



REPRESENTATION OF THE PEOPLE REGULATIONS 2014

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Statutory Document No. XX/20XX



Representation of the People Act 1995

REPRESENTATION OF THE PEOPLE REGULATIONS 2014

Approved by Tynwald:

Coming into Operation:

The Governor in Council makes the following Regulations under sections 16, 18, 22, 26, 27, 31 and 80 of the Representation of the People Act 1995.

PART 1 – INTRODUCTORY

1 Title

These Regulations are the Representation of the People Regulations 2014.

2 Commencement

If approved by Tynwald, these Regulations come into operation on .

3 Interpretation

(1) In these regulations —

“**the Act**” means the Representation of the People Act 1995;

“**advance voter ballot paper account**” has the meaning assigned by paragraph 10(4) of Schedule 2;

“**advance voters’ list**” has the meaning assigned by paragraph 4 of Schedule 2;

“**ballot paper account**” means a statement made by the presiding officer showing the number of ballot papers entrusted to him or her, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers;

“**electoral number**” means a person’s number in the register to be used at the election;

“**nomination day**” means the final day for the delivery of nomination papers;

“**spoilt ballot paper**” has the meaning assigned by regulation 41;

“**tendered ballot paper**” has the meaning assigned by regulation 40(1);

“**tendered votes list**” has the meaning assigned by regulation 40(3).

- (2) In these regulations references to polling and counting agents are references to agents whose appointments have been duly made and notified and, where the number of agents is limited, who are within the permitted number.

4 Oath of office of returning officers and deputy returning officers

- (1) The form of oath required by section 16(1) of the Act to be taken by returning officers is set out in Part 1 of Schedule 1 and a copy of the oath must be annexed to the writ.
- (2) On appointing a deputy returning officer under section 18 of the Act the returning officer must immediately administer to the deputy returning officer an oath in the form set out in Part 2 of Schedule 1, and the certificate of the oath must be attached to each appointment.

5 Timetable

The proceedings at an election must be conducted in accordance with the following Table: —

<i>Event</i>	<i>By when</i>
(1) Issue of writ	(a) In the case of a by-election, within 2 months of receiving the report of a casual vacancy (but the Governor must not issue the writ if it appears to the Governor that the Keys will be dissolved within 4 months of the date on which the writ would otherwise be issued).
	(b) Immediately on the dissolution of the Keys (which is 6 weeks before the election).
	(c) If the returning officer has made a special return of a writ to the effect that the number of candidates elected is less than the number of vacancies to be filled or that no candidate has been elected, within one month of the receipt of the special return.
(2) Delivery of nomination papers	From 10.00 am 6 days after the day mentioned in (1)(b) above and 1 pm on the 6th day thereafter.
(3) The making of objections to nominations	Within the time for the delivery of nomination papers and half an hour

	thereafter.
(4) last day for receipt of advance voter applications from outside the Island	7 days before date of election
(5) Last day for – (a) receipt of advance voter applications within the Island; (b) issue of advance voter ballot papers outside the Island; (c) receipt of proxy application.	6 days before date of election
(6) Last day for issue of advance voter ballot papers within the Island; Registration Officer to issue a copy of the list of proxies to returning officers	3 days before date of election
(7) Polling	(a) for general election between 8 am and 8 pm on the 4th Thursday in September.
	(b) for other elections between 8.00 a.m. and 8.00 p.m. on a day, to be fixed by the Governor, not earlier than the 28th day and not later than the 42nd day after the receipt of the writ by the returning officer
(8) Return of the writ	Within 24 hours after completion of the count.

PART 2 – STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

6 Delivery of writ

- (1) Every writ of election must be delivered by hand to the returning officer no later than the day after it was issued.
- (2) On receiving the writ the returning officer must immediately endorse on it the date on which he or she received it.

7 Notices of election

- (1) The Chief Secretary must publish the following notices of election as soon as practicable after the issue of the writ –
 - (a) a notice for potential voters containing information on advance and proxy voting;
 - (b) a notice for potential candidates containing information about the nomination process.
- (2) The notice mentioned in paragraph (1)(b) must contain –
 - (a) a warning as to corrupt practices; and

- (b) advice on obtaining a copy of the Act, these regulations and a copy of the register of electors.
- (3) The notices of election are composite notices for —
 - (a) all the constituencies, in the case of a general election;
 - (b) all the constituencies to which the writs relate, where writs for more than one by-election are issued on the same day.
- (4) The notices of election must be published —
 - (a) by insertion in a newspaper published and circulating within the Island; and
 - (b) by display on an appropriate website in an appropriate manner, and may be published by placard posted up in some public and conspicuous situation in the constituency to which the notices refer.

8 Nomination of candidates

- (1) Every candidate must be nominated by a separate nomination paper delivered to the returning officer, at the place fixed for the purpose, by the candidate personally or by the candidate's proposer or seconder.
- (2) The nomination paper must be as near as possible to the form specified by the Chief Secretary and must state —
 - (a) the full names, place of residence, telephone number, email address (if any) and political party (if any) of the candidate (the surname being placed first in the list of names); and
 - (b) whether the candidate meets the qualification requirements for membership of the Keys set out in section 1(1) of the Act.
- (3) Each candidate must produce to the returning officer his or her passport as proof of compliance with section 1(1)(b) of the Act.

9 Subscription of nomination paper

- (1) The nomination paper must be subscribed by 2 electors as proposer and seconder, and by not less than 20 other electors assenting to the nomination, but only 20 of those electors are treated for the purposes of paragraph (5) as having subscribed the nomination paper.
- (2) The nomination paper must give the electoral number of each person subscribing it.
- (3) Nomination papers must be supplied on request to candidates by the Chief Secretary and made available to download from the Government website during the period between the day on which notice of the election was given, up to and including the last day for the delivery of nomination papers.

- (4) The nomination paper must include or be accompanied by an instruction as to its completion.
- (5) The same elector may subscribe as many nomination papers as there are vacancies to be filled, but no more, and the elector's signature is invalid on any nomination paper subscribed and duly delivered in excess of that number.

10 Consent to nomination

If a nomination paper is not delivered personally by the person named as candidate, the person is not validly nominated unless his or her written consent to the nomination, attested by a witness, is delivered at the place and within the time appointed for the delivery of nomination papers.

11 Place and time for early delivery of nomination papers

Nomination papers may be delivered to the returning officer for a constituency to a place specified by the returning officer by the candidate personally or by his or her proposer or seconder at a time agreed with the returning officer, being any time in the week before nomination day.

12 Nomination day and objections to nominations

- (1) The deadline for the delivery of nomination papers is 1 pm on nomination day, and delivery must be to a place specified by the returning officer.
- (2) A person may object to the nomination of a candidate during any time for the delivery of nomination papers and within half an hour thereafter.
- (3) Accordingly, the returning officer must invite the persons mentioned in regulation 13(1) to attend at a specified venue by the deadline mentioned in paragraph (1) for the duration of the half hour period specified in paragraph (2).

13 Right to attend prior to close of nominations and objections

- (1) Except for the purpose of delivering a nomination paper or assisting the returning officer, no person may attend the proceedings during the time mentioned in regulation 9(3) other than —
 - (a) a person standing nominated as a candidate;
 - (b) the proposer or seconder of such a person; and
 - (c) one other person selected by such a person.
- (2) The right to attend conferred by this regulation includes the right to inspect, and to object to the validity of, any nomination paper.

14 Decisions as to validity of nomination papers

- (1) When a nomination paper and, if required, the candidate's consent to nomination, are delivered in accordance with these regulations, the candidate stands nominated unless and until —
 - (a) the returning officer decides that the nomination paper is invalid;
 - (b) proof is given to the satisfaction of the returning officer of the candidate's death; or
 - (c) the candidate withdraws in accordance with regulation 15.
- (2) The returning officer may hold a nomination paper invalid at any time before the expiry of the period specified in regulation 12(1).
- (3) A nomination paper may not be held invalid except on the ground that —
 - (a) the particulars of the candidate or the persons subscribing the paper are not as required by law; or
 - (b) the paper is not subscribed as so required.
- (4) The returning officer must give a decision on any objection to a nomination paper as soon as practicable after it is made.
- (5) If deciding that a nomination paper is invalid, the returning officer must —
 - (a) endorse and sign on the paper the decision and the reasons for it; and
 - (b) as soon as practicable, notify the candidate in writing of the decision and the reasons for it.
- (6) The decision of the returning officer that a nomination paper is valid is final and may not be questioned in any proceeding whatsoever.
- (7) Subject to paragraph (6), nothing in this regulation prevents the validity of a nomination being questioned on an election petition.

15 Withdrawal of candidates

- (1) A candidate may, up until the time specified in regulation 12(1), but not afterwards, withdraw from the candidature by giving a notice in writing to that effect to the returning officer.
- (2) A notice under this regulation must be —
 - (a) signed by the candidate or, if the candidate is outside the Island, by his or her proposer;
 - (b) if delivered by any person other than the candidate, attested by a witness; and
 - (c) if signed by the proposer, accompanied by a signed declaration by the proposer as to the candidate's absence from the Island.

16 Method of election

- (1) If at the expiry of the time specified in regulation 12(1) more candidates stand nominated than there are vacancies to be filled, a poll must be taken in accordance with Part 3.
- (2) If at that time no more candidates stand nominated than there are vacancies to be filled, those candidates are immediately declared to be elected in accordance with Part 4.

PART 3 – CONTESTED ELECTIONS**DIVISION 1 - GENERAL PROVISIONS****17 Poll to be taken by ballot**

The votes at the poll are to be given by ballot, the votes given to each candidate counted and the result determined in accordance with the following provisions of this Part.

18 The ballot papers

- (1) The ballot of every voter is to consist of a ballot paper, and only the persons standing nominated may have their names on the ballot paper.
- (2) Every ballot paper must –
 - (a) be in the form specified by the Chief Secretary;
 - (b) be printed in accordance with the Chief Secretary's directions;
 - (c) contain the names and other particulars of the candidates nominated as shown in their respective nomination papers;
 - (d) have a 3 cm border round its edge so that all text is inside this border;
 - (e) be capable of being folded up;
 - (f) have a number printed on the back; and
 - (g) have attached a counterfoil with the same number printed on the face.
- (3) The list of candidates on the ballot paper must be arranged alphabetically in the order of their surnames and, if there are 2 or more candidates of the same surname, in the order of their other names.

19 The official mark

- (1) Every ballot paper must be marked with an official mark in the manner specified by the Chief Secretary so as to preclude false ballot papers being included in the count.

- (2) The official mark must be kept secret and an interval of not less than 7 years must intervene before the use of the same official mark at elections for the same constituency.

20 Prohibition of disclosure of votes

A person who has voted at the election may not be required, in any legal proceedings to question the election or return, to state for whom he or she voted.

21 Use of schools and public rooms

- (1) Subject to subsection (2), the returning officer may use, free of charge, for the purpose of taking the poll any room —
 - (a) in a school —
 - (i) maintained by the Department of Education and Children; or
 - (ii) in respect of which grants are made out of moneys provided by Tynwald to the person or body of persons responsible for the management of the school; or
 - (b) the expense of maintaining which is payable out of any rate.
- (2) A room mentioned in paragraph (1)(a) may be used only if the returning officer considers that there is no adequate alternative accommodation within, or within half a mile beyond the limits of, the polling district for which the room is to be used.
- (3) The returning officer must make good any damage done to, and defray any expense incurred by the persons having control over, any room mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll.

DIVISION 2 - ACTION TO BE TAKEN BEFORE THE POLL

22 Notice of poll

The returning officer must, as soon as practicable after the expiration of the time specified in regulation 12(1), give public notice of the poll in the manner specified by the Chief Secretary.

23 Distribution of election manifestos

- (1) The funding of the cost of delivery of a manifesto under section 31(2) of the Act —
 - (a) is limited to the minimum charge for a standard letter;
 - (b) where 2 or more candidates issue a manifesto jointly, is limited to the supply of only one copy of the manifesto to each household.

- (2) If the candidate supplies a manifesto for delivery –
 - (a) that would cost more than the minimum charge for a standard letter; or
 - (b) after the date required by the Isle of Man Post Office to allow reasonable time for franking and delivery before the election,the Post Office may refuse to deliver it unless the candidate pays for the postage.

24 Death of candidate

- (1) This regulation applies if, after publication of the notice of the poll and before the result of the election is declared, proof is given to the satisfaction of the returning officer of the death of one of the persons shown as standing nominated.
- (2) Where this regulation applies the returning officer must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and all proceedings with reference to the election must be commenced afresh in all respects as if the writ had been received on the day on which proof was given to the returning officer of the death.
- (3) No fresh nomination is necessary in the case of a person whose name has been published as standing nominated.
- (4) The time for delivery of nomination papers and the time for polling is determined in accordance with the second column in the Timetable in regulation 5 (with the necessary modification of any reference to the date on which the writ is received).
- (5) If the poll is abandoned under this regulation the proceedings at or consequent on that poll are interrupted, and the presiding officer at any polling station must take like steps for delivery to the returning officer of ballot boxes, ballot papers and other documents as he or she is required to take on the close of the poll, and the returning officer must dispose of ballot papers and other documents in his possession as required on the completion of the counting of the votes.
- (6) However –
 - (a) it is not be necessary for any ballot paper account to be prepared or verified; and
 - (b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes, must seal up all the ballot papers, whether the votes on them have been counted or not, but it is not necessary to seal up counted and rejected ballot papers in separate packets.
- (7) The provisions of these regulations as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll

abandoned by reason of a candidate's death, with the following modifications—

- (a) ballot papers on which the votes were neither counted nor rejected are treated as counted ballot papers; and
- (b) no order may be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

25 Advance voting

Schedule 2 sets out the requirements and procedures applicable to advance voters.

26 Proxy votes

Schedule 3 has effect in respect of applications to vote by proxy.

27 Provision of polling stations

- (1) The returning officer must provide one polling station for each polling district.
- (2) Two or more polling stations may be provided in the same room.
- (3) A polling station must be within half a mile of the limits of the polling district that it is intended to serve.
- (4) The returning officer must provide each polling station with sufficient compartments so that voters can mark their votes screened from observation.

28 Appointment of presiding officers and clerks

- (1) The returning officer must appoint, in writing and in the form specified by the Chief Secretary, and pay the following officers and clerks —
 - (a) not more than 2 presiding officers to attend at each polling station;
 - (b) a chief counting officer; and
 - (c) such poll clerks and counting clerks as may be necessary for the purposes of the election.
- (2) But no person who has been employed by or on behalf of a candidate in or about the election may be appointed under paragraph (1).
- (3) The presiding officer must be in possession at the polling station of the document of appointment in respect of his or her own appointment together with those of the poll clerks and the returning officer must

retain the documents of appointment of the chief counting officer and counting clerks.

- (4) If 2 presiding officers are appointed to attend at the same polling station, the returning officer must ensure that only one of them is on duty at the polling station at any one time.
- (5) On making the appointments under paragraph (1) the returning officer must immediately administer to each of the persons there mentioned an oath in the form set out in Part 3 of Schedule 1, and the certificate of the oath must be attached to each appointment.
- (6) The returning officer may, if he or she thinks fit, preside at a polling station, in which case the provisions of these regulations relating to a presiding officer apply to the returning officer (and to any person to whom the returning officer has delegated the duties of a presiding officer in accordance with these regulations) with any necessary modifications.
- (7) A presiding officer may delegate to any poll clerk any act (including the asking of questions) that the returning officer is required or authorised by these regulations to do at a polling station, except ordering —
 - (a) the arrest of any person; or
 - (b) the exclusion or removal of any person from the polling station.

29 Issue of official poll cards

- (1) As soon as is practicable the Chief Secretary must send an official poll card to —
 - (a) each elector, except an elector whose has applied to be an advance voter; and
 - (b) each person appointed as proxy to vote for an elector.
- (2) An elector's official poll card must be sent or delivered to the elector's qualifying address.
- (3) The official poll card must be in the form specified by the Chief Secretary and must set out —
 - (a) the name of the constituency;
 - (b) the elector's name, qualifying address and number on the register of electors;
 - (c) the date and hours of the poll and the situation of the elector's polling station.

30 Equipment of polling stations

- (1) The returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as the returning officer considers necessary.

- (2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it without its being unlocked.
- (3) The returning officer must provide each polling station with —
 - (a) materials to enable voters to mark the ballot papers;
 - (b) instruments for stamping the official mark on the ballot papers;
 - (c) copies of the register of electors, or such part of it as contains the names of the electors allotted to the station, but with the names of advance voters ruled out;
 - (d) a copy of the list of electors in respect of whom appointments of proxies have been made and not revoked, or such part of the list as contains the names of electors allotted to the station.
- (4) A notice in the form specified by the Chief Secretary, giving directions for the guidance of the voters in voting, must be printed in conspicuous characters and exhibited in every compartment of every polling station.

31 Appointment of polling and counting agents

- (1) Each candidate may, before the date of the poll, appoint —
 - (a) not more than 2 polling agents to attend at each polling station in the constituency for the purpose of detecting personation; and
 - (b) such number of counting agents to attend at the counting of the votes as the candidate may wish, up to the maximum number permitted for each and every candidate by the returning officer.
- (2) The candidate must give notice in writing in the form specified by the Chief Secretary of such appointments stating the names and addresses of the persons appointed to the returning officer before the date of the poll.
- (3) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent, and must as soon as practicable give the returning officer notice in writing of the name and address of the new agent appointed.
- (4) The returning officer must hand to the presiding officer the document of appointment of every polling agent.
- (5) A candidate may personally do any act or thing which any polling or counting agent of the candidate's, if appointed, would have been authorised to do, or may assist the agent in doing any such act or thing.
- (6) Where by these regulations any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

32 Declaration of secrecy

- (1) Before the opening of the poll a declaration of secrecy in the form specified by the Chief Secretary must be signed by –
 - (a) the returning officer;
 - (b) every officer or clerk authorised to attend at a polling station or the counting of the votes;
 - (c) every accredited observer attending at a polling station or at the counting of the votes;
 - (d) every candidate attending at a polling station or at the counting of the votes;
 - (e) every candidate's spouse or civil partner attending at the counting of the votes;
 - (f) every polling agent and counting agent; and
 - (g) every person permitted by the returning officer to attend at the counting of the votes, though not entitled to do so.
- (2) Despite anything in paragraph (1), the following persons attending at the counting of the votes –
 - (a) any accredited observer;
 - (b) any candidate;
 - (c) any candidate's spouse or civil partner attending by virtue of the regulation authorising candidates' spouses or civil partners to attend as such;
 - (d) any person permitted by the returning officer to attend, though not entitled to do so,

need not sign the declaration before the opening of the poll, but must do so before he or she is permitted to attend the counting, and a polling or counting agent appointed after the opening of the poll must sign the declaration before acting as such agent.

- (3) The returning officer must sign the declaration in the presence of a justice of the peace or commissioner for oaths, and any other person must do so in the presence of either of a justice of the peace or the returning officer, and section 47 of the Act (requirement of secrecy) must be read to the declarant by the person witnessing the declaration.

DIVISION 3 - THE POLL

33 Admission to polling station

The presiding officer must regulate the number of voters to be admitted to the polling station at the same time, and must exclude all other persons except –

- (a) the candidates;

- (b) the polling agents appointed to attend at the polling station;
- (c) the poll clerks;
- (d) the constables on duty;
- (e) any accredited observer; and
- (e) the companions of blind voters.

34 Keeping of order in station

- (1) The presiding officer must keep order at the polling station.
- (2) If a person misconducts himself or herself in a polling station, or fails to obey the lawful orders of the presiding officer, the person may immediately, by order of the presiding officer, be removed from the polling station by a constable, and the person so removed may not re-enter the polling station during that day without the permission of the presiding officer.
- (3) Any person so removed may, if charged with the commission of an offence in the polling station, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (4) Unless the interests of good order require it the powers conferred by this regulation may not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

35 Sealing of ballot boxes

Immediately before the commencement of the poll, the presiding officer must —

- (a) show that the ballot box is empty to such persons, if any, as are present in the polling station;
- (b) lock it up and place his or her seal on it in such manner as to prevent its being opened without breaking the seal;
- (c) place it in his or her view for the receipt of ballot papers, and
- (d) keep it so locked and sealed.

36 Questions to be put to voters

- (1) The presiding officer may, and if required by a candidate or the candidate's polling agent must, put to any person applying for a ballot paper at the time of such application, but not afterwards, any of the following questions —
 - (a) in the case of a person applying as an elector —
 - (i) “Are you the person registered in the register of electors for this election as follows? [read the whole entry from the register]”

- (ii) “Have you already voted, here or elsewhere, at this election for the constituency of [name the constituency], otherwise than as proxy for some other person?”
 - (iii) “What is your date of birth?”
 - (b) in the case of a person applying as proxy —
 - (i) “Are you the person whose name appears as [name the proxy] in the list of proxies for this election as entitled to vote as proxy on behalf of [name the person who has appointed the proxy]?”
 - (ii) “Have you already voted, here or elsewhere, at this election for the constituency of [name the constituency] as proxy on behalf of [name the person who has appointed the proxy]?”
- (2) In the case of a person applying as proxy, the presiding officer may, and must if required as mentioned in paragraph (1), put the following additional question —
 - (i) “Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of [name the person who has appointed the proxy]?”and if that question is not answered in the affirmative —
 - (ii) “Have you at this election already voted in this constituency on behalf of 2 persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?”
- (3) A ballot paper must not be delivered to any person required to answer the above questions, or any of them, unless the person has answered the questions or question satisfactorily.
- (4) Save as authorised by this regulation, no inquiry is permitted as to the right of any person to vote.

37 Challenge of voter

- (1) If at the time or after a person applies for a ballot paper for the purpose of voting but before the person has left the polling station, a candidate or the candidate’s polling agent —
 - (a) declares to the presiding officer that he or she has reasonable cause to believe that the applicant has committed an offence of personation; and
 - (b) undertakes to substantiate the charge in a court of law,the presiding officer may order a constable to arrest the applicant, which order is sufficient authority for the constable to do so.

- (2) A person against whom a declaration is made under this regulation is not by reason of that declaration prevented from voting.
- (3) A person arrested under this regulation is to be dealt with as a person taken into custody by a constable for an offence without a warrant.

38 Voting procedure

- (1) A ballot paper, marked with the official mark, must be delivered to a voter who applies for it, and immediately before delivery –
 - (a) the number and 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 counterfoil; and
 - (c) a mark must be placed on the register of electors against the number of the elector to denote that a ballot paper has been received, but without showing the particular ballot paper which has been received.
- (2) The voter, on receiving the ballot paper, must proceed immediately and alone into one of the compartments in the polling station and there must –
 - (a) secretly mark the paper;
 - (b) fold the paper so that the vote is concealed;
 - (c) return to the presiding officer's table and show the back of the folded paper to the presiding officer so as to disclose the official mark; and
 - (d) put the folded paper into the ballot box in the presence of the presiding officer.
- (3) The voter must vote without undue delay, and must leave the polling station straight after putting the ballot paper into the ballot box.
- (4) The voter must not show the ballot paper after marking it to any person other than the presiding officer, and must show it to the presiding officer only if the voter wishes to prove that it has been spoiled.

39 Votes marked by presiding officer

- (1) The presiding officer, on the application of a voter who declares orally that he or she is –
 - (a) incapacitated by blindness or other physical cause from voting in the manner directed by these regulations; or
 - (b) unable to read,must, in the presence of the polling agents, cause the vote of the voter to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

- (2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this regulation and the reason why it is so marked, must be entered on a list of votes marked by the presiding officer.
- (3) 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.

40 Tendered ballot papers

- (1) If a person representing himself or herself to be —
 - (a) a particular elector named on the register, whose name has not been ruled out as an advance voter; or
 - (b) a particular person named in the list of proxies as proxy for an elector,

applies for a ballot paper after another person has voted either as the elector or as the elector's proxy, as the case may be, the applicant must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled to mark a ballot paper (a "**tendered ballot paper**") in the same manner as any other voter.

- (2) A tendered ballot paper must —
 - (a) be of a different colour from the other ballot papers;
 - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the presiding officer with the name of the voter and the voter's number in the register of electors and set aside in a separate packet.
- (3) The name of the voter and his number on the register of electors must be entered on a list (the "**tendered votes list**").
- (4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name is the elector's number.

41 Spoilt ballot papers

A voter who has inadvertently dealt with his or her ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer's satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (a "**spoilt ballot paper**"), and the spoilt ballot paper must be immediately cancelled.

42 Adjournment of poll in case of riot

- (1) If the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings

till the following day and must immediately give notice to the returning officer.

- (2) Where the poll is adjourned at any polling station —
 - (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
 - (b) references in this Act to the close of the poll are construed accordingly.

43 Procedure on close of poll

- (1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents (if any) —
 - (a) make up the items listed in paragraph (2) into separate packets, sealed with the presiding officer's own seal and the seals of any polling agents wishing to affix their seals; and
 - (b) deliver them to the returning officer to take charge of.
- (2) The items are —
 - (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 attached;
 - (b) the unused ballot papers;
 - (c) the spoilt ballot papers;
 - (d) the tendered ballot papers;
 - (e) the ballot paper account;
 - (f) the marked copies of the register of electors;
 - (g) the list of proxies;
 - (h) the counterfoils of the used ballot papers;
 - (i) the tendered votes list;
 - ji) the list of voters marked by the presiding officer;
 - (k) a statement of the number of voters whose votes are so marked by the presiding officer under the heads "physical incapacity" and "unable to read";
 - (l) the appointments of the presiding officer, poll clerks, polling agents and any accredited observer.

DIVISION 4 - COUNTING OF VOTES

44 Attendance at count

- (1) The returning officer must make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll.

- (2) No person other than —
 - (a) the returning officer, presiding officer, chief counting officer, poll clerks and counting clerks;
 - (b) any accredited observer;
 - (c) the candidates and their spouses or civil partners; and
 - (d) the counting agents;may be present at the counting of the votes, unless permitted by the returning officer to attend.
- (3) The returning officer must give the counting agents —
 - (a) all such reasonable facilities for overseeing the proceedings (including in particular facilities for satisfying themselves that the ballot papers are correctly sorted); and
 - (b) all such information with respect to the proceedings as he or she can give them consistent with the orderly conduct of the proceedings and the discharge of his or her duties in connection with those proceedings.
- (4) In particular, if the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and counting the number of ballot papers for each candidate, the counting agents are entitled to satisfy themselves that the ballot papers are correctly sorted.

45 The count

- (1) Before the returning officer proceeds to count the votes, the returning officer must —
 - (a) in the presence of the counting agents open each ballot box, take out the ballot papers in it, count and record them and verify each ballot paper account in accordance with paragraph (2);
 - (b) count and record such of the advance voter ballot papers as have been duly returned; and
 - (c) merge the ballot papers mentioned in sub-paragraphs (a) and (b).
- (2) An advance voter ballot paper is not to be taken to be duly returned unless it meets the requirements of Schedule 2.
- (3) The returning officer must —
 - (a) verify each ballot paper account by comparing it with the number of ballot papers recorded and opening, counting the contents and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list and adding all but the tendered ballot papers to the total; and
 - (b) draw up a statement as to the result of the verification, which any candidate may copy.

- (4) While counting and recording the number of ballot papers and counting the votes the returning officer must keep the ballot papers face up and take all proper precautions to prevent any person seeing the numbers printed on the back.
- (5) The returning officer must, so far as practicable, proceed continuously with counting the votes.

46 Re-count

- (1) A candidate may if present or, in the candidate's absence, any of the candidate's counting agents may, when the count or any re-count of the votes is completed, request the returning officer to have the votes re-counted or again re-counted, and the returning officer may refuse to do so only if he or she considers the request unreasonable.
- (2) No step may be taken on the completion of the count or any re-count of votes until the candidates or, in a candidate's absence, any of his or her counting agents, then present have been given a reasonable opportunity to exercise the right conferred by this regulation.

47 Rejected ballot papers

- (1) Any ballot paper —
 - (a) not bearing the official mark;
 - (b) on which votes are given for more candidates than there are vacancies to be filled;
 - (c) on which anything is written or marked by which the voter can be identified except the printed number on the back; or
 - (d) that is unmarked or void for uncertainty,is void and must not be counted.
- (2) However, if the voter is entitled to vote for more than one candidate, a ballot paper is not void for reasons of uncertainty as respects any vote as to which no uncertainty arises, and that vote must be counted.
- (3) A ballot paper on which the vote is marked —
 - (a) elsewhere than in the proper place;
 - (b) otherwise than by means of a cross; or
 - (c) by more than one mark against the same candidate's name,is not for that reason void if it is clear that the vote is for a particular candidate and the way the paper is marked cannot identify the voter.
- (4) The returning officer must endorse the words "rejected" on any ballot paper which under this regulation is not to be counted, and if a counting agent objects to that decision must add to the endorsement the words "rejection objected to".

- (5) The returning officer must draw up a statement showing the number of ballot papers rejected under the following heads —
- (a) want of official mark;
 - (b) voting for more candidates than there are vacancies to be filled;
 - (c) writing or mark by which voter could be identified;
 - (d) unmarked or void for uncertainty,
- and any counting agent may copy the statement.

48 Decisions on ballot papers

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

49 Equality of votes

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

PART 4 – FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

50 Declaration of result

- (1) In a contested election, when the result of the poll has been ascertained, the returning officer must immediately and inside, or if necessary to give greater access to the public to the result, outside, the counting station —
- (a) declare to be elected the candidate or candidates to whom the majority of votes has been given; and
 - (b) give public notice of —
 - (i) the candidate or candidates elected;
 - (ii) the total number of votes given for each candidate;
 - (iii) the total number of voters voting at the election (other than voters whose ballot papers have been rejected under regulation 47); and
 - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (2) In an uncontested election the returning officer must immediately —
- (a) declare the candidate or candidates nominated to be elected; and
 - (b) publish a notice of the candidate or candidates elected.

- (3) Notice under paragraph (1)(b) and (2)(b) must be published by posting it in one or more conspicuous places in the constituency and by depositing a copy of the notice with the Chief Secretary.
- (4) The Chief Secretary must as soon as may be publish a notice of the names of the candidates elected, stating (in the case of a contested election) that a copy of the notice under paragraph (1)(b) may be inspected at any reasonable time at a place determined by the Chief Secretary.
- (5) The notice under paragraph (4) –
 - (a) in the case of a general election, must be a composite notice relating to all the constituencies; and
 - (b) in any other case, may be a composite notice relating to more than one constituency.
- (6) The notice under paragraph (4) must be published –
 - (a) by insertion in a newspaper published and circulating within the Island; and
 - (b) by display on an appropriate website in an appropriate manner, and a copy of the notice under paragraph (1)(b) may also be included.

51 Return of the writ

- (1) The return of a member or members elected for any constituency must be made by a certificate in the form specified by the Chief Secretary endorsed by the returning officer on the writ of election.
- (2) A photocopy of the certificate or a handwritten copy of it must be handed by the returning officer on the night of the election to each candidate elected.
- (3) If the number of candidates elected is less than there are vacancies to be filled up, or if no candidates be elected, the returning officer must make a special return of the writ setting out the facts.
- (4) If the required number of candidates successfully nominated is equal to the number of vacancies so that those candidates are elected at the close of time for objections on nomination day the candidates must be handed a photocopy of the certificate or a handwritten copy of it on that day.

PART 5 – DISPOSAL OF DOCUMENTS

52 Sealing up of ballot papers

- (1) On the completion of the counting at a contested election the returning officer must seal up in separate packages the counted and rejected ballot papers.

- (2) The returning officer must not open the sealed packets of tendered ballot papers or of counterfoils, or of the marked copies of the register of electors.

53 Delivery of documents to Clerk of the Rolls

- (1) The returning officer must as soon as practicable and in any event within 7 days of declaring the result of the poll —
 - (a) endorse on each of the packets of documents listed in paragraph (2) a description of its contents, the date of the election to which it relates and the name of the constituency for which the election was held; and
 - (b) forward the packets to the Clerk of the Rolls along with the writ endorsed as mentioned in regulation 51(1).
- (2) The packets of documents are —
 - (a) the ballot papers (including the advance voters' ballot papers which will have been mixed in with the other ballot papers accepted at the polling station);
 - (b) the rejected ballot papers;
 - (c) the ballot paper accounts;
 - (d) the statements of rejected ballot papers;
 - (e) the statements of the result of the verification of the ballot paper accounts;
 - (f) the oath of the returning officer annexed to the writ and the oaths of deputy returning officers, presiding officers, poll clerks and counting clerks;
 - (g) the nomination papers;
 - (h) applications for an advance vote under paragraph 1 of Schedule 2;
 - (i) the packets referred to in paragraph 13 of that Schedule (counterfoils of issued advance voter ballot papers and marked copy of advance voters' list);
 - (j) the packets referred to in paragraph 15(7) of that Schedule (spoilt advance voter ballot papers, declarations of identity and ballot paper envelopes);
 - (k) the packets referred to in paragraph 25 of that Schedule (the contents of the receptacles of rejected votes, declarations of identity and rejected ballot paper envelopes and the lists of spoilt and lost advance voter ballot papers);
 - (l) the advance voter ballot paper account;
 - (m) the documents listed in regulation 43(2)(b) to (k) amalgamated so as to keep separate packets of each item but including items from all polling stations;

- (n) the appointments of the chief counting officer and counting agents;
 - (o) the declarations of secrecy; and
 - (p) the declarations of identity.
- (3) If any covering envelopes are received by the returning officer after the close of the poll or any envelopes addressed to advance voters are returned as undelivered too late to be re-addressed, the returning officer must put them unopened into a separate packet, seal it up and forward it to the Clerk of the Rolls within 7 days of the conclusion of the count.
- (4) Any other documents in the returning officer's possession must either be forwarded to the Clerk of the Rolls or disposed of securely as the returning officer thinks most appropriate.

54 Orders for production of documents

- (1) An order —
- (a) for the inspection or production of any rejected ballot papers in the custody of the Clerk of the Rolls; or
 - (b) for the opening of a sealed packet of counterfoils or the inspection of any counted ballot papers in the custody of the Clerk of the Rolls,

may be made by the Keys, or 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 an election petition, by a judge.

- (2) An order under this regulation may be made subject to conditions as to persons, time, place and mode of inspection, production or opening as the Keys or the judge making the order thinks expedient.
- (3) In making and carrying into effect an order for the opening of a packet of counterfoils or for the inspection of counted ballot papers, care must be taken not to disclose the way in which the vote of any particular elector has been given until it has been proved that the vote was given and has been declared by a competent court to be invalid.
- (4) If an order is made for the production by the Clerk of the Rolls of any document in the Clerk's possession relating to any specified election, the production by the Clerk or the Clerk's agent of the document, ordered in such manner as may be directed by that order, is conclusive evidence that the document relates to the specified election; and any endorsement on a packet of ballot papers so produced is *prima facie* evidence that the ballot papers are what they are stated to be by the endorsement.
- (5) The production from proper custody of a ballot paper purporting to have been used at an election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, is *prima*

facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his or her name in the register of electors the same number as the number written on the counterfoil.

- (6) Save as provided by this regulation, no person may inspect any rejected or counted ballot papers in the possession of the Clerk of the Rolls or open any sealed packets of counterfoils and certificates.

55 Retention and public inspection of documents

- (1) The Clerk of the Rolls must retain for a year all documents relating to an election forwarded to the Clerk under regulation 53 by a returning officer, and then, unless otherwise directed by order of the Keys or the High Court, must cause them to be destroyed.
- (2) The documents, apart from ballot papers and counterfoils, must be open to public inspection at such time and subject to such conditions as the Clerk of the Rolls may decide.

56 Purchase of copies of marked registers etc

- (1) A person entitled under regulations to receive a copy of the full register of electors may apply to the Clerk of the Rolls at any time within a year of an election taking place to purchase a copy of any register of voters or list of advance voters used for that election.
- (2) The application must be made in writing accompanied by such fee as the Treasury may specify and must indicate —
 - (a) which register or list is requested;
 - (b) the purpose for which the register or list will be used; and
 - (c) why the full register or unmarked lists would not be sufficient for that purpose.
- (3) A marked register or list supplied under this regulation may be used only for research purposes within the meaning of section 29 of the Data Protection Act 2002, for electoral purposes or for any prescribed purposes that would entitle the recipient to receive a copy of the full register of electors.

MADE

W GREENHOW
Chief Secretary



SCHEDULE 1

[Regulation 4 and 28(5)]

OATHS OF OFFICE**PART 1 – OATH OF OFFICE OF RETURNING OFFICER**

I, the undersigned, having been appointed Returning Officer for the constituency of

do solemnly swear [or affirm] that I am qualified according to law to act as Returning Officer for the said constituency and that I will act faithfully in that capacity, without partiality, fear, favour or affection.

Signature_____

PART 2 – OATH OF DEPUTY RETURNING OFFICER

I, the undersigned, having been appointed Deputy Returning Officer for the constituency of _____

do solemnly swear [or affirm] that I am qualified according to law to act as Deputy Returning Officer for the said constituency and that I will act faithfully in that capacity, without partiality, fear, favour or affection.

Signature_____

PART 3 - OATH OF OTHER OFFICERS AND CLERKS

I, the undersigned, having been appointed *[Presiding Officer] [Poll Clerk] [Chief Counting Officer] [Counting Clerk] for the constituency of

do solemnly swear [or affirm] that I will act faithfully in that capacity without partiality, fear, favour or affection.

Signature_____

SCHEDULE 2

[Regulation 25]

ADVANCE VOTING**PART 1 -APPLICATIONS****1 General requirements for applications for an advance vote**

- (1) An application under section 26 of the Act must be made in writing on a form provided by the Chief Secretary and be signed and dated by the intended voter or, if the voter has nominated one, the voter's proxy ("the applicant").
- (2) The application must —
 - (a) give the full name of the applicant and address in respect of which the applicant is registered; and
 - (b) identify the election in respect of which it is made.
- (3) The returning officer may refer to any signature previously provided to him or her by the applicant to verify whether an application has been signed by the applicant.
- (4) The Chief Secretary must make available forms for advance voting at the Government Office and on the Government website on and after the day following nomination day.

2 Closing date for applications

An application for advance voting must be made to the returning officer so as to reach the returning officer —

- (a) where the advance voters ballot paper is to be marked in the Island, at least 3 clear days before the day fixed for the poll; or
- (b) where the advance voters ballot paper is to be marked outside the Island, at least 7 clear days before the day fixed for the poll.

3 Grant or refusal of applications

- (1) Where the returning officer grants an application under section 26 of the Act to allow advance voting, the returning officer must —
 - (a) where practicable, notify the applicant of the decision;
 - (b) enter the applicant's number and name on the advance voters' list; and
 - (c) rule out and initial the number, name and particulars of the applicant in the register of electors to be used at the polling station, and place the letter "A" against the name of that elector.

- (2) When refusing an application, the returning officer must notify the applicant of the decision and of the reason for it.
- (3) Where a person is removed from the advance voters' list, the returning officer must notify the person of the fact and the reason for it.

4 Advance voters' list

The returning officer must, in respect of each election, keep a list (the “**advance voters' list**”) consisting of a list of those whose applications to be advance voters have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

PART 2 -ISSUE AND RECEIPT OF ADVANCE VOTER BALLOT PAPERS

DIVISION 1 - ISSUE

5 Form of declaration of identity

The form of the declaration of identity accompanying the ballot paper provided to an advance voter must incorporate a certificate as to the execution of the declaration and the marking of the ballot paper and be in the form specified by the Chief Secretary.

6 Presence at issue and opening of advance voter ballot papers

- (1) No person may be present at the proceedings on the issue of advance voter ballot papers other than the advance voter, returning officer and the presiding officer or polling clerks.
- (2) No person may be present at the opening of advance voter ballot papers other than —
 - (a) the returning officer, the presiding officer, the chief counting officer and counting clerks;
 - (b) a candidate;
 - (c) an election agent or any person appointed by a candidate to attend in his election agent's place; and
 - (d) any agents appointed under paragraph 7.

7 Agents of candidates who may be present at the opening of advance voter ballot papers

- (1) Every candidate may appoint one or more agents to be present at the opening of advance voter ballot papers up to the number allowed by the returning officer, which must be the same in the case of each candidate.

- (2) Regulation 31 applies with any necessary modifications to the appointment of an agent under this paragraph as it applies to agents appointed under that regulation.

8 Declaration of secrecy

Every person attending the proceedings in connection with the issue or receipt of absent voter ballot papers must sign, in the presence of a justice of the peace or a returning officer, a declaration of secrecy in the form specified by the Chief Secretary and section 47 of the Act (requirement of secrecy) must be read to the declarant by the person witnessing the declaration.

9 Time when advance voter ballot papers are to be issued

If a returning officer is satisfied that the applicant is entitled to be treated as an advance voter the returning officer must issue an advance voter ballot paper —

- (a) where it is to be marked in the Island, at least 2 clear days before the day fixed for the poll; or
- (b) where the advance voter ballot paper is to be marked elsewhere than in the Island, at least 3 clear days before the day fixed for the poll.

10 Procedure on issue of advance voter ballot paper

- (1) Every advance voter ballot paper issued must be stamped with an official mark that is different from the official mark to be used in that constituency on the day of the poll.
- (2) The number of the elector as stated in the register must be marked on the counterfoil attached to the ballot paper.
- (3) A mark must be placed on the advance voters' list against the number of the elector to denote that a ballot paper has been issued to the elector, but without showing the particular ballot paper issued.
- (4) The returning officer must note on a form provided by the Chief Secretary entitled the "**advance voter ballot paper account**" the total number of ballot papers issued to advance voters.
- (5) The number of an advance voter ballot paper must be marked on the declaration of identity sent with that paper.

11 Refusal to issue advance voter ballot paper

If a returning officer is satisfied that 2 or more entries in the advance voters' list relate to the same elector, the returning officer must not issue more than one ballot paper in respect of that elector at any one election.

12 Envelopes

- (1) Unless the advance voter is voting at premises specified by the returning officer, in addition to the ballot paper and declaration of identity the returning officer must issue —
 - (a) a smaller envelope for the ballot paper (a “ballot paper envelope”) marked with —
 - (i) the letter “A”;
 - (ii) the words “ballot paper envelope”; and
 - (iii) the number of the ballot paper;
 - (b) a “covering envelope” marked with the letter “B” for the return of the advance voter sealed ballot paper envelope and the declaration of identity.
- (2) The covering envelope must be marked “Advance Voter Ballot Paper” and addressed to the returning officer at such place as the returning officer thinks most convenient and expeditious.

13 Sealing up of counterfoils and security of marked copy of advance voters’ list

- (1) As soon as practicable after the issue of advance voter ballot papers, the returning officer must make up into a packet —
 - (a) the counterfoils of those ballot papers that have been issued; and
 - (b) the marked copy of the advance voters’ list,and must seal the packets.
- (2) The returning officer must take proper precautions for the security of the advance voters’ list until the packet containing it has been sealed.

14 Provision and delivery of advance voter ballot papers and record of communications

- (1) Unless the advance voter provides to the returning officer a good reason why he or she requires to vote from the place where he or she is residing, the returning officer must in writing invite the advance voter to attend for the purposes of voting, with proof of identity, at location specified by the returning officer and the ballot paper must be issued in the advance voter’s presence and after voting sealed in a ballot paper envelope as described in paragraph 12(1)(a).
- (2) For the purposes of delivering advance voter ballot paper where the voter is to vote from where he or she is residing, the returning officer may use —
 - (a) a universal postal service provider;
 - (b) a commercial delivery firm; or

- (c) a certifying person appointed under paragraph 17(3) .
- (3) A record of communications (whether sent by post, email, telephone or facsimile or delivered in person) sent to or by the returning officer must be kept, together with all such particulars as will enable the sender of incoming communications and the recipient of outgoing communications to be identified and the date and time of receipt or despatch (as the case requires).
- (4) Where communications are posted or delivered by a commercial delivery firm the cost of so doing must be paid in advance by the returning officer.

15 Spoilt ballot paper or declaration of identity

- (1) If an advance voter has inadvertently dealt with his or her ballot paper or declaration of identity in such a manner that it cannot be conveniently used as a ballot paper (a “spoilt advance voter ballot paper”) or, as the case may be, a declaration of identity (a “spoilt declaration of identity”) he or she may return (either by hand or by post) to the returning officer the spoilt absent voter ballot paper or, as the case may be, the spoilt declaration of identity.
- (2) Where an advance voter exercises the entitlement conferred by sub-paragraph (1), he or she must also return —
 - (a) the advance voter ballot paper or, as the case may be, the declaration of identity, whether spoilt or not; and
 - (b) the envelopes supplied for the return of the documents mentioned in sub-paragraph (1).
- (3) On receipt of the documents referred to in sub-paragraphs (1) and (2), the returning officer must issue another advance voter ballot paper or, as the case may be, declaration of identity.
- (4) However, where those documents are received after 5 p.m. on the day of the poll, the returning officer may issue another advance voter ballot paper or, as the case may be, declaration of identity, only if the advance voter returned the documents by hand.
- (5) Paragraphs 10 (except sub-paragraph 10(3)), 12, 13 and, (subject to sub-paragraph (7)), 14 apply to the issue of a replacement advance voter ballot paper under sub-paragraph (3).
- (6) The spoilt advance voter ballot paper, the declaration of identity and the ballot paper envelope must be immediately cancelled.
- (7) As soon as practicable after cancelling those documents the returning officer must place them in a separate sealed packet and if on any subsequent occasion documents are cancelled as mentioned above, the returning officer must open the sealed packet and place the additional cancelled documents inside before re-sealing the packet.

- (8) If an advance voter applies in person, the returning officer may hand a replacement advance voter ballot paper to the voter instead of delivering it in accordance with paragraph 14.
- (9) The returning officer must enter on a list kept for the purposes of this paragraph —
 - (a) the name and number of the elector as stated in the register; and
 - (b) the number of the advance voter ballot paper issued under this paragraph.

16 Lost advance voter ballot papers

- (1) If an advance voter has not received his or her advance voter ballot paper by the fourth day before the day of the poll, he or she may apply (whether or not in person) to the returning officer for a replacement ballot paper.
- (2) If the application is received by the returning officer before 5 p.m. on the day before the day of the poll and the returning officer —
 - (a) is satisfied as to the voter's identity; and
 - (b) has no reason to doubt that the advance voter did not receive the original advance voter ballot paper,the returning officer must issue another advance voter ballot paper.
- (3) The returning officer must enter on a list kept for the purposes of this paragraph —
 - (a) the name and number of the elector as stated in the register; and
 - (b) the number of the advance voter ballot paper issued under this regulation.
- (4) Paragraphs 10 (except sub-paragraph 10(3)), 12, 13 and (subject to sub-paragraph (5)) 14 apply to the issue of a replacement advance voter ballot paper under sub-paragraph (2).
- (5) If an advance voter applies in person, the returning officer may hand a replacement ballot paper to the advance voter instead of delivering it in accordance with paragraph 14.

17 Certifying persons

- (1) Subject to sub-paragraph (2), the following persons may act as a certifying person under paragraph 19, namely —
 - (a) where the advance voter ballot paper is marked in the Island —
 - (i) the returning officer for the constituency in which the advance voter is entitled to vote; or
 - (ii) a person appointed under sub-paragraph (3);

- (b) where the advance voter ballot paper is marked outside the Island, a person of reasonable standing in the community;
 - (c) in the case of an advance voter who is a presiding officer, poll clerk, chief counting officer or counting clerk appointed by a returning officer, the returning officer by whom he or she was so appointed.
- (2) Although a person may be otherwise qualified to act as a certifying person, no person may act as such if the person is –
- (a) a candidate or the spouse or civil partner of a candidate, or
 - (b) a polling agent or counting agent appointed by a candidate.
- (3) One or more certifying persons must be appointed by the Governor in respect of each constituency after consultation with the returning officer.
- (4) A certifying person may be appointed for a number of constituencies.

18 Secrecy

- (1) Every certifying person appointed under paragraph 17(3) must, before entering upon his or her duties as such, complete and sign a declaration of secrecy, to be witnessed by the returning officer.
- (2) The declaration of secrecy must specify that the certifying person must not, except for a purpose authorised by law, communicate to any person any information as to –
- (a) the name or number on the register of electors of any person who has or has not applied for an advance voter ballot paper; or
 - (b) the candidate to whom any advance voter has given his or her vote.

19 Voting by advance voters

- (1) Before marking the ballot paper, the advance voter must produce to a certifying person –
- (a) satisfactory evidence of the voter's identity;
 - (b) the ballot paper showing its number and marked in the manner prescribed under regulation 19;
 - (c) the declaration of identity and form of instructions;
- (2) For the purposes of sub-paragraph (1) any of the following constitutes satisfactory evidence –
- (a) a valid passport;
 - (b) a national identity document issued by the Government of a Member State of the European Union;
 - (c) a full or provisional driving licence granted under the law for the time being in force in the Island;

- (d) a proof of age card or bus pass issued by the relevant issuing authority in the Island;
 - (e) any other document or combination of documents acceptable to the certifying officer in establishing the advance voter's identity.
- (3) The advance voter must sign the declaration of identity before the certifying person; but if the advance voter is unable to sign the declaration of identity the certifying person, on satisfying himself or herself as to the identity of the advance voter, must write the name of the advance voter on the declaration and add the words "Advance voter unable to sign".
- (4) After sub-paragraph (3) has been complied with the advance voter must vote secretly by marking the ballot paper in the presence but not in the sight of the certifying person, and insert the ballot paper and declaration of identity in an envelope addressed as mentioned in paragraph 12(2) and seal the envelope.
- (5) If the advance voter is unable to mark the ballot paper personally, the certifying officer must, on request, mark the ballot paper as the advance voter directs.
- (6) But other than as set out in this paragraph the advance voter must not allow any person to see how he or she voted.
- (7) Where the advance voter ballot paper is to be marked in the Island, the ballot paper may be delivered at any time before the close of the poll.

DIVISION 2 - RECEIPT

20 Receipt of advance voter ballot papers

- (1) Where an advance voter ballot paper is marked in the Island and is required to be collected by the certifying person the covering envelope must as soon as practicable thereafter be handed unopened to the returning officer by the certifying person.
- (2) Where the advance voter ballot paper is marked elsewhere than in the Island the covering envelope must, as soon as practicable after receipt at the place to which it is addressed, be handed unopened to the returning officer by a responsible person designated by the returning officer to attend there for that purpose.
- (3) Subject to sub-paragraph (4), as soon as practicable after the close of the poll the presiding officer of the polling station must deliver, or cause to be delivered, any advance voter ballot paper or declaration of identity returned to that station to the returning officer in the same manner and at the same time as the returning officer delivers, or causes to be delivered, the packets referred to in regulation 43(2).

- (4) The returning officer may collect, or cause to be collected, any advance voter ballot paper or declaration of identity which by virtue of sub-paragraph (3) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him or her.
- (5) Where the returning officer collects, or causes to be collected, any advance voter ballot paper or declaration of identity in accordance with sub-paragraph (4) the presiding officer must first make those documents up into separate packets sealed with the returning officer's own seal and the seals of such polling agents as are present and wish to affix their seals.

21 Procedure in relation to declarations of identity

- (1) The returning officer must satisfy himself or herself that the declaration of identity has been duly signed by the voter and authenticated by a witness who has signed the declaration and given his or her name and address (a "valid declaration of identity").
- (2) If the returning officer is not so satisfied, the returning officer must mark the declaration "rejected", attach to it the ballot paper envelope, or if there is no such envelope, to any ballot paper and, subject to sub-paragraph (3), place it in the receptacle for rejected votes.
- (3) Before placing the declaration in the receptacle for rejected votes, the returning officer must show it to the agents and, if any of them object to his or her decision, he or she must add the words "rejection objected to".
- (4) The returning officer must then compare the number on the declaration of identity with the number on the ballot paper envelope and, if they are the same, he or she must place the declaration and the ballot paper envelope in the appropriate receptacles for those documents.
- (5) If there is a valid declaration of identity but no ballot paper envelope, the returning officer must place –
 - (a) in the ballot box, any ballot paper the number on which is the same as the number on the declaration of identity;
 - (b) in the receptacle for rejected votes, any other ballot paper, to which must be attached the declaration of identity marked "provisionally rejected"; and
 - (c) in the receptacle for declarations of identity, any declaration of identity not disposed of under sub-paragraph (b).
- (6) If the number on a valid declaration of identity does not match the number on the ballot paper envelope, or if that envelope has no number on it, the returning officer must open the envelope.
- (7) Where an envelope has been opened under sub-paragraph (6), the returning officer must –

- (a) place in the ballot box any ballot paper the number on which matches the number on the valid declaration of identity;
- (b) place in the receptacle for rejected votes any other ballot paper, to which must be attached the declaration of identity marked “provisionally rejected”;
- (c) place in the receptacle for rejected votes any declaration of identity marked “provisionally rejected” in respect of a ballot paper envelope that does not contain a ballot paper; or
; and
- (d) place in the receptacle for declarations of identity, any such declaration not disposed of under head (b) or (c).

22 Opening of ballot paper envelopes

The returning officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes and place —

- (a) in the ballot box, any advance voter ballot paper the number on which matches the number on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which must be marked “provisionally rejected” and to which must be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which must be marked “provisionally rejected” because it does not contain a ballot paper.

23 Lists of rejected advance voter ballot papers

- (1) In respect of any election, the returning officer must keep 2 separate lists of rejected advance voter ballot papers.
- (2) In the first list, the returning officer must record the ballot paper number of any advance voter ballot paper for which no valid declaration of identity was received with it.
- (3) In the second list, the returning officer must record the ballot paper number of any advance voter ballot paper that is entered on a valid declaration of identity where that ballot paper is not received with the declaration of identity.

24 Checking of lists kept under paragraph 23

- (1) If the returning officer receives a valid declaration of identity without the advance voter ballot paper to which it relates, the returning officer may, at any time before the close of the poll, check the list kept under paragraph 23(2) to see whether the number of the advance voter ballot paper to which the declaration relates is entered on that list.

- (2) If the returning officer receives an advance voter ballot paper without the declaration of identity to which it relates, the returning officer may, at any time before the close of the poll, check the list kept under paragraph 23(3) to see whether the number of that ballot paper is entered on that list.
- (3) The returning officer must conduct the checks required by subparagraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the constituency.
- (4) If the ballot paper number in the list matches that number on a valid declaration of identity or, as the case may be, the advance voter ballot paper, the returning officer must retrieve that declaration or paper.
- (5) The returning officer must then take the appropriate steps under this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

25 Sealing of receptacles

- (1) As soon as practicable after the completion of the procedure under paragraph 24(3) and 24(4), the returning officer must make up into separate packets the contents of —
 - (a) the receptacle of rejected votes;
 - (b) the receptacle of declarations of identity;
 - (c) the receptacle of rejected ballot paper envelopes; and
 - (d) the lists of spoilt and lost advance voter ballot papers,and must seal up such packets.
- (2) Any document in those packets marked “provisionally rejected” is deemed to be marked “rejected”.

26 Abandoned poll

If a poll is abandoned or countermanded after advance voter ballot papers have been issued by reason of the death of a candidate, the returning officer —

- (a) must not take any step or further step to open covering envelopes or deal with the contents in accordance with this Schedule; and
- (b) must, despite paragraphs 21 and 22, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

SCHEDULE 3

[Regulation 26]

PROXY VOTES**1 Application for the appointment of a proxy**

- (1) An application under section 27 of the Act must comply with the requirements of this paragraph and such further requirements in this Schedule as are relevant to the application.
- (2) The application must contain –
 - (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;
 - (c) the full name and address of the person whom the applicant wishes to appoint as proxy, together with the person's family relationship, if any, with the applicant;
 - (d) if it is signed only by the applicant, a statement by the applicant that he or she has consulted the person so named and that that person is capable of being and willing to be appointed to vote as the applicant's proxy; or
 - (e) if it is also signed by the person to be appointed, a statement by that person that he or she is capable of being and willing to be appointed to vote as the applicant's proxy.
- (3) The application must be made on a form provided by the Chief Secretary and be signed and dated by the applicant.
- (4) The application must identify the date and description of the election in respect of which it is made.
- (5) An application for the appointment of a proxy must be disregarded for the purposes of any particular election unless it is received by the registration officer at least 3 clear days before the day fixed for the poll.

2 Determination of applications

- (1) Where the registration officer allows an application for the appointment of a proxy, the registration officer must –
 - (a) appoint the proxy by issuing a proxy paper in the form specified by the Chief Secretary; and
 - (b) confirm in writing to the elector that the proxy has been appointed, the proxy's name and address, and the duration of the appointment.

- (2) The registration officer must keep a list of the electors in respect of whom appointments of proxies have been made, together with the names and addresses of their proxies (the “list of proxies”).
- (3) Where the registration officer disallows an application the registration officer must notify the applicant and the proxy of his or her decision and the reasons for it.

3 Revocation of the appointment of a proxy

- (1) Where the appointment of a proxy is revoked by notice given to the registration officer under section 27(6)(a) of the Act, the registration officer must –
 - (a) notify the person whose appointment as proxy has been revoked, unless the registration officer has previously been notified by that person that he or she no longer wishes to act as proxy; and
 - (b) remove the person’s name from the list of proxies.
- (2) Where the appointment of a proxy is revoked by virtue of section 27(6) of the Act, the returning officer must notify the elector that the appointment has been revoked.
- (3) An application by a proxy to be removed from the list of proxies and a notice under section 27(6)(a) of the Act by an elector revoking a proxy's appointment must be disregarded for the purposes of a particular election unless it is received by the registration officer at least 3 clear days before the day fixed for the poll.

4 Issue of list of proxies

The registration officer must, 2 clear days before the day fixed for the poll, issue a copy of the list of proxies for that election to the returning officer of every constituency where there is to be a contested election.

5 Voting by proxy

- (1) A person entitled to vote as proxy may do so in person at the polling station allotted to the elector on production to the presiding officer of the proxy paper issued to the person by the registration officer.
- (2) The procedure to be followed is that laid down in regulation 36 except that the presiding officer must also delete the proxy from the list of proxies on the issue to him or her of a ballot paper.
- (3) The presiding officer may require the proxy to provide satisfactory evidence of identity before permitting the proxy to vote.
- (4) The production of any of the following documents shall be considered to be satisfactory evidence for the purposes of sub-paragraph (3) –
 - (a) a valid passport;

- (b) a national identity document issued by the Government of a Member State of the European Union;
- (c) a full or provisional driving licence granted under the law for the time being in force in the Island;
- (d) a proof of age card or bus pass issued by the relevant issuing authority in the Island.