert return address]*

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

Form 12: Directions for guidance of voters

**How to vote at [this] [these] election(s)  
[and referendum(s)]**

1

Go to the desk and tell the staff your name and address.  
They will give you your ballot papers.



2

Take your ballot papers to a voting booth.



3

Read the instructions in the booth and mark your ballot papers.



4

When you have marked your ballot papers, fold them so that nobody can see how you have voted.



5

Put your folded ballot papers into the [appropriate] ballot box[es].



**(!) Voting is secret. Do not let anyone see how you have voted.  
❗ If you make a mistake or need some help, just ask the staff.**

Form 13: Certificate of employment

<b>Certificate of Employment</b>
<b>Election of the Mayor for the area of [insert name of combined authority]</b>
*Relevant constituent council:
Date of election (day) (date) (month) (year)
The person named below is entitled to vote at any polling station in the area of the above named relevant constituent council on production and surrender of this certificate to the Presiding Officer.
I certify that _____ (name of elector) Who is numbered** _____ in the register of electors for the area of the relevant constituent council named above, cannot reasonably be expected to go in person to the polling station allotted to him/her at this election by reason of his/her employment on the above date for a purpose connected with this election:  - as a constable*** - as a Police Community Support Officer*** - by me (only applies to Returning Officer's staff)***  Signature _____ Returning Officer / Police Officer (Inspector or above)***  Date _____
*A relevant constituent council is a district council, the area of which is part of the area of the combined authority, or in the case of a part of the combined authority area for which there is a county council but no district councils, the county council. ** The elector's number can be found on the poll card which was sent to them shortly after the election was announced, or can be checked by contacting the Electoral Registration Officer. *** Person completing the form to delete whichever does not apply.

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

Form 14: Declaration to be made by the companion of a voter with disabilities.

<b>Declaration for the companion of a voter with disabilities</b>	
Election of the Mayor for <i>[insert name of combined authority]</i> *[Election of Member of Parliament for the <i>[insert name of constituency]</i> constituency] *[Election of Members of the European Parliament for the <i>[insert name of Region, e.g 'North West Region']</i> ] *[Election of councillors to <i>[insert name of local authority/parish/community council in full]</i> ] *[[ <i>Insert name of election/referendum</i> ] election/referendum]	
Date of election <i>[day] [date] [month] [year]</i>	
A voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote at this election without assistance. In this form, "voter" means the person casting the vote at the election and includes a person voting as a proxy.	
<b>Part 1 To be completed by the voter's companion</b>	
Companion's name	
Companion's address	
Voter's name	
[Only for use if the disabled voter is acting as a proxy] Voter is acting as proxy for:	
Elector's number [If the disabled voter is acting as a proxy, this is the number of the person for whom the voter is acting]	

<p><b>I have been requested to assist the voter named above to record their vote at this election. I declare that:</b></p>			
<p><b>(1)</b></p> <ul style="list-style-type: none"> <li>• I am entitled to vote as an elector at this election</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• I am the *spouse/*civil partner/*parent/*brother/*sister/*child of the voter with disabilities and am 18 years of age or over</li> </ul> <p style="text-align: center;"><i>*Please delete whichever does not apply</i></p>			
<p><b>AND</b></p> <p><b>(2)</b></p> <ul style="list-style-type: none"> <li>• I have not previously assisted more than one voter with disabilities at this election.</li> </ul> <p>If I have assisted one other voter their name and address is:</p>			
<p>[Complete if appropriate] Name and address of other person assisted</p>			
<p><b>NOTE – It is a criminal offence to communicate at any time to any person any information as to the way in which the voter intends to vote or has voted.</b></p>			
Companion's signature		Date	
<p><b>Part 2 To be completed by the Presiding Officer</b></p>			
<p>I, the undersigned, being the Presiding Officer for:</p>			
Polling station		Electoral area of	
<p>certify that the above declaration was signed in my presence.</p>		Presiding Officer signature	
Date		Time (exact)	

SCHEDULE 4

Article 4(2)

Combination of polls – amendment of secondary legislation

**European Parliamentary Elections Regulations 2004**

- 1.—(1) The European Parliamentary Elections Regulations 2004(85) are amended as follows.
- (2) In regulation 2(1) (interpretation) after the definition of “the City” insert—
  - ““combined authority mayoral election” means an election of a mayor for a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;”
- (3) In regulation 11 (combination of polls) after paragraph (b) insert—

(85) S.I. 2004/293. Relevant amendments were made by S.I. 2009/186.

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

- “(c) the poll at a combined authority mayoral election in accordance with the Combined Authorities (Mayoral Elections) Order 2017,”
- (4) In rule 23(4) and (5) of Schedule 1 (European Parliamentary Election Rules) after paragraph (b) in each place insert “or (c) the poll at a combined authority mayoral election in accordance with the Combined Authorities (Mayoral Elections) Order 2017”.
- (5) In paragraph 17(9) of Schedule 2 (absent voting) at the end insert “or under the Combined Authorities (Mayoral Elections) Order 2017”.
- (6) In paragraph 40(1) of Schedule 2 (interpretation of Part 4 of that Schedule), in the definition of “relevant election or referendum”, after paragraph (ca) insert—
- “(cb) a combined authority mayoral election;”.
- (7) In paragraph 41 of Schedule 2 after sub-paragraph (b) insert—
- “(c) the poll at a combined authority mayoral election in accordance with the Combined Authority (Mayoral Elections) Order 2017.”.
- (8) In paragraph 2(1) of Schedule 3 (definitions for the purposes of modifications of the European Parliamentary elections rules set out in Schedule 1 to the European Parliamentary Elections Regulations 2004)—
- (a) before the definition of “police and crime commissioner” insert—
- ““combined authority mayoral election” means an election of a mayor for a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;”
- (b) in the definition of “relevant election or referendum”, after paragraph (c) insert—
- “(ca) a combined authority mayoral election;”.

## **The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004**

2.—(1) The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004<sup>(86)</sup> are amended as follows.

- (2) In regulation 2 (interpretation)—
- (a) after the definition of “2002 Act” insert—
- ““2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;”
- (b) before the definition of “GLRO” insert—
- ““combined authority mayoral election” means an election of a mayor for a combined authority under Part 6 of the 2009 Act;”.
- (3) In regulation 4 (returning officers and polling stations)—
- (a) in paragraphs (1)(a), (2)(a), (3)(a), (4)(a), (5)(a), (6)(a) and (7)(a) for “or police area” substitute “, police area or combined authority area”;
- (b) after paragraph (7A) insert—
- “(7B) Where none of the above paragraphs applies and the poll at a combined authority mayoral election is taken together with the poll at a European Parliamentary election under a relevant enactment—
- (a) those functions of the returning officer at the European Parliamentary election which are specified in regulation 5 shall be discharged by the returning officer

<sup>(86)</sup> S.I. 2004/294; relevant amendments were made by S.I. 2012/1917 and S.I. 2014/920.



- at the combined authority mayoral election for such part of the electoral region as is situated in the combined authority area; and
- (b) only polling stations used for the combined authority mayoral election shall be used for the European Parliamentary election.”;
- (c) in paragraph (9)—
- (i) for “paragraphs (1) to (7A) above” substitute “paragraphs (1) to (7B) above”;
- (ii) in sub-paragraph (a) after “mayoral election” insert “or a combined authority mayoral election”;
- (d) in paragraph (10), in the definition of “the listed provisions”, after sub-paragraph (c) insert—
- “(d) section 117 of, and paragraph 12 of Schedule 5B to, the 2009 Act;”
- (e) in paragraph (10), before the definition of “county council election” insert—
- “combined authority area” means the area of the combined authority established by an order under section 103 of the 2009 Act;”
- (f) in paragraph (11), after sub-paragraph (c) insert—
- “(d) the returning officer at a combined authority mayoral election shall be construed as including a reference to the combined authority returning officer.”
- (4) In regulation 5 (functions at combined polls)—
- (a) in paragraph (1), after sub-paragraph (f) insert—
- “(g) at a combined authority mayoral election, by those rules in an order made under section 117 of, and paragraph 12 of Schedule 5B to, the 2009 Act which correspond to the rules specified in paragraph (2);”
- (b) in paragraph (3)—
- (i) omit “and” at the end of sub-paragraph (b);
- (ii) after sub-paragraph (c) insert—
- “; and
- (d) that regulation and that part as applied by an order made under section 117 of, and paragraph 12 of Schedule 5B to, the 2009 Act.”
- (5) In regulation 8 (modification of parliamentary elections rules) in paragraph (c) for “or PCC election” substitute “, PCC election or combined authority mayoral election”.
- (6) In paragraph 2 of Schedule 2 (definitions for the purposes of modifications of the parliamentary elections rules set out in Schedule 1 to the 1983 Act)—
- (a) after the definition of “Combination of Polls Regulations” insert—
- ““combined authority mayoral election” means an election of a mayor for a combined authority under Part 6 of the 2009 Act;”
- (b) in the definition of “relevant election or referendum”, after paragraph (c) insert—
- “(ca) a combined authority mayoral election,”

### **The Local Elections (Principal Areas) (England and Wales) Rules 2006**

**3.—**(1) The Local Elections (Principal Areas) (England and Wales) Rules 2006<sup>(87)</sup> are amended as follows.

- (2) In rule 2 (interpretation)—

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<sup>(87)</sup> [S.I. 2006/3304](#); relevant amendments were made by [S.I. 2012/1917](#).

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

- (a) in paragraph (1), after the definition of “Combination of Polls Regulations” insert—
  - ““combined authority mayoral election” means an election of a mayor for a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;”
- (b) in paragraph (2), after sub-paragraph (d) of the definition of “relevant election or referendum” substitute insert—
  - “(da) a combined authority mayoral election;”

#### **The Local Elections (Parishes and Communities) (England and Wales) Rules 2006**

4.—(1) The Local Elections (Parishes and Communities) (England and Wales) Rules 2006<sup>(88)</sup> are amended as follows.

- (2) In rule 2 (interpretation)—
  - (a) in paragraph (1), after the definition of “Combination of Polls Regulations” insert—
    - ““combined authority mayoral election” means an election of a mayor for a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;”
  - (b) in paragraph (2), after sub-paragraph (d) of the definition of “relevant election or referendum” insert—
    - “(da) a combined authority mayoral election;”

#### **The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007**

5.—(1) The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007<sup>(89)</sup> are amended as follows.

- (2) In regulation 2 (interpretation)—
  - (a) in paragraph (1), after the definition of “candidate” insert—
    - ““combined authority mayoral election” means an election of a mayor for a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;”
  - (b) after paragraph (e) of the definition of “relevant election or referendum” insert—
    - “(ea) a combined authority mayoral election;”.

#### **The Local Authorities (Conduct of Referendums) (England) Regulations 2012**

6.—(1) The Local Authorities (Conduct of Referendums) (England) Regulations 2012<sup>(90)</sup> are amended as follows.

- (2) In regulation 2(1) (interpretation)—
  - (a) after the definition of “the Local Government Act Referendums (Combination of Polls) Rules” insert—
    - ““combined authority mayoral election” means an election of a mayor for a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;”
  - (b) in the definition of “relevant election or referendum” after sub-paragraph (e) insert—

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<sup>(88)</sup> S.I. 2006/3305; relevant amendments were made by S.I. 2012/1917.

<sup>(89)</sup> S.I. 2007/1024; relevant amendments were made by S.I. 2012/1917.

<sup>(90)</sup> S.I. 2012/323.

“(ea) a combined authority mayoral election;”

### **The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012**

7.—(1) The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012<sup>(91)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “chief counting officer” insert—

““combined authority mayoral election” means an election of a mayor for a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;”

(b) in the definition of “relevant election or referendum” after sub-paragraph (e) insert—

“(ea) a combined authority mayoral election;”

### **The Police and Crime Commissioner Elections Order 2012**

8.—(1) The Police and Crime Commissioner Elections Order 2012<sup>(92)</sup> is amended as follows.

(2) In article 13(1) (combination of polls) after sub-paragraph (e) insert—

“(ee) an election in England for the return of a mayor as provided for in an order made under section 107A<sup>(93)</sup> of the Local Democracy, Economic Development and Construction Act 2009.”

(3) In Schedule 4 (combination of polls) in paragraph 1(2) in the modified version of section 15 of the Representation of the People Act 1985—

(a) in subsection (1)(d) after sub-paragraph (v) insert—

“(vi) an election in England for the return of a mayor as provided for in an order made under section 107A of the Local Democracy, Economic Development and Construction Act 2009,”

(b) in subsection (3)(a) after sub-paragraph (vi) insert—

“(vii) an election in England for the return of a mayor as provided for in an order made under section 107A of the Local Democracy, Economic Development and Construction Act 2009,”

## SCHEDULE 5

Article 8

### Free delivery of election addresses

1. In this Schedule—

“candidate” means a person who stands nominated as a candidate at the election;

“election” means an election for the return of a combined authority mayor;

“election address” shall be construed in accordance with paragraph 2;

“elector” in relation to an election, means a person entitled, in accordance with paragraph 6 of Schedule 5B to the 2009 Act, to vote at that election;

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<sup>(91)</sup> [S.I. 2012/444](#).

<sup>(92)</sup> [S.I. 2012/1917](#).

<sup>(93)</sup> Section 107A was inserted by section 2 of the Cities and Local Government Devolution Act 2016 (c. 1).

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

“election booklet” shall be construed in accordance with paragraph 5;

“print” means print by whatever means (and “printer” shall be construed accordingly); and

“registered political party” means a party which was registered under Part 2 (registration of political parties) of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of election is required to be published.

2. For the purposes of article 8 and this Schedule, an election address, in relation to a candidate, is a statement prepared by the candidate’s election agent which complies with the provisions of paragraphs 3 and 4.

3.—(1) An election address must contain matter relating to the election only.

(2) In particular, an election address must not contain—

- (a) any advertising material (other than material promoting the candidate as a candidate at the election),
- (b) any other material appearing to be included with a view to commercial gain, or
- (c) any material referring to any other candidate.

(3) An election address may include representations of the registered emblem, or (as the case may be) one of the registered emblems, of a registered political party if the address is prepared on behalf of an authorised party candidate.

(4) Where an election address is prepared on behalf of an authorised party candidate, the address may contain a description registered under section 28A or, if the description is registered for use by candidates of two or more parties, under section 28B of the Political Parties, Elections and Referendums Act 2000.

(5) In sub-paragraph (3) “authorised party candidate”, in relation to a registered political party, means a candidate who has been authorised to use the emblem or description in question by a certificate—

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

(6) An election address must—

- (a) contain a statement to the effect that it has been prepared by the candidate’s election agent,
- (b) give the name and address of the election agent, and
- (c) subject to paragraph (7), give the name and address of the candidate on whose behalf it has been prepared.

(7) Where a candidate’s home address has been withheld in accordance with rule 6(7) of Schedule 1 or Schedule 3, as the case may be, to this Order, the reference to the candidate’s address shall be read as a reference to the information mentioned in rule 6(7)(b).

4.—(1) Subject to any requirements imposed by or under this paragraph, the format of a candidate’s election address may be determined by the candidate (and, in particular, may consist of a combination of words, pictures and artwork).

(2) An election address must be printed on not more than two sides of A5 paper, but if such an address is printed on two sides of such paper—

- (a) it must, when submitted to the combined authority returning officer for inclusion in the election booklet, be accompanied by a second version printed on a single side of such paper, and

- (b) if the total number of candidates from whom election addresses have been accepted by the combined authority returning officer by the last time for delivery of nomination papers for the election exceeds 15, the version to be included in the election booklet shall be the second version.
- (3) An election address must—
  - (a) comply with such requirements as to typographical layout, margins and use of colour as the combined authority returning officer may determine, and
  - (b) comply with such other requirements as he may determine with a view to facilitating its reproduction as a page or pages of the election booklet.
- (4) An election address must, when submitted to the combined authority returning officer for inclusion in the election booklet, be accompanied—
  - (a) where the address is to contain a photograph of the candidate, by two identical copies of the photograph, of which one is signed on the back by the candidate, and
  - (b) in any case, by such copies of anything contained in the address as the combined authority returning officer may reasonably require in connection with the reproduction of the address.
- 5. For the purposes of this Schedule, the election booklet is a document prepared by the combined authority returning officer which contains the election addresses of all candidates who—
  - (a) desire their election addresses to be included in the booklet, and
  - (b) have submitted—
    - (i) those addresses, and
    - (ii) any additional material required under paragraph 4(4),

to the combined authority returning officer before the last time for the delivery of nomination papers for the election.

- (2) If—
  - (a) it appears to the combined authority returning officer that any of the requirements of paragraphs 3 and 4 has not been complied with in relation to an election address, or
  - (b) a candidate fails to make the payment required by paragraph 8 in respect of an election address,

the combined authority returning officer shall decline to include the address in the election booklet.

6.—(1) The order in which the candidates' election addresses appear in the election booklet shall be determined by lot drawn by the combined authority returning officer as soon as reasonably practicable after the last time for the delivery of nomination papers for the election.

- (2) The election booklet may include, in addition to candidates' election addresses, a statement by the combined authority returning officer—
  - (a) explaining the nature and purpose of the election booklet,
  - (b) listing in alphabetical order, the names of all the candidates at the election (whether or not their election addresses are included in the booklet), and
  - (c) giving the date of the election and such other information about it as the combined authority returning officer may determine.
- (3) The election booklet must—
  - (a) contain a statement that it has been published by the combined authority returning officer, and

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(b) give the name and address of the combined authority returning officer and those of the printer of the booklet.

(4) Subject to sub-paragraphs (1) to (3), the form of the election booklet shall be determined by the combined authority returning officer.

(5) The election agent of each candidate whose election address has been accepted by the combined authority returning officer for inclusion in the booklet shall be given an opportunity to attend at a time and place notified to him by the combined authority returning officer in order to check, and submit to the combined authority returning officer typographical corrections to, the proof of the candidate's address.

(6) If the election agent of any such candidate fails to avail themselves of that opportunity, the combined authority returning officer may—

- (a) make such typographical corrections to the proof as appear to him or her to be appropriate, and
- (b) proceed with the printing and distribution of the election booklet without further reference to the candidate or his or her election agent (and without incurring any liability for any errors in the candidate's address).

(7) No person other than—

- (a) the candidate on whose behalf an election address included in the election booklet was prepared, or
- (b) the candidate's election agent,

shall incur any civil or criminal liability in respect of the publication of that address in the election booklet or its dissemination in accordance with paragraph 7.

7.—(1) Copies of the election booklet shall be delivered by the combined authority returning officer, in envelopes addressed to individual electors, at such time and by such means as the combined authority returning officer may determine.

(2) The combined authority returning officer may disseminate the contents of the election booklet by such other means as he or she may determine.

8.—(1) Each candidate by whom an election address is submitted to the combined authority returning officer for inclusion in the election booklet shall pay to the combined authority returning officer such reasonable sum (which shall be the same for each such candidate) as the combined authority returning officer may determine by way of contribution towards the expenses incurred by him in respect of the printing of the election booklet.

(2) The payment required by sub-paragraph (1) shall be made at such time, and in such manner, as the combined authority returning officer may determine.

(3) A candidate shall be entitled to a full refund of any such payment if, but only if, the candidate has given notice of withdrawal of their candidature before the last time for the withdrawal of candidates.

(4) If the total amount of the payments made by candidates under this paragraph exceeds the total amount of the expenses incurred by the combined authority returning officer in respect of the printing of the election booklet, the combined authority returning officer shall—

- (a) divide the amount of the excess between those candidates in equal shares, and
- (b) send to each of those candidates a payment in respect of his share.

9.—(1) The amount of any payment made by a candidate under paragraph 8 (or, if sub-paragraph (4) of that paragraph applies, the net amount of any such payment after deducting the payment under that sub-paragraph) shall be taken, for the purposes of Part 2 (the Election

campaign) of the 1983 Act (as modified for the purposes of combined authority mayoral elections by regulation 3(2) and (4) of, and Schedule 2 to, these Regulations), to be an amount of election expenses incurred by the candidate in relation to the election.

(2) Nothing in section 75(1) (restriction on third party election expenditure) of the 1983 Act (as modified as mentioned in sub-paragraph (1)) shall be taken to apply, in relation to any candidate, to any expenses incurred by the combined authority returning officer in consequence of the relevant provisions referred to in article 3 of this Order.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) makes provision for the establishment of combined authorities for two or more local government areas. That Act was amended by the Cities and Local Government Devolution Act 2016 (c. 1) to provide for elected mayors for combined authorities. This Order makes provision for the conduct of elections for combined authority mayors. The Order is modelled on the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024 as amended).

Article 3 and Schedules 1 and 2 provide for the conduct of a combined authority mayoral election. The Combined Authority Mayoral Elections Rules as contained in Schedule 1 apply when the mayoral election is not combined with any other poll. Each candidate's nomination paper must be subscribed by at least 100 electors (with at least 10 electors from each constituent council), and a deposit of £5000 must be paid. If there are three or more mayoral candidates, the elected mayor will be returned under the supplementary vote system, for which provision is made in paragraph 5 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009.

Article 3 and Schedule 2 also apply other electoral legislation, with modifications, to facilitate the conduct of combined authority mayoral elections. In particular, section 76 of the Representation of the People Act 1983 is modified so that the maximum amount that a candidate may spend in election expenses is £2,362 multiplied by the total number of constituent councils together with an additional 5.9p for every entry in the register of electors.

Article 4 makes provision for the rules for the conduct of combined authority mayoral elections to be modified when combined with other polls. The rules for conducting such elections are set out in Schedule 3. Article 4 and Schedule 4 also amend the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 and other statutory instruments to enable polls to be taken together.

Articles 5 and 6 provide for the appointment of returning officers for each local authority area that comprises the combined authority and for a combined authority returning officer with overall supervision.

Article 7 provides for combined authority mayoral elections to be questioned using the same procedures (in Part 3 of the Representation of the People Act 1983 (c. 3)) that apply to the questioning of local authority elections and mayoral elections.

Article 8 and Schedule 5 provide for the free delivery of election addresses. Candidates at mayoral elections who wish to have their election addresses included in the election booklet prepared and distributed by the returning officer are required to pay a contribution of such reasonable amount

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as the returning officer may determine towards the expenses incurred by the returning officer in printing the election booklet.

A full impact assessment has not been produced for this instrument because no, or no significant, impact on the private, voluntary or public sectors is foreseen.