
MINISTERIAL ORDER

REPRESENTATION OF THE PEOPLE, ENGLAND

The Tunbridge Wells (Early Voting Pilot Scheme) Order 2026

Made - - - -

25th February 2026

Coming into force

26th February 2026

Tunbridge Wells Borough Council (“the Authority”) has submitted to the Secretary of State proposals for a scheme under section 10 of the Representation of the People Act 2000 (“the 2000 Act”)(a) to apply to particular local government elections held in the Authority’s area. The Secretary of State has approved those proposals with such modifications as, after consulting the Authority, the Secretary of State considers appropriate.

The Secretary of State has consulted the Electoral Commission, in accordance with section 10(1A) of the 2000 Act.

The Secretary of State makes this Order in exercise of the powers conferred by section 10(1) of the 2000 Act.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Tunbridge Wells (Early Voting Pilot Scheme) Order 2026 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales only.

(3) In this Order—

- (a) the “2006 Principal Area Rules” means the Local Elections (Principal Areas) (England and Wales) Rules 2006(b);
- (b) the “2006 Parish Rules” means the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(c);
- (c) a “combined pilot election” is a pilot election where the poll of a pilot election described in sub-paragraph (g)(i) is taken together with the poll of a pilot election described in sub-paragraph (g)(ii);
- (d) “early verification” has the meaning given in rule 50(1) of (as the case may be) Schedule 2 or Schedule 3 to the 2006 Principal Area Rules or Schedule 3 to the 2006 Parish Rules (see Schedule 1 to this Order);
- (e) “early voting day” means Saturday 2 May and Sunday 3 May 2026;
- (f) “early voting hub” means a location at which an elector or proxy can vote in person, or hand in postal voting documents, on an early voting day at a pilot election;

(a) 2000 c. 2. Section 10 was amended by paragraph 16 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and by paragraph 3 of Schedule 1 to the Elections and Elected Bodies (Wales) Act 2024 (asc 5).

(b) S.I. 2006/3304, amended by S.I. 2010/1172, 2011/563, 2012/1917, 2014/494, 2015/103, 2017/67, 2018/1308, 2018/1310, 2022/263 (W. 79), 2022/600, 2022/1029, 2022/1284, 2022/1397, 2023/1066, 2023/1233, 2023/1334, 2024/131, 2024/1271.

(c) S.I. 2006/3305, amended by section 1(4) of the Local Government (Disqualification) Act 2022 (c. 17) and by S.I. 2010/1172, 2011/562, 2012/1917, 2014/492, 2015/104, 2017/67, 2018/1309, 2018/1310, 2022/263 (W. 79), 2022/600, 2022/1284, 2022/1397, 2023/1066, 2023/1233, 2023/1334, 2024/131, 2024/1271.

- (g) “pilot election” means—
 - (i) an election of councillors for any one of the 14 wards of the Borough of Tunbridge Wells^(a) (a “principal area election”) for which the day of poll is Thursday 7 May 2026;
 - (ii) an election of councillors for a parish within the Borough of Tunbridge Wells (a “parish election”) for which the day of poll is Thursday 7 May 2026;
- (h) a reference to “voting hours” means, in respect of an early voting day, the hours during which a person can vote on that day as set out in rule 1 of (as the case may be) Schedule 2 or Schedule 3 to the 2006 Principal Area Rules or Schedule 3 to the 2006 Parish Rules (see Schedule 1 to this Order).

Manner of voting at pilot elections

2.—(1) Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) applies in relation to a pilot election subject to the following modifications.

- (2) In paragraph 2 (manner of voting at parliamentary or local government elections)^(b)—
 - (a) for sub-paragraph (2) substitute—

“(2) He may vote in person at the polling station allotted to him under the appropriate rules or at an early voting hub, unless he is entitled as an elector to an absent vote at the election.”;
 - (b) for sub-paragraph (4) substitute—

“(4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under the appropriate rules or at an early voting hub for a ballot paper for the purpose of voting in person, in which case he may vote in person there.”.
- (3) In paragraph 7 (voting as proxy)^(c), for sub-paragraph (1) substitute—

“(1) A person entitled to vote as proxy at a pilot election may do so in person at the polling station allotted to the elector under the appropriate rules or at an early voting hub unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.”.

Conduct of pilot elections: modification of 2006 Principal Area Rules

3.—(1) The 2006 Principal Area Rules have effect in relation to a pilot election which is a principal area election as modified by this article.

- (2) In rule 4 (combination of polls), for “a relevant election or referendum” substitute “a parish election”.
- (3) In Schedule 2—
 - (a) for Parts 1 to 6 substitute Parts 1 to 6 of Schedule 1 to this Order;
 - (b) in Part 7 (appendix of forms)—
 - (i) in the Form of Postal Voting Statement, on the final page of the form, in the instructions for voting by post—
 - (aa) in paragraph 6 after “authorised to receive postal votes” insert “, at an early voting hub during voting hours on Saturday 2 May or Sunday 3 May 2026”;

(a) See further S.I. 2024/2.

(b) Paragraph 2 was amended by sections 35(2) and (3) and 38(6)(a) of, and paragraph 137 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22), section 21(3) of the Electoral Registration and Administration Act 2013 (c. 6) and paragraph 12 of Schedule 12 to the Policing and Crime Act 2017 (c. 3).

(c) Paragraph 7 was amended by sections 14(3) and 38(6)(b) of, and paragraphs 23 and 137 of Schedule 1 to, the Electoral Administration Act 2006 and paragraph 3 of Schedule 3 to the Elections Act 2022 (c. 37). It is amended by section 1(6) of the Absent Voting (Elections in Scotland and Wales) Act 2025 (c. 27) from a date and time to be appointed.

- (bb) in paragraph 12, after “polling station” insert “or an early voting hub”;
 - (ii) in the form of the official postal poll card (to be sent to an elector voting by post) and in the form of the official proxy postal poll card (to be sent to an appointed proxy voting by post)—
 - (aa) in the front of card, in the second bullet point under the heading “Your postal vote” after “vote in” insert “an early voting hub or”;
 - (bb) in the rear of card, in the text after paragraph 4 under the heading “How to vote” after “authorised to receive postal votes” insert “, at an early voting hub during voting hours on Saturday 2 May or Sunday 3 May 2026”;
 - (iii) in the form of declaration to be made by the companion of a voter with disabilities, in Part 2, after “Polling station” insert “or early voting hub”.
- (4) In Schedule 3—
- (a) for Parts 1 to 6 substitute Parts 1 to 6 of Schedule 1 to this Order;
 - (b) in Part 7 (appendix of forms)—
 - (i) in the Form of Postal Voting Statement (for use when there is a joint issue and receipt of postal ballot papers), on the final page of the form, in the instructions for voting by post—
 - (aa) in paragraph 5, after “authorised to receive postal votes” insert “, at an early voting hub during voting hours on Saturday 2 May or Sunday 3 May 2026”;
 - (bb) in paragraph 11, after “polling station” insert “or an early voting hub”;
 - (ii) in the form of the official postal poll card (to be sent to an elector voting by post) and in the form of the official proxy postal poll card (to be sent to an appointed proxy voting by post)—
 - (aa) in the front of card, in the second bullet point under the heading “Your postal vote” after “vote in” insert “an early voting hub or”;
 - (bb) in the rear of card, in the text after paragraph 4 under the heading “How to vote” after “authorised to receive postal votes” insert “, at an early voting hub during voting hours on Saturday 2 May or Sunday 3 May 2026”;
 - (iii) in the form of declaration to be made by the companion of a voter with disabilities, in Part 2, after “Polling station” insert “or early voting hub”.

Conduct of pilot elections: modification of 2006 Parish Rules

4.—(1) The 2006 Parish Rules have effect in relation to a pilot election which is a parish election as modified by this article.

(2) In rule 4 (combination of polls), for “a relevant election or referendum” substitute “a principal area election”.

(3) In Schedule 3—

- (a) for Parts 1 to 6 substitute Parts 1 to 6 of Schedule 1 to this Order;
- (b) in Part 7 (appendix of forms)—
 - (i) in the Form of Postal Voting Statement (for use when there is a joint issue and receipt of postal ballot papers), on the final page of the form, in the instructions for voting by post—
 - (aa) in paragraph 5, after “authorised to receive postal votes” insert “, at an early voting hub during voting hours on Saturday 2 May or Sunday 3 May 2026”;
 - (bb) in paragraph 11, after “polling station” insert “or an early voting hub”;
 - (ii) in the form of the official postal poll card (to be sent to an elector voting by post) and in the form of the official proxy postal poll card (to be sent to an appointed proxy voting by post)—

- (aa) in the front of card, in the second bullet point under the heading “Your postal vote” after “vote in” insert “an early voting hub or”;
- (bb) in the rear of card, in the text after paragraph 4 under the heading “How to vote” after “authorised to receive postal votes” insert “, at an early voting hub during voting hours on Saturday 2 May or Sunday 3 May 2026”;
- (c) in the form of declaration to be made by the companion of a voter with disabilities, in Part 2, after “Polling station” insert “or early voting hub”.

Conduct of pilot elections: adjustment of poll cards

5.—(1) The returning officer may adapt the following forms for the purposes of a pilot election to give relevant information—

- (a) in Part 7 of Schedule 2 and in Part 7 of Schedule 3 to the 2006 Principal Area Rules--
 - (i) the form of the official poll card (to be sent to an elector voting in person);
 - (ii) the form of the official proxy poll card (to be sent to an appointed proxy voting in person);
 - (b) in Part 7 of Schedule 3 to the 2006 Parish Rules—
 - (i) the form of the official poll card (to be sent to an elector voting in person);
 - (ii) the form of the official proxy poll card (to be sent to an appointed proxy voting in person).
- (2) In paragraph (1) “relevant information” means information about—
- (a) the availability of voting at an early voting hub,
 - (b) the voting hours on each early voting day, and
 - (c) the locations of each early voting hub.

Modification of other elections legislation

6. The enactments specified in Schedule 2 to this Order have effect in relation to a pilot election subject to the modifications made by that Schedule.

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

25th February 2026

Samantha Dixon
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local Government

SCHEDULE 1

Article 3(3)(a)

Rules for the conduct of the pilot elections

PART 1

Provisions as to time

Timetable

1. The proceedings at the pilot election are to be conducted in accordance with the following table—

<i>Proceedings</i>	<i>Time</i>
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Publication of notice of election	Not later than the 25th day before the day of election
Delivery of nomination papers	Not later than 4 p.m. on the 19th day before the day of election
Publication of statement as to persons nominated	Not later than 4 p.m. on the 18th day before the day of election
Delivery of notices of withdrawals of candidature	Not later than 4 p.m. on the 19th day before the day of election
Notice of Poll	Not later than the sixth day before the day of election
Voting on an early voting day	Between 9 a.m. and 6 p.m. on Saturday 2 May Between 10.30 a.m. and 4.30 p.m. on Sunday 3 May
Polling	Between 7 a.m. and 10 p.m. on the day of election

Computation of time

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

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

are to be disregarded, and any such day is not to be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the returning officer obliged to proceed with the counting of the votes on such a day.

(2) Paragraph (1) does not affect the timing of an early voting day.

(3) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971^(a) in England and Wales.

PART 2

Stages common to contested and uncontested elections

Notice of election

3.—(1) The returning officer must publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) in the event of a contest—
 - (i) the dates of each early voting day, and
 - (ii) the date of the poll,

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 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.

(a) 1971 c. 80.

Nomination of candidates

4.—(1) Each candidate must be nominated by a separate nomination paper, in the form in the Appendix, delivered at the place fixed for the purpose by the returning officer, which must be at the offices of Tunbridge Wells Borough Council.

(2) The nomination paper must state the candidate's—

- (a) full names, and
- (b) if desired, description,

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

(3) If a candidate—

- (a) commonly uses a surname that is different from any other surname the candidate has,
- (b) commonly uses a forename that is different from any other forename the candidate has, or
- (c) otherwise commonly uses one or more forenames or a surname in a different way from the way in which the candidate's names are stated in accordance with paragraph (2)(a),

the nomination paper may state the commonly used name or names in addition to the names stated in accordance with paragraph (2)(a).

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

- (a) one authorised as mentioned in rule 5(1) or (3), or
- (b) where—
 - (i) the pilot election is a principal area election, the word “Independent”;
 - (ii) the pilot election is a parish election, one which must not exceed 6 words in length and which need not refer to the candidate's rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify the candidate.

(5) The nomination paper must be accompanied by a form (in this Schedule, referred to as the “home address form”) which states—

- (a) the candidate's—
 - (i) full names,
 - (ii) home address in full, and
 - (iii) qualifying address or, if the candidate declares they are qualified by more than one of the qualifications mentioned in paragraph (8), qualifying addresses;
- (b) which of the qualifications mentioned in paragraph (8) the qualifying address or qualifying addresses stated relate to;
- (c) the attesting person's—
 - (i) full names, and
 - (ii) home address in full.

(6) Provision in paragraph (1) about delivery of the nomination paper applies also to the home address form.

(7) The home address form—

- (a) may contain a statement made and signed by the candidate that the candidate requires the home address not to be made public, and
- (b) if it does so, must—
 - (i) where the candidate's home address is in the United Kingdom, state the name of the relevant area;
 - (ii) where the candidate's home address is outside the United Kingdom, state the country in which it is situated.

(8) In this rule—

“attesting person”, in relation to a candidate, means the person who attests the candidate’s consent to nomination in accordance with rule 7(c);

“qualifying address” means—

- (a) where the candidate has selected option (a) on the Consent to Nomination form, the address in full in respect of which the candidate is so registered as a local government elector;
- (b) where the candidate has selected option (b) on the Consent to Nomination form, a description and the address of that land or premises which the candidate has occupied as owner or tenant;
- (c) where the candidate has selected option (c) on the Consent to Nomination form, the address of that place of work;
- (d) where the candidate has selected option (d) on the Consent to Nomination form, the address or addresses in full where the candidate has so resided;

“relevant area” means—

- (a) in relation to a home address in England—
 - (i) if the address is within a district for which there is a district council, that district;
 - (ii) if the address is within a county in which there are no districts with councils, that county;
 - (iii) if the address is within a London borough, that London borough;
 - (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London;
 - (v) if the address is within the Isles of Scilly, the Isles of Scilly;
- (b) in relation to a home address in Wales—
 - (i) if the address is within a county, that county;
 - (ii) if the address is within a county borough, that county borough;
- (c) in relation to a home address in Scotland, the local government area in which the address is situated;
- (d) in relation to a home address in Northern Ireland, the local government district in which it is situated.

Nomination papers: name of registered political party

5.—(1) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party in relation to the electoral 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 returning officer before the last time for the delivery of nomination papers set out in rule 1.

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

(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

(a) 2000 c. 41. Section 28 was amended by section 48 of the Electoral Administration Act 2006 (c. 22) and sections 23 and 24 of the Elections Act 2022 (c. 37) and by S.I. 2004/366, 2018/1310.

(b) Section 28A was inserted by section 49(1) of the Electoral Administration Act 2006.

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 returning officer before the last time for the delivery of nomination papers set out in rule 1.

(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(a).

(5) A person is 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(b) 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 England 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 2(1) must be disregarded.

Subscription of nomination paper

6.—(1) The nomination paper must be subscribed by two electors as proposer and seconder.

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

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

(4) The 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 returning officer.

(5) In respect of a pilot election which is a principal area election, a person must not subscribe more nomination papers than there are vacancies to be filled in the electoral area, nor subscribe any nomination paper in respect of an election in any other electoral area of the same local government area whilst the election in the first-mentioned electoral area is taking place:

Provided that a person is not prevented from subscribing a nomination paper by reason only of that person having subscribed that of a candidate who has died or withdrawn before delivery of the first mentioned paper.

(6) In respect of a pilot election which is a parish election, a person must not subscribe more nomination papers than there are vacancies to be filled in the electoral area, nor subscribe any

(a) Section 28B was inserted by section 49(1) of the Electoral Administration Act 2006 (c. 22).

(b) Part 2 was amended by sections 49(2) and 50 to 52 of, and paragraphs 140 to 143 of Schedule 1 to, the Electoral Administration Act 2006, paragraph 19 of the Schedule to the Fixed-term Parliaments Act 2011 (c. 14), paragraph 75 of Schedule 4 to the Co-operative and Community Benefit Societies Act 2014 (c. 14), paragraph 4 of Schedule 6 to the Recall of MPs Act 2015 (c. 25) and section 23(5) of the Elections Act 2022 (c. 37) and by S.I. 2004/366, 2012/1917, 2015/1982, 2018/1310.

nomination paper in respect of an election in any other ward of the same parish whilst the election in the first-mentioned ward is taking place:

Provided that a person is not prevented from subscribing a nomination paper by reason only of that person having subscribed that of a candidate who has died or withdrawn before delivery of the first mentioned paper.

(7) If a person subscribes any nomination paper in contravention of paragraph (5) or (6), that person's signature is inoperative on all but those papers (up to the permitted number) which are first delivered.

(8) In this rule "elector"—

- (a) means a person who 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 the 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 the person will be of voting age on the day fixed for the poll.

(9) But in this rule "elector" does not include a person who has an anonymous entry in the register.

Consent to nomination

7. A person is not validly nominated unless the person's 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 sections 80, 81 and 81A of the Local Government Act 1972(a), section 34 of the Localism Act 2011(b) and section 30 of the Elections Act 2022(c),
- (c) is attested by one witness, and
- (d) is delivered at the place and within the time for the delivery of nomination papers.

Decisions as to validity of nomination papers

8.—(1) Where a nomination paper, the candidate's consent to that nomination and the home address form are delivered in accordance with these Rules, the candidate is deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid,
- (b) proof is given to the returning officer's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(a) 1972 c. 70. Section 80 was amended by Part 4 of Schedule 6 to the Local Government Finance Act 1982 (c. 32), paragraph 12 of Schedule 8 to the Representation of the People Act 1983 (c. 2), paragraph 3 of Schedule 14 to the Local Government Act 1985 (c. 51), Schedule 8 to the Transport Act 1985 (c. 67), Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40), Part 2 of Schedule 12 to the Local Government and Housing Act 1989 (c. 42), paragraph 10 of Schedule 10 to the Environment Act 1995 (c. 25), section 69 of the Greater London Authority Act 1999 (c. 29), paragraph 8 of Schedule 3 and paragraph 8 of Schedule 5 to the Local Government Act 2000 (c. 22), section 267(1) of the Enterprise Act 2002 (c. 40), paragraph 6 of Schedule 3 and paragraph 3 of Schedule 13 to the Local Government and Public Involvement in Health Act 2007 (c. 28), paragraph 12 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraph 6 of Schedule 13 to the Deregulation Act 2015 (c. 20), section 1(2) of the Local Government (Disqualification) Act 2022 (c. 17), paragraph 2 of Schedule 5 to the Elections Act 2022 (c. 37) and paragraph 25 of Schedule 4 to the Levelling-up and Regeneration Act 2023 (c. 55) and by S.I. 1999/2267, 2001/2237, 2012/2404. It is prospectively amended by paragraph 21 of Schedule 11 to the Local Government and Housing Act 1989 and by paragraph 2 of Schedule 14 to the Local Government and Public Involvement in Health Act 2007 from a date and time to be appointed. Section 81 was amended by paragraph 11 of Schedule 7 to the Local Government Act 1974 (c. 7), Schedule 7 to the London Regional Transport Act 1984 (c. 32), Schedule 17 to the Local Government Act 1985, Part 2 of Schedule 13 to the Educational Reform Act 1988 and section 267(2) of the Enterprise Act 2002. Section 81A was inserted by section 1(1) of the Local Government (Disqualification) Act 2022.

(b) 2011 c. 20.

(c) 2022 c. 37.

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

- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law;
- (b) the returning officer decides that the candidate's home address form—
 - (i) does not comply with the requirements or rule 4(5), or
 - (ii) if the form contains a statement under rule 4(7)(a), does not comply with the signature requirement in that rule or the requirements of rule 4(7)(b);
- (c) that the paper is not subscribed as so required;
- (d) that an order under section 30 of the Elections Act 2022 (disqualification orders) has effect in relation to the candidate.

(3) Subject to paragraph (4), the returning officer must, as soon as practicable after each nomination paper and home address form have been delivered, examine them and decide whether the candidate has been validly nominated.

(4) If in the returning officer's opinion a nomination paper breaks rule 5(1) or (3), the 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 close of the period for delivery of nomination papers set out in rule 1.

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

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

(7) The returning officer's decision that a nomination paper is valid is final and may 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

9.—(1) The 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—

- (a) the names and descriptions of the persons nominated as given in their nomination papers;
- (b) the following information contained in the home address form—
 - (i) where the statement mentioned in rule 4(7)(a) is made requiring a nominated person's home address not be made public, the information mentioned in rule 4(7)(b), and
 - (ii) in any other case, the address of the persons nominated.

(3) If a person's nomination paper gives a commonly used surname or forename in accordance with rule 4(3), the statement must show the person's commonly used surname or forename (as the case may be) instead of the other surname or forename.

(4) Paragraph (3) does not apply if the returning officer thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the returning officer must give notice in writing to the candidate of the 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) 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) each of the persons in question has made the statement in rule 4(7)(a), and
- (c) the information mentioned in rule 4(7)(b) is the same for each of them,

the 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.

(8) Where it is practicable to do so before the publication of the statement, the returning officer must consult any person whose particulars are to be amended or added to under paragraph (7).

(9) The returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (7).

(10) Anything done by a returning officer in pursuance of paragraph (7) must not be questioned in any proceedings other than proceedings on an election petition.

(11) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (7).

(12) In the case of a person nominated by more than one nomination paper, the 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 returning officer in default of the candidate) may select.

Correction of minor errors

10.—(1) A returning officer may, if the returning officer thinks fit, at any time before the publication under rule 9 of the statement of persons nominated, correct minor errors in a nomination paper or home address form.

(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;
- (c) errors as to the information mentioned in rule 4(7)(b).

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

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

Inspection of nomination papers and consents to nomination

11. During ordinary office hours on any day, other than a day specified in rule 2(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Inspection of home address forms

12.—(1) During ordinary office hours on any day, other than a day specified in rule 2(1), after the latest time for delivery of nomination papers and before the date of the poll, the following persons may inspect the home address form of a candidate ("candidate A")—

- (a) a person standing nominated as a candidate (“candidate B”) in the same electoral area as candidate A,
 - (b) the election agent, proposer or seconder of candidate B, or
 - (c) where candidate B is acting as their own election agent, any person nominated by candidate B.
- (2) Where a person has been nominated by more than one nomination paper, the reference to proposer or seconder in sub-paragraph (1)(b) is a reference to—
- (a) the proposer or seconder on the nomination paper that the candidate may select, or
 - (b) in the absence of such a selection, to the nomination paper which was first delivered in accordance with rule 4(1).
- (3) Nothing in this rule permits any person to take a copy of, or extracts from, any home address form.
- (4) The returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.

Nomination in more than one electoral area or ward

13.—(1) A candidate who is validly nominated for more than one electoral area of the same local government area must withdraw from their candidature in all those electoral areas except one, and if the candidate does not so withdraw, the candidate is deemed to have withdrawn from their candidature in all those electoral areas.

(2) At a pilot election which is a parish election, a candidate who is validly nominated for more than one ward of the same parish must withdraw from their candidature in all those wards except one, and if the candidate does not so withdraw, the candidate is deemed to have withdrawn from their candidature in all those wards.

Withdrawal of candidates

14.—(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 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 is 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 is 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 the candidate’s absence from the United Kingdom.

Method of election

15.—(1) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules exceeds the number of councillors to be elected, a poll must be taken in accordance with Part 3 of these Rules.

(2) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules does not exceed the number of councillors to be elected, such person or persons must be declared to be elected in accordance with Part 4 of these Rules.

PART 3
Contested elections
CHAPTER 1
General provisions

Poll to be taken by ballot

16. The votes at the poll must be given by ballot, the result must be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, must be declared to have been elected.

The ballot papers

17.—(1) The ballot of every voter must consist of a ballot paper and the persons remaining validly nominated for the electoral area after any withdrawals under these Rules, and no others, are entitled to have their names inserted in the ballot paper.

(2) Every ballot paper must be in the form in the Appendix, and must be printed in accordance with the directions in that 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,
- (c) must have a number and other unique identifying mark printed on the back, and
- (d) at a combined pilot election, the ballot paper of one of the pilot elections must be of a different colour from that of the other ballot paper used at the other pilot election.

(3) If a candidate who is the subject of a party's authorisation under rule 5(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).

(4) If a candidate who is the subject of an authorisation by two or more parties under rule 5(3) so requests, the ballot 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.

(5) The candidate's request under paragraph (3) or (4) 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 rule 1.

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

The corresponding number list

18.—(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 23(1) or provided by the returning officer in pursuance of rule 28(1).

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

The official mark

19.—(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 must intervene between the use of the same official mark at elections for the same county, district or London borough or parish, as the case may be.

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

Prohibition of disclosure of vote

20. No person who has voted at the election may, in any legal proceeding to question the election, be required to state for whom they have voted.

Use of schools and public rooms

21.—(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(a)) or a school in respect of which grants are made out of money 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 payable out of any rate.

(2) 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 mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

(3) In this rule, “taking the poll or counting the votes” includes—

- (a) voting at an early voting hub on an early voting day;
- (b) early verification.

CHAPTER 2

Action to be taken before the poll

Notice of poll

22.—(1) The returning officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll,
- (b) the early voting days and the voting hours on each day,
- (c) the number of councillors to be elected,
- (d) 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
- (e) either—
 - (i) in respect of a principal area election, the names of all persons signing a candidate’s nomination paper, or
 - (ii) in respect of a parish election, the names of the proposer and seconder 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)(e) 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 publication of the notice of the poll, also give public notice of—

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

(a) 1996 c. 56.

(4) At a combined pilot election, the notice under paragraph (3) must state that the polls of the two pilot elections are to be taken together.

(5) As soon as practicable after giving a notice under paragraph (3), the returning officer must give a copy of it—

- (a) at a principal area election, to each of the election agents;
- (b) at a parish election, to each of the candidates or their election agents (if appointed).

Postal ballot papers

23.—(1) The returning officer must, in accordance with regulations made under the 1983 Act^(a), 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 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 the returning officer 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 direction 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

24.—(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 the 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.

(5) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.

Provision of early voting hubs

25.—(1) The returning officer must provide one or more early voting hubs for the purpose of voting at a pilot election.

(2) The returning officer may—

- (a) allow the same early voting hub to be used for the purposes of voting at more than one pilot election (whether at a combined pilot election or otherwise), and
- (b) locate more than one early voting hub in the same room.

(a) 1983 c. 2.

(3) The returning officer must provide each early voting hub with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

(4) The returning officer must ensure that each early voting hub contains an area in which voters can produce proof of identity in private.

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 at each early voting hub 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 or at an early voting hub and the provisions of these Rules relating to a presiding officer apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(3) A presiding officer may do, by the clerks appointed to assist the presiding officer, any act (including the asking of questions) which the presiding officer is required or authorised by these Rules to do at a polling station or at an early voting hub except—

- (a) order the arrest of any person or the exclusion or removal of any person from the polling station or early voting hub,
- (b) refuse to deliver a ballot paper under rule 35(5) or under rule 37(6) (including that rule as applied by rules 38, 39 or 40), or
- (c) resolve doubts over identity as mentioned in rule 37(7) (including that rule as applied by rules 38, 39 or 40).

Issue of official poll cards

27.—(1) Subject to paragraph (7), 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, 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 council and of the electoral division or ward to which councillors are to be elected;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station;
- (d) the early voting days, the voting hours on each day and the situation of each early voting hub;
- (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—

- (a) instead of containing the matter mentioned in paragraph (3)(b) the polling card must contain such matter as is specified in the appropriate form in the Appendix, and
- (b) in respect of a parish election, the official poll card must be sent in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry in the register.

(5) Rule 6(8) applies for the interpretation of this rule.

(6) At a combined pilot election, the official poll card issued under this rule for each pilot election must be combined.

(7) In respect of a parish election, the requirement in paragraph (1) so far as it requires the returning officer to send an official poll card to an elector or proxy who does not have an anonymous entry applies only where the council of the parish requests the returning officer to do so not later than 4 p.m. on the nineteenth day before the day of the election (calculated in accordance with rule 2(1)).

Equipment of polling stations and early voting hubs

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) Where rule 25(2) applies, the returning officer may determine that a ballot box provided in accordance with paragraph (1) may be used for the purposes of more than one pilot election in respect of which that hub has been provided for use.

(3) Where, notwithstanding paragraph (2), separate ballot boxes are to be used at an early voting hub, each ballot box—

- (a) must be clearly marked with the pilot election or elections to which it relates, and
- (b) at a combined pilot election, must be marked with the words “Place the [*specify colour of ballot papers in question*] ballot papers in here.

(4) 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.

(5) 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, which has been updated in accordance with rule 49;
- (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), which have been updated in accordance with rule 49;
- (d) a list consisting of that part of the list prepared under rule 18 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.

(6) The returning officer must provide each early voting hub with—

- (a) materials to enable voters to mark the ballot papers;
- (b) a copy of the register of electors for the Borough of Tunbridge Wells;
- (c) a copy of the special lists prepared for the pilot elections;
- (d) in respect of each pilot election, a list consisting of that part of the list prepared under rule 18 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 early voting hub;
- (e) such equipment as the returning officer considers appropriate to allow the presiding officer to update the equivalent copy of the register of electors or parts of special lists in accordance with rule 37(24) or rule 49.

(7) The reference in paragraph (5)(b) and (6)(b) and (e) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act(a) in respect of alterations to the register.

(a) Section 13B was inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Subsections (3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006 (c. 22).

(8) The returning officer must also provide each polling station and each early voting hub with a ballot paper refusal list, in the appropriate form in the Appendix or a form to the like effect, on which entries are to be made as mentioned in rule 42 (refusal to deliver ballot paper).

(9) The returning officer must also provide each polling station and each early voting hub with—

- (a) at least one large version of the ballot paper which must be displayed inside the polling station or early voting hub for the assistance of voters who are partially sighted, and
- (b) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote independently in the manner directed by rule 37 (voting procedure), including in relation to voting secretly; and for this purpose “relevant persons” means persons who find it difficult or impossible to vote in that manner because of—
 - (i) blindness or partial sight, or
 - (ii) another disability.

(10) Paragraph (10) of rule 29 of Schedule 1 to the 1983 Act (Parliamentary elections rules: guidance to returning officers)(a) applies for the purposes of paragraph (9)(b) of this rule as it applies for the purposes of that rule, but as if the reference in that paragraph to paragraph (3A)(b) were a reference to paragraph (9)(b) of this rule.

(11) A notice in the form in the Appendix, giving direction for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station and early voting hub.

(12) The returning officer may also provide copies of the notice mentioned in paragraph (11) in Braille or translated into languages other than English as the returning officer considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(13) A large notice must be displayed inside each polling station and every early voting hub containing—

- (a) details of the documents the voter needs to produce when applying for a ballot paper, namely—
 - (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of the parliamentary election rules(b), and
 - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card, and
- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.

(14) In every compartment of every polling station and early voting hub there must be exhibited the notice—

“*[Specify name of council] COUNCIL ELECTION

*([Specify colour] ballot paper)

*[Vote for NO MORE THAN the number of candidates as stated in the instructions at the top of the ballot paper by putting a cross [X] in the box next to each of your choices.]

*[Vote for NO MORE THAN ... CANDIDATES by putting a cross [X] in the box next to EACH of your choices.]

(a) Rule 29(10) was inserted by section 9(2)(c) of the Elections Act 2022 (c. 37).

(b) Rule 37(1H) was inserted by paragraph 18(4) of Schedule 1 to the Elections Act 2022 and amended by S.I. 2024/1275.

*[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 the number of candidates as stated in the instructions at the top of the ballot paper by putting a cross [X] in the box next to each of your choices.]

[Vote for NO MORE THAN ... CANDIDATES by putting a cross [X] in the box next to EACH of your choices.]

[Vote ONLY ONCE by putting a cross [X] in the box next to your choice.]

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

[*Complete or omit as necessary]”.

Appointment of polling and counting agents

29.—(1) Subject to paragraphs (3) and (4), each candidate may, before the commencement of the poll, appoint—

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

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

(3) Not more than four polling agents, or such greater number as the returning officer may by notice allow, may be permitted to attend at any particular polling station or early voting hub, and if the number of such agents appointed to attend at a particular polling station or early voting hub exceeds that number, the returning officer must determine which agents are permitted to attend by lot and only the agents on whom the lot falls are deemed to have been duly appointed.

(4) The returning officer may limit the number of counting agents, so however that—

- (a) the number must be the same in the case of each candidate, and
- (b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

For the purposes of the calculations required by this paragraph, a counting agent who has been appointed for more than one candidate is a separate agent for each of the candidates by whom the agent has been appointed.

(5) 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 specified in rule 2(1)) before the day of the poll.

(6) In respect of a polling or counting agent appointed to attend an early voting hub on an early voting day or to attend early verification after the close of voting on an early voting day, paragraph (5) applies as if the reference to the day of poll were a reference to that early voting day.

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

(8) In the following provisions of these Rules references to polling agents and counting agents are to 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.

(9) 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.

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

(11) 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 agents may be done in the presence of a candidate's election agent instead of the candidate's polling agent or counting agents.

(12) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of the 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 or an early voting hub (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^(a), and
- (b) every person attending at the counting of votes or early verification (other than any constable on duty at the counting or early verification) 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 (police powers for employees)^(b).

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 54(7) 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.

(a) Section 66 was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50) and paragraphs 82 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(b) 2002 c. 30. Section 38 was amended by paragraph 181 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), section 7(1) of, and paragraph 2 of Schedule 5 to, the Police and Justice Act 2006 (c. 48), paragraph 125 of Schedule 7 to the Policing and Crime Act 2009 (c. 26), paragraph 292 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and sections 8(7) and 38 of, and paragraph 82 of Schedule 1 to, the Policing and Crime Act 2017 (c. 3). It is prospectively amended by section 120(4) of the Serious Organised Crime and Police Act 2005 from a date and time to be appointed.

CHAPTER 3

The Poll

Admission to polling station or early voting hub

32.—(1) The presiding officer must exclude all persons from the polling station or early voting hub except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station or early voting hub,
- (c) persons aged 18 or over returning a postal ballot paper or postal voting statement by hand in accordance with rule 54(8)(b)
- (d) the candidates and their election agents (if appointed),
- (e) the polling agents appointed to attend at the polling station or early voting hub,
- (f) the clerks appointed to attend at the polling station or early voting hub,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000(a),
- (h) the constables on duty, and
- (i) the companions of voters with disabilities.

(2) In respect of an early voting hub, paragraph (1)(c) includes a person under 18 who is entitled to be treated as an elector by virtue of section 49(4ZA) of the 1983 Act(b).

(3) 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 or early voting hub at the same time.

(4) Not more than one polling agent must be admitted at the same time to a polling station or an early voting hub on behalf of the same candidate.

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

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

(7) 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).

(8) A person described in paragraph (1)(c) who, at the close of voting on an early voting day, is in an early voting hub, or in a queue outside the hub, for the purpose of returning a postal ballot paper or postal voting statement is entitled to return the ballot paper or postal voting statement on that day.

Keeping of order in station or early voting hub

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

(2) Paragraph (3) applies where a person ("P")—

- (a) misconducts himself in a polling station or early voting hub, or

(a) Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c. 22). Section 6A was amended by paragraph 10 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c. 13) and paragraph 3(4) of Schedule 6 to the Recall of MPs Act 2015 (c. 25).

(b) See Schedule 2 to this Order.

- (b) fails to obey the presiding officer's lawful orders.
- (3) P may immediately, by the presiding officer's order, be removed from the polling station or early voting hub—
- by a constable in or near the station or hub, or
 - by any other person authorised in writing by the returning officer to remove P.
- (4) Where P is removed from a polling station or early voting hub in accordance with paragraph (3), P must not, without the permission of the relevant presiding officer, enter or re-enter any early voting hub or polling station.
- (5) In paragraph (4), "relevant presiding officer" means the presiding officer of the polling station or early voting hub which P is seeking to enter or re-enter.
- (6) Where P is removed from a polling station or an early voting hub in accordance with paragraph (3), P may, if charged with the commission in the polling station or early voting hub of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (7) 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 or an early voting hub from having the opportunity of voting at that station or hub.

Sealing of ballot boxes

34. Immediately before the commencement of voting on an early voting day or the poll on the day of poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the early voting hub or polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place the presiding officer's seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in the presiding officer's view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters

35.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following Table—

- may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column, and
- must be put if (where applicable) the person has answered the previous question in the manner indicated, and the letter "R" appears after the question and the candidate or the candidate's election or polling agent requires the question to be put—

<i>Question number</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	(a) What is your name? (b) What is your address? (c) 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] (d) Have you already voted here or elsewhere at this election for (*this district) (*this parish) otherwise than as proxy for some other person? [R] <i>*delete whichever is inapplicable (adding, in the case of an election for several electoral areas, "in this or any other electoral area")</i>
2	A person applying as proxy	(a) What is your name? (b) What is your address?

3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)

(c) Are you the person whose name appears as AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD? [R]

(d) Have you already voted here or elsewhere at this election for (*this district] (*this parish) as proxy on behalf of CD? [R]

**delete whichever is inapplicable (adding, in the case of an election for several electoral areas, “in this or any other electoral area”)*

(e) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of four or more electors? [R]

(f) If the person answers question (e) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere in England, on behalf of two or more electors?” [R]

(g) If the person answers question (f) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]

(h) If the person answers question (g) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]

(a) What is your name?

(b) What is your address?

(c) Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (*read out the number*)? [R]

(d) Have you already voted here or elsewhere as on behalf of the elector whose number on the register of electors is (*read out the number*)? [R]

(e) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of four or more electors? [R]

(f) If the person answers question (e) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere in England, on behalf of two or more electors?” [R]

(g) If the person answers question (f) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election, or any other election or

referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]

(h) If the person answers question (g) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]

4 A person applying as an elector in relation to whom there is an entry in the postal voters list

- (a) What is your name?
- (b) What is your address?
- (c) Did you apply to vote by post?
- (d) Why have you not voted by post?

5 A person applying as proxy who is named in the proxy postal voters list

- (a) What is your name?
- (b) What is your address?
- (c) Did you apply to vote by post as proxy?
- (d) 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(c) and 3(c) and (d) to reading from the register are to be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) In respect of a person applying for a ballot paper at an early voting hub, paragraph (1) applies as if, in the questions at entries 2(e), (f) and (g) and 3(e), (f) and (g) of the Table, for “day of poll is today” there were substituted “day of poll is the same as at this election”.

(4) Where a clerk—

- (a) gives a person the required information (see paragraph (9)),
- (b) puts a question specified in paragraph (1) to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,

the clerk must refer the matter to the presiding officer, who must put the question to the person again.

(5) Where the presiding officer—

- (a) gives a person the required information,
- (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (4)), and
- (c) decides that the person has failed to answer the question satisfactorily,

the officer must refuse to deliver a ballot paper to the person (and see rule 42 (procedure where ballot paper is refused under this paragraph)).

(6) For the purposes of the rule, a person answers the questions “What is your name?” or “What is your address?” satisfactorily if—

- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of local government electors;
- (b) where both of those questions are put, the answers match a name and address in that register that relate to the same person.

(7) 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 to the register in paragraph (6) are to be read as references to the notice issued under section 13B(3B) or (3D).

(8) Except as authorised by this rule, no inquiry is to be permitted as to the right of any person to vote (and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote).

(9) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—

- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.

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 has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that the person is suspected of committing or of being about to commit such an offence.

Voting procedure

37.—(1) Subject to rule 35(5) and to paragraphs (2) to (15), a ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number of the elector must be marked on the list mentioned in rule 28(5)(d) or (6)(d) beside the number of the ballot paper to be issued to the elector;
- (b) a mark must be placed in 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
- (c) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.

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

(3) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station or early voting hub if the voter so requests and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.

(4) Paragraph (5) applies in relation to a voter where—

- (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document.

(5) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place.

(6) The presiding officer must refuse to deliver a ballot paper to a voter where—

- (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.

(7) Paragraph (5)(a) does not apply where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer's satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

(8) The refusal to deliver a ballot paper to a voter under paragraph (6) does not prevent the voter making a further application under paragraph (1) (whether on the same or another early voting day or on the day of poll), and paragraphs (2) to (7) apply on any further application.

(9) In this rule, a “forged document” means a false document made to resemble a specified document.

(10) In this rule, a “specified document”—

- (a) except in the case of a voter who has an anonymous entry in the register of electors, means a document which for the time being falls within the list specified in rule 37(1H) of the parliamentary election rules;
- (b) in the case of a voter who has an anonymous entry in the register of electors, means an anonymous elector’s document which—
 - (i) was issued by the registration officer of the local authority in whose area the election is held, and
 - (ii) contains the number—
 - (aa) allocated to the voter as stated in the copy of the register of electors, or
 - (bb) where an entry relating to the voter is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(11) Subject to paragraphs (12) and (13), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(12) Paragraph (11) does not apply to a temporary electoral identity document produced in respect of an application under paragraph (1) made at an early voting hub where the date for which the document is issued is not the same as the day of poll at the pilot election.

(13) Paragraph (11) does not apply to a temporary electoral identity document produced in respect of an application under paragraph (1) made at a polling station where the date of the poll for the election is after the date for which the document is issued.

(14) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.

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

(16) In the case of an elector who has an anonymous entry, the elector must show the presiding officer the elector’s poll card.

(17) 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)(b) is to be read as if for “in the register of electors” there were substituted “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(18) At a combined pilot election, the same copy of the register of electors which is used under paragraph (1) or, where paragraph (17) applies, the same copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act, may be used for both pilot elections and either—

- (a) one mark may be placed in that register or on that notice under paragraph (1)(b) or in the list of proxies under paragraph (1)(c) to denote that a ballot paper has been issued in respect of each pilot election, or
- (b) a different mark must be placed in the register, notice or list to identify the pilot election in respect of which a ballot paper was issued.

(19) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station or early voting hub and there secretly mark their paper and fold it up so as to conceal their 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.

(20) The voter must vote without undue delay, and must leave the polling station or early voting hub as soon as the voter has put their ballot paper into the ballot box.

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

(22) A voter who at the close of voting on an early voting day is in an early voting hub, or in a queue outside it, for the purposes of voting is (despite the close of voting on that day) entitled to apply for a ballot paper under paragraph (1) on that early voting day, and these rules apply in relation to such a voter accordingly.

(23) Paragraph (24) applies where at an early voting hub a mark is placed—

- (a) in the register of electors or copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act in accordance with paragraph (1)(b), or
- (b) in the list of proxies in accordance with paragraph (1)(c).

(24) The presiding officer of the early voting hub must, as soon as practicable, update the equivalent copy of the register of electors or notice or parts of special lists referred to in paragraph (23) provided to each other early voting hub to show the same mark.

Votes marked by the presiding officer

38.—(1) Subject to paragraph (2), the presiding officer, on the application of a voter—

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

must, in the presence of the polling agents, cause the voter's 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) Paragraphs (2) to (15) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to causing a voter's vote to be marked on a ballot paper, and
- (b) in rule 37(8), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.

(3) 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”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name is 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 (3) 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) At a combined pilot election, the same list may be used for both pilot elections and, where it is so used, an entry in that list is taken to mean that the ballot papers for both pilot elections were so marked, unless the list identifies the pilot election 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 he is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing,

whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

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

- (a) is satisfied that the voter is so incapacitated, and
- (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 his vote may be done to, or with the assistance of, the companion.

(3) Paragraphs (2) to (15) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
- (b) in rule 37(8), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.

(4) For the purposes of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person is qualified to assist a voter with disabilities to vote if that person is aged 18 or over.

(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”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name is 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 (5) 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) At a combined pilot election, the same list may be used for both pilot elections and, where it is so used, an entry in that list is taken to mean that the votes for both pilot elections were so given, unless the list identifies the pilot election at which the vote was so given.

(8) The declaration made by the companion—

- (a) must be in the form in the Appendix,
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

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

Tendered ballot papers: circumstances where available

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

- (a) a particular elector named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or the elector’s proxy, the applicant is entitled, on satisfactorily answering the questions permitted by law to be asked at the poll and subject to the following provisions of this rule and 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 applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named on the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person is entitled, on satisfactorily answering the questions permitted by law to be asked at the poll and subject to the following provisions of this rule and 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 poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register who is also named in the 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 that he has lost or has not received his postal ballot paper.

(6) The person is entitled, on satisfactorily answering the questions permitted by law to be asked at the poll and subject to the provisions of this rule and 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.

(7) Paragraphs (2) to (15) of rule 37 apply in the case of a voter who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter who applies for a ballot paper under rule 37(1), but as if in rule 37(8) the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt were made.

Tendered ballot papers: general provisions

41.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by 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) At a combined pilot election, the same list may be used for both pilot elections and, where it is so used, an entry in that list is taken to mean that tendered ballot papers for both pilot elections were marked, unless the list identifies the pilot election 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 is 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) of this rule, the references to the name of the voter are to be ignored;

- (b) otherwise, a reference to a person named on a register or list is to be read 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 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”.

Refusal to deliver ballot paper

- 42.—**(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the voter’s electoral number, and
 - (b) against that number, the reason for the refusal.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the name and address of the voter, and
 - (b) against those details, the reason for the refusal.
- (3) Paragraphs (4) and (5) apply where—
- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(6), and
 - (b) the voter makes a further application as permitted by rule 37(8).
- (4) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter).
- (7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—
- (a) allocated to the person as stated in the copy of the register of electors, or
 - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.
- (8) Subject to rule 37(8) and paragraph (9), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(5) or 37(6), and
 - (b) any reference to paragraph (6) or (8) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.

Spoilt ballot papers

43. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on early voting day or day of poll

44.—(1) The presiding officer of a polling station 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 poll.

(2) The presiding officer of an early voting hub 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 an early voting day, with entries on the list organised by early voting day.

(3) At a combined pilot election, the same list may be used under paragraph (1) or (2) for both pilot elections and, where it is so used, an entry in that list is taken to mean that the ballot papers were issued for both pilot elections, unless the list identifies the pilot election for which a ballot paper was issued.

Adjournment of poll in case of riot

45.—(1) Where the proceedings at an early voting hub on an early voting day are interrupted or obstructed by riot or open violence, the presiding officer must—

- (a) treat proceedings at the hub as if the close of voting had been reached on that day, and
- (b) forthwith give notice to the returning officer.

(2) Rules 32(8) and 37(22) do not apply where the presiding officer of an early voting hub treats proceedings at the hub as if the close of voting had been reached in accordance with paragraph (1)(a).

(3) 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.

(4) 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 are to be construed accordingly.

Suspension or closure of early voting hub where technical defect in equipment

46.—(1) Paragraph (2) applies where—

- (a) due to a technical defect the equipment allocated to an early voting hub in accordance with rule 28(6)(e) does not allow the presiding officer of that early voting hub to comply with the obligation under rule 37(24), and
- (b) the returning officer is satisfied that there is no suitable alternative means by which the presiding officer may comply with that obligation.

(2) The returning officer must either—

- (a) suspend the use of that early voting hub for voting at the pilot election until the technical defect is resolved, or
- (b) if the technical defect cannot be resolved before the close of voting on an early voting day, direct the presiding officer of the voting hub to treat proceedings at the voting hub as if the close of voting had been reached on that early voting day.

(3) The returning officer must notify the Electoral Commission as soon as practicable after acting in accordance with paragraph (2)(a) or (b).

(4) Rules 32(8) and 37(22) do not apply where the presiding officer of an early voting hub treats proceedings at the hub as if the close of voting had been reached in accordance with paragraph (2)(b).

Procedure at close of voting on early voting day

47.—(1) As soon as practicable after the close of voting on each early voting day, the presiding officer for each early voting hub must, in the presence of the polling agents,—

- (a) seal each ballot box in use at the hub to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) make up and seal—
 - (i) on an early voting day which is not the final early voting day, a packet containing 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, or
 - (ii) on the final early voting day, separate packets each of which contain the part of the marked copies of the register, any marked copy notices and the part of the marked list of proxies that relates to each pilot election;
- (c) in respect of each pilot election for which the hub is used, make up and seal the following—
 - (i) subject to paragraph (2), a packet containing the unused and spoilt ballot papers,
 - (ii) a packet containing the tendered ballot papers,
 - (iii) a packet containing the ballot paper refusal list completed in accordance with rule 42,
 - (iv) a packet containing the lists prepared under rule 18 including the parts which were completed in accordance with rule 37(1)(a),
 - (v) a packet containing 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 44(2) (correction of errors on early voting days), and the declarations made by the companions of voters with disabilities.

(2) Where the returning officer determines to undertake early verification at the end of each early voting day, the unused and spoilt ballot papers referred to in paragraph (1)(c)(i) must be made up into separate sealed packets.

(3) In paragraphs (1) and (2), a ballot box or packet is sealed if it has been sealed with the presiding officer’s own seal and the seals of such polling agents as desire to affix their seals to the ballot box or packet.

(4) The presiding officer must—

- (a) take proper precautions for the safe custody of every ballot box and packet referred to in paragraphs (1) and (2), and
- (b) ensure that the contents of every ballot box and packet referred to in paragraph (1)(a) and (c) and (2) which relate to an early voting day are not mixed with the contents of any such ballot box or packet which relate to another early voting day.

(5) On each early voting day after the first one, before the start of voting on that day the presiding officer of the early voting hub must—

- (a) in the presence of the polling agents, open the packet described in paragraph (1)(b)(i), and
- (b) use the marked register, copy notices and list of proxies for the purposes of voting on that early voting day.

(6) Except where rule 48 applies, at the end of the final early voting day the presiding officer must either—

- (a) personally deliver to the returning officer the ballot boxes and packets described in paragraphs (1) and (2) for each early voting day, or
- (b) otherwise cause to be delivered to the returning officer, in a manner approved by the returning officer, those ballot boxes and packets.

(7) The presiding officer must ensure that, when delivered in accordance with paragraph (6), the ballot boxes and packets are accompanied by a statement made by the presiding officer in respect of each pilot election for which the early voting hub is used (in these Rules referred to as “the ballot paper account”) showing the number of ballot papers entrusted to the presiding officer and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Additional steps where early verification undertaken

48.—(1) This rule applies where the returning officer determines to undertake early verification at the end of each early voting day.

(2) For each pilot election for which an early voting hub is used, the presiding officer of the early voting hub must keep a form (“the Early Voting Ballot Book Reuse Form”) which, in respect of each relevant time, shows—

- (a) the number of unused ballot papers, and
- (b) the number of unused tendered ballot papers.

(3) The Early Voting Ballot Book Reuse Form must—

- (a) be completed or updated by the presiding officer as soon as practicable after each relevant time, and
- (b) after being completed or updated each relevant time, must be signed by two separate individuals, each of whom must be the presiding officer, the returning officer or a member of staff appointed by the returning officer to do so.

(4) In paragraphs (2) and (3) the following are each a “relevant time”—

- (a) the opening of voting on an early voting day;
- (b) the close of voting on an early voting day.

(5) At the end of each early voting day, once the presiding officer of an early voting hub has complied with rule 47(1) the presiding officer must—

- (a) make up and seal into a packet the Early Voting Ballot Book Reuse Form;
- (b) either—
 - (i) personally deliver to the returning officer the ballot boxes and packets described in rule 47(1) and (2) for that early voting day and the packet described in sub-paragraph (a) of this paragraph, or
 - (ii) otherwise cause to be delivered to the returning officer, in a manner approved by the returning officer, those ballot boxes and packets, and
- (c) ensure that, when delivered in accordance with sub-paragraph (b), the ballot boxes and packets are accompanied by a statement made by the presiding officer in respect of each pilot election for which the early voting hub is used (in these Rules referred to as “the ballot paper account”) showing the number of ballot papers entrusted to the presiding officer and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Updating of registers and lists of proxies issued to polling stations

49. As soon as practicable after the final early voting day, the returning officer must update—

- (a) the copy of the register of electors to be provided to each polling station, and

(b) the copy of the part of the list of proxies to be provided to each polling station,
to show those electors or proxies who voted at each early voting hub.

Early verification

50.—(1) The returning officer may determine to undertake separate verification of the contents of ballot boxes used at each early voting hub after the close of voting on each early voting day (“early verification”).

(2) Where the returning officer so determines, the returning officer must—

- (a) make arrangements for early verification to take place in the presence of the counting agents as soon as practicable after the close of voting on the early voting day, and
- (b) give the counting agents notice in writing of the time and place at which early verification will take place.

(3) Subject to paragraph (4), no person other than one of the following may be present at early verification—

- (a) the returning officer and the returning officer’s clerks,
- (b) the candidates at each pilot election for which the early voting hub is used and one other person chosen by each of them,
- (c) the election agents for those candidates,
- (d) the counting agents appointed in accordance with 29, and
- (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.

(4) The returning officer may permit a person to attend early verification who is not otherwise entitled to do so, but may only do so if the returning officer—

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

(5) Paragraphs (3) and (4) are subject to rule 51.

(6) 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.

(7) The procedure for early verification is as follows—

- (a) the returning officer must, in the presence of the counting agents—
 - (i) open each ballot box,
 - (ii) where rule 28(2) applies in respect of the ballot box, separate the ballot papers for each pilot election and count and record the number of ballot papers relating to each pilot election, and
 - (iii) except where paragraph (ii) applies, count and record the number of ballot papers in the ballot box,
- (b) in respect of each pilot election for which an early voting hub is used, in the presence of the election agents, the returning officer must then verify the ballot paper account by comparing it with—
 - (i) the number of ballot papers recorded by the returning officer,
 - (ii) the unused and spoilt ballot papers in the returning officer’s possession (opening and resealing the packets containing the unused and spoilt ballot papers), and
 - (iii) the tendered votes list (opening and resealing the packet containing the tendered votes list), and
- (c) the returning officer must then draw up a statement as to the result of the verification for each pilot election, which any election agent may copy.

(8) At all times during the early verification procedure set out in paragraph (7) the returning officer and the returning officer's staff must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers.

(9) As soon as practicable following the completion of early verification on an early voting day other than the final early voting day, the returning officer must, in respect of each pilot election for which an early voting hub is used—

- (a) update the Early Voting Ballot Book Reuse Form and ensure that it is signed by two separate individuals, each of whom must be the returning officer or a member of staff appointed by the returning officer to do so (opening and resealing the packet containing the Form);
- (b) return the sealed packets containing the Early Voting Ballot Book Reuse Form and unused ballot papers to the presiding officer of the early voting hub to which the Form and papers relate.

(10) The presiding officer of an early voting hub may use any unused ballot papers returned under paragraph (9)(b) on any subsequent early voting day.

(11) Between the completion of early verification and the count, the returning officer must—

- (a) place the ballot papers and other documents relating to each early voting hub 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.

(12) In this rule—

- (a) except in paragraph (7)(b) and (c), a reference to election agents or counting agents is a reference to all those agents appointed by the candidates at each pilot election for which an early voting hub is used,
- (b) in paragraph (7)(b) and (c), a reference to election agents is a reference to all those agents appointed by the candidates at the pilot election to which the verification of the particular ballot paper account relates,
- (c) “ballot paper account” has the meaning given in rule 47(7) and rule 48(5)(c), and
- (d) in paragraph (9), “Early Voting Ballot Book Reuse Form” has the meaning given in rule 48(2).

Regulation of attendance at early verification

51.—(1) This rule applies where, at any time, the returning officer determines that the efficient completion of early verification is being or will be impeded by the number of persons described in rule 50(3) and (4) who are, or who intend to be, present at early verification.

(2) The returning officer may exclude the following persons from early verification, in the following order of priority, until the returning officer is satisfied efficient completion is not or will not be so impeded—

- (a) first, every person permitted to attend in accordance with rule 50(4);
- (b) then, every person chosen by a candidate in accordance with rule 50(3)(b);
- (c) then, every person present at the proceedings in accordance with section 6C or 6D of the Political Parties, Elections and Referendums Act 2000.

(3) Where the returning officer has excluded every person in paragraph (2)(a) to (c) and remains of the view that the efficient completion of early verification is being or will be impeded by the remaining number of persons present or who intend to be present, the returning officer may exclude one or more relevant attendees from early verification until the returning officer is satisfied efficient completion is not or will not be so impeded.

(4) Where, ignoring paragraph (3), a candidate and the candidate's election agent are both present or would both be present at early verification, a “relevant attendee” is that candidate or that agent as selected by—

- (a) that candidate, or
 - (b) in default of such a selection by that candidate, the returning officer.
- (5) In exercising the power under paragraph (3) the returning officer must, so far as the returning officer is able, ensure that—
- (a) a candidate or a candidate’s election agent acting as the candidate’s counting agent (in accordance with rule 29(10) or (11)) is not treated as not entitled to be present;
 - (b) each relevant attendee has an equal opportunity to be present for at least part of early verification, including (but not limited to)—
 - (i) deciding by lot which relevant attendees are to be treated as not entitled to be present, and
 - (ii) allowing each relevant attendee to be present for an equal part of early verification;
 - (c) a candidate or a candidate’s election agent is present for the proceedings under rule 50(7)(b) and (c) relating to the pilot election at which the candidate is a candidate.
- (6) The returning officer must keep the number of persons present at early verification under review, and where the returning officer is satisfied that one or more of those who have been excluded under this rule may attend early verification without impeding its efficient completion, the returning officer must permit the attendance of those excluded in the following order—
- (a) first, any relevant attendee;
 - (b) then, any person described in paragraph (2)(c);
 - (c) then, any person described in paragraph (2)(b);
 - (d) then, any person described in paragraph (2)(a).

Procedure on close of poll

52.—(1) As soon as practicable after the close of the poll, the presiding officer of a polling station must, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and the list of proxies,
- (e) the ballot paper refusal list completed in accordance with rule 42,
- (f) the lists prepared under rule 18 including the parts which were completed in accordance with rule 37(1)(a) (together referred to in these Rules as “the completed corresponding number lists”),
- (g) the certificates as to employment on duty on the day of the poll,
- (h) 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 44(1) (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 him; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery must have 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) At a combined pilot election, the contents of the packets referred to in paragraph (1)(b), (c) and (g) relating to one pilot election must not be combined with the contents of those packets relating to the other pilot election.

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

(5) At a combined pilot election, a separate ballot paper account under paragraph (4) must be made for each pilot election.

CHAPTER 4

Counting of votes

Attendance at counting of votes

53.—(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 at which the returning officer will begin to count the 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 (if appointed),
- (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,

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 must 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 (if appointed) 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 are entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

54.—(1) Subject to paragraph (2), the returning officer must—

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

(2) Paragraph (1)(a) and (b) does not apply in respect of any ballot papers which have been verified by early verification.

(3) Where the ballot box is a ballot box to which rule 28(2) applies—

- (a) the reference in paragraph (1)(a) to counting agents is a reference to any counting agents appointed by candidates at every pilot election for which the ballot box was used, and
 - (b) the returning officer must separate the ballot papers for each pilot election before counting and recording the ballot papers in accordance with paragraph (1)(a).
- (4) At a combined pilot election, the reference in paragraph (1)(c) to recording the number of postal ballot papers counted is a reference to separately recording the number counted for each pilot election.
- (5) The returning officer must not count the votes given on any ballot papers at a pilot election 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—
 - (i) the ballot papers from a ballot box used at an early voting hub have been mixed with the ballot papers from a ballot box used at a polling station, and
 - (ii) in all other cases, the ballot papers from a ballot box have been mixed with the ballot papers from at least one other ballot box.
- (6) Where separate ballot boxes are used at an early voting hub or, at a combined pilot election, at a polling station, no vote for any candidate at a pilot election is rendered invalid by the ballot paper being placed in the ballot box intended for another pilot election.
- (7) A postal ballot paper must not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (8) and reaches the returning officer or any polling station in the electoral area or early voting hub in question before the close of the poll;
 - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (8) and reaches the returning officer or such a polling station or early voting hub before that time;
 - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be);
 - (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), and
 - (e) the postal ballot paper is not one that falls to be rejected in accordance with regulation 79B, 79D, 82B or 82D of the Representation of the People (England and Wales) Regulations 2001(a).
- (8) 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 or early voting hub, is by hand.
- (9) A postal ballot paper or postal voting statement that reaches the returning officer or a polling station on or after the close of poll is treated for the purposes of this rule as reaching that officer or polling station before the close of 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.
- (10) The returning officer must not count any tendered ballot paper.
- (11) The returning officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(a) S.I. 2001/341; relevant amending instruments are S.I. 2006/2910, 2007/1205, 2013/3198, 2022/1382, 2023/1147, 1225.

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

(13) 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.

(14) 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.

(15) In this rule "ballot paper account" has the meaning given in rule 47(7), 48(5)(c) and 52(4) (as the case may be).

Re-count

55.—(1) A candidate or a candidate's election agent (if appointed) may, if present when the counting or any re-count of the 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 is to be taken on the completion of the counting or any re-count of votes until the candidates and election agents (if appointed) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

56.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more candidates than the voter is entitled to vote for, 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,

is, subject to paragraphs (2) and (3), void and not to be counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper is not deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote must be counted.

(3) 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,

is not for such reason deemed to be void (either wholly or as respects that vote) if an intention that the vote is for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that the voter can be identified by it.

(4) The returning officer must—

- (a) endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and
- (b) in the case of a ballot paper on which any vote is counted under paragraph (2), endorse the words "rejected in part" on the ballot paper and indicate which vote or votes have been counted,

and must add to the endorsement the words “rejection objected to” if any objection is made by a counting agent to the returning officer’s decision.

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

- (a) want of official mark;
- (b) voting for more candidates than the voter is entitled to;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or void for uncertainty;

and the statement must record the number of ballot papers rejected in part.

Decisions on ballot papers

57. The decision of the returning officer on any question arising in respect of a ballot paper is final but is subject to review on an election petition.

Equality of votes

58. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer must forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

PART 4

Final proceedings in contested and uncontested elections

Declaration of result

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

- (a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected,
- (b) give notice of the name of each candidate to whom sub-paragraph (a) applies to—
 - (i) at a parish election, the proper officer of the parish council, and
 - (ii) in all cases the proper officer of Tunbridge Wells Borough Council, and
- (c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) In an uncontested election, the 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 or persons remaining validly nominated,
- (b) give notice of the name of each person to whom sub-paragraph (a) applies to—
 - (i) at a parish election, the proper officer of the parish council, and
 - (ii) in all cases the proper officer of Tunbridge Wells Borough Council, and
- (c) give public notice of the name of each such person.

PART 5

Disposal of documents

Destruction of home address forms

- 60.**—(1) The returning officer must destroy each candidate's home address form—
- (a) on the next day following the 35th day after the officer has returned the name of the member elected, or
 - (b) if an election petition questioning the election or return is presented before that day, as soon as is practicable following the conclusion of proceedings on the petition or on appeal from such proceedings.
- (2) For the purposes of paragraph (1), any day falling within rule 2(1) must be disregarded.

Sealing up of ballot papers

- 61.**—(1) On 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) the completed ballot paper refusal list,
 - (d) certificates as to employment on duty on the day of poll,
 - (e) 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 of documents to relevant registration officer

- 62.**—(1) The returning officer must then forward to the relevant registration officer the following documents—
- (a) the packets of ballot papers in the returning officer's possession,
 - (b) the ballot paper accounts (within the meaning of rule 47(7), 48(5)(c) and 52(4) (as the case may be)) 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 44(1), and the declarations made by the companions of voters with disabilities,
 - (d) the packet containing the completed ballot paper refusal list,
 - (e) the packets of the completed corresponding number lists,
 - (f) the packets of certificates as to employment on duty on the day of poll, and
 - (g) 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;
 - (h) the packet containing the completed Early Voting Ballot Book Reuse Form (within the meaning of rule 48(2)).
- (2) In this rule and in rules 63, 64 and 65 references to the relevant registration officer are to the registration officer of Tunbridge Wells Borough Council.

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 poll or for the inspection of any counted ballot papers in the relevant registration officer's custody,

may be made by a 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—

- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
- (b) for the inspection or production of that list,

may be made by the county court if satisfied by evidence on oath that the order is required for the purposes of an election petition.

(3) An order 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 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.

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

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

as the court making the order think expedient; but in making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of 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 is not to 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 a county court under this rule.

(6) Any power given under this rule to a 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 the relevant registration officer's possession relating to any specified election—

- (a) the production by the relevant registration officer or the officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified election, and
- (b) any endorsement on any packet of ballot papers so produced is 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,

is 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, a person is not allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of poll.

Retention of documents

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

PART 6

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 of the 1983 Act^(a) apply in respect of any vacancy which remains unfilled.

(2) For the purposes of paragraph (1), the reference to polling having begun includes circumstances where early voting has begun on the first early voting day.

(3) In respect of a combined pilot election—

- (a) this rule applies only to the pilot election at which the candidate has died, and
- (b) consequently, neither the countermand of the poll at that pilot election nor the direction that that poll be abandoned affects the poll at the other pilot election.

(4) Where the poll is abandoned by reason of a candidate's death—

- (a) no further ballot papers are to be issued, and
- (b) where the poll is abandoned—
 - (i) after voting has begun on the first early voting day but before polling has begun on the day of poll, the presiding officer at an early voting hub 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 the presiding officer is required to take on the close of voting on an early voting day—
 - (aa) at a combined pilot election, at the close of voting on the early voting day on which the poll is abandoned, as if the pilot election had not been abandoned, and
 - (bb) otherwise, immediately upon the poll being abandoned;
 - (ii) after polling has begun on the day of poll, the presiding officer at a polling station 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 the presiding officer is required to take on the close of the poll—
 - (aa) at a combined pilot election, at the close of the poll as if the pilot election had not been abandoned, and
 - (bb) otherwise, immediately upon the poll being abandoned.

^(a) Section 39(1) was amended by section 19 of the Representation of the People Act 1985 (c. 50), Schedule 17 to the Local Government Act 1985 (c. 51) and paragraph 6(2) of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

(5) The returning officer must dispose of ballot papers and other documents in the returning officer's possession as the returning officer 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 to be prepared or verified.

(7) 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.

(8) 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 an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, subject to paragraphs (9) and (10).

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

(10) 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 of employment on duty on the day of poll,

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

SCHEDULE 2

Article 6

Modification of other enactments

The Representation of the People Act 1983

1.—(1) The Representation of the People Act 1983 is modified as follows.

(2) In section 49 (effect of registers)(a), for subsections (4) and (4A) substitute—

“(4) Subject to subsection (4ZA), an entry in the register of local government electors which gives a date on which the person named will attain voting age is, for any purpose of this Part relating to the person as an elector, conclusive that until the date given in the entry the person is not of voting age nor entitled to be treated as an elector.

(4ZA) A person is entitled to be treated as an elector for the purposes of voting at an early voting hub on an early voting day where the date relating to the person in the register is 7 May 2026 or earlier.

(4A) Subsections (4) and (4ZA) apply to an entry in the record of anonymous entries as they apply to an entry in the register of local government electors.”.

(3) In section 62C (influencing voters at polling booths)(b), in subsection (3)(a) after “polling station” insert “or early voting hub”.

(4) In section 65 (tampering with nomination papers, ballot papers etc), in subsection (1)(e) after “polling station” insert “or early voting hub”.

(5) In section 66 (requirement of secrecy)(c)—

(a) in subsection (1), after “polling station” in each place it occurs insert “or early voting hub”;

(b) in subsection (3)(b) and (c)—

(i) after “polling station” insert “or early voting hub”;

(a) Subsection (4A) was inserted by paragraph 7 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(b) Section 62C was inserted by section 1 of the Ballot Secrecy Act 2023 (c. 12).

(c) Section 66(8) was inserted by paragraph 11 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

- (ii) after “station” in the second place it occurs insert “or hub”;
- (c) after subsection (8) insert—
 - “(9) Nothing in this section prevents the returning officer from carrying out an enquiry, either before or after the close of the poll, concerning whether an elector or the elector’s proxy has voted, and the manner and location in which they did so.”.
- (6) In section 199B (translations etc of certain documents)(a), in subsections (5) and (7) after “polling station” insert “and early voting hub”.
- (7) In Schedule 2 (provisions which may be contained in regulations as to registration etc.), in paragraph 12ZA(12)(b), in the definition of “relevant officer” after “polling station” in each place it occurs insert “or early voting hub”.

The Representation of the People Act 2000

- 2.—(1) The Representation of the People Act 2000 is modified as follows.
- (2) After section 10 insert—

“Duty to co-operate with the Electoral Commission

10A.—(1) The returning officer for a pilot election must ensure that the Electoral Commission, and any person authorised by the Electoral Commission, is afforded access to any relevant item or place that is to be, is being, or has been used for the purposes of the pilot election.

(2) Subsection (1) applies only to the extent that the Electoral Commission reasonably requires access to the relevant item or place for the purpose of enabling the Electoral Commission to assess the pilot election.

(3) Subsection (1) does not require the returning officer to give access without an order of the court to any relevant items which, by reason of a requirement in any enactment, is contained within a sealed packet.

(4) In this section “relevant item” means any ballot paper, document, equipment, computer software or hardware or data stored electronically.”.

The Political Parties, Elections and Referendums Act 2000

- 3.—(1) The Political Parties, Elections and Referendums Act 2000 is modified as follows.
- (2) In section 6C (accredited observers: individuals) and section 6D (accredited observers: organisations), in subsection (1)—
 - (a) in paragraph (b) after “poll” insert “, which includes proceedings at an early voting hub”;
 - (b) in paragraph (c), after “votes” insert “or early verification.
- (3) In section 6E (attendance and conduct of observers)(c), in subsection (4)(a) after “station” insert “or an early voting hub”.

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

- 4.—(1) The Representation of the People (England and Wales) Regulations 2001 are modified as follows.
- (2) In regulation 3 (interpretation)—
 - (a) in paragraph (1), in the definition of “left behind postal voting document” after “polling station” insert “or early voting hub”;

(a) Section 199B was inserted by section 36 of the Electoral Administration Act 2006 (c. 22).
 (b) Paragraph 12ZA was inserted by section 5(5) of the Elections Act 2022 (c. 37).
 (c) Section 6E was inserted by section 29 of the Electoral Administration Act 2006.

- (b) for paragraph (2) substitute—
 - “(2) A reference in these Regulations to a numbered rule in the elections rules is a reference to the rule of that number in Schedule 2 or Schedule 3 to the 2006 Principal Area Rules or in Schedule 3 to the 2006 Parish Rules.”.
- (3) In regulation 32A (representations regarding clerical errors), in paragraph (2) after “polling station” insert “or early voting hub”.
- (4) In regulation 36A—
 - (a) in the heading, after “made on” insert “early voting day or”;
 - (b) in paragraph (1), after “1983 Act on” insert “an early voting day or”.
- (5) In regulation 56 (closing date for applications), in paragraph (5A) after “papers))” insert “or has voted in person at an early voting hub”.
- (6) In regulation 56A (grounds relating to voter identification)—
 - (a) in paragraph (6), for “rule 42” substitute “rule 45(2)”;
 - (b) in paragraph (8)(c), for “rule 37(1H) and (1K)” substitute “rule 37(10)”.
- (7) In regulation 61C (notification of a rejected postal voting statement or document), in paragraph (1)(a)(ii) after “polling station” insert “or early voting hub”.
- (8) In regulation 62—
 - (a) in the heading, at the end insert “or early voting hubs”;
 - (b) in the text, after “polling station” insert “or early voting hub”.
- (9) In regulation 74 (envelopes), for “rule 24” substitute “rule 23”.
- (10) In regulation 79 (alternative means of returning postal ballot paper or postal voting statement)—
 - (a) in paragraph (2A)—
 - (i) after “polling station” insert “or early voting hub”;
 - (ii) after “that station” insert “or hub”;
 - (iii) for “rule 43(1)” substitute “rule 47(1) or 52(1)”;
 - (b) in paragraph (4), after “polling station” insert “or early voting hub”.
- (11) In regulation 79A (requirements of return of postal voting documents form), in paragraph (1)(a)(vi) after “polling station” insert “or early voting hub”.
- (12) In regulation 79B—
 - (a) in the heading, after “polling station” insert “or early voting hub”;
 - (b) in paragraph (1)(c), after “polling station” insert “or early voting hub”.
- (13) In regulation 79C—
 - (a) in the heading, after “polling station” insert “or early voting hub”;
 - (b) in paragraph (4), for “rule 43(1)” substitute “rule 47(1) or 52(1)”.
- (14) In regulation 79D—
 - (a) in the heading, after “polling station” insert “or early voting hub”;
 - (b) in paragraph (1), after “polling station” insert “or early voting hub”.
- (15) In regulation 82A (postal voting documents handed in to the returning officer), for paragraph (1) substitute—
 - “(1) This regulation applies to any postal voting document returned by hand in accordance with rule 54(8)(a) of the election rules.”.
- (16) In regulation 82B (rejection of postal voting documents handed in to the returning officer), in paragraph (1)(c), after “polling station” insert “or early voting hub”.
- (17) In regulation 83 (opening of postal voters’ ballot box), in paragraph (3) for “rule 45” substitute “rule 54”.

(18) In regulation 86A (retrieval of cancelled postal ballot papers), in paragraph (2)(f) for “rule 45” substitute “rule 54”.

(19) In regulation 87 (lists of rejected postal ballot papers or postal voting documents), in paragraph (7)(a) and (b), after “polling station” insert “or early voting hub”.

(20) In regulation 88 (checking of lists kept under regulation 87), in paragraph (3) for “rule 43(1)” substitute “rule 47(1) or 52(1)”.

(21) In regulation 91 (forwarding of documents)—

(a) in paragraph (1)—

(i) for “rule 55(1A)” substitute “rule 62(1)”;

(ii) for “rule 55 of the elections rules” substitute “that rule”;

(b) in paragraph (3A)(a), for “rule 55(1A)” substitute “rule 62(1)”;

(c) in paragraph (4), for “Rules 56 and 57” substitute “Rules 63 or 64”.

(22) In regulation 116 (interpretation of Part 7), in paragraph (1) for “rule 55(1)(e)” substitute “rule 62(1)(g)”.

(23) In Schedule 3 (forms)—

(a) in form E1 (proxy paper (parliamentary elections and local government elections in England), on the final page—

(i) after paragraph 3 insert—

“**3A.** If you have been appointed to vote as proxy—

(a) at an election of councillors for any one of the 14 wards of the Borough of Tunbridge Wells for which the day of poll is Thursday 7 May 2026,

(b) at an election of councillors for a parish within the Borough of Tunbridge Wells for which the day of poll is Thursday 7 May 2026, or

(c) generally at any local government election for a definite or indefinite period which includes such an election,

you can also vote for the purposes of that election at any early voting hub provided on Saturday 2 May or Sunday 3 May, instead of voting at the allotted polling station on Thursday 7 May. The proxy poll card you are sent before polling day will tell you where these early voting hubs are, as well as stating the hours during which you can vote on each day. You do not need to take either the poll card or this proxy paper to the early voting hub, but you may find it helpful to do so. You will need to show one of the accepted forms of photographic identification and these will be listed on the poll card.”;

(ii) in paragraph 4, for “polling station” substitute “early voting hub or polling station”;

(b) in Form K1 (statement as to postal ballot papers at parliamentary elections and local government elections in England), for “polling station” in each place it occurs insert “or early voting hub”.

The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004

5.—(1) The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(a) are modified as follows.

(2) For regulation 4 substitute—

(a) S.I. 2004/294, to which there are amendments not relevant to this Order.

“Returning officers

4. At a combined pilot election, the functions of the returning officer for both pilot elections are to be discharged by the returning officer appointed by Tunbridge Wells Borough Council.”.

(3) Omit regulations 5 and 6.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for a pilot scheme to apply to the elections of councillors for any of the 14 wards of the borough of Tunbridge Wells, and any election of councillors for a parish within that borough, for which the day of poll is Thursday 7th May 2026. Under the pilot scheme, an elector (or appointed proxy) will be able to vote in person at an early voting hub on any early voting day (see article 1(3)(d)) instead of voting at the elector’s allocated polling station on the day of poll.

Article 2 makes modifications to paragraphs 2 and 7 of Schedule 4 to the Representation of the People Act 2000 (c. 2), which govern the manner of voting at local government elections in England for electors and proxies, to provide for early voting.

Article 3 and Schedule 1 modify the rules ordinarily governing those pilot elections which are principal area elections (see article 1(3)(e)(i)), which are contained in the Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304), to provide for early voting. Article 4 and Schedule 1 modify the rules ordinarily governing those pilot elections which are parish elections (see article 1(3)(e)(ii)), which are contained in the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305), to provide for early voting.

Article 5 allows the returning officer for a pilot election to adapt the prescribed form of certain poll cards to include information about early voting.

Article 6 and Schedule 2 make consequential modifications to other relevant electoral legislation in connection with the pilot scheme.