Woking 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).

Woking 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 Woking 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 $2006;(\mathbf{b})$
 - "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 Woking 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

(1)	(2)
Rule	Modification
23	After paragraph (4) insert—
Provision of polling stations	ì(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.î
25	After sub-paragraph (3)(c) insert—
Issue of official poll cards	i(ca)that the voter must bring identification to the polling station;î
	After paragraph (4) insert—
	ì(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."

26

After sub-paragraph 3(d) insert—

Equipment of polling stations

- l(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(2I) for recording information relating to a specified document ("data collection form").î

After paragraph (6) insert—

ì(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.î

30

After sub-paragraph (1)(f) insert—

ì(fa) representatives of the Cabinet Office;î

Admission to polling station

33

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

Questions to be put to voters

"7.	Any person applying as an	What is your name?
	elector or proxy	What is your address?"

After paragraph (4) insert—

- ì(5) Nothing in this rule prevents 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.î

35

At the beginning of paragraph (1) insert "Subject to paragraphs (2A) to (2I),"

Voting Procedure

After paragraph (2) insert—

- ì(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 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, an anonymous elector's card;
 - (b) in any other case, a document which falls within paragraph (2G).
- (2G) The documents referred to in paragraph (2F)(b) are any of the following issued to the voter—
 - (a) a passport issued by a Commonwealth country or a member State of the European Union;
 - (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 senior bus pass issued by Surrey County Council;
 - (g) a disabled people's bus pass issued by Surrey County Council;
 - (h) a student fare card issued by Surrey County Council;
 - (i) a 16-25 railcard issued by the Association of Train Operating Companies;
 - (j) a railway season ticket photocard;
 - (k) a local electoral card.
 - (2H) 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.

- (2I) 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 a specified document but who were refused a ballot paper;
 - (c) the number of voters who produced a document other than a specified document;
 - (d) the number of voters who produced no document;
 - (e) the number of voters in sub-paragraphs (b) to (d) who later returned with a specified document and received a ballot paper;
 - (f) the number of voters who were refused a ballot paper due to a failure to correctly answer a statutory question."

After paragraph (6) insert—

- ì(7) In this rule, a reference to—
 - (a) a "local electoral card" is a reference to a card issued by the returning officer for the purposes of the election in accordance with Part 1 of Schedule 2A to these Rules;
 - (b) an "anonymous elector's card" is a reference to a card issued by the returning officer for the purpose of the election in accordance with Part 2 of Schedule 2A to these Rules;
 - (c) a document, is a reference to the document itself and not a copy, whether in paper or electronic form;
 - (d) producing a document, is a reference to producing the document for inspection."

36

After paragraph (1) insert—

Votes marked by presiding officer

i(1A) Paragraphs (2A) to (2I) 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

37

After paragraph (2) insert—

Voting by persons with disabilities

ì(2A) Paragraphs (2A) to (2I) 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

After paragraph (6) insert—

Tendered ballot papers

i(7) Paragraphs (2A) to (2I) 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).î

43 After paragraph (3) insert—

Procedure on close of poll

"(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.î

44 After sub-paragraph (2)(e) insert—

i(f) representatives of the Cabinet Office."

Attendance at counting of votes

52 After paragraph (1) insert—

Delivery of documents to relevant registration officer ì(1A) Within 10 days after the day of the poll, the returning officer must forward—

- (a) the data collection form to the Electoral Commission and a copy of that form to the Cabinet Office and to Woking Borough Council, and
- (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.
- (1B) The recipient of such a form may only use the information contained in it for the purposes of evaluating the pilot scheme or for electoral purposes.
- (1C) The data collection form and ballot paper refusal form may not be disclosed to any person other than in proceedings relating to an election petition or in relation to an investigation into electoral fraud.î

After paragraph (2) insert—

ì(3) For the purposes of paragraph (1A), any day falling within rule 2(1) must be disregarded.î

SCHEDULE 2

Article 3(3)

Forms to be used for the election

Form of front of official poll card

Poll card

Election of councillors to [Insert name of local authority]

[Insert name of electoral division/ward]

Date of election: [day] [date] [month] [year]

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

YOU MUST BRING ID TO VOTE

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 [Insert website details].

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]

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.

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

- Have a medical emergency; or
- 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 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]

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*[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

Proxy poll card

Election of councillors to [Insert name of local authority]

[Insert name of electoral division/ward]

Date of election: [day] [date] [month] [year]

Voting Information	n:
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

* 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.]*[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.
- 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 <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 [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]

OF

*[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

How to vote at this election		
1	Go to the desk and give your ID to the staff.	
2	Tell the staff your name and address and they will issue you with a ballot paper.	
3	Take your ballot paper to a voting booth.	
4	Read the instructions in the booth and mark your ballot paper.	Bailot paper
5	When you have marked your ballot paper, fold it so that nobody can see how you have voted.	7
6	Put your folded ballot paper into the ballot box.	

Form of ballot paper refusal form

Time	Elector Number	Reason for refusing a ballot paper	

SCHEDULE 3

Article 3(4)

Local Electoral Card and Anonymous Elector's Card: Schedule to be inserted into the 2006 Principal Areas Rules

ischedule 2A

Rule 35

Local Electoral Card and Anonymous Elector's Card

Part 1

Local Electoral Card

- 1. This Part applies where a person makes an application to the returning officer for a local electoral card.
- **2.** An application for a local electoral card 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 a local electoral card must—
 - (a) be in writing and state—
 - (i) the applicant's full name;
 - (ii) the applicant's registered address;
 - (iii) the date of the application;
 - (iv) a declaration by the applicant that the information provided in the application is true;
 - (b) be accompanied by the documents required by paragraph 4; and
 - (c) be accompanied by a photograph which satisfies the requirements of paragraph 5.
- **4.**—(1) The documents referred to in paragraph 3(b) are the following, which may be a copy of the document or where the returning officer considers it appropriate, the document itself—
 - (a) two of the documents in sub-paragraph (2) and one document from sub-paragraph (3);
 - (b) where the applicant is not able to provide documents in accordance with paragraph (a), one document from sub-paragraph (2) and two documents from sub-paragraph (3);
 - (c) where the applicant is not able to provide the documents in accordance with paragraph (b), four of the documents in sub-paragraph (3);
 - (d) where the applicant is not able to provide the documents in accordance with paragraph (c), an attestation in accordance with sub-paragraph (4).
- (2) The documents referred to in paragraph 4(1)(a) and (b) are the following, which, with the exception of those in paragraph (g), must have been issued in the United Kingdom or a Crown Dependency—
 - (a) the applicant's birth certificate;
 - (b) the applicant's marriage or civil partnership certificate;

- (c) the applicant's adoption certificate;
- (d) the applicant's firearms certificate granted under the Firearms Act 1968;
- (e) the record of a decision on bail made in respect of the applicant in accordance with section 5(1) of the Bail Act 1976;
- (f) the applicant's driving licence, which is not in the form of a photocard;
- (g) the applicant's photocard driving licence (including a provisional licence) issued other than in the United Kingdom or by a Crown Dependency, or by a Member State of the European Union; or
- (h) the applicant's student identity card, issued by a Further Education or Higher Education institution.
- (3) The documents referred to in paragraph 4(1)(a), (b) and (c) are the following which must bear the applicant's name and registered address and, where more than one document is to be provided, each document must be from a different category other than paragraph (f)—
 - (a) a mortgage statement dated within 12 months of the date of the application;
 - (b) a bank or building society statement, or a letter from the bank or building society confirming the opening of an account, dated within 3 months of the date of the application;
 - (c) a credit card statement dated within 3 months of the date of the application;
 - (d) a pension statement dated within 12 months of the date of the application;
 - (e) a council tax demand letter or statement dated within 12 months of the date of the application;
 - (f) a utility bill dated within 3 months of the date of the application;
 - (g) a Form P45 or Form P60 issued to the applicant within 12 months of the date of the application;
 - (h) a statement of benefits or entitlement to benefits, such as a 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 applicant is entitled to housing benefit, within the meaning of section 130 of that Act; or
 - (i) any other financial statement dated within 12 months of the date of the application.
 - (4) The attestation referred to in paragraph 4(1)(d) must—
 - (a) confirm that the applicant is the person named in the application;
 - (b) be in writing and signed by a person—
 - (i) whom the returning officer is satisfied is of good standing in the community;
 - (ii) who is registered as an elector in the electoral area;
 - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant; and
 - (iv) who has not already signed attestations under this paragraph for two applicants;
 - (c) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation; and
 - (d) state the date on which it is made.
- **5.** The photograph referred to in paragraph 3(c) is a passport sized photo which bears a likeness of the applicant and is attested as such by a person—
 - (a) the returning officer is satisfied is of good standing in the community;
 - (b) registered as an elector in a local authority area in England and Wales; and
 - (c) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant.

- **6.** The returning officer must issue a local electoral card in accordance with paragraph 7 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) the requirements imposed under this Schedule in relation to the application have been met.
 - 7. A local electoral card issued to an applicant (P) must—
 - (a) state P's full name and registered address; and
 - (b) bear P's photograph.

Part 2

Anonymous Elector's Card

- **8.** This Part applies where a person makes an application to the returning officer for an anonymous elector's card.
- **9.** An application for an anonymous elector's card may only be made by a person who is entered in the register of local government electors for the electoral area and has an anonymous entry in respect of that entry.
 - 10. An application for an anonymous elector's card must—
 - (a) be in writing and state—
 - (i) the applicant's electoral number;
 - (ii) the date of the application;
 - (iii) a declaration by the applicant that the information provided in the application is true;
 - (b) be accompanied by the documents required by paragraph 4; and
 - (c) be accompanied by a photograph which satisfies the requirements of paragraph 5.
- 11. The returning officer must issue an anonymous elector's card in accordance with paragraph 12 if the returning officer is satisfied—
 - (a) that the applicant is entered in the register of local government electors for the electoral area and has an anonymous entry in respect of that entry;
 - (b) as to the identity of the applicant, and
 - (c) the requirements imposed under this Part in relation to the application have been met.
 - 12. An anonymous elector's card issued to an applicant (P) must—
 - (a) state P's electoral number; and
 - (b) bear P's photograph.

Part 3

Closing date for applications under Part 1 or 2

13. An application may not be made under Part 1 or 2 after 5pm on the day before the day of the poll.î

Modifications to other enactments

Table 2

(1) Provision	(2) Modifications	
2000 Act		
Section 10	After section 10 insert—	

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 Woking 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 (2I) of rule 35 of Schedule 2;"

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

i"election" means any local government election that takes place arising from a vacancy in the membership of Woking 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;"