

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

Made - - - - 27th February 2019

Coming into force in accordance with Article 1

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

Watford Borough Council (the “Council”) submitted proposals for a scheme under section 10 of the 2000 Act to apply to any election that will take place in relation to any vacancy in the membership of the Council arising on the ordinary day of elections in 2019.

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

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

The Minister for the Cabinet Office makes the following Order:

## Citation and commencement

1. This Order may be cited as the Watford Borough Council (Identification in Polling Stations) Pilot Order 2019 and comes into force on the day after the day it is made.

## Interpretation

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

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

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

“the Appendix” means the Appendix of Forms in Part 7 of Schedule 2 to the 2006 Principal Areas Rules;

“the election” means any local government election that takes place arising from a vacancy in the membership of Watford Borough Council, arising on the ordinary date of elections in 2019.

## Conduct of elections

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

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

(b) S.I. 2006/3304.

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

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

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

(4) In the Appendix, after “Form of declaration to be made by the companion of a voter with disabilities” insert “Form of ballot paper refusal” in Schedule 2 to this Order.

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

**Duty to co-operate with the Electoral Commission**

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

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

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

27th February 2019

Chloe Smith  
Minister for the Constitution  
Cabinet Office

**SCHEDULE 1**

Article 3(2)

**Modifications to Schedule 2 to the 2006 Principal Areas Rules**

**Table**

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
23	After paragraph (4) insert—  “(5) The returning officer must ensure that arrangements are in place in each polling place to enable a voter to produce a specified document in private where the voter makes a request to do so.”
<b>Provision of polling stations</b>	
25	After paragraph (3)(c) insert—  “(ca) that the voter must bring identification to the polling

**Issue of official poll cards**

station;”

After paragraph (4) insert—

“(4A) The returning officer must take reasonable steps to provide the elector and any proxy with information concerning the requirement to provide identification at the polling station and the forms of identification that are acceptable.”

After rule 25 insert—

**“Replacement poll card**

**25A.**—(1) Where an elector claims he has lost or not received his poll card he may apply to the returning officer for a replacement poll card.

(2) The application must include—

- (a) evidence of the elector’s identity;
- (b) the reason for making the application; and
- (c) confirmation that the elector would not be able to provide any document in accordance with rule 35(2A).

(3) Where the returning officer—

- (a) is satisfied as to the elector’s identity;
- (b) is satisfied that the elector would not be able to provide any document in accordance with rule 35(2A); and
- (c) has no reason to doubt that the elector has either lost or has not received the poll card,

the returning officer must issue another poll card in accordance with paragraphs (4) and (5).

(4) Rule 25(2) to (5) applies in relation to the issue of a replacement poll card as those paragraphs apply to the initial issue of a poll card, subject to paragraph (5).

(5) Where an elector applies for a replacement poll card in person—

- (a) before 5pm on the fourth day before the day of the poll, the returning officer may hand a replacement poll card to him;
- (b) after 5pm on that day, the returning officer may only hand a replacement poll card to him;

instead of delivering it in accordance with rule 25(2).

(6) The returning officer must enter in a list—

- (a) the name and number of the elector as stated in the register; or
- (b) in the case of an elector who has an anonymous entry, his electoral number alone.

(7) An application may not be made under paragraph (1) after 9pm on the day of the poll.

(8) This regulation applies in the case of a proxy who claims that he has lost or not received his proxy poll card but—

- (a) reading a reference to an elector as a reference to a

proxy, and

- (b) reading a reference to a poll card as a reference to a proxy poll card.

(9) The returning officer must keep a record of the number of applications received under this rule (“the replacement poll card record”) which must include the following information in respect of each application—

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

in all cases, whether a replacement poll card was issued under paragraph (3).

### **Cancellation of poll card**

**25B.**—(1) The returning officer must immediately cancel a poll card if—

- (a) an elector notifies the returning officer that he has lost or not received that poll card, and the returning officer—
  - (i) is satisfied as to the elector’s identity; and
  - (ii) has no reason to doubt that the elector has either lost or has not received it; or
- (b) the returning officer has issued a replacement poll card under rule 25A.

(2) This regulation applies in the case of a proxy poll card but—

- (a) reading a reference to an elector as a reference to a proxy; and
- (b) reading a reference to a poll card as a reference to a proxy poll card.”

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### **Equipment of polling stations**

After paragraph (3)(d) insert—

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

After paragraph (6) insert—

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

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### **Admission to polling**

After paragraph (1)(f) insert—

- “(fa) representatives of the Cabinet Office;”

**station**

33

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

**Questions to be put to voters**

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

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

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

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

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

**Voting Procedure**

After paragraph (2) insert—

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

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

(2C) Where in such a case—

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

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

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

(2F) A specified document is—

- (a) the voter’s poll card; or
- (b) where the voter is unable to produce their poll card, a document specified in paragraph (2G).

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

- (a) a passport issued by a Commonwealth country or a country in the European Economic Area;
- (b) a photocard driving licence (including a provisional licence) issued in the United Kingdom or by a Crown Dependency or by a Member State of the European Union;
- (c) an electoral identity card issued under section 13C (Electoral identity card: Northern Ireland) of the Representation of the People Act 1983;
- (d) a biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the UK Borders Act 2007(a);
- (e) an identity card issued in the European Economic Area which bears a photograph of the voter;
- (f) a PASS scheme card (national proof of age standards scheme);
- (g) a Ministry of Defence Identity Card;
- (h) a concessionary travel pass funded by HM Government;
- (i) an Oyster 60+ pass;
- (j) a photo card parking permit issued as part of the Blue Badge scheme.

(2H) The presiding officer must—

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

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

- (a) the number of voters who produced a poll card where a ballot paper was delivered;
- (b) in respect of each type of document referred to in paragraph (2G), the number of documents produced where a ballot paper was delivered;
- (c) the number of voters who produced a document referred to in paragraph (2G) but were refused a ballot paper;
- (d) the number of voters who produced a document other than a specified document;
- (e) the number of voters who produced no document;
- (f) the number of voters referred to in sub-paragraphs (c) to (e) who later returned and produced a specified document and were delivered a ballot paper;
- (g) the number of voters who were refused a ballot paper due to a failure to correctly answer a statutory question.”

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(a) 2007 c. 30.

After paragraph (6) insert—

“(7) This rule applies to a proxy as it applies to an elector but a reference to a poll card is to be read as a reference to a proxy poll card.

(8) In this rule, a reference to—

- (a) a “document” is a reference to the document itself, but does not include a document in electronic form, and does not include a copy;
- (b) “producing a document” is a reference to producing the document for inspection.”

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**Votes marked by  
presiding officer**

After paragraph (1) insert—

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

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**Voting by persons  
with disabilities**

After paragraph (2) insert—

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

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**Tendered ballot  
papers: circumstances  
where available**

After paragraph (6) insert—

“(7) Paragraphs (2A) to (2I) of rule 35 apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1), (4) or (6) above as they apply in the case of a voter who applies for a ballot paper under rule 35(1).”

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**Procedure on close of  
poll**

After paragraph (3) insert—

“(4) As soon as practicable after the close of the poll, the presiding officer must also—

- (a) tally the number of each type of document recorded under rule 35(2I)(b);
- (b) tally the number of entries recorded under each of subparagraphs (a) and (c) to (g) of rule 35(2I); and
- (c) make up into packets the data collection form and the ballot paper refusal form and arrange for them to be delivered to the returning officer in accordance with the returning officer's instructions.

(5) Where the data collection form or ballot paper refusal form are held in electronic form, the presiding officer must ensure that those forms are securely transmitted to the returning officer.

(6) Where marked copies of the register of electors (including any copy notices issued under section 13B(3B) or (3D) of the

1983 Act), the list of proxies or completed corresponding number lists are held in electronic form, as soon as practicable after the close of the poll the presiding officer must—

- (a) ensure that those registers or lists are securely transmitted to the relevant registration officer; and
- (b) notify the returning officer that he has done so.

(7) As soon as reasonably practicable after receiving such notice, the returning officer must ensure that such information held other than by the relevant registration officer is destroyed.”

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After paragraph (2)(e) insert—

“(f) representatives of the Cabinet Office,”

**Attendance at  
counting of votes**

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After paragraph (1) insert—

“(1A) Within 10 days after the day of the poll, the returning officer must forward—

**Delivery of documents  
to relevant  
registration officer**

- (a) the data collection form to the Electoral Commission, and send a copy of that form to the Cabinet Office and to Watford Borough Council;
- (b) the ballot paper refusal form to the relevant registration officer, and send a copy of that form to the Electoral Commission and the Cabinet Office; and
- (c) the replacement poll card record to the Electoral Commission, and send a copy of that record to the Cabinet Office.

(1B) The recipient of such forms and that record may only use the information contained in them for the purposes of evaluating the pilot scheme.

(1C) Those forms and that record may not be disclosed to any other person other than in proceedings relating to an election petition or in relation to an investigation into electoral fraud.

(1D) Where those forms and that record are held in electronic form, the returning officer must ensure that they are securely transmitted to the recipients referred to in paragraph (1A).”

In paragraph (2) for “rules 53, 54 and 55” substitute “rules 43, 53, 54 and 55”.

After paragraph (2) insert—

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

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## SCHEDULE 2

Articles 3(3) and (4)

### Forms to be used for the election

Poll cards for local authority elections

*Form of front of official poll card*

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

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

**Please turn over**

<b>KEEP YOUR POLL CARD SAFE</b>
<b>Bring this poll card with you as proof of ID.</b>

<b>Your details:</b>
<i>* [Elector's name and qualifying address details here]</i>
<i>* Returning Officer to omit where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope</i>
<b>Number on register:</b>

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

**\*\*** *If anonymous elector include the words in the brackets.*

*[Insert helpline and other details including website].*

*Form of back of official poll card*

**Bring this poll card with you as proof of ID.**

If you lose your poll card you may request a new one by contacting *[insert helpline]*. You can find a list of alternative ID that may be used to vote at *[insert link]*.

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

**It is an offence to:**

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



**If you need any help or to find out if your polling station is accessible, please contact us.**

*[Returning Officer to add contact details including website if appropriate]*

**If undelivered return to:**

*[Insert return address]*

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

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

OR

- Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us 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 Returning Officer issued this card.

Form of front of official proxy poll card

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

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

**Please turn over**

<b>KEEP YOUR POLL CARD SAFE</b> <b>Bring this poll card with you as proof of ID.</b>
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<b>Your details:</b> <i>[*Proxy's name and qualifying address details here]</i>  <i>*Returning 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>
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**You will receive a proxy vote**

\*\* [The person named on the back of this card]

[Another person] has appointed you as a proxy to vote on their behalf at this election.

[You must have this card with you when you go to vote. You cannot vote as a proxy without it.]

\*\* *If sent to the proxy of an anonymous elector omit the words in the first set of brackets, if not omit the words in each of the second and third sets of brackets.*

*[Insert helpline and other details including website].*

*Form of back of official proxy poll card*

**Bring this poll card with you as proof of ID.**

If you lose your poll card you may request a new one by contacting *[insert helpline]*. You can find a list of alternative ID that may be used to vote at *[insert link]*.

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


*\*[(Elector's name), (Elector's address), (Elector's number on register)]*

[the person with this elector number: *(Insert elector's number on register)*]

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

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

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

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

**How to vote as a proxy**

1. *\*[At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.] \*[At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper of the person you are proxy for.]*

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

2. Go to one of the voting booths.

3. Follow the instructions on how to mark the ballot paper.

4. Fold the ballot paper and put in the ballot box

**If you need any help, just ask the staff.**




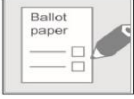


**If you are away or cannot go to the polling station on *[day]* *[date of poll]***

- 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 election.
- **To find out how to apply, please call us on *[insert helpline number or other contact details]*.**

**It is an offence to:**

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

The Returning Officer issued this card.  
If undelivered return to  
*[Insert return address]*

<b>How to vote at this election</b>		
<b>1</b>	Go to the desk and give your poll card (or alternative ID) to the staff.	
<b>2</b>	Tell the staff your name and address. They will confirm your registration and issue you with your ballot paper.	
<b>3</b>	Take your ballot paper to a voting booth.	
<b>4</b>	Read the instructions in the booth and mark your ballot paper accordingly.	
<b>5</b>	When you have marked your ballot paper, fold it so that nobody can see how you have voted.	
<b>6</b>	Put your folded ballot paper into the ballot box.	
<p><b>(!) Voting is secret. Do not let anyone see how you have voted.</b></p> <p><b>🗣️ If you make a mistake or need some help, just ask the staff.</b></p>		

*Form of ballot paper refusal form*

<b>Time</b>	<b>Elector Number</b>	<b>Reason for refusing a ballot paper</b>

## SCHEDULE 3

Article 3(5)

### Modifications to other enactments

#### Table

*(1) Provision*

*(2) Modifications*

*2006 Principal Areas Rules*

Rule 2

#### **Interpretation**

Insert in the appropriate place in rule 2(1)—

““the Appendix” means the Appendix of Forms in Part 7 of Schedule 2 to these Rules as modified by the Watford Borough Council (Identification in Polling Stations) Pilot Order 2019;

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

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

““day or date of the poll” means 2nd May 2019;”

““election” means any local government election that takes place arising from a vacancy in the membership of Watford Borough Council, arising on the ordinary day of elections in 2019;”

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

After rule 2(3) insert—

“(4) In these rules, a reference to copies of the register of electors (including any copy notices issued under section 13B(3B) or (3D) of the 1983 Act), list of proxies, corresponding number list, ballot paper refusal form, or data collection form is a reference to those documents being held in either paper or electronic form.”