

Gosport Borough Council (Identification in Polling Stations) Pilot Order 2018

Made - - - - 14th January 2018

Coming into force in accordance with Article 1

This Order is made in the exercise of the powers conferred by section 10(1) of the Representation of the People Act 2000 (“the 2000 Act”)(a).

Gosport Borough Council submitted proposals for a scheme under section 10 of the 2000 Act to apply to any election that will take place in relation to any vacancy in the membership of the Borough Council arising on the ordinary day for elections in 2018.

The Minister for the Cabinet Office modified the Borough Council’s proposals and consulted the Borough Council on the modifications, as required by section 10(1) of the 2000 Act.

The Minister for the Cabinet Office also consulted the Electoral Commission on these proposals, as required by section 10(1A) of the 2000 Act.

The Minister for the Cabinet Office makes the following Order:

Citation and commencement

1. This Order may be cited as the Gosport Borough Council (Identification in Polling Stations) Pilot Order 2018 and comes into force on the day after the day it is made.

Interpretation

2. In this Order and in any modification to an enactment made by this Order, unless the contrary intention appears—

“2000 Act” means the Representation of the People Act 2000;

“2006 Principal Areas Rules” means the Local Elections (Principal Areas) (England and Wales) Rules 2006;(b)

“the Appendix” means the Appendix of Forms in Part 7 of Schedule 2 to the 2006 Principal Areas Rules (as modified by this Order);

“ballot paper refusal form” means the form for recording the refusal of a ballot paper referred to in paragraph (2E) of rule 35 of Schedule 2 to the 2006 Principal Areas Rules (as inserted by this Order);

“the election” means any local government election that takes place arising from a vacancy in the membership of Gosport Borough Council arising on the ordinary day of elections in 2018.

Conduct of elections

3.—(1) In relation to the election, the enactments governing the conduct of elections specified in the Schedules to this Order have effect subject to the modifications made by this Article.

(a) 2000 c. 2.

(b) S.I. 2006/3304.

(2) The provisions in Schedule 2 to the 2006 Principal Areas Rules set out in column (1) of Table 1 in Schedule 1 to this Order shall have effect subject to the modifications in column (2) of that Table.

(3) In the Appendix of Forms in Part 7 of Schedule 2 to the 2006 Principal Areas Rules—

(a) for the following forms substitute the form of the same name in Schedule 2 to this Order—

(i) “official poll card”;

(ii) “official proxy poll card”;

(iii) “form of directions for the guidance of the voters in voting”;

(b) after “form of declaration to be made by the companion of a voter with disabilities” insert “form of ballot paper refusal” in Schedule 2 to this Order.

(4) After Schedule 2 to the 2006 Principal Areas Rules insert, as Schedule 2A, the Schedule set out in Schedule 3 to this Order.

(5) The provisions set out in column (1) of Table 2 in Schedule 4 to this Order shall have effect subject to the modifications in column (2) of that Table.

14th January 2018

David Lidington
Minister for the Cabinet Office
Cabinet Office

SCHEDULE 1

Article 3(2)

Modifications to Schedule 2 to the 2006 Principal Areas Rules

Table 1

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
23 Provision of polling stations	After paragraph (4) insert— i(5) The returning officer must ensure that each polling station has an area where a voter can produce a specified document in private where the voter makes a request to do so.†
25 Issue of official poll cards	After sub-paragraph (3)(c) insert— i(ca) that the voter must bring identification to the polling station;† After paragraph (4) insert— i(4A) The returning officer must take reasonable steps to provide the elector and any proxy with information concerning

the requirement to provide identification at the polling station and the forms of identification that are acceptable.”

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Equipment of polling stations

After sub-paragraph 3(d) insert—

- i(e) the form referred to in rule 35(2E) for recording the refusal of a ballot paper (“ballot paper refusal form”) as prescribed in the Appendix;
- (f) the form referred to in rule 35(2J) for recording information relating to a specified document (“data collection form”).¹

After paragraph (6) insert—

i(6A) The returning officer must also provide a large notice, to be displayed inside the polling station, which describes the types of specified document one of which a voter must produce before receiving a ballot paper.¹

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Admission to polling station

After sub-paragraph (1)(f) insert—

- i(fa) representatives of the Cabinet Office;¹

33

Questions to be put to voters

In the Table of questions to be put to the voter, after question 6 insert—

“7.	Any person applying as an elector or proxy	What is your name? What is your address?”
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After paragraph (4) insert—

i(5) Nothing in this rule shall prevent the presiding officer who attends at a polling station from providing any voter with a questionnaire concerning the requirement to provide identification at the polling station in order to vote.

(6) The questionnaire mentioned in paragraph (5) must not—

- (a) be delivered to a voter until the voter has placed their ballot paper into the ballot box; or
- (b) contain any question designated to elicit any information from the voter as to the candidate for whom he has voted.¹

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Voting Procedure

At the beginning of paragraph (1) insert “Subject to paragraphs (2A) to (2J),”

After paragraph (2) insert—

i(2A) A ballot paper must not be delivered to a voter unless that voter has produced a specified document to the presiding officer or a clerk.

(2B) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced must deliver a ballot paper to the voter in accordance with paragraph (1) unless the officer or clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.

(2C) Where in such a case—

- (a) it is the presiding officer who so decides he must refuse to deliver a ballot paper to the voter;
- (b) it is the clerk who so decides, he must refer the matter and produce the document or documents to the presiding officer, who shall proceed as if it had been to him that the voter had presented himself and produced the document in the first place.

(2D) The decision of the presiding officer under paragraph (2B) may not be questioned in any proceedings whatsoever other than proceedings on an election petition.

(2E) Where the presiding officer refuses to deliver a ballot paper in accordance with paragraph (2C), the voter's electoral number must be recorded on the ballot paper refusal form together with the reason why a ballot paper was refused.

(2F) A specified document is—

- (a) in the case of an elector who has an anonymous entry, a certificate of anonymous registration;
- (b) in any other case—
 - (i) a document which falls within paragraph (2G); or
 - (ii) where the voter is unable to produce a document specified in that paragraph, two documents which fall within paragraph (2H), each of which must be from a different category, other than sub-paragraph (c), and one of which must include the voter's registered address; or
 - (iii) where the voter is unable to produce two documents specified in that paragraph, an electoral identity letter.

(2G) The documents referred to in paragraph (2F)(b)(i) are any of the following issued to the voter—

- (a) a passport issued by a Commonwealth country or a country within the European Economic Area;
- (b) a photocard driving licence (including a provisional licence) issued in the United Kingdom or by a Crown Dependency or by a member State of the European Union;
- (c) an electoral identity card issued under section 13C (electoral identity card: Northern Ireland) of the Representation of the People Act 1983;
- (d) a biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the UK Borders Act 2007;
- (e) an identity card issued in the European Economic Area which bears a photograph of the voter;
- (f) a disclosure and barring certificate which includes the voter's registered address;
- (g) an identity card issued by the Ministry of Defence which bears a photograph of the person to whom it is issued;
- (h) a defence privilege card issued by the Ministry of

Defence;

- (i) a concessionary travel photocard issued by any local authority within the County of Hampshire.

(2H) The documents referred to in paragraph (2F)(b)(ii) are any of the following issued to the voter and if they fall within sub-paragraphs (a) to (f) must be dated within 12 months of the day of the poll—

- (a) a financial statement, including but not limited to—
 - (i) a mortgage statement;
 - (ii) a bank or building society statement or a letter from the bank or building society confirming that the applicant has opened an account with that bank or building society;
 - (iii) a credit card statement;
 - (iv) a pension statement;
- (b) a council tax demand letter or statement;
- (c) a utility bill;
- (d) a Form P45 or Form P60 issued to the voter by their employer or former employer;
- (e) a Form P2, P6 or P9 issued by Her Majesty's Revenue and Customs;
- (f) a statement of benefits or entitlement to benefits, such as statement of child benefit within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992, or a letter confirming that the voter is entitled to housing benefit, within the meaning of section 130 of that Act;
- (g) a valid bank or building society debit or credit card;
- (h) a driving licence, which is not in the form of a photocard;
- (i) a birth certificate;
- (j) a marriage certificate or civil partnership certificate;
- (k) an adoption certificate.

(2I) The presiding officer must—

- (a) inspect a voter's specified document in a private area where the voter makes a request to do so; and
- (b) exclude any person other than the voter's companion from that private area while such an inspection is taking place.

(2J) The presiding officer must record the following information on the data collection form—

- (a) in respect of each type of document referred to in paragraph (2G), the number of documents produced where a ballot paper was delivered;
- (b) the number of voters who produced two documents referred to in paragraph (2H) where a ballot paper was delivered;
- (c) the combinations of two documents produced under paragraph (2H) where a ballot paper was delivered;

- (d) the number of voters who produced an electoral identity letter;
- (e) the number of voters who produced a document referred to in paragraph (2G) but were refused a ballot paper;
- (f) the number of voters who produced only one document referred to in paragraph (2H);
- (g) the number of voters who produced a document other than a document referred to in paragraphs (2G) and (2H);
- (h) the number of voters who produced no documents;
- (i) the number of voters referred to in sub-paragraphs (e) to (h) who later returned and produced a document referred to in paragraph (2G) and were delivered a ballot paper;
- (j) the number of voters referred to in sub-paragraphs (e) to (h) who later returned and produced two documents referred to in paragraph (2H) and were delivered a ballot paper;
- (k) the number of voters who were refused a ballot paper due to a failure to correctly answer a statutory question.î

After paragraph (6) insert—

î(7) In this rule, a reference to—

- (a) an “electoral identity letter”, is a reference to a letter issued by the returning officer for the purposes of the election in accordance with Schedule 2A of these Rules;
- (b) a “certificate of anonymous registration”, is a reference to the certificate issued by the registration officer to the voter certifying that the voter has an anonymous entry in the register;
- (c) a document—
 - (i) is a reference to the document itself and not a copy, whether in paper or electronic form; and
 - (ii) is a reference to one or more documents;
- (d) producing a document, is a reference to producing the document for inspection.”

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**Votes marked by
presiding officer**

After paragraph (1) insert—

î(1A) Paragraphs (2A) to (2J) of rule 35 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 35(1), but reading a reference to delivering a ballot paper to a voter as a reference to causing a voter's vote to be marked on a ballot paper.î

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**Voting by persons
with disabilities**

After paragraph (2) insert—

î(2A) Paragraphs (2A) to (2J) of rule 35 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 35(1), but reading a reference to delivering a ballot paper to a voter as a reference to granting a voter's application.î

38	<p>After paragraph (6) insert—</p> <p style="padding-left: 40px;">i(7) Paragraphs (2A) to (2J) of rule 35 apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1), (4) or (6) above as they apply in the case of a voter who applies for a ballot paper under rule 35(1).¹</p>
Tendered ballot papers	
43	<p>After paragraph (3) insert—</p> <p style="padding-left: 40px;">i(4) As soon as practicable after the close of the poll, the presiding officer must also make up into separate packets the data collection form and the ballot paper refusal form and arrange for them to be delivered to the returning officer in accordance with the returning officer’s instructions.¹</p>
Procedure on close of poll	
44	<p>After sub-paragraph (2)(e) insert—</p> <p style="padding-left: 40px;">i(f) representatives of the Cabinet Office.”</p>
Attendance at counting of votes	
52	<p>After paragraph (1) insert—</p> <p style="padding-left: 40px;">i(1A) Within 10 days after the day of the poll, the returning officer must forward—</p> <p style="padding-left: 80px;">(a) the data collection form to the Electoral Commission and a copy of that form to the Cabinet Office and to Gosport Borough Council, and</p> <p style="padding-left: 80px;">(b) the ballot paper refusal form to the relevant registration officer and a copy of that form to the Electoral Commission and the Cabinet Office.</p> <p style="padding-left: 40px;">(1B) The recipient of such a form may only use the information contained in it for the purposes of evaluating the pilot scheme and for electoral purposes.</p> <p style="padding-left: 40px;">(1C) The data collection form and ballot paper refusal form may not be disclosed to any other person other than in proceedings relating to an election petition or in relation to an investigation into electoral fraud.¹</p> <p>After paragraph (2) insert—</p> <p style="padding-left: 40px;">i(3) For the purposes of paragraph (1A), any day falling within rule 2(1) must be disregarded.¹</p>
Delivery of documents to relevant registration officer	

SCHEDULE 2

Article 3(3)

Forms to be used for the election

Form of front of official poll card

<p>Poll card</p> <p>Election of councillors to <i>[Insert name of local authority]</i></p> <p><i>[Insert name of electoral division/ward]</i></p> <p>Date of election: <i>[day] [date] [month] [year]</i></p>	<p style="text-align: center;">YOU MUST BRING ID TO VOTE</p> <p>You will <u>not be able to vote</u> unless you show ID to polling station staff. A full list of accepted ID is set out overleaf and at website <i>[insert website details]</i>.</p>						
<p>Voting Information:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Polling day</td> <td></td> </tr> <tr> <td>Voting hours</td> <td></td> </tr> <tr> <td>Your polling station will be</td> <td></td> </tr> </table>	Polling day		Voting hours		Your polling station will be		<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>Number on register:</p> <p>** [You do not need to take this card with you in order to vote.]</p> <p>** [You must have this card with you. You cannot vote without it]</p> <p><i>** If anonymous elector omit the words in the first set of brackets, if not omit the words in the second set of brackets.</i></p> <p><i>[Insert helpline and other details including website]</i></p>
Polling day							
Voting hours							
Your polling station will be							
<p><i>This space for map or other information such as helpline and website details.</i></p>	<p>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:</p> <ul style="list-style-type: none"> • Apply to vote by post. Completed applications must reach us before 5pm on <i>[day] [date of deadline.]</i> If you are given a postal vote, you will not be able to vote in person at this election. <p>OR</p> <ul style="list-style-type: none"> • Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us before 5pm on <i>[day] [date of deadline.]</i> <p>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.</p>						
<p>It is an offence to:</p> <ul style="list-style-type: none"> • 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 after 5 pm on <i>[the sixth day before the date of the poll]</i> you are unable to vote in person because you:</p> <ul style="list-style-type: none"> • Have a medical emergency; or • Learn you cannot go to the polling station because of work reasons <p>You can apply to vote by proxy. Completed applications must reach us before 5pm on <i>[day] [date of deadline.]</i> To find out how to apply, call the helpline immediately.</p>						
<p> If you need any help or to find out if your polling station is accessible, please contact us. <i>(Returning Officer to add contact details including website if appropriate)</i></p>							

If undelivered return to: *[Insert return address]*.

The Returning Officer issued this card.

Form of back of official poll card

Form of Identification

**[In the case of a poll card sent to an elector other than an anonymous elector, details of all forms of acceptable identification in relation to that elector be listed here]*

OR

**[In the case of a poll card sent to an elector with an anonymous entry, details of all forms of acceptable identification in relation to that elector be listed here]*

* Returning Officer to insert details as appropriate

Form of front of official proxy poll card

Proxy poll card
Election of councillors to <i>[Insert name of local authority]</i>
<i>[Insert name of electoral division/ward]</i>
Date of election: [day] [date] [month] [year]


Voting Information:	
Polling day	
Voting hours	
Your polling station will be	

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 of 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 it in the ballot box.

If you need any help, just ask the staff.

YOU MUST BRING ID TO VOTE

You will not be able to vote unless you show ID to polling station staff.
 A full list of accepted ID is set out overleaf and at website *[insert website details]*.

Your details:

**[Proxy's name and qualifying address details here]*

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

You will receive a proxy vote

****** [The person named below] [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 when you go to vote.
 You cannot vote as a proxy without it.]

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

[insert helpline and other details including website]

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

- **You can 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.
- **To find out how to apply, please call us on [insert helpline number or other contact 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 undelivered return to: *[insert return address]*.

The Returning Officer issued this card.

Form of back of official proxy poll card

Form of Identification









**[In the case of a poll card sent to an elector other than an anonymous elector, details of all forms of acceptable identification in relation to that elector be listed here]*

OR

**[In the case of a poll card sent to an elector with an anonymous entry, details of all forms of acceptable identification in relation to that elector be listed here]*

* Returning Officer to insert details as appropriate

Local Government Election for the Borough of Gosport on Thursday, 3 May 2018

 Guidance for voters		
	Before you can be given your ballot paper, you need to provide your identification document(s) to the polling station staff to prove who you are.	
	When you are given your ballot paper go to one of the polling booths.	
	Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.	
	<p>Vote for 1 candidate only.</p> <p>Put no other mark on the ballot paper, or your vote may not be counted.</p>	
	Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote.	
	Put the ballot paper in the ballot box and leave the polling station.	
		

Form of ballot paper refusal

Time	Elector Number	Reason for refusing a ballot paper

SCHEDULE 3

Article 3(4)

Electoral Identity Letter: Schedule to be inserted into the 2006 Principal Areas Rules

“SCHEDULE 2A

Rule 35

Electoral Identity Letter

1. This Schedule applies where a person makes an application to the returning officer for an electoral identity letter.
2. An application for an electoral identity letter may only be made by a person who is entered in the register of local government electors in a local authority in England and Wales and is entitled to vote in the election either as an elector or as a proxy.
3. An application for an electoral identity letter must be in writing and state—
 - (a) the applicant’s full name;
 - (b) the applicant’s registered address;
 - (c) the date of the application;
 - (d) a declaration by the applicant that the information provided in the application is true.
4. The returning officer must issue an electoral identity letter in accordance with paragraph 5 if the returning officer is satisfied—
 - (a) that the applicant is entitled to vote in the election either as an elector or as a proxy;
 - (b) as to the identity of the applicant, and
 - (c) that the requirements imposed under this Schedule in relation to the application have been met.
5. An electoral identity letter issued to an applicant (P) must—
 - (a) state P’s full name, registered address and electoral number; and
 - (b) bear P’s photograph.
6. An application may not be made under this Schedule after 5pm on the day of the poll.†

SCHEDULE 4

Article 3(5)

Modifications to other enactments

Table 2

<i>(1) Provision</i>	<i>(2) Modifications</i>
<i>2000 Act</i>	

iDuty to co-operate with the Electoral Commission

10A.—(1) The returning officer for a local government election to which an order under section 10 applies shall ensure that the Electoral Commission, and any person authorised by the Commission, is afforded access to any ballot paper, document, equipment, computer software, computer hardware, data stored electronically or place that is to be, is being, or has been used for the purposes of the election.

(2) Subsection (1) shall apply only to the extent that the Electoral Commission reasonably requires access to the ballot paper, document, equipment, computer software, computer hardware, data stored electronically or place for the purpose of enabling the Commission to assess the election in question.

(3) Subsection (1) shall not require the returning officer to give access without an order of the court, to any ballot paper, document, equipment, computer software, computer hardware, data stored electronically which, by reason of a requirement in any enactment, is contained within a sealed packet.î

2006 Principal Areas Rules

Rule 2(1) Interpretation

Insert in the appropriate place—

“the Appendix”, means in Schedule 2 to these Rules, the Appendix of Forms in Part 7 as modified by the Gosport Borough Council (Identification in polling Stations) Order 2018;”

“ballot paper refusal form” means the form for recording the refusal of a ballot paper referred to in paragraph (2E) of rule 35 of Schedule 2;”

“data collection form” means the form for recording information relating to a specified document referred to in paragraph (2J) of rule 35 of Schedule 2;”

“day or date of the poll” means 3rd May 2018;”

“election” means any local government election that takes place arising from a vacancy in the membership of Gosport Borough Council arising on the ordinary day of elections in 2018;”

“electoral area” means the local government area in which the election is held;”

“registered address” means the address which is entered on the local government register for the electoral area;”

“specified document” has the meaning given by paragraph (2F) of rule 35 of Schedule 2;”

