

Subsidiary Legislation made under s. 5.

**EUROPEAN UNION REFERENDUM  
(CONDUCT) RULES 2016**

**Repealed by s.38 of Act.2016-01 as from 22.6.2017**

**(LN. 2016/036)**

*Commencement*                      **26.2.2016**

Amending enactments	Relevant current provisions	Commencement date
LN. 2016/083	Sch. 1	14.4.2016

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*In exercise of the powers conferred upon it by section 5 of the European Union (Referendum) Act 2016, and all other enabling powers, the Minister has made the following Rules—*

### PART 1

#### CONDUCT OF REFERENDUM

##### **Title and commencement.**

1. These Rules may be cited as the European Union Referendum (Conduct) Rules 2016 and come into operation on the day of publication.

##### **Interpretation.**

2.(1) In these Rules, unless the context otherwise requires—

“the Act” means the European Union (Referendum) Act 2016;

“absent voter” means an elector who is entitled to vote by proxy or an elector or proxy who is entitled to vote by post;

“anonymous entry”, in relation to the register of electors, is to be read in accordance with paragraph 40A of Schedule 1 to the European Parliamentary Elections Act 2004;

“ballot paper account” has the meaning given by rule 38(6);

“certificate as to employment on duty on the day of the poll” has the meaning given by rule 23(4);

“Chief Counting Officer” means the Chief Counting Officer for the referendum (see section 11 of the UK European Union Referendum Act 2015);

“companion” has the meaning given by rule 32(1);

“the completed corresponding number lists” has the meaning given by rule 38(1)(e);

“counting agent” is to be read in accordance with rule 20(10);

“counting officer” means the Clerk to the Parliament;

“declaration made by the companion of a voter with disabilities” has the meaning given by rule 32(2)(c);

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- “elector” means a person who is entitled to vote on his or her own behalf in the referendum;
- “list of proxies” means the list kept under rule 54(3);
- “the list of votes marked by the presiding officer” has the meaning given by rule 31(3);
- “official mark” has the meaning given by rule 9(1);
- “polling agent” is to be read in accordance with rule 20(10);
- “postal ballot paper” means a ballot paper issued to a postal voter;
- “postal voter” means an elector or proxy who is entitled to vote by post;
- “postal voters list” means the list kept under rule 54(2);
- “postal voting statement” is to be read in accordance with rule 14(1)(b);
- “presiding officer” is to be read in accordance with rule 16(1) and (2);
- “proxy postal voters list” means the list kept under rule 57(5);
- “the referendum” means the referendum under section 1 of the UK European Union Referendum Act 2015;
- “referendum agent” means a person appointed under paragraph 15 of Schedule 1 to the UK European Union Referendum Act 2015;
- “Regional Counting Officer” means the Regional Counting Officer for the South West and Gibraltar region appointed under paragraph 5(1) of Schedule 3 to the UK European Union Referendum Act 2015;
- “register of electors” or “register” means the Gibraltar register as defined by section 2 of the European Parliamentary Elections Act 2004;
- “registration officer” has the meaning given in section 2 of the European Parliamentary Elections Act 2004;
- “a spoilt ballot paper” has the meaning given by rule 35(1)(a);
- “tendered ballot paper” has the meaning given by rule 33(1);
- “tendered votes list” has the meaning given by rule 34(5);

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“voter” means a person voting in the referendum and includes a person voting as proxy and “vote” (whether noun or verb) is be construed accordingly; and a reference to an elector voting or an elector’s vote includes a reference to an elector voting by proxy or an elector’s vote given by proxy;

“UK European Parliamentary Elections Act 2002” means the European Parliamentary Elections Act 2002 passed by the Parliament at Westminster;

“UK European Parliament (Representation) Act 2003” means the European Parliament (Representation) Act 2003 passed by the Parliament at Westminster;

“UK European Union Referendum Act 2015” means the European Union Referendum Act 2015 passed by the Parliament at Westminster;

“UK European Union Referendum (Conduct) Regulations 2016” means the European Union (Conduct) Regulations 2016 made under section 4 of the UK European Union Referendum Act 2015;

“UK 2004 Regulations” means the European Parliamentary Elections Regulations 2004 made by the Secretary of State under the UK European Parliamentary Elections Act 2002 and the UK European Parliament (Representation) Act 2003;

“UK 2000 Act” means the Political Parties, Elections and Referendums Act 2000 passed by the Parliament in Westminster;

“UK 1983 Act” means the Representation of the People Act 1983 passed by the Parliament in Westminster;

(2) References to sections of the UK 2000 Act and the UK 1983 Act means as modified by the UK European Union Referendum Act 2015 or the UK European Union Referendum (Conduct) Regulations 2016.

(3) References to the European Parliamentary Elections Act 2004 means as modified by the Act.

### **Timetable.**

3. The proceedings at the referendum are to be conducted in accordance with the following table.

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Proceeding	Time
Publication of notice of referendum	Not later than the 25 <sup>th</sup> day before the day of the referendum
Notice of poll	Not later than the 15 <sup>th</sup> day before the day of the referendum
Hours of polling	Between 7am and 10pm on the day of the referendum

#### **Computation of time.**

4.(1) In calculating any period of time (other than a year) for the purposes of this Part, the following are to be disregarded—

- (a) Saturdays and Sundays;
- (b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank holiday or public holiday under the Banking and Financial Dealings Act and the Interpretation and General Clauses Act;
- (c) any day that is a bank holiday in the United Kingdom under the Banking and Financial Dealings Act 1971 passed by the Parliament at Westminster in any part of the United Kingdom; and
- (d) any day appointed in Gibraltar or any part of the United Kingdom as a day of public thanksgiving or mourning.

(2) For the purposes of proceedings adjourned by a presiding officer under rule 37 (riot or open violence) subrule (1) shall apply as if—

- (a) subrule (1)(c) were omitted; and
- (b) in subrule (1)(d) the reference to “or any part of the United Kingdom” were omitted.

#### **Notice of referendum.**

5. The counting officer must give public notice of the referendum stating—

- (a) the date of the poll;



- (b) the date by which—
  - (i) applications to vote by post or by proxy; and
  - (ii) other applications and notices about postal or proxy voting,

must reach him in his capacity as registration officer in order that they may be effective for the referendum.

**Poll to be taken by ballot.**

6. The votes at the poll are to be given by ballot.

**The ballot paper.**

7.(1) The ballot of every voter is to consist of a ballot paper, which is to be printed in the form set out in Form 1 in Schedule 1 and according to the directions specified in that Schedule.

- (2) Each ballot paper—
  - (a) must set out the question and the alternative answers to that question as specified in section 1 of the UK European Union Referendum Act 2015;
  - (b) must be capable of being folded up;
  - (c) must have a number and other unique identifying mark printed on the back.

**Corresponding number list.**

8.(1) The counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be-

- (a) issued by the officer in pursuance of rule 14(1); or
- (b) provided by the officer in pursuance of rule 18.

(2) The list must be in the form set out in Form 2 in Schedule 1.

**The official mark.**

9.(1) Every ballot paper must contain an appropriate security marking (referred to in these rules as the “official mark”).

(2) The official mark must be kept secret.

(3) The counting officer may use a different official mark for different purposes.

**Prohibition of disclosure of vote.**

10. A person who has voted in the referendum may not be required, in any legal proceeding to question the referendum, to state for which answer he or she voted.

**Use of schools and public rooms.**

11.(1) The counting officer may use, free of charge for the purpose of taking the poll—

- (a) a room in a school;
- (b) a room in a building;

the expense of maintaining which is payable wholly or partly by the Government.

**Modification of forms.**

12.(1) The Chief Counting Officer may, for the purpose of making a relevant form easier for voters to understand or use, specify modifications that are to be made to the wording or appearance of the form.

(2) In subrule (1) “relevant form” means any of the following—

- (a) the forms in Schedule 1 except Forms 1, 2, 8 or 10;
- (b) the Form in Schedule 2;
- (c) the form of the notice set out in rule 19(6).

(3) In these Rules a reference to such a form is to be read as a reference to that form with any modifications specified under subrule (1).

**Notice of poll.**

13.(1) The counting officer must give public notice of the poll stating—

- (a) the day and hours fixed for the poll;

(b) the question that is to appear on the ballot paper.

(2) The notice of the poll must be published not later than the 15th day before the day of the referendum.

(3) No later than the time of the publication of the notice of the poll, the counting officer must also give public notice of—

(a) the situation of each polling station;

(b) the description of voters entitled to vote there.

(4) As soon as practicable after giving the notice under subrule (3), the counting officer must give a copy of it to each of the referendum agents appointed for the officer's area.

### **Postal ballot papers.**

14.(1) The counting officer must, in accordance with Part 4, issue to those entitled to vote by post—

(a) a ballot paper; and

(b) a postal voting statement in the form set out in Form 3 in Schedule 1,

together with envelopes for their return complying with the requirements prescribed by Part 4.

(2) The counting officer must also issue to those entitled to vote by post whatever information the 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 those directions or guidance;

(c) graphical representations of those directions or guidance;

(d) those directions or guidance in any other form (including any audible form).

(3) In the case of a ballot paper issued to a person resident in Gibraltar, the counting 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.**

15(1) The counting 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 whatever manner the officer thinks most convenient.

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

(3) The counting officer must provide each polling station with however many compartments are necessary in which the voters can mark their votes screened from observation.

**Appointment of presiding officers and clerks.**

16.(1) The counting officer must appoint and pay-

- (a) a presiding officer to attend at each polling station; and
- (b) however many clerks are necessary for the purposes of the referendum,

but the officer may not employ a person who has been employed by or on behalf of a permitted participant in or about the referendum.

(2) The counting officer may, if the officer thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer apply to the counting officer so presiding, with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of a person from the polling station.

**Issue of official poll cards.**

17.(1) Subject to subrule (2), the counting officer must, as soon as practicable after the publication of notice of the referendum, send to electors and their proxies an official poll card.

(2) An official poll card must not be sent to a person registered, or to be registered, in pursuance of an overseas elector's declaration, within the meaning of paragraph 1 of Schedule 1 to the European Parliamentary Elections Act 2004.

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(3) An elector's official poll card must be sent or delivered to his or her qualifying address, and a proxy's to his or her address as shown in the list of proxies.

(4) In the case of an elector who is entitled to vote in the referendum –

- (a) an official poll card sent to the elector must be in the form set out in Form 4 in Schedule 1;
- (b) an official postal poll card sent to the elector must in the form set out in Form 5 in Schedule 1;
- (c) an official poll card sent to the proxy of the elector must be in the form set out in Form 6 in Schedule 1;
- (d) an official postal poll card sent to the proxy of the elector must be in the form set out in Form 7 in Schedule 1.

(5) An official poll card or official postal poll card may set out whatever information, in addition to that required by virtue of subrule (4) the counting officer thinks appropriate.

(6) Different information may be provided in pursuance of subrule (5) to different electors or descriptions of elector.

(7) In this rule–

“qualifying address” means the address in respect of which a person is entitled to be registered on the register of electors;

“elector” includes only those electors who, on the last day for publication of notice of the referendum, appear on the register.

### **Equipment at polling stations.**

18. The counting officer must provide each presiding officer with however many ballot boxes and ballot papers the counting officer thinks are necessary.

### **Equipment of polling stations: further provisions.**

19.(1) Every ballot box must be constructed so that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or (in the case of a box without a lock) the seal being broken.

(2) The counting officer must provide each polling station with–

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- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register of electors or such part thereof as contains the names of the electors allotted to the station;
- (c) the parts of any special lists prepared for the referendum corresponding to each register or part of a register provided under paragraph (b);
- (d) a list consisting of that part of the list prepared under rule 8 that 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.

The list provided under paragraph (d) must be in the form set out in Form 8 in Schedule 1.

- (3) The counting officer must also provide each polling station with—
  - (a) at least one large version of the ballot paper, which must be displayed inside the polling station for the assistance of voters who are partially sighted;
  - (b) a device for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (see rule 32(1)).
- (4) The device mentioned in subrule (3)(b) must—
  - (a) allow a ballot paper to be inserted into and removed from the device, or attached to and detached from it, easily and without damage to the paper;
  - (b) keep the ballot paper firmly in place during use;
  - (c) provide suitable means for the voter—
    - (i) to identify the spaces on the ballot paper on which the voter may mark his or her vote;
    - (ii) to identify the answer to which each such space refers; and
    - (iii) to mark his or her vote on the space the voter has chosen.

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(5) A notice in the form set out in Form 9 in Schedule 1, giving directions for the guidance of the voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(6) In every compartment of every polling station there must be exhibited the notice—

“Put a cross [X] in one box only. Put no other mark on the ballot paper, or your vote may not be counted”.

(7) The reference in subrule (2)(b) to the copies of the register of electors includes a reference to copies of any notices issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004 in respect of alterations to the register.

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

20.(1) A referendum agent may, before the commencement of the poll, appoint—

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

(2) A referendum agent may, for each count, designate one counting agent as a person authorised to require a re-count under rule 41 and a designation under this subrule must be made at the same time as the person’s appointment as a counting agent.

(3) In subrule (2) “count” includes a re-count and “re-count” includes a further re-count.

(4) The counting officer may limit the number of counting agents that may be appointed, so long as—

- (a) the number that may be appointed by each referendum agent is the same; and
- (b) the number that may be appointed by each referendum agent is not (except in special circumstances) less than the number obtained by dividing the number of clerks employed on the counting by the number of referendum agents.

(5) For the purposes of subrule (4)(b), a counting agent appointed by more than one referendum agent is to be treated as a separate agent for each of them.

(6) A referendum agent who appoints a polling or counting agent must give the counting officer notice of the appointment by no later than the 5th day before the day of the poll.

(7) If a polling or counting agent dies, or becomes incapable of acting, the referendum agent may appoint another agent and must give the counting officer notice of the new appointment as soon as practicable.

(8) If a referendum agent designates a counting agent under subrule (2) the notice under subrule (6) or (7) must include notice of that fact.

(9) A notice under subrule (6) or (7)–

- (a) must be in writing; and
- (b) must give the name and address of the appointee.

(10) In the following provisions of this Part, references to polling agents and counting agents are to be read as references to polling or counting agents appointed under subrule (1) or (7)–

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted numbers.

(11) Any notice required to be given to a counting agent by the counting officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

(12) A referendum agent may do or assist in doing anything that a polling or counting agent appointed by him or her is authorised to do; and anything required or authorised by this Part to be done in the presence of the polling or counting agents may be done in the presence of a referendum agent instead of his or her polling or counting agents.

(13) Where by this Part anything 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 invalidate the thing (if the thing is otherwise duly done).

**Notification of requirement of secrecy.**

21. The counting officer must make whatever arrangements the officer thinks are appropriate to ensure that–



- (a) every person attending at a polling station (otherwise than for the purpose of voting, or assisting a voter with disabilities to vote, or as a police officer on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 15 of the Act;
- (b) every person attending at the counting of the votes (other than any police officer on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of section 15 of the Act.

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

22.(1) Where—

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

the counting officer must mark the list in the manner prescribed by Part 4.

(2) Rule 40(3) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

### **Admission to polling station.**

23.(1) The presiding officer must exclude from the polling station everyone except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the Chief Counting Officer, the Regional Counting Officer (if any) and the counting officer;
- (d) the referendum agents;
- (e) the polling agents appointed to attend at the polling station;
- (f) the clerks appointed to attend at the polling station;
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the UK 2000 Act;

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- (h) the police officers on duty; and
- (i) the companions of voters with disabilities attending at the polling station.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) No more than one polling agent may be admitted at the same time to a polling station on behalf of the same referendum agent.

(4) A police officer or person employed by a counting officer may be admitted to vote in person elsewhere than at the polling station allotted under these rules only on production and surrender of a certificate (in these rules referred to as a “certificate as to employment on duty on the day of the poll”) that—

- (a) confirms that the person is a police officer or, as the case may be, is employed by a counting officer;
- (b) is in the form set out in Form 10 in Schedule 1; and
- (c) is signed by an officer of police of or above the rank of inspector or, as the case may be, by the counting officer.

(5) A certificate surrendered under this rule must be cancelled immediately.

#### **Keeping of order in polling station.**

24.(1) It is the presiding officer’s duty to keep order at the officer’s polling station.

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

- (a) by a police officer; or
- (b) by any other person authorised in writing by the counting officer to discharge this function.

(3) A person so removed may not, without the presiding officer’s permission, re-enter the polling station that day.

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

### Sealing of ballot boxes.

25.(1) Immediately before the commencement of the poll, the presiding officer must show anyone present in the polling station that the ballot box is empty.

(2) The presiding officer must then—

- (a) lock the box (if it has a lock) and place his or her seal on it in a manner that prevents it from being opened without breaking the seal; and
- (b) place the box in his or her view for the receipt of ballot papers, and keep it so locked (if it has a lock) and sealed.

### Questions to be put to voters.

26.(1) When an application is made for a ballot paper (but not afterwards), the questions specified in the second column of the table—

- (a) may be put by the presiding officer to a person who is mentioned in the first column; and
- (b) must be put if the letter “R” appears after the question and a referendum or polling agent requires the question to be put.

	Person applying for ballot paper	Questions
1	A person applying as an elector	(a) “Are you the person registered in the register of electors as follows (read out the whole entry from the register)?”[R]
		(b)“Have you already voted in the referendum on the United Kingdom’s membership of the European Union, here or elsewhere, otherwise than as proxy for some other

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		person?" [R]
2	A person applying as proxy	(a) "Are you the person whose name appears as A B in the list of proxies for the referendum on the United Kingdom's membership of the European Union as entitled to vote as proxy on behalf of C D?" [R]
		(b) "Have you already voted in the referendum on the United Kingdom's membership of the European Union, here or elsewhere, as proxy on behalf of C D?" [R]
		(c) "Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C D?" [R]
3	A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)	(a) "Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (read out the number from the register)?" [R]
		(b) "Have you already voted in the referendum on the United Kingdom's membership of the European Union, here or elsewhere, as proxy on behalf of the elector whose number on the

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		register of electors is (read out the number from the register)?” [R]
		(c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of the person whose number on the register of electors is (read out the number from the register)?” [R]
4	Person applying as proxy if the question at entry 2(c), or 3(c) (if applicable), is not answered in the affirmative	“Have you already voted in the referendum on the United Kingdom’s membership of the European Union on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild?” [R]
5	A person applying as an elector in relation to whom there is an entry in the postal voters list	(a) “Did you apply to vote by post?”
		(b) “Why have you not voted by post?”
6	A person applying as proxy who is named in the proxy postal voters list	(a) “Did you apply to vote by post as proxy?”
		(b) “Why have you not voted by post as proxy?”

(2) In the case of a voter in respect of whom a notice has been issued under paragraph 13(3B) or (3D) of Schedule 1 to the European

Parliamentary Elections Act 2004, references in the table to reading from the register are to be read as references to reading from that notice.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless the person has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

**Challenge of voter.**

27. A person is not to be prevented from voting by reason only that—

- (a) a referendum or polling agent declares that there is reasonable cause to believe that the person has committed an offence of personation; or
- (b) the person is arrested on suspicion of committing or of being about to commit an offence of personation.

**Voting procedure.**

28. A ballot paper must be delivered to a voter who applies for one, subject to any provision of this Part to the contrary.

**Voting procedure: further provisions.**

29.(1) This rule applies where there is a duty to deliver a ballot paper to a voter under rule 28.

(2) Immediately before delivery of the ballot paper—

- (a) the number and (unless subrule (3) applies) name of the elector as stated in the copy of the register of electors must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 19(2)(d) beside the number of the ballot paper to be issued to the elector;
- (c) 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;

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- (d) 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.

(3) An elector who has an anonymous entry must show the presiding officer his or her official poll card and only the number is to be called out in pursuance of subrule (2)(a).

(4) In the case of an elector who is added to the register in pursuance of a notice issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004—

- (a) the reference in subrule (2)(a) to the copy of the register of electors is to be read as a reference to the copy of the notice;
- (b) the reference in paragraph subrule (2)(c) to a mark being placed in the register of electors is to be read as a reference to a mark being made on the copy of the notice.

### **Casting the vote.**

30.(1) Immediately after receiving a ballot paper the voter must—

- (a) proceed into one of the compartments in the polling station and there secretly mark the paper and fold it up so as to conceal the vote; and then
- (b) 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.

(2) The voter must vote without undue delay, and must leave the polling station as soon as he or she has put the ballot paper into the ballot box.

(3) A voter who at the close of the 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 rule 28; and these rules apply in relation to the voter accordingly.

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

31.(1) This rule applies where a voter applies to the presiding officer to mark the voter's ballot paper and the voter—

- (a) is incapacitated by blindness or other disability from voting in the manner directed by these rules; or

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- (b) declares orally that he or she is unable to read.
- (2) The presiding officer must, in the presence of the polling agents-
- (a) cause the voter's vote to be marked on a ballot paper in the manner directed by the voter; and
  - (b) cause the ballot paper to be placed in the ballot box.
- (3) The name of every voter whose vote is marked in pursuance of this rule must be entered on a list (in these rules called "the list of votes marked by the presiding officer"), together with-
- (a) the voter's number on the register of electors; and
  - (b) the reason for the vote being marked in pursuance of this rule.
- (4) 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.
- (5) In the case of a person in respect of whom a notice has been issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004, the reference in subrule (3)(a) to the voter's number on the register of electors is to be read as a reference to the number relating to the voter on the notice.

#### **Voting by people with disabilities.**

32.(1) Subrule (2) applies where a voter applies to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of an accompanying person (in these rules referred to as the "companion").

- (2) The presiding officer must grant the application if-
- (a) the voter makes an oral or written declaration that he or she is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance;
  - (b) the presiding officer is satisfied that the voter is so incapacitated; and
  - (c) the presiding officer is satisfied by a written declaration made by the companion (in these rules referred to as a "declaration made by the companion of a voter with disabilities") that the companion-



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- (i) is a person qualified to assist the voter; and
- (ii) has not previously assisted more than one voter with disabilities to vote in the referendum.

(3) For the purposes of subrule (2)(c) a person is qualified to assist a voter with disabilities to vote if the person—

- (a) is entitled to vote as an elector in the referendum; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The declaration made by the companion—

- (a) must be in the form set out in Form 11 in Schedule 1;
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of the companion; and
- (c) must be given immediately to the presiding officer,

and the presiding officer must attest and retain the declaration.

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

(6) If the presiding officer grants an application under this rule, anything which is by these rules required to be done to or by the voter in connection with the giving of his or her vote may be done to, or with the assistance of, the companion.

(7) The name of every voter whose vote is given in accordance with this rule must be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”) together with—

- (a) the voter’s number on the register of electors; and
- (b) the name and address of the companion.

(8) 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.

(9) In the case of a person in respect of whom a notice has been issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004, the reference in subrule (7)(a) to the

voter's number on the register of electors is to be read as a reference to the number relating to the voter on the notice.

(10) For the purposes of these rules a person is a voter with disabilities if the person has made a declaration under this rule.

**Tendered ballot papers.**

33.(1) In the following cases a person is entitled to mark a ballot paper (in these rules referred to as a "tendered ballot paper") in the same manner as any other voter if the person satisfactorily answers the questions permitted by law to be asked at the poll (rule 34 makes further provision about tendered ballot papers).

(2) Case 1 is that—

- (a) a person applies for a ballot paper;
- (b) the person claims—
  - (i) to be a particular elector named on the register; and
  - (ii) not to be named in the postal voters list or the list of proxies; and
- (c) another person has already voted in person either as that elector or as proxy for that elector.

(3) Case 2 is that—

- (a) a person applies for a ballot paper;
- (b) the person claims to be—
  - (i) a particular person named in the list of proxies as proxy for an elector; and
  - (ii) not entitled to vote by post as proxy; and
- (c) another person has already voted in person either as that elector or as proxy for that elector.

(4) Case 3 is that—

- (a) a person applies for a ballot paper;

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- (b) the person claims to be a particular elector named on the register;
  - (c) the person is also named in the postal voters list; and
  - (d) the person claims not to have made an application to vote by post.
- (5) Case 4 is that–
- (a) a person applies for a ballot paper;
  - (b) the person claims to be a particular person named as a proxy in the list of proxies;
  - (c) the person is also named in the proxy postal voters list; and
  - (d) the person claims not to have made an application to vote by post as proxy.
- (6) Case 5 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper–
- (a) a person claims to be a particular elector named on the register and also named in the postal voters list; and
  - (b) the person claims to have lost or not received the postal ballot paper.
- (7) Case 6 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper–
- (a) a person claims to be a particular person named as a proxy in the list of proxies and also named in the proxy postal voters list; and
  - (b) the person claims to have lost or not received the postal ballot paper.
- (8) In the case of an elector who has an anonymous entry, the references in this rule to a person named on a register or list are to be read as references to a person whose number appears on the register or list (as the case may be).
- (9) In the case of a person in respect of whom a notice has been issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004, the references in this rule to a person

named on the register are to be read as references to a person in respect of whom such a notice has been issued.

**Tendered ballot papers: further provisions.**

34.(1) Tendered ballot papers must be a different colour from the other ballot papers.

(2) Tendered ballot papers must be given to the presiding officer instead of being put into the ballot box.

(3) On receiving a tendered ballot paper from a voter the presiding officer must endorse it with the voter's name and number on the register of electors.

(4) The presiding officer must set tendered ballot papers aside in a separate packet.

(5) The name and number on the register of electors of every voter whose vote is marked in pursuance of rule 33 must be entered on a list (in these rules referred to as the "tendered votes list") and the voter must sign the list opposite the entry relating to him or her.

(6) 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 elector's number.

(7) In the case of an elector who has an anonymous entry, the references in subrules (3) and (5) to the name of the voter are to be ignored.

(8) In the case of a person in respect of whom a notice has been issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004, the references in subrules (3) and (5) to the voter's number on the register of electors are to be read as references to the number relating to the voter on the notice.

**Spoilt ballot papers.**

35.(1) This rule applies if a voter has inadvertently dealt with his or her ballot paper in a manner which means that it cannot conveniently be used as a ballot paper and—

- (a) the voter delivers the ballot paper (in these rules referred to as "a spoilt ballot paper") to the presiding officer; and
- (b) proves the fact of the inadvertence to the satisfaction of the officer.

(2) The voter may obtain a replacement ballot paper and the spoilt ballot paper must be cancelled immediately.

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

36. The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004 that takes effect on the day of the poll.

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

37.(1) Where the proceedings at a polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must give notice to the counting officer as soon as practicable.

(2) Where the poll is adjourned at a 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 read accordingly.

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

38.(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of any polling agents, make up into separate packets—

- (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 paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004) and of the list of proxies;
- (e) the lists prepared under rule 8, including the parts that were completed in accordance with rule 29(2)(b) (together referred

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to in these rules as “the completed corresponding number lists”);

- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 36, and the declarations made by the companions of voters with disabilities.

(2) The marked copies of the register of electors (including any marked copy notices issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004) and of the list of proxies must be in one packet and must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be sealed with—

- (a) the presiding officer’s seal; and
- (b) the seals of any polling agents who want to affix their seals.

(4) The presiding officer must deliver the packets, or cause them to be delivered, to the counting officer to be taken charge of by that officer.

(5) If the packets are not delivered by the presiding officer personally to the counting officer, their delivery must be in accordance with arrangements approved by the counting officer.

(6) 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 or her, and accounting for them under the following heads—

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

### Attendance at the count.

39.(1) The counting 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.

(2) The counting officer must give the counting agents notice in writing of the time and place at which the counting of votes will begin.

(3) A person may be present at the counting of the votes only if—

- (a) the person falls within subrule (4); or
- (b) the person is permitted by the counting officer to attend.

(4) The persons within this paragraph are—

- (a) the Chief Counting Officer, the Regional Counting Officer (if any) and the counting officer;
- (b) the counting officer's clerks;
- (c) the referendum agents;
- (d) the counting agents;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the UK 2000 Act.

(5) The counting officer may give a person permission under subrule (3)(b) only if—

- (a) the officer is satisfied that the person's attendance will not impede the efficient counting of the votes; and
- (b) the officer has consulted the referendum agents or thought it impracticable to do so.

(6) The counting officer must give the counting agents—

- (a) whatever reasonable facilities for overseeing the proceedings; and
- (b) whatever information with respect to the proceedings,

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

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

**The count.**

40.(1) The counting 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 referendum agents verify each ballot paper account;
- (c) count the postal ballot papers that have been duly returned and record the number counted.

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

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

(3) A postal ballot paper is not to be taken to be duly returned unless-

- (a) it is returned in the manner prescribed by Part 4 and reaches the counting officer or a polling station before the close of the poll;
- (b) the postal voting statement, duly signed, is also returned in the manner prescribed by Part 4 and reaches the counting officer or polling station before that time;
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be); and
- (d) in a case where an elector's or proxy's date of birth and signature are to be verified in accordance with Part 4, the counting officer verifies the date of birth and signature of the elector or proxy (as the case may be).



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(4) A postal ballot paper or postal voting statement that reaches the counting officer or a polling station on or after the close of the poll is treated for the purposes of subrule (3) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.

(5) The counting officer must not count any tendered ballot papers.

(6) The counting officer, while counting and recording the number of ballot papers and counting the votes, must—

- (a) keep the ballot papers with their faces upwards; and
- (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.

(7) The counting officer must—

- (a) verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list;
- (b) draw up a statement as to the result of the verification.

(8) Any counting agent present at the verification may copy the statement drawn up under subrule (7)(b).

(9) Once the statement is drawn up the counting officer must—

- (a) if a Regional Counting Officer has been appointed, inform the Regional Counting Officer of the contents of the statement;
- (b) if a Regional Counting Officer has not been appointed, inform the Chief Counting Officer of the contents of the statement.

(10) The counting officer must so far as practicable proceed continuously with the counting of votes, allowing only time for refreshment, except that—

- (a) the officer may, with the agreement of the counting agents, exclude the whole or any part of the period between 7 pm and 9 am on the next day;
- (b) the officer may exclude a day mentioned in rule 4(1).

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- (11) During the time so excluded the counting officer must—
- (a) place the ballot papers and other documents relating to the referendum under the officer's own seal and the seals of any of the counting agents who want to affix their seals; and
  - (b) otherwise take proper precautions for the security of the papers and documents.
- (12) For the purposes of subrule (10)(a) the agreement of a referendum agent is effective as the agreement of his or her counting agents.

#### **Re-count.**

41.(1) A person within subrule (2) who is present at the completion of the counting (or any re-count) of the votes may require the counting officer to have the votes for that area re-counted (or again re-counted), but the counting officer may refuse to do so if in the officer's opinion the requirement is unreasonable.

- (2) The persons within this subrule are—
- (a) referendum agents;
  - (b) counting agents who, in relation to the count (or re-count), are designated under rule 20(2).

(3) No step is to be taken on the completion of the counting (or any re-count) of the votes until the persons within subrule (2) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(4) A counting officer may not conduct a re-count once a direction has been given under rule 43(3)(b).

#### **Rejected ballot papers.**

- 42.(1) Any ballot paper—
- (a) that does not bear the official mark; or
  - (b) on which a vote is given for both answers to the referendum question; 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 does not indicate the voter's intention with certainty,

is void and not to be counted.

(2) But 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 to be treated as void for that reason if the voter's intended answer to the referendum question is apparent, 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.

(3) The counting officer must endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words "rejection objected to" if an objection is made by a counting agent to the officer's decision.

(4) The counting officer must draw up a statement showing the number of ballot papers rejected under each of the following heads—

- (a) no official mark;
- (b) both answers voted for;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty.

(5) Once the statement is drawn up the counting officer must—

- (a) if a Regional Counting Officer has been appointed, inform the Regional Counting Officer of the contents of the statement;
- (b) if a Regional Counting Officer has not been appointed, inform the Chief Counting Officer of the contents of the statement.

**Direction to conduct re-count.**

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43.(1) On the completion of the counting of the votes (including any re-count under rule 41), and on the completion of any re-count under this rule, the counting officer must draw up a statement showing–

- (a) the total number of ballot papers counted; and
- (b) the number of votes cast in favour of each answer to the question asked in the referendum.

(2) Once the statement is drawn up the counting officer must–

- (a) if a Regional Counting Officer has been appointed, inform the Regional Counting Officer of the contents of the statement;
- (b) if a Regional Counting Officer has not been appointed, inform the Chief Counting Officer of the contents of the statement.

(3) The Regional Counting Officer or Chief Counting Officer must then either–

- (a) direct the counting officer to have the votes re-counted; or
- (b) direct the counting officer to make the certification under section 128(5) of the UK 2000 Act.

(4) The Regional Counting Officer or Chief Counting Officer may give a direction under subrule (3)(a) only if the officer thinks that there is reason to doubt the accuracy of the counting of the votes.

(5) A counting officer who is given a direction under subrule (3)(a) must–

- (a) begin the re-count as soon as practicable; and
- (b) if the officer does not begin the re-count immediately, notify the counting agents of the time and place at which it will take place.

(6) A counting officer may not make the certification under section 128(5) of the UK 2000 Act until directed to do so under subrule (3)(b).

#### **Decisions on ballot papers.**

44. The decision of the counting officer on any question arising in respect of a ballot paper is final (subject to review in accordance with paragraph 19 of Schedule 3 to the UK European Union Referendum Act 2015).

#### **Declaration by counting officers.**

45.(1) This rule applies to the counting officer if a Regional Counting Officer has been appointed.

(2) After making the certification under section 128(5) of the UK 2000 Act, the counting officer must—

- (a) immediately give to the Regional Counting Officer notice of the matters certified;
- (b) as soon as practicable give to the Regional Counting Officer notice of the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(3) When authorised to do so by the Regional Counting Officer, the counting officer must—

- (a) make a declaration of the matters certified under section 128(5) of the UK 2000 Act;
- (b) give public notice of the matters certified together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

### **Declaration by counting officers: further provisions.**

46.(1) This rule applies to the counting officer if no Regional Counting Officer has been appointed.

(2) After making the certification under section 128(5) of the UK 2000 Act, the counting officer must—

- (a) immediately give to the Chief Counting Officer notice of the matters certified;
- (b) as soon as practicable give to the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(3) When authorised to do so by the Chief Counting Officer, the counting officer must—

- (a) make a declaration of the matters certified under section 128(5) of the UK 2000 Act;

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- (b) give public notice of the matters certified together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

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

47.(1) On the completion of the counting the counting officer must seal up in separate packets—

- (a) the counted ballot papers; and
- (b) the rejected ballot papers.

(2) The counting officer may not open the sealed packets of—

- (a) tendered ballot papers;
- (b) the completed corresponding number lists;
- (c) certificates as to employment on duty on the day of the poll; or
- (d) marked copies of the register of electors (including any marked copy notices issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004) and lists of proxies.

#### **Retention of documents.**

48.(1) The counting officer must endorse on each of the sealed packets a description of its contents and must retain in his capacity as registration officer for the referendum the documents specified in subrule (2).

(2) The documents referred to above are—

- (a) the packets of ballot papers;
- (b) the ballot paper accounts and the statements of—
  - (i) rejected ballot papers; and
  - (ii) 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 36 and the declarations made by the companions of voters with disabilities;

- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll;
- (f) the packets containing marked copies of the register (including any marked copy notices issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004) and marked copies of the postal voters list, of lists of proxies and of the proxy postal voters list;
- (g) any other documents prescribed for the purposes of this subrule in Part 4.

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

49.(1) The magistrates' court or the Supreme Court may make an order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the registration officer or (as the case may be) the counting officer;
- (b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll; or
- (c) for the inspection of any counted ballot papers in the officer's custody;

if 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 proceedings brought as mentioned in paragraph 19 of Schedule 3 to the UK European Union Referendum Act 2015.

(2) An order under this rule may be made subject to whatever conditions the court thinks expedient as to—

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

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(3) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates or for the inspection of counted ballot papers, care must be taken to avoid disclosing the way in which the vote of any particular voter has been given until it has been proved—

- (a) that the vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(5) An appeal lies to the Supreme Court from any order of the magistrates' court under this rule, and to the Court of Appeal from any order of the Supreme Court under this rule.

(6) A power given under this rule to a 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 registration officer or the counting officer of a document in the officer's possession relating to the referendum—

- (a) the production by the officer or the officer's agent of the document ordered in the manner directed by the order is conclusive evidence that the document relates to the referendum;
- (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 the referendum; 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 on the register of electors (or on a notice issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004) at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b).

(9) Except as provided by this rule (or a court order) nobody may—



- (a) inspect any rejected or counted ballot papers in the possession of a registration officer or counting officer; or
- (b) open any sealed packets of the completed corresponding number lists or of certificates.

### **Retention and public inspection of documents.**

50.(1) The registration officer, or (as the case may be) counting officer must retain for a year all documents relating to the referendum and then, unless otherwise directed by an order of the magistrates' court, the Supreme Court or Court of Appeal, must have them destroyed.

(2) While documents are retained under subrule (1) they must be open to public inspection but this does not apply to—

- (a) ballot papers;
- (b) the completed corresponding number lists;
- (c) certificates as to employment on duty on the day of the poll.

(3) The registration officer or (as the case may be) counting officer must, on request, supply to any person copies of or extracts from any description of the documents open to public inspection that is prescribed by Parts 3 and 4.

(4) A right to inspect or be supplied with a document or part of a document under this rule is subject to—

- (a) any conditions imposed by Parts 3 and 4; and
- (b) the payment of any fee required by Parts 3 and 4.

## **PART 2**

### **ABSENT VOTING**

#### **Manner of voting in the referendum.**

51.(1) This rule applies to determine the manner of voting of a person entitled to vote in the referendum.

(2) The person may vote in person at the polling station allotted to him or her under Part 1, unless the person is entitled to vote by post or by proxy in the referendum.

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(3) The person may vote by post if the person is entitled to vote by post in the referendum.

(4) If the person is entitled to vote by proxy in the referendum, the person may so vote unless, before a ballot paper has been issued for the person to vote by proxy, the person applies at the polling station allotted to him or her under Part 1 for a ballot paper for the purpose of voting in person, in which case he or she may vote in person there.

(5) If the person is not entitled to vote by post or by proxy in the referendum, the person may vote in person at any polling station if subrule (6) applies.

(6) This subrule applies if the person cannot reasonably be expected to go in person to the polling station allotted to him or her under Part 1 by reason of his or her employment on the date of the poll for a purpose connected with the referendum, if that employment is-

- (a) as a police officer; or
- (b) by the counting officer.

(7) Nothing in this rule applies to a person to whom paragraph 10 of Schedule 4 to the 2004 Regulations (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether the person is registered by virtue of that provision or not; and such a person may vote-

- (a) in person (where the person is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission); or
- (b) by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the referendum).

(8) Nothing in this paragraph applies to a person to whom paragraph 11 of Schedule 4 to the 2004 Regulations (persons remanded in custody) applies, whether the person is registered by virtue of that provision or not; and such a person may vote only by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the referendum).

(9) Subrule (2) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of rule 33.

**Entitlement to vote by post or by proxy.**

52.(1) A person entitled to vote in the referendum is entitled to vote by post or by proxy if subrule (2) or (3) (as the case may be) applies to the person.

(2) This subrule applies to a person who is shown in the postal voters list mentioned in rule 54(2) as entitled to vote by post in the referendum.

(3) This subrule applies to a person who is shown in the list of proxies mentioned in rule 54(3) as entitled to vote by proxy in the referendum.

### **Application to vote by post or by proxy in the referendum.**

53.(1) Where a person applies to the registration officer to vote by post in the referendum, the registration officer must grant the application if—

- (a) the officer is satisfied that the applicant is or will be registered in the register; and
- (b) the application contains the applicant's signature and date of birth and meets the requirements prescribed by Parts 3 and 4.

(2) Where a person applies to the registration officer to vote by proxy in the referendum, the registration officer must grant the application if—

- (a) the officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the applicant under Part 1;
- (b) the officer is satisfied that the applicant is or will be registered in the register; and
- (c) the application contains the applicant's signature and date of birth and meets the requirements prescribed by Parts 3 and 4.

(3) Where a person—

- (a) has an anonymous entry in the register; and
- (b) applies to the registration officer to vote by proxy in the referendum,

the registration officer must grant the application if it meets the requirements prescribed by Parts 3 and 4.

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(4) The registration officer may dispense with the requirement under subrule (1)(b) or (2)(c) for the applicant to provide a signature if the officer is satisfied that the applicant—

- (a) is unable to provide a signature because of any disability the applicant has;
- (b) is unable to provide a signature because the applicant is unable to read or write; or
- (c) is unable to sign in a consistent and distinctive way because of any such disability or inability.

(5) The registration officer must keep a record of those whose applications under this paragraph have been granted, showing—

- (a) their dates of birth; and
- (b) except in cases where the registration officer in pursuance of subrule (4) has dispensed with the requirement to provide a signature, their signatures.

(6) The record kept under subrule (5) must be retained by the registration officer for the period of twelve months beginning with the date of the poll for the referendum.

#### **Absent voters lists.**

54.(1) The registration officer must, for the purposes of the referendum, keep the two special lists mentioned in subrules (2) and (3) respectively.

(2) The first of those lists is a list (“the postal voters list”) of those whose applications under rule 53(1) to vote by post in the referendum has been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(3) The second of the lists mentioned in subrule (1) is a list (“the list of proxies”) of those whose applications under rule 53(2) or (3) to vote by proxy in the referendum has been granted, together with the names and addresses of those appointed as their proxies.

(4) In the case of a person who has an anonymous entry in a register, the postal voters list or list of proxies (as the case may be) must show in relation to the person only—

- (a) his or her electoral number; and

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**2016-01**  
**Repealed**  
**Subsidiary**  
**2016/036**

- (b) the period for which the anonymous entry has effect.

### **Proxies.**

55.(1) Subject to what follows, any person is capable of being appointed under this rule to vote as proxy for another (the “principal”) in the referendum.

(2) The principal cannot have more than one person at a time appointed as proxy to vote for him or her in the referendum.

(3) A person is capable of being appointed to vote as proxy only if–

- (a) the person is not subject to any legal incapacity (age apart) to vote in the referendum in his or her own right; and
- (b) the person is either a Commonwealth citizen or a citizen of the Republic of Ireland.

(4) Where the principal applies to the registration officer for the appointment of a proxy under this rule, the registration officer must make the appointment if the application meets the requirements prescribed by Parts 3 and 4 and the officer is satisfied that the principal is or will be–

- (a) registered in the register; and
- (b) entitled to vote by proxy in the referendum by virtue of an application under paragraph 53(2) or (3),

and that the proxy is capable of being, and willing to be, appointed.

(5) The appointment of a proxy under this rule is to be made by means of a proxy paper, in the form set out in Schedule 2, issued by the registration officer.

(6) The appointment may be cancelled by the principal by giving notice to the registration officer and also ceases to be in force on the issue of a proxy paper appointing a different person under this paragraph to vote for the principal in the referendum.

### **Proxies: further provisions.**

56.(1) Subject to what follows, where a proxy appointment under rule 55 is in force, the person appointed is entitled to vote as proxy for the person for whom the appointment was made (the “principal”).

(2) A person is capable of voting as proxy in the referendum only if–

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- (a) the person is not subject to any legal incapacity (age apart) to vote in the referendum in his or her own right; and
- (b) the person is either a Commonwealth citizen or a citizen of the Republic of Ireland.

(3) A person is not capable of voting as proxy in the referendum unless on the date of the poll the person has attained the age of 18.

(4) A person is not entitled to vote as proxy in the referendum on behalf of more than two others of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

#### **Voting as proxy.**

57.(1) A person entitled to vote as proxy for another (the “principal”) in the referendum may do so in person at the polling station allotted to the principal under Part 1 unless the proxy is entitled to vote by post as proxy for the principal in the referendum, in which case the proxy may vote by post.

(2) Where a person is entitled to vote by post as proxy for the principal in the referendum, the principal may not apply for a ballot paper for the purpose of voting in person in the referendum.

(3) For the purposes of this Part a person entitled to vote as proxy for another in the referendum is entitled so to vote by post if the person is included in the list kept under subrule (5).

(4) Where a person applies to the registration officer to vote by post as proxy in the referendum the officer must grant the application if—

- (a) the officer is satisfied that the principal is or will be registered in the register;
- (b) the applicant is the subject of a proxy appointment under rule 55; and
- (c) the application contains the applicant’s signature and date of birth and meets the requirements prescribed by Parts 3 and 4.

(5) The registration officer must, in respect of the referendum, keep a special list (“the proxy postal voters list”) of those whose applications under subrule (4) have been granted, together with the addresses provided in the proxies’ applications to which their ballot papers are to be sent.

(6) In the case of a person who has an anonymous entry in a register, the special list mentioned in subrule (5) must contain only—

- (a) the person's electoral number; and
- (b) the period for which the anonymous entry has effect.

(7) Subrule (2) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of rule 33.

(8) The registration officer may dispense with the requirement under subrule (4)(c) for the applicant to provide a signature if the officer is satisfied that the applicant—

- (a) is unable to provide a signature because of any disability the applicant has;
- (b) is unable to provide a signature because the applicant is unable to read or write; or
- (c) is unable to sign in a consistent and distinctive way because of any such disability or inability.

(9) The registration officer must also keep a record in relation to those whose applications under subrule (4) have been granted showing—

- (a) their dates of birth; and
- (b) except in cases where the registration officer in pursuance of subrule (8) has dispensed with the requirement to provide a signature, their signatures.

(10) The record kept under subrule (9) must be retained by the registration officer for the period of twelve months beginning with the date of the poll for referendum.

### **Use of personal identifier information.**

58. Information contained in records kept by the registration officer in pursuance of rule 53(5) or 57(9) may be disclosed by the officer to—

- (a) any other registration officer (within the meaning of section 11 of the UK European Union Referendum Act 2015) if the officer thinks that to do so will assist the other registration officer in the performance of his or her duties;

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- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under the Act or the UK European Union Referendum Act 2015.

#### Offences.

59.(1) If a person—

- (a) in any declaration or form used for any of the purposes of this Part, makes a statement knowing it to be false; or
- (b) attests an application under rule 53 knowing
  - (i) that he or she is not authorised to do so; or
  - (ii) that it contains a statement which is false,

that person commits an offence.

(2) A person guilty of an offence under subrule (1) is liable to a fine not exceeding level 5 on the standard scale.

(3) If a person provides false information in connection with an application under rule 53(1) or (2) or 57(4), that person commits an offence.

(4) In relation to a signature, “false information” for the purposes of subrule (3), means a signature which—

- (a) is not the usual signature of; or
- (b) was written by a person other than,

the person whose signature it purports to be.

(5) A person does not commit an offence under subrule (3) if the person did not know, and had no reason to suspect, that the information was false.

(6) Where sufficient evidence is adduced to raise an issue with respect to the defence under subrule (5), the court is to assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(7) A person guilty of an offence under subrule (3) is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

### PART 3



**ABSENT VOTERS: ADDITIONAL REQUIREMENTS**

**Forms.**

60.(1) The registration officer shall supply free of charge as many forms for use in connection with applications made under Part 2 as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with the referendum.

(2) The form set out in Schedule 3 or a form substantially to the like effect may be used with such variations as the circumstances may require.

**Communication of applications, notices etc.**

61. The requirement in this Part and Part 4 that any application, notice or representation should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means;
- (b) is received in legible form; and
- (c) is capable of being used for subsequent reference.

**Electronic signatures and related certificates.**

62.(1) A requirement in this Part and Part 4 for an application, notice or representation to be signed is satisfied (as an alternative to the signature given by hand) where there is—

- (a) an electronic signature incorporated into or logically associated with a particular electronic communication; and
- (b) the certification by any person of such a signature.

(2) For the purposes of this rule an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

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(3) For the purposes of this rule an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature;
- (b) a means of producing, communicating or verifying the signature; or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

#### **Time.**

63.(1) Where the day or last day of the time allowed by this Part and Part 4 for the doing of anything falls on any of the days mentioned in subrule (3) below, that time shall be extended until the next following day which is not one of those days.

(2) Subject to rule 73(7) and 94(5) below, in computing any period of not more than 7 days for the purposes of this Part and Part 4 any of the days mentioned in subrule (3) below shall be disregarded.

(3) The days referred to in subrules (1) and (2) above are—

- (a) a Saturday or Sunday; and
- (b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank or public holiday under the Banking and Financial Dealings Act and the Interpretation and General Clauses Act; and
- (c) any day appointed in Gibraltar as a day of public thanksgiving or mourning.

#### **Interference with notices etc.**

64. If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on a summary conviction to a fine not exceeding level 3 on the standard scale.

### **Representations regarding clerical errors.**

65.(1) For the purposes of paragraph 13(3C) of Schedule 1 to the European Parliamentary Elections Act 2004 a representation may be made orally or in writing.

(2) Where a representation is made in a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the relevant registration officer.

### **Communication of notices made on polling day.**

66.(1) Where a notice is issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004 on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the relevant presiding officer.

(2) Such steps may include communicating the notice to the presiding officer by telephone.

(3) Where a notice issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004 is communicated to a presiding officer by telephone, the presiding officer must make a written record of that notice.

### **General requirements for applications for an absent vote.**

67.(1) An application under Part 2 must comply with the requirements of this rule and such further requirements in this Part as are relevant to the application.

(2) The application must state—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is registered or has applied to be (or is treated as having applied to be) registered in the register except in the case of an application under rule 57(4);
- (c) in the case of such an application, the proxy's address, together with the name of the elector for whom he will act as proxy and the elector's address for the purposes of paragraph (b) above;
- (d) in the case of a person applying to vote by post, the address to which the ballot paper should be sent;

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- (e) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote;
- (f) in the case of a person who is unable to provide a signature, the reasons for his request for waiver of any requirement under rule 53 or 57 to provide a signature and the name and address of any person who has assisted him to complete his application; and
- (g) where the applicant has, or has applied for, an anonymous entry, that fact.

(3) The application shall be made in writing and shall be dated.

(4) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into his record by configuring the information as follows—

- (a) the signature shall appear against a background of white unlined paper of at least five centimetres long and two centimetres high; and
- (b) the applicant's date of birth shall be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].

(5) Where the application contains a request that the registration officer waive the requirement for a signature, subrule (4)(a) shall not apply.

(6) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of rule 70 below.

(7) An application that is made under Part 2 for the purposes of the referendum must state that it is so made.

**Additional provision concerning the requirement that an application for an absent vote must be signed by the applicant.**

68. The registration officer may satisfy himself—

- (a) that an application under Part 2 meets any requirements that it has been signed by the applicant and states his date of birth by referring to any signature and date of birth—

- (i) previously provided by the applicant to the registration officer or the counting officer; or
  - (ii) previously provided by the applicant to the authority referred to in paragraph 34(1)(a) of Schedule 1 to the European Parliamentary Elections Act 2004, which the registration officer is authorised to inspect for the purposes of his registration duties; and
- (b) as to whether the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.

**Additional requirement for applications for ballot papers to be sent to different address from that stated in application.**

69.(1) Subrule (2) applies where—

- (a) in the case of an application to vote by post under rule 53(1), the addresses stated in accordance with rule 67(2)(b) and (d) are different;
- (b) in the case of an application by a proxy to vote by post under rule 57(4), the proxy's address stated in accordance with rule 67(2)(c) and the address stated in accordance with rule 67(2)(d) are different.

(2) The application must set out why the applicant's circumstances will be or are likely to be such that he requires the ballot paper to be sent to the address stated in accordance with rule 67(2)(d).

(3) This rule does not apply where an applicant has, or has applied for, an anonymous entry.

**Additional requirements for applications for the appointment of a proxy.**

70. An application for the appointment of a proxy under rule 55(4) shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy; or

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- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant's proxy.

#### **Additional requirements for applications for a proxy vote.**

71.(1) An application under rule 53(2) to vote by proxy in the referendum is to set out why the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted to him under Part 1.

(2) Subrule (1) does not apply where the applicant has an anonymous entry.

(3) Where an application under rule 53(2)–

- (a) is made on the grounds of the applicant's disability; and
- (b) is made after 5 pm on the sixth day before the date of the poll for the referendum,

the requirements of subrule (8) as to the matters to be specified and the attestation shall apply.

(4) Where an application mentioned in subrule (3) above is made, the person who attests the application shall state, in addition to those matters specified in subrule (8), to the best of his knowledge and belief, the date upon which the applicant became disabled.

(5) Where an application under rule 53(2)–

- (a) is made on grounds relating to the applicant's occupation, service or employment; and
- (b) is made after 5 pm on the sixth day before the date of the poll for the referendum,

the requirements of rule 72 as to the matters to be specified and the attestation shall apply.

(6) Where an application under rule 53(2) is made by a person to whom rule 51(7) applies after 5pm on the sixth day before the date of the poll for the referendum, the requirements of subrule (7) below as to the matters to be specified and as to attestation shall apply.

(7) Where an application mentioned in subrule (6) above is made–

- (a) the application shall additionally state the name and address of the hospital at which the applicant is liable to be detained; and
- (b) the application shall be attested by the Chief Executive of the Gibraltar Health Authority or a person authorised to act on his behalf, and the attestation shall state—
  - (i) the name of the person attesting the application;
  - (ii) his position in the hospital at which the applicant is liable to be detained;
  - (iii) that he is a person authorised to make the attestation; and
  - (iv) the statutory provision under which the applicant is liable to be detained in the hospital.

(8) The requirements for the purposes of subrule (3) are that the application shall specify the disability by reason of which it is made and, subject to subrule (9), must be attested and signed by—

- (a) in the case of an applicant who is resident in a residential home for persons of pensionable age or for physically disabled persons, a senior nursing officer of the home; and
- (b) any person registered under the provisions of the Medical and Health Act, 1997.

(9) The requirement for an application to be attested and signed under subrule (8) shall not apply where the application is based on the applicant's blindness and the applicant is registered as a blind person by the Gibraltar Health Authority.

(10) This rule does not apply where an applicant has an anonymous entry.

### **Additional requirements for application for an emergency proxy vote.**

72.(1) This rule sets out the requirements referred to in rule 71(5).

(2) The application must (in addition to providing the information required by rule 71(1) state—

- (a) where the applicant is self-employed, that fact; and in any other case, the name of the applicant's employer;
- (b) that the reason provided in accordance with rule 71(1) relates to the applicant's occupation, service or employment; and

(c) the date on which the applicant became aware of that reason.

(3) Subrules (4),(5) and (6) apply unless the applicant is or will be registered as a service voter.

(4) The application must be attested and signed—

(a) where the applicant is self-employed, by a person who—

(i) is aged 18 years or over;

(ii) knows the applicant; and

(iii) is not related to the applicant.

(b) where the applicant is not self-employed, by the applicant's employer or by another employee to whom this function is delegated by the employer.

(5) The person attesting an application under subrule (4) (the "attestor") must certify that the statements required by subrule (2) and the information required by rule 71(1) are true to the best of their knowledge and belief.

(6) The attestor shall also state—

(a) the attestor's name and address; and

(b) if the attestor is attesting—

(i) where the applicant is self employed, that the attestor is aged 18 years or over and that the attestor knows, but is not related to, the applicant;

(ii) as or on behalf of the employer of the applicant, that the attestor is the employer, or the position the attestor holds in the employment of that employer.

(7) For the purposes of this rule, one person ('A') is related to another ('B') if A is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of B.

**Closing date for applications.**

73.(1) An application under rule 57(4) shall be disregarded for the purposes of the referendum if it is received by the registration officer after 5pm on the eleventh day before the date of the poll for the referendum.



(2) Subject to subrule (3), an application under rule 53(2) or 55(4) shall be refused if it is received by the registration officer after 5pm on the sixth day before the date of the poll for the referendum.

(3) Where an application made under rule 53(2) is made—

- (a) on the grounds of the applicant's disability and the applicant became disabled after 5pm on the sixth day before the date of the poll for the referendum; or
- (b) on grounds relating to the applicant's occupation, service or employment and the applicant became aware of those grounds after 5 pm on the sixth day before the date of poll for the referendum; or
- (c) by a person to whom rule 51(7) applies,

the application, or an application under rule 55(4) made by virtue of that application, is to be refused if it is received after 5pm on the day of the poll for the referendum.

(4) An application under rule 53(1) is to be refused if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll for the referendum.

(5) A notice under rule 55(6) by a person cancelling a proxy's appointment shall be disregarded for the purposes of the referendum if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll for the referendum.

(6) Any application or notice mentioned in this rule shall be disregarded for the purposes of the referendum if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the counting officer (except where it has been returned in accordance with rule 92 or 93 (spoilt and lost postal ballot papers)).

(7) In computing a period of days for the purposes of this rule the following days are to be disregarded—

- (a) Saturdays and Sundays; and
- (b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank or public holiday under the Banking and Financial Dealings Act and the Interpretation and General Clauses Act;

- (c) any day appointed in Gibraltar as a day of public thanksgiving or mourning.

**Grant or refusal of applications.**

74.(1) Where the registration officer grants an application to vote by post, he shall notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) Where the registration officer refuses an application under Part 2 of these Rules, he shall notify the applicant of his decision and of the reason for it.

(4) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer shall where practicable notify the elector that the appointment has been cancelled or, as the case may be, notify him that the appointment has ceased and the reason for it.

(5) Where under rule 73 above, a registration officer disregards an application for the purposes of the referendum, he shall notify the applicant of this.

**Cancellation of proxy appointment.**

75. Where the appointment of a proxy is cancelled by notice given to the registration officer under rule 55(6) or ceases to be in force under that provision, the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled or expired unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy; and
- (b) remove his name from the list of proxies kept under rule 54(3).

**Records and lists kept.**

76.(1) Any person entitled to be supplied in accordance with paragraphs 53 and 54 of Schedule 1 to the European Parliamentary Elections Act 2004 with copies of the full register is also a person entitled, subject to this rule and to rule 78, to request that the registration officer supply free of charge the relevant part (within the meaning of those paragraphs) of a copy of the

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current or final version of the postal voters list, the list of proxies or the proxy postal voters list which he is required to keep under rule 54(2), 54(3) or 57(5).

(2) A request under subrule (1) shall be made in writing and shall specify—

- (a) the information (or the relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
- (c) whether a printed copy of the records or lists is requested or a copy in data form.

(3) A person who obtains any information under this rule may use it only for the permitted purposes specified in rule 78, and any restrictions—

- (a) specified in that rule; or
- (b) which would apply to the use of the full register under whichever of paragraphs 53 or 54 entitled that person to obtain that information,

shall apply to such use.

(4) The registration officer shall supply a current copy of the information requested under subrule (1), as soon as practicable after receipt of a request that is duly made.

(5) The registration officer shall supply a final copy of the postal voters list kept under rule 54(2), as soon as practicable after 5pm on the eleventh day before the day of the poll, in response to a request under subrule (1) that has been duly made.

(6) As soon as practicable after 5pm on the sixth day before the day of the poll the registration officer shall—

- (a) make a copy of the lists kept under rules 54 and 57(5) available for inspection at his office in accordance with subrules (10) to (15); and
- (b) supply a final copy of the postal voters lists or the list of proxies in response to every request under subrule (1) that has been duly made.

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(7) The registration officer shall supply a final copy of the list of proxies kept under rule 54(3), updated to include any additions to that list made in consequence of any applications granted in accordance with rule 73(3), as soon as practicable after 5pm on the day of the poll, to every person who received that list in accordance with subrule (6)(b).

(8) Any person who has obtained or is entitled to obtain a copy of information covered by subrule (1) may—

- (a) supply a copy of the information to a processor for the purpose of processing the information; or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this rule,

for use in respect of the purposes for which that person is entitled to obtain such information.

(9) Subrules (2) and (3) and the condition in paragraph 44(9) of Schedule 1 to the European Parliamentary Elections Act 2004 shall be taken to apply to the supply and processing of information supplied under this rule as they apply to the supply and processing of the full register under Part 3 of the European Parliamentary Elections Act 2004.

(10) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in subrule (1).

(11) A request under subrule (10) shall be made in writing and shall specify—

- (a) the information (or relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
- (c) who will inspect the information;
- (d) the date on which they wish to inspect the information; and
- (e) whether they would prefer to inspect the information in a printed or data form.

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(12) The registration officer shall make a copy of the information available for inspection under supervision as soon as practicable after the date of receipt of a request that has been duly made.

(13) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(14) A person who inspects a copy of the information, whether a printed copy or in data form, may not—

- (a) make copies of any part of it; or
- (b) record any particulars in it,

otherwise than by means of hand-written notes.

(15) Subject to any direction by the Secretary of State or the Chancellor of the Duchy of Lancaster under section 52(1) of the UK 1983 Act, any duty on a registration officer to supply a copy or make information available for inspection under this rule, imposes only a duty to provide that information in the form in which he holds it.

(16) For the purposes of this rule—

- (a) a “current copy” of records or lists is a copy of the records or lists as kept by the registration officer at 9am on the date it is supplied; and
- (b) any period of days shall be calculated in accordance with rule 73(7).

(17) The registration officer shall ensure that where he supplies or discloses information covered by subrule (1) in accordance with this rule, he does not supply or disclose any record relating to a person specified in subrule (18).

(18) The persons specified in this subrule are—

- (a) a person who has an anonymous entry;

- (b) the proxy of a person who has an anonymous entry.

**Rule 76: offences.**

77.(1) A person is guilty of an offence—

- (a) if he contravenes subrule (3) or (14) of rule 76; or
- (b) if he is an appropriate supervisor of a person (P) who fails to comply with any of those provisions and he failed to take appropriate steps.

(2) P is not guilty of an offence under subrule (1) if—

- (a) he has an appropriate supervisor; and
- (b) he has complied with all the requirements imposed on him by his appropriate supervisor.

(3) A person who is not P or an appropriate supervisor is not guilty of an offence under subrule (1) if he takes all reasonable steps to ensure that he complies with the provisions specified in subrule (1)(a).

(4) In subrule (1)(b) and (3)—

- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
- (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions of subrule (3) or (14) of rule 76.

(5) A person guilty of an offence as mentioned in subrule (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Conditions on the use, supply and inspection of absent voter records or lists.**

78. The restrictions on the supply, disclosure and use of the full register in paragraphs 46 and 47 of Schedule 1 to the European Parliamentary Elections Act 2004 shall apply to information covered by rule 76(1), as they apply to the full register, except that the permitted purpose shall mean—

- (a) research purposes, including statistical or historical purposes;
- (b) electoral purposes; or
- (c) purposes connected with the referendum.

**The personal identifiers record.**

79.(1) In this rule “personal identifiers record” means a record kept by a registration officer in pursuance of rule 53(5) or 57(9).

(2) The personal identifiers record shall contain the following information in respect of each absent voter on the postal voters list, list of proxies or proxy postal voters list—

- (a) his name;
- (b) his date of birth; and
- (c) his signature, or a record of the waiver by the registration officer of the requirement for a signature;

(3) The registration officer may disclose information held in the personal identifiers records to—

- (a) any agent attending proceedings on receipt of postal ballot papers, in accordance with rule 102(4);
- (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the UK 2000, but only to the extent required to permit them to observe the proceedings.

**Notification of a rejected postal voting statement.**

80.(1) Where an absent voter (whether an elector or a proxy), appears on the list created under rule 105(4) then—

- (a) the registration officer responsible for the personal identifiers record that contains information in respect of the absent voter must notify them (and the elector if the absent voter is a proxy) that the ballot paper concerned was rejected because the counting officer was not satisfied that the postal voting statement was duly completed;

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- (b) the registration officer must send the notification within the period of three months beginning with the date of the poll at which the ballot paper was rejected; and
  - (c) the notification must include information as to which of the specified reasons referred to in rule 105(5) applied to the absent voter's postal voting statement.
- (2) The registration officer is not obliged to send a notification—
- (a) to any person who is no longer shown as voting by post in the relevant record at the time the registration officer proposes to send out the notification; or
  - (b) where the counting officer suspects that an offence may have been committed in relation to the postal ballot paper, postal voting statement or the absent voter's registration as an elector.
- (3) A notification issued under subrule (1) may also include any other information that the registration officer considers appropriate, but a notification must not include information held on the personal identifiers record.

#### **Marked register for polling stations.**

81. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the entry of that elector in any copy of the register, or part of it, provided for a polling station.

### **PART 4**

#### **ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS**

##### **Persons entitled to be present at proceedings on issue of postal ballot papers.**

82. Without prejudice to the provisions of section 6A, 6B, 6C, 6D, or 6E of the UK 2000 Act, no person may be present at the proceedings on the issue of postal ballot papers other than the counting officer and his clerks.

##### **Persons entitled to be present at proceedings on receipt of postal ballot papers.**



83. Without prejudice to the provisions of section 6A, 6B, 6C, 6D, or 6E of the UK 2000 Act, no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the counting officer and his clerks;
- (b) a referendum agent; and
- (c) any agents appointed under rule 84 below.

### **Agents of referendum agents who may attend proceedings on receipt of postal ballot papers.**

84.(1) Each referendum agent may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the counting officer to appoint so, however, that the number authorised shall be the same in the case of each referendum agent.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the referendum agent to the counting officer before the time fixed for the opening of the postal voters' ballot box.

(3) If an agent dies or becomes incapable of acting, the referendum agent may appoint another agent in his place and shall forthwith give to the counting officer notice in writing of the name and address of the agent appointed.

(4) In this Part references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under subrule (1) above, who are within the number authorised by the counting officer.

(5) A referendum agent may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(6) Where in this Part any act or thing is required or authorised to be done in the presence of the referendum agent or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

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

85. The counting officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the

issue of receipt or postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 15 of the Act.

**Time when postal ballot papers are to be issued.**

86. Postal ballot papers (and postal voting statements) must not be issued by the counting officer so as to be received by persons entitled to vote in the referendum before the beginning of the relevant period within the meaning of section 125 of the UK 2000 Act (restriction on campaigning by certain persons or bodies).

**Procedure on issue of postal ballot paper.**

87.(1) The number of the elector as stated in the register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector.

(2) A mark shall be placed in the postal voters list or the proxy postal voters list against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(3) The number of a postal ballot paper shall be marked on the postal voting statement sent with that paper.

(4) Subject to subrule (5), the address to which the postal ballot paper, postal voting statement and the envelopes referred to in rule 89 below are to be sent is—

- (a) in the case of an elector, the address shown in the postal voters list;
- (b) in the case of a proxy, the address shown in the proxy postal voters list.

(5) Where a person has an anonymous entry in the register, the items specified in subrule (4) must be sent (as the case may be) to the address to which postal ballot papers should be sent as mentioned in rule 54(2) or 57(5).

**Refusal to issue postal ballot paper.**

88. Where a counting officer is satisfied that two or more entries in the postal voters list, or the proxy postal voters list or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector for the referendum.

### **Envelopes.**

89.(1) Subrules (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and postal voting statement (which are issued under rule 14).

(2) There shall be issued an envelope for the return of the postal ballot paper or, as the case may be, ballot papers and the postal voting statement (referred to as a "covering envelope") which shall be marked with the letter "B".

(3) There shall also be issued a smaller envelope (referred to as a "ballot paper envelope") which shall be marked with—

- (a) the letter "A";
- (b) the words "ballot paper envelope"; and
- (c) unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed, the number of the ballot paper or, as the case may be, ballot papers.

### **Sealing up of completed corresponding number lists and security of special lists.**

90.(1) As soon as practicable after the issue of each batch of postal ballot papers, the counting officer shall make up into a packet the completed corresponding number lists of those ballot papers which have been issued and shall seal such a packet.

(2) Until the time referred to in rule 100(9), the counting officer shall take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.

### **Delivery of postal ballot papers.**

91.(1) For the purposes of delivering postal ballot papers, the counting officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm; or
- (c) clerks appointed under rule 16.

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(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the counting officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where subrule (1)(c) above applies).

(4) Return postage shall be prepaid on all covering envelopes.

#### **Spoilt postal ballot papers.**

92.(1) If a postal voter has inadvertently dealt with his postal ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a postal voting statement (referred to as “a spoilt postal voting statement”) he may return (either by hand or by post) to the counting officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where a postal voter exercises the entitlement conferred by subrule (1), he shall also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not; and
- (b) the envelopes supplied for the return of the documents mentioned in subrule (1) or paragraph (a).

(3) Subject to subrule (4) on receipt of the documents referred to in subrule (1) and, where applicable subrule (2) above, the counting officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after 5 pm on the day of the poll.

(4) Where the counting officer receives the documents referred to in subrule (1) and, where applicable subrule (2), after 5 pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returned the documents by hand.

(5) Rules 87 (except subrule (2)), 89, 90 and, subject to subrule (8) below, 91 above shall apply to the issue of a replacement postal ballot paper under subrule (3) above.

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(6) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with subrule (1) or (2) shall be immediately cancelled.

(7) The counting officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(8) Where a postal voter applies in person—

- (a) by 5 pm on the day before the day of the poll, the counting officer may hand a replacement postal ballot paper to him; or
- (b) after 5 pm on the day before the day of the poll, the counting officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with rule 91.

(9) The counting officer shall enter in a list kept for the purpose ("the list of spoilt postal ballot papers")—

- (a) the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the postal ballot paper (or papers) issued under this rule; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

### **Lost postal ballot papers.**

93.(1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper; or
- (b) the postal voting statement; or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the day of the poll, he may apply (whether or not in person) to the counting officer for a replacement ballot paper.

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- (2) Such an application shall include evidence of the voter's identity.
- (3) Where a postal voter exercises the entitlement conferred by subrule (1), he shall return the documents referred to in subrule (1)(a) to (c) which he has received and which have not been lost.
- (4) Any postal ballot paper or postal voting statement returned in accordance with subrule (3) shall be immediately cancelled.
- (5) The counting officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.
- (6) Subject to subrule (7) where the application is received by the counting officer before 5 pm on the day of the poll and the counting officer—
- (a) is satisfied as to the voter's identity; and
  - (b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return,
- he shall issue another postal ballot paper or, as the case may be, postal ballot papers.
- (7) Where the application is received by the counting officer after 5 pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, other ballot papers if the postal voter applied in person.
- (8) The counting officer shall enter in a list kept for the purpose (“the list of lost postal ballot papers”)—
- (a) the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, his electoral number alone);
  - (b) the number of the postal ballot paper issued under this rule; and
  - (c) where the postal voter is a proxy, his name and address.

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(9) Rules 87 (except subrule (2)), 89, 90 and, subject to subrule (10) below, 91 above, shall apply to the issue of a replacement postal ballot paper under subrule (6) above.

(10) Where a postal voter applies in person—

- (a) by 5 pm on the day before the day of the poll, the counting officer may hand a replacement postal ballot paper to him; or
- (b) after 5 pm on the day before the day of the poll, the counting officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with rule 91.

### **Cancellation of postal ballot papers.**

94.(1) Where, after the nineteenth day before the day of the poll for the referendum, an application under rule 55(4) (appointment of proxy) is granted or a notice under rule 55(6) (cancellation of proxy appointment) is received, and the application or notice is not to be disregarded for the purposes of the referendum under rule 73, the registration officer must in his capacity as counting officer immediately cancel any postal ballot paper issued to the elector or proxy.

(2) Where a person returns a postal ballot paper that has been or is to be cancelled in accordance with subrule (1), it must be dealt with as follows—

- (a) the ballot paper, together with any other ballot papers, postal voting statements or covering envelopes which are returned to the registration officer, must be retained by the registration officer in his capacity as counting officer;
- (b) any document returned in accordance with this paragraph but not cancelled in accordance with subrule (1) must be immediately cancelled;
- (c) the counting officer, as soon as practicable after receiving and cancelling those documents, shall make up those documents in a separate packet and shall seal the packet, and if on any subsequent occasion documents are returned in accordance with this subrule, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(3) The counting officer must enter in a list kept for the purpose of recording postal ballot papers cancelled under this rule (“the list of cancelled postal ballot papers”)—

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- (a) the name and number of the elector as stated in the register of electors (or, in the case of an elector who has an anonymous entry, their electoral number alone);
- (b) the number of the cancelled postal ballot paper;
- (c) where the postal voter is a proxy, their name and address.

(4) Rules 87 (except subrule (2)), 89, 90 and 91 apply to a replacement postal ballot paper issued under subrule (1).

(5) In computing a period of days for the purposes of this rule the following days are to be disregarded—

- (a) a Saturday or Sunday;
- (b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank or public holiday under the Banking and Financial Dealings Act and the Interpretation and General Clauses Act;
- (c) any day that is a bank holiday under the Banking and Financial Dealings Act 1971 passed by the Parliament at Westminster in any part of the United Kingdom; and
- (d) any day appointed in Gibraltar or any part of the United Kingdom as a day of public thanksgiving or mourning.

#### **Alternative means of returning postal ballot paper or postal voting statement.**

95.(1) For the purposes of rule 40(3) the manner in which a postal ballot paper or postal voting statement may be returned to a polling station is by hand.

(2) For these purposes, the manner in which such a paper or statement may be returned to the counting officer is by post or by hand.

(3) Subject to subrule (4), the presiding officer of the polling station shall deliver, or cause to be delivered, any postal ballot paper or postal voting statement returned to that station to the counting officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 38(1).

(4) The counting officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of subrule (3) the



presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.

(5) Where the counting officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with subrule (4) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.

### **Notice of opening of postal ballot paper envelopes.**

96.(1) The counting officer shall give to each referendum agent not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place; and
- (b) the number of agents a referendum agent may appoint under rule 84(1) above to attend each opening.

### **Postal ballot boxes and receptacles.**

97.(1) The counting officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters ("postal voters' ballot box"); and
- (b) postal ballot papers ("postal ballot box").

(2) Each such ballot box shall be marked "postal voters' ballot box" or "postal ballot box", as the case may be.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The counting officer shall then lock the ballot box (if it has a lock) and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The counting officer shall provide the following receptacles—

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- (a) the receptacle for rejected votes;
- (b) the receptacle for ballot paper envelopes;
- (c) the receptacle for rejected ballot paper envelopes;
- (d) the receptacle for rejected votes (verification procedure); and
- (e) the receptacle for postal voting statements (verification procedure).

(6) The counting officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this rule.

#### **Receipt of covering envelope.**

98.(1) The counting officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the counting officer—

- (a) has been opened; and
- (b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope, together with its contents, shall be placed in a postal voters' ballot box.

#### **Opening of postal voters' ballot box.**

99.(1) Each postal voters' ballot box shall be opened by the counting officer in the presence of the agents.

(2) So long as the counting officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 40.

#### **Opening of covering envelopes.**

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100.(1) When a postal voters' ballot box is opened, the counting officer shall count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in rule 98(2) above).

(2) He shall open separately each covering envelope (including an envelope described in rule 98(2) above).

(3) The procedure in rule 102 applies where a covering envelope (including an envelope to which rule 98(2) above applies) contains a postal voting statement.

(4) Where the covering envelope does not contain the postal voting statement separately, the counting officer shall open the ballot paper envelope to ascertain whether the postal voting statement is inside.

(5) Where a covering envelope does not contain a postal voting statement (whether separately or not), the counting officer shall mark the covering envelope "provisionally rejected", attach its contents (if any) and place it in the receptacle for rejected votes.

(6) In carrying out the procedures in this rule and rules 102 to 106, the counting officer—

- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(7) Where an envelope opened in accordance with subrule (2) contains a postal voting statement, the counting officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(8) A mark made under subrule (7) shall be distinguishable from and shall not obscure the mark made under rule 87(2).

(9) As soon as practicable after the last covering envelope has been opened, the counting officer shall make up into a packet the copy of the marked postal voters list and proxy postal voters list that have been marked in accordance with subrule (7) and shall seal such a packet.

### **Confirming receipt of postal voting statements.**

101.(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may make a request, at any time between the first issue of postal ballots under rule 86 and the close of the poll, that the counting officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of provisionally rejected votes kept by the counting officer under subrules (2) and (3) of rule 105.

(2) A request under subrule (1) shall—

- (a) be made by any method specified; and
- (b) include any evidence of the voter's identity requested,

by the counting officer.

(3) Where a request is received in accordance with subrule (2) the counting officer shall satisfy himself that the request has been made by the elector or their proxy and where he is so satisfied provide confirmation of the matters under subrule (1).

**Procedure in relation to postal voting statements: personal identifier verification.**

102.(1) This rule applies in the circumstances described in rule 100(3).

(2) The counting officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is not so satisfied, he shall mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope but there is a ballot paper, the ballot paper, and, subject to subrule (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the counting officer must show it to the

agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words "rejection objected to".

(5) The counting officer shall then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the counting officer shall open the envelope.

(7) Subrule (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under rule 100(4) or subrule (6) above.

(8) In the circumstances described in subrule (7) above, the counting officer shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where—
  - (i) there is no ballot paper; or
  - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient

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number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing;

- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under paragraph (b) or (c) above.

#### **Opening of ballot paper envelopes.**

103.(1) The counting officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked "provisionally rejected" and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked "provisionally rejected" because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

#### **Retrieval of cancelled postal ballot papers.**

104.(1) Where it appears to the counting officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters' ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters ballot box is opened in accordance with rule 99, also open any postal ballot box and the receptacle for ballot paper envelopes and

- (a) retrieve the cancelled ballot paper;

- (b) show the ballot paper number on the cancelled ballot paper to the agents;
  - (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements (verification procedure);
  - (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
  - (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by rule 92(7) or 94(2); and
  - (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 40, relock (if it has a lock) and re-seal the postal ballot box in the presence of the agents.
- (3) Whilst retrieving a cancelled ballot paper in accordance with subrule (2), the counting officer and his staff-
- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person seeing the votes made on the ballot papers; and
  - (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

### **Lists of rejected postal ballot papers.**

105.(1) The counting officer shall keep three separate lists relating to rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

(4) In the third list, he shall record for every postal voting statement within the receptacle for rejected votes (verification procedure) immediately prior to sealing-

- (a) the elector's name and address (and the name and address of the proxy if the elector has a proxy);

- (b) the elector's number on the register of electors (and that of the proxy if the elector has a proxy);
- (c) the specified reason or reasons for the rejection of the postal voting statement; and
- (d) any other information relating to the rejection that the counting officer considers appropriate, but not the ballot paper number.

(5) The specified reasons that may be given under subrule (4)(c) for the rejection of a postal voting statement are as follows—

- (a) the signature does not match the example held on the personal identifiers record;
- (b) the date of birth does not match the one held on the personal identifiers record;
- (c) the signature field is blank; or
- (d) the date of birth field is blank.

**Checking of lists kept under rule 105.**

106.(1) Where the counting officer receives a valid postal voting statement without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list kept under rule 105(2) above to see whether the number (or numbers) of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the counting officer receives a postal ballot paper without the postal voting statement to which it relates, he may, at any time prior to the close of the poll, check the list kept under rule 105(3) above to see whether the number of that ballot paper is entered in that list.

(3) The counting officer shall conduct the checks required by subrules (1) and (2) above as soon as practicable after the receipt of packets from every polling station under rule 38(4).

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the counting officer shall retrieve that statement or paper.



(5) The counting officer shall then take the appropriate steps under this Part as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

### **Sealing of receptacles.**

107.(1) As soon as practicable after the completion of the procedure under rule 106(3) and (4) above, the counting officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes;
- (b) the receptacle of rejected ballot paper envelopes;
- (c) the lists of spoilt, lost or cancelled postal ballot papers;
- (e) the receptacle of rejected votes (verification procedure); and
- (f) the receptacle of postal voting statements (verification procedure),

and shall seal up such packets.

(2) Any document in those packets marked "provisionally rejected" shall be deemed to be marked "rejected".

### **Retention of documents.**

108.(1) The counting officer shall retain in his capacity as registration officer for the referendum together with the documents mentioned in rule 48—

- (a) any packets referred to in rule 90, 92(7), 93(5), 94(2) 100(9) and 107, endorsing on each packet a description of its contents and the date of the referendum; and
- (b) a completed statement in the form in Schedule 3 of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the counting officer after the close of the poll (apart from those delivered in accordance with the provisions of rule 95(3) above);

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- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed; or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the counting officer shall put them unopened in a separate packet, seal up such packet and endorse and retain it in the manner described in subrule (1) above.

(3) Rules 49 and 50 shall apply to any packet or document retained under this rule except that in applying those rules to the list compiled under rule 105(4), the list and any extracts from it are to be treated in the same manner as a counted ballot paper.

(4) A copy of the statement referred to in subrule (1)(b) above shall be provided by the counting officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

#### **Supply of marked register and lists after the referendum.**

109.(1) Any person entitled to be supplied in accordance with paragraph 50, 54, 55 or 57 of Schedule 1 to the European Parliamentary Elections Act 2004 with copies of the full register, is also a person entitled, subject to this rule and to rule 111, to request that the registration officer supply copies of the relevant part (within the meaning of those rules) of the marked register or lists he is required to keep.

The reference to a person entitled to be supplied in accordance with paragraph 54 of Schedule 1 to the European Parliamentary Elections Act 2004 with copies of the full register does not include a person mentioned in paragraph 54(1)(b) of that Schedule.

(2) A person whose entitlement to request copies of the marked register or lists under subrule (1) arises from being in a category of persons covered by paragraph 54(1)(a) or (c) of Schedule 1 to the European Parliamentary Elections Act 2004 before the referendum shall be entitled to request those documents regardless of whether he remains in a entitled category after the referendum.

- (3) A request under subrule (1) shall be made in writing and shall—
  - (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;

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- (b) state whether a printed copy of the records or lists is requested or a copy in data form;
- (c) state the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose.

(4) The registration officer shall supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

- (a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested; and
- (b) he has received payment of a fee calculated in accordance with rule 112 below.

(5) If the registration officer is not satisfied in accordance with subrule (4)(a) he may treat the request for a marked register or list as a request for information in unmarked lists under rule 76 or for the published copy of the full register in accordance with paragraph 51 of Schedule 1 to the European Parliamentary Elections Act 2004, or both.

(6) A person who obtains a copy of any part of a marked register or list under this rule may use it only for the permitted purposes specified in subrule (2) of rule 111, and any conditions—

- (a) specified in that subrule; or
- (b) which would apply to the use of the full register under whichever of paragraphs 50, 54, 55 or 57 of Schedule 1 to the European Parliamentary Elections Act 2004 entitled that person to obtain that document,

shall apply to such use.

(7) The conditions in paragraphs 50(3), 54(2) and 57(2) of Schedule 1 to the European Parliamentary Elections Act 2004 shall apply to a person to whom a marked register or list, or any information contained in it (that is not contained in the edited register) has been supplied or disclosed under those subrules as they apply to the person to whom those paragraphs apply.

(8) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this rule may—

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- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein; or
- (b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this rule,

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

#### **Inspection of documents open to public inspection.**

110.(1) Any person is entitled to request that the registration officer make available for inspection a copy of any of the following documents (referred to in this rule and in rule 111 as "the documents open to public inspection")

-

- (a) the marked register or lists;
- (b) such other documents relating to the referendum as the registration officer is required by or under any enactment to retain for any period except—
  - (i) ballot papers;
  - (ii) completed corresponding number lists;
  - (iii) certificates as to employment on the day of the referendum;
  - (iv) the list required to be compiled under rule 105(4), and any extracts produced from that list.

(2) A request under subrule (1) shall be made in writing and shall specify—

- (a) which documents are requested;
- (b) the purposes for which the information in any document will be used;
- (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose;
- (d) who will inspect the documents;
- (e) the date on which they wish to inspect the documents; and

- (f) whether they would prefer to inspect the documents in a printed or data form.

(3) Subject to subrule (4), the registration officer shall make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under subrule (2) and the registration officer is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he shall inform the requestor—

- (a) of his decision under this subrule; and
- (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with paragraph 41(1) of Schedule 1 to the European Parliamentary Elections Act 2004.

(5) A person who obtains a copy of or information in any document open to public inspection under this rule may use it only for the permitted purposes specified in rule 111, and any conditions—

- (a) specified in that rule;
- (b) specified in subrule (7) below; or
- (c) which would apply to the use of the full register under paragraph 57 of Schedule 1 to the European Parliamentary Elections Act 2004 where such a person has obtained a copy of that document under subrule (8),

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the registration officer shall ensure that the manner in, and equipment on which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(7) Subject to subrule (8) a person who inspects a copy of a document open to public inspection, whether a printed copy or in data form, may not—

- (a) make copies of any part of it; or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

(8) The registration officer shall, on request, supply free of charge copies of any documents open to public inspection to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom paragraph 57 of Schedule 1 to the European Parliamentary Elections Act 2004 applies.

**Conditions on the use, supply and disclosure of documents open to public inspection.**

111.(1) Subject to subrules (2) and (3) the restrictions on the supply, disclosure and use of information in paragraphs 46 and 47 of Schedule 1 to the European Parliamentary Elections Act 2004 shall apply to the documents open to public inspection as they apply to the full register.

- (2) Where a person—
  - (a) obtains copies of the information in the marked register or lists in accordance with rule 109(1); or
  - (b) a person inspects information in accordance with rule 110(1);

the permitted purpose shall mean either-

- (i) research purposes, including statistical or historical purposes; or
- (ii) electoral purposes.

(3) Where a copy of any information was supplied in the circumstances to which rule 110(8) applies, the permitted purpose means the purposes set out in paragraph 57(2) of Schedule 1 to the European Parliamentary Elections Act 2004.

**Calculating the fee for supply of marked register or lists.**

112.(1) The fee to be paid in accordance with rule 109(4)(b) by a person making a request for a copy of the whole or of any part of the marked register or lists is set out in subrule (2).

- (2) The fee shall be the sum of £10, plus for a copy-
- (a) in printed form, £2 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request; and
  - (b) in data form, £1 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request.

(3) For the purposes of this rule, a request for a copy of the whole or the same part of the marked register or lists in both a printed and data form may be treated as two separate requests.

### **Interpretation of rules 109 to 112.**

113. This rule applies to rules 109 to 112.

(2) References to “marked register or lists” means any part of the marked copies of—

- (a) the full register;
- (b) the notices amending the full register issued under paragraph 13(3B) or (3D) of Schedule 1 to the European Parliamentary Elections Act 2004;
- (c) the postal voters list;
- (d) the list of proxies; and
- (e) the proxy postal voters list,

retained by the counting officer in his capacity as registration officer under rule 48(2)(f) or 108.

(3) Any period of days shall be calculated in accordance with rule 73.

(4) Subparagraphs (2) and (3), and the condition in subparagraph (9), of paragraph 44 of Schedule 1 to the European Parliamentary Elections Act 2004 shall be taken to apply to the supply and processing of information supplied under rules 109 to 112 as they apply to the supply and processing of the full register under Part 3 of Schedule 1 of that Act.

(5) Subject to any direction by the Secretary of State or the Chancellor of the Duchy of Lancaster under section 52(1) of the UK 1983 Act, any duty on a registration officer to supply records or lists or make them available for inspection under rules 109 to 112 imposes only a duty to provide that information in the form in which he holds it.

**Interpretation of Part 4.**

114.(1) For the purposes of this Part of these Rules, unless the context otherwise requires—

“agent”, except in rule 84, means a referendum agent or an agent appointed under rule 84;

“ballot paper envelope” and “covering envelope” means the envelopes referred to in rule 89;

“postal voters’ ballot box” means the ballot box referred to in rule 97(1)(a);

“receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in rule 97(5);

“spoilt postal ballot paper” means a ballot paper referred to in rule 92;

“universal postal service provider” has the meaning given in section 2 of the Post Office Act;

“valid postal voting statement” means a postal voting statement which, in accordance with rule 102, the counting officer is satisfied has been duly completed.



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## SCHEDULE 1

FORMS REFERRED TO IN PART 1

**European Union (Referendum)**  
**EUROPEAN UNION REFERENDUM (CONDUCT) RULES 2016**

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*Form 1 - Form of Ballot paper*

**Front of ballot paper**

<b>Referendum on the United Kingdom's membership of the European Union</b>	
<b>Vote only once</b> by putting a cross <input checked="" type="checkbox"/> in the box next to your choice	
Should the United Kingdom remain a member of the European Union or leave the European Union?	
<b>Remain a member of the European Union</b>	<input type="checkbox"/>
<b>Leave the European Union</b>	<input type="checkbox"/>

**Back of ballot paper**

Number

*[Other unique identifying mark]*

Referendum on the United Kingdom's membership of the European Union

*[insert voting area]*

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### **Directions as to printing the ballot paper**

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3 to 9 must be observed in the printing of the ballot paper.
3. No words may be printed on the front of the ballot paper except:
  - (a) the heading "Referendum on the United Kingdom's membership of the European Union";
  - (b) the direction "Vote only once by putting a cross [X] in the box next to your choice";
  - (c) those constituting the referendum question; and
  - (d) those indicating the alternative forms of answer to the question.
4. A box must be printed around the heading, direction, referendum question and alternative forms of answer referred to in paragraph 3; and the heading, direction, referendum question and alternative forms of answer referred to in paragraph 3 must be separated from each other by horizontal rules extending across the box.
5. No rule may be printed on the face except:
  - (a) as part of the box referred to in paragraph 4;
  - (b) the horizontal rules referred to in paragraph 4; and
  - (c) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal rules separating the alternative forms of answer from the referendum question and from each other must be equally spaced and the space between each of them must be a minimum of 2.5 centimetres.
7. The boxes referred to in paragraph 5(c) must not touch any horizontal rule and each one must be equidistant between the horizontal rule above it and the horizontal rule below it.
8. All the words on the front of the ballot paper must appear in very large type and:
  - (a) the heading referred to in paragraph 3(a) must appear in bold;
  - (b) in the direction referred to in paragraph 3(b), the words "Vote only once" must appear in bold; and
  - (c) the alternative forms of answer must appear in bold.
9. Nothing must be printed on the back of the ballot paper except:

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- (a) the number and other unique identifying mark;
- (b) the name of the referendum; and
- (c) the name of the voting area.



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Form 3 - Form of Postal Voting Statement

<b>Postal voting statement</b>	[Space for barcode]
Referendum on the United Kingdom's membership of the European Union	
Voting area: <i>[insert voting area]</i>	
Date of referendum <i>[day] [date] [month] [year]</i>	
<p><b>Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper number _____</p> <p>* Counting Officer to insert name but omit where sent to an anonymous elector</p> <p>(!) Check that the number on the back of your ballot paper matches the number shown above. If they do not match, call us <b>immediately</b> on <i>(insert helpline number)</i>.</p> <div style="border: 1px solid black; padding: 5px;"><p><b>I am the person the ballot paper numbered above was sent to.</b></p><p><b>My Date of Birth is:</b>    <input type="text"/> <input type="text"/>    <input type="text"/> <input type="text"/>    <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p><p style="text-align: center;">Day                      Month                      Year</p><p>* <b>My Signature is:</b> <b>(You must sign inside the box)</b></p><p>* <i>Counting Officer to omit box where the elector has been granted a waiver</i></p><div style="border: 1px solid black; height: 40px; width: 100%;"></div><p><b>We will check this information against our records for security.</b></p></div> <p><b>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once at the same referendum (unless you are appointed as a proxy).</b></p> <p><i>Counting Officer to add pictorial guidance as appropriate.</i></p>	

*Back of statement*

### Instructions for voting by post

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

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper.
2. Make sure you have filled in the **date of birth** *\*[and signature]* **box[es]** on this postal voting statement.  
*\*Counting Officer to delete where elector has been granted a waiver.*
3. Vote **only once** by putting a cross  in the box next to your choice.
4. Do not mark the ballot paper in any other way or your vote may not count.
5. We must get your postal vote by **10pm on [day] [date of poll]**. If you miss the post, you can hand it in at our office or at any polling station in the voting area listed on the front of this form before **10pm on [day][date of poll]**.
6. After returning this postal vote, you cannot vote in person at a polling station in this referendum.

### Getting help

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

**Electoral fraud is a crime. It is an offence to vote more than once at the same referendum (unless you are voting on your own behalf and as a proxy for another person).**

The Counting Officer issued this statement.  
*Counting Officer to add pictorial guidance as appropriate.*

*Form 4 - Official Poll Card (to be sent to an elector not voting by post)*

<b>Poll Card</b>
Referendum on the United Kingdom's membership of the European Union
Voting area: <i>[insert name of area]</i>
Date of referendum <i>[day] [date] [ month] [year]</i>

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

**Please turn over**

**Your details:**

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

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

**Number on register:**

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

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

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

*[insert helpline and other details including website]*



# European Union (Referendum)

## EUROPEAN UNION REFERENDUM (CONDUCT) RULES 2016

**2016-01**  
**Repealed**  
Subsidiary  
2016/036

Back of card

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

**It is an offence to:**

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



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

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

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

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

OR

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

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

- Have a medical emergency after 5pm on [day] [date of deadline]
  - Learn you cannot go to the polling station because of work reasons
- You can apply to vote by proxy. Completed applications must reach us **before 5pm on [day] [date of deadline]**. To find out how to apply, call the helpline immediately.

The Counting Officer issued this card.

Form 5 - Official Postal Poll Card (to be sent to an elector voting by post)

<b>Postal poll card</b>
Referendum on the United Kingdom's membership of the European Union
Voting area: <i>[insert name of area]</i>
Date of referendum <i>[day] [date] [month] [year]</i>
<b>Voting Information</b>
We will send your postal vote around <i>[day] [date] [month] [year]</i> * <i>[addressed to:]</i>
* <i>[Elector's name and address]</i>

**Your details:**

- \* *[Elector's name and qualifying address details here]*
- \* *Counting Officer to omit in both places where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope*

**Number on register:**

**Your postal vote**

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

Please turn over

# European Union (Referendum)

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## EUROPEAN UNION REFERENDUM (CONDUCT) RULES 2016

**2016-01**  
**Repealed**  
Subsidiary  
2016/036

Back of card

### How to vote

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



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



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

*[insert helpline and other details including website]*

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

Please phone the helpline immediately.

We can only issue a replacement postal vote before **5pm on [day/date of deadline]**.

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

### It is an offence to:

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

The Counting Officer issued this card.

**If undelivered return to**  
*[insert return address]*

# European Union (Referendum)

## EUROPEAN UNION REFERENDUM (CONDUCT) RULES 2016

*Form 6 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person)*

<b>Proxy poll card</b>
<b>Referendum on the United Kingdom's membership of the European Union</b>
Voting area: <i>[insert name of area]</i>
Date of referendum <i>[day] [date] [month] [year]</i>

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

**You will receive a proxy vote**  
 -- *[The person named on the back of the card] [Another person] has appointed you as a proxy to vote on their behalf at this referendum.*  
 \*\* *[You do not need to take this card with you to vote.] [You must have this card with you when you vote. You cannot vote as a proxy without it.]*  
 \*\*\* *If sent to the proxy of an anonymous elector omit the words in each of the first sets of brackets. If not omit the words in each of the second sets of brackets.*  
*[insert helpline and other details including website].*

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

**Please turn over**

# European Union (Referendum)

## EUROPEAN UNION REFERENDUM (CONDUCT) RULES 2016

**2016-01**  
**Repealed**  
Subsidiary  
2016/036

Back of card

**For this referendum you are proxy for:**

- *[(Elector's name)  
(Elector's address)  
(Elector's number on register)]*  
*[the person with this elector number: (Insert elector's number on register)]*
- *If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

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

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



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

**How to vote as a proxy**

1. *"[At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.]"* *[At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper of the person you are proxy for.]*  
*\* If anonymous elector omit the words in the first set of square brackets the words in the second set of square brackets*
  2. Go to one of the voting booths.
  3. Follow the instructions on how to mark the ballot paper.
  4. Fold the ballot paper and put in the ballot box.
- If you need any help, just ask the staff.**

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

- You can apply to vote by post. The deadline for completed applications is **5pm on [day] [date of deadline]**.
- If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this referendum.
- **To find out how to apply, please call us on [insert helpline number or other contact details].**

**It is an offence to:**

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

The Counting Officer issued this card. If undelivered return to [insert return address]

Form 7 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

<b>Proxy postal poll card</b>
Referendum on the United Kingdom's membership of the European Union
Voting area: <i>[insert name of area]</i>
Date of referendum <i>[day] [date] [month] [year]</i>

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

Please turn over

**Voting as a proxy**

- \*\* *[The person named on the back of the card]*  
*[Another person] has appointed you as a proxy to vote on their behalf at this referendum*
- \*\* *If sent to the proxy of an anonymous elector omit the words in the first set of brackets, if not omit the words in the second set of brackets.*

**Your postal vote**

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



Back of card

### For this referendum you are proxy for:

- \* *[[Elector's name]]*  
*[[Elector's address]]*  
*[[Elector's number on register]]*  
(the person with this elector number: *[[insert elector's number on register]]*)
- \* *If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

### How to vote

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



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



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

*[[insert helpline and other details including website]]*

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

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

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

### It is an offence to:

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

The Counting Officer issued this card.

If undelivered return to  
*[[insert return address]]*





*Form 9 - Form of Directions for the Guidance of Voters in Voting*

## How to vote at this referendum

**1**

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



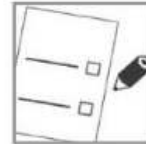
**2**

Take your ballot paper to a voting booth.



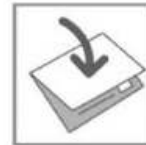
**3**

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



**4**

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



**5**

Put your folded ballot paper into the ballot  
box.



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

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

Form 10 - Form of Certificate of Employment

<b>Certificate of Employment</b>
<b>Referendum on the United Kingdom's membership of the European Union</b>
Date of referendum [day] [date] [month] [year]
Voting area [insert name of area]
The person named below is entitled to vote at any polling station in the above voting area on production and surrender of this certificate to the Presiding Officer.
I certify that _____ (name of elector) who is numbered* _____ in the register of electors for the voting area named above, cannot reasonably be expected to go in person to the polling station allotted to them at this referendum by reason of his/her employment on the above date for a purpose connected with this referendum: – as a constable** – as a Police Community Support Officer** – by me (Only applies to Counting Officer's staff)**
Signature _____ Counting Officer/Police Officer (Inspector or above)**
Date _____
* The elector's number can be found on the poll card which was sent to them shortly after the referendum was announced, or can be checked by contacting the Electoral Registration Officer.
**Person completing the form to delete whichever does not apply.

**European Union (Referendum)**  
**EUROPEAN UNION REFERENDUM (CONDUCT) RULES 2016**

**2016-01**  
**Repealed**  
**Subsidiary**  
**2016/036**

*Form 11 - Form of Declaration to be made by the companion of a voter with Disabilities*

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

# European Union (Referendum)

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## EUROPEAN UNION REFERENDUM (CONDUCT) RULES 2016

*Back of declaration*

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

SCHEDULE 2

FORM OF PROXY PAPER

<b>Proxy Paper</b>	
<b>Referendum on the United Kingdom's membership of the European Union</b>	
<b>Voting area: <i>[insert name of voting area]</i></b>	
Name of Proxy	
Address of Proxy	
You have been appointed as proxy for _____ (name of elector) [*who is qualified to be registered at (Qualifying address) _____ ] [*who has made an overseas elector's declaration] to vote for them in the referendum.  Signature _____ (Electoral Registration officer)  Date _____  <i>* Delete whichever is inappropriate</i>	

1. This proxy paper gives you the right to vote as proxy for the elector named above.
2. You may not vote as proxy in the referendum for more than two electors, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this paper with you to vote but it will save time if you do take the poll card with you.
4. If you cannot vote in person at the polling station, contact the helpline or visit our website.

*[Insert helpline and other contact details including website]*

**European Union (Referendum)**

**EUROPEAN UNION REFERENDUM (CONDUCT) RULES 2016**

**SCHEDULE 3**

**STATEMENT AS TO POSTAL BALLOT PAPER**

**REFERENDUM ON THE UNITED KINGDOM'S MEMBERSHIP OF  
THE EUROPEAN UNION**

Voting area:..... Date of  
Poll:.....

<i>A. Issue of postal ballot papers</i>	<i>Number</i>
1. Total number of postal ballot papers issued under rule 86	
2. Total number of postal ballot papers issued under rule 92 (spoilt and returned for cancellation) and rule 93 (lost or not received)	
3. Total number of postal ballot papers cancelled under rule 104 (where the first ballot paper was cancelled and retrieved)	
4. Total number of postal ballot papers issued (1 to 3)	
<i>B (1). Receipt of and replacement postal ballot papers</i>	<i>Numbers</i>
5. Number of covering envelopes received by the counting officer or at a polling station before the close of poll (excluding any undelivered or returned under rule 92(1) (spoilt), rule 93(1) (lost) and rule 104 (cancelled ballot papers))	
6. Number of covering envelopes received by the counting officer after close of poll, excluding any returned as undelivered	
7. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued	
8. Number of postal ballot identified as lost or not received in time for another ballot paper to be issued	
9. Number of ballot papers cancelled and retrieved in time for another ballot paper to be issued	
10. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued	
11. Number of covering envelopes returned as undelivered (up to the 25 <sup>th</sup> day after the date of poll)	

# European Union (Referendum)

## EUROPEAN UNION REFERENDUM (CONDUCT) RULES 2016

**2016-01**  
**Repealed**  
**Subsidiary**  
**2016/036**

12. Number of covering envelopes not received by the counting officer (by the 25 <sup>th</sup> day after the date of poll)	
13. Total numbers 5 to 12 (this should be the same as that in 4 above)	
<b>B (2). Receipt of postal ballot papers – Postal voting statements</b>	<i>Number</i>
14. Number of covering envelopes set aside for the verification of personal identifiers on postal vote statements	
15. Number of postal voting statements not subject to verification procedure rejected as not completed (excluding prior cancellations)	
16. Number of postal voting statements subject to verification procedure rejected as not completed (excluding prior cancellations)	
17. Number of postal voting statements rejected following verification procedures due to the personal identifiers record (excluding prior cancellations)	
<b>C. Count of postal ballot papers</b>	<i>Number</i>
18. Number of ballot papers returned by postal voters which were included in the count of ballot papers	
19. Number of cases in which a covering envelope or its contents were marked “Rejected” (cancellations under rules 92, 93 and 104 are not rejections and should be included in items 2, 3, 7, 8 and 9 above)	

Date..... Signed.....

Authority.....