

The Woking Borough Council (Identification in Polling Stations) Pilot Order 2019

Made - - - - 26th February 2019

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 (the “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 that Council arising on the ordinary day of elections in 2019.

The Minister for the Cabinet Office modified the Council’s proposals, having consulted the Council on those 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 2019 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;

“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 2019.

Conduct of elections

3.—(1) In relation to the election, the enactments specified in this article shall have effect subject to the substitutions and modifications made by this article.

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

(a) 2000 c. 2. The powers conferred under section 10 are exercisable concurrently by the Secretary of State and the Minister for the Cabinet Office; see section 16A as amended by the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997).

(b) S.I. 2006/3304.

(3) For the following forms in the Appendix substitute the form of the same name in Schedule 2 to this Order—

- (a) official poll card (to be sent to an elector voting in person);
- (b) official proxy poll card (to be sent to an appointed proxy voting in person);
- (c) form of directions for the guidance of the voters in voting.

(4) In the Appendix, 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.

(5) The provisions set out in column (1) of the Table in Schedule 3 to this Order shall have effect subject to the modifications in column (2) of that Table.

Duty to co-operate with the Electoral Commission

4.—(1) The returning officer for a local election to which this Order 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 purpose of the election.

(2) Paragraph (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) Paragraph (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 or data stored electronically which, by reason of a requirement in any enactment, is contained in a sealed packet.

26th February 2019

Chloe Smith
Minister for the Constitution
Cabinet Office

SCHEDULE 1

Article 3(2)

Modifications to Schedule 2 to the 2006 Principal Areas Rules

Table

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
23	After paragraph (4) insert— “(5) The returning officer must ensure that arrangements are in place in each polling place to enable a voter to produce a specified document in private where the voter makes a request to do so.”
Provision of polling stations	
25	After paragraph (3)(c) insert— “(ca) that the voter must bring identification to the polling station;”
Issue of official poll cards	
	After paragraph (4) insert— “(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 paragraph (3)(d) insert— “(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”).”
Equipment of polling stations	
	After paragraph (6) insert— “(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.”
30	After paragraph (1)(f) insert— “(fa) representatives of the Cabinet Office;”
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	<hr/> “7. Any person applying as an (a)What is your name?” <hr/>

elector or proxy

(b)What is your
address?"

After paragraph (4) insert—

“(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 designed to elicit any information as to the candidate for whom the voter has voted.”

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

Voting Procedure

After paragraph (2) insert—

“(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, an anonymous elector’s document;
- (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, an electoral identity document.

(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^(a);
- (e) an identity card issued in the European Economic Area which bears a photograph of the voter;
- (f) a PASS scheme card (national proof of age standards scheme);
- (g) a Ministry of Defence Identity Card;
- (h) a concessionary travel pass funded by HM Government;
- (i) an Oyster 60+ pass;
- (j) a photocard parking permit issued as part of the Blue Badge scheme.

(2H) The presiding officer must—

- (a) inspect a voter's specified document in a private area where the voter requests that this is done; and
- (b) exclude any person from that private area while such an inspection is taking place other than a person permitted by the voter to be present.

(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 an electoral identity document where a ballot paper was delivered;
- (c) the number of voters who produced a specified document but were refused a ballot paper;
- (d) the number of voters who produced a document other than a specified document;
- (e) the number of voters who produced no document;
- (f) the number of voters in sub-paragraphs (c) to (e) who later returned with a specified document and were delivered a ballot paper;
- (g) the number of voters who were refused a ballot paper due to a failure to correctly answer a statutory question.”

After paragraph (6) insert—

(a) 2007 c. 30.

“(7) In this rule, a reference to—

- (a) an “electoral identity document” is a reference to a document issued by the returning officer for the purposes of the election in accordance with rule 35A of these Rules;
- (b) an “anonymous elector’s document” is a reference to a document issued by the returning officer for the purpose of the election in accordance with rule 35B of these Rules;
- (c) a “document” is a reference to the document itself, but does not include a document in electronic form, and does not include a copy; and
- (d) “producing a document” is a reference to producing the document for inspection.”

35A

After rule 35 insert—

Electoral identity document

“35A.—(1) This rule applies where a person makes an application to the returning officer for an electoral identity document.

(2) An application for an electoral identity document 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 document must—

- (a) be in writing and include—
 - (i) the applicant’s full name;
 - (ii) the applicant’s registered address;
 - (iii) confirmation that the elector would not be able to provide the required document in accordance with rule 35(2A); and
 - (iv) the date of the application;
- (b) include a declaration by the applicant that the information provided in the application is true;
- (c) be accompanied by the documents set out in paragraph (4); and
- (d) be accompanied by a photograph which satisfies the requirements of paragraph (8).

(4) The documents referred to in paragraph (3)(c) are the following, which may be the document itself, or where the returning officer considers it appropriate, a copy thereof—

- (a) two of the documents specified in paragraph (5) and one document specified in paragraph (6);
- (b) where the applicant is not able to provide the documents in accordance with sub-paragraph (a), one document specified in paragraph (5) and two documents specified in paragraph (6);
- (c) where the applicant is not able to provide the documents in accordance with sub-paragraph (b), four of the documents specified in paragraph (6);

- (d) where the applicant is not able to provide the documents in accordance with sub-paragraph (c), an attestation in accordance with paragraph (7).

(5) The documents referred to in paragraphs (4)(a) and (b) are the following, which, with the exception of those in sub-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^(a);
- (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^(b);
- (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;
- (h) the applicant's student identity card, issued by a Further Education or Higher Education institution;
- (i) the applicant's National Insurance Number card or letter issued by Her Majesty's Revenue and Customs;
- (j) the applicant's valid bank or building society debit card or credit card;
- (k) the applicant's bank or building society cheque book or building society pass book.

(6) The documents referred to in paragraphs (4)(a), (b) and (c) are the following which must have been issued to the applicant and include the applicant's registered address—

- (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

(a) 1968 c. 27.
(b) 1976 c. 63.

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^(a), or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act;
- (i) a poll card for the election;
- (j) any other financial statement dated within 12 months of the date of the application.

(7) The attestation referred to in paragraph (4)(d) must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by a person—
 - (i) to whom the applicant is known;
 - (ii) whom the returning officer is satisfied is of good standing in the community;
 - (iii) who is entered in the register of local government electors in a local authority in England and Wales;
 - (iv) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
 - (v) who does not live at the same address as the applicant; and
 - (vi) who has not already signed attestations under this paragraph for two or more 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.

(8) The photograph referred to in paragraph (3)(d) is a photograph which bears a likeness of the applicant and is attested to as such by a person—

- (a) to whom the applicant is known;
- (b) whom the returning officer is satisfied is of good standing in the community;
- (c) who is entered in the register of local government electors in a local authority in England and Wales;
- (d) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (e) who does not live at the same address as the applicant; and
- (f) who has not already signed attestations under this paragraph for two or more applicants.

(9) The returning officer must issue an electoral identity document in accordance with paragraph (10) if the returning officer is satisfied—

(a) 1992 c. 4.

- (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 rule in relation to the application have been met.

(10) An electoral identity document issued to an applicant (P) must—

- (a) state P’s full name and registered address; and
- (b) bear P’s photograph.

(11) An application may not be made under this rule after 5pm on the day before the day of the poll.

(12) The returning officer must keep a record of the number of applications received under this rule (“the electoral identity document record”) which must include the following information in respect of each application—

- (a) for applications received less than 4 days before the day of the poll, the date and time that the determination was made;
- (b) in any other case, the date that the determination was made; and

in all cases, whether an electoral identity document was issued under paragraph (9).

(13) In this rule, where an applicant is entered in the register of local government electors and that entry does not contain their qualifying address, the requirements imposed under or by virtue of this rule relating to the applicant’s registered address do not apply.

35B

Anonymous elector’s document

35B.—(1) This rule applies where a person makes an application to the returning officer for an anonymous elector’s document.

(2) An application for an anonymous elector’s document may only be made by a person—

- (a) who is entered in the register of local government electors in a local authority in England and Wales;
- (b) who has an anonymous entry in respect of that entry; and
- (c) who is entitled to vote in the election either as an elector or as a proxy.

(3) An application for an anonymous elector’s document must—

- (a) be in writing and state—
 - (i) the applicant’s electoral number; and
 - (ii) the date of the application;
- (b) include a declaration by the applicant that the information provided in the application is true;
- (c) be accompanied by—
 - (i) a document specified in rule 35(2G); or
 - (ii) where the applicant is unable to produce a

document specified in that rule, the documents set out in rule 35A(4), and the reference to paragraph (3)(c) under that rule shall be read as a reference to rule 35B(3)(c)(ii);

- (d) be accompanied by a photograph which satisfies the requirements of rule 35A(8) and a reference to paragraph (3)(d) under that rule shall be read as a reference to rule 35B(3)(d).

(4) The returning officer must issue an anonymous elector's document in accordance with paragraph (5) if the returning officer is satisfied—

- (a) that the applicant is entered in the register of local government electors in a local authority in England and Wales and has an anonymous entry in respect of that entry;
- (b) that the applicant is entitled to vote in the election either as an elector or as a proxy;
- (c) as to the identity of the applicant; and
- (d) that the requirements imposed under this rule in relation to the application have been met.

(5) An anonymous elector's document issued to an applicant (P) must—

- (a) state P's electoral number; and
- (b) bear P's photograph.

(6) An application may not be made under this rule after 5pm on the day before the day of the poll.

(7) The returning officer must keep a record of the number of applications received under this rule ("the anonymous elector's document record"), which must include the following information in respect of each application—

- (a) for applications received less than 4 days before the day of the poll, the date and time that the determination was made;
- (b) in any other case, the date that the determination was made; and

in all cases, whether an anonymous elector's document was issued under paragraph (4)."

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**Votes marked by
presiding officer**

After paragraph (1) insert—

"(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."

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**Voting by persons
with disabilities**

After paragraph (2) insert—

"(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

rule 2(1) must be disregarded.”

SCHEDULE 2

Article 3(3) and (4)

Forms to be used for the election

Form of front of official poll card

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

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

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)

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:

**[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]

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.

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

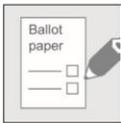
**[In the case of a poll card sent to an elector other than an anonymous elector, details of all forms of acceptable identification in relation to that elector be listed here]*

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

Form of directions for the guidance of the voters in voting

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. If your ID is acceptable, 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.	
5	When you have marked your ballot paper, fold it so that nobody can see how you have voted.	
6	Put your folded ballot paper into the ballot box.	
(!) Voting is secret. Do not let anyone see how you have voted. f If you make a mistake or need some help, just ask the staff.		

day of elections in 2019;”

““qualifying address” in relation to a person registered in a register of local government electors, is the address in respect of which he is entitled to be so registered;”

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

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