

**THE BOROUGH OF BURY (AUTOMATED VOTING AND COUNTING
SCHEME) ORDER 2000**

Made 2000

Coming into force 7th April 2000

Whereas the Council of the Borough of Bury has submitted proposals for a scheme under section 10 of the Representation of the People Act 2000(a) to apply in the Besses ward of that Borough for the election to that Council to be held on 4th May 2000;

And whereas the Secretary of State has approved those proposals with modifications;

Now, therefore, in pursuance of section 10(1) of that Act, he hereby makes the following Order:

1. This Order may be cited as the Borough of Bury (Automated Voting and Counting Scheme) Order 2000 and shall come into force on 7th April 2000.

2. In this Order:

“enactment” has the same meaning as in the Representation of the People Act 2000; and

“relevant election” means the election to the Council of the Borough of Bury in the Besses ward of the Borough at the poll held on 4th May 2000.

(a) 2000 c.2.

3. Notwithstanding anything in any enactment, voting in person and the counting of the votes, other than the votes on postal ballot papers, at a relevant election shall be conducted electronically.

4. –(1) In respect of a relevant election, the Representation of the People Act 1983(a) shall be modified as follows.

(2) In section 60(3) for the words “for a ballot paper for the purpose of voting in person” substitute “to vote in person”.

(3) In section 61(6) –

(a) for the words “for a ballot paper for the purpose of voting in person” substitute “to vote in person”; and

(b) for the words “application for a ballot paper” substitute “application to vote in person”.

(4) In section 65(1) –

(a) in paragraph (b) before “ballot” –

(i) in the first place where it occurs, insert “postal”, and

(ii) in the second place where it occurs, insert “such”; and

(b) for paragraphs (c) to (f) substitute :

“(c) fraudulently interferes with the proper working of any electronic equipment provided for voting or counting the votes;”.

(5) In section 66(1) for the words “for a ballot paper”, in both places where they occur, substitute “to vote”.

(6) In section 66(2) –

(a) 1983 c.2.

- (a) in paragraph (a) before the word “ballot” insert “postal”; and
- (b) in paragraph (b) for the words “on any particular ballot paper” substitute “by any identified voter”.

5. –(1) In respect of a relevant election, the rules in Schedule 2 to the Local Elections (Principal Areas) Rules 1986(a) shall be modified or, as the case may be, disapplied as follows.

(2) In rule 14(1) after “paper” insert “which, except in the case of a person voting by post, is electronically produced on a screen”.

(3) After rule 14(3) insert –

“(4) Except in respect of the postal ballot papers, paragraph (2) shall have effect as if -

(a) for “printed” there was substituted “electronically produced on a screen”; and

(b) sub-paragraphs (b) to (d) were omitted.”.

(4) In rule 15 –

(a) in paragraph (1) after “Every” insert “postal”; and

(b) omit paragraph (3).

(5) In rule 23(1) for the words from “number” to the end substitute “computers and software as may be necessary to conduct the poll electronically in particular –

(a) a device which retains a record of the way in which each vote was cast, together with a means of identifying the elector in question, and

(a) S.I. 1986/2214.

(b) a device which records the total number of votes given for each candidate but which does not identify the electors by whom, or on whose behalf, the votes were given”.

(6) Omit rule 23(2).

(7) In rule 23(3) –

(a) omit sub-paragraphs (a) and (b), and

(b) at the end insert –

“(e) such number of the questionnaire referred to in rule 31A below, together with a receptacle for their return, as in the returning officer’s opinion may be necessary;

and the documents referred to in sub-paragraphs (c) and (d) may be held electronically.”.

(8) In rule 24, omit all references to counting agents.

(9) Omit rule 28.

(10) In rule 29(3) –

(a) omit the words from the beginning to “delivered to”, and

(b) after “them” insert “shall not be allowed to vote”.

(11) In rule 30(1) –

(a) for the words “a ballot paper for the purpose of voting” substitute “to vote”.

(b) for the words “applied for a ballot paper” substitute “applied”.

(12) For rule 31 substitute:

“Voting procedure

31.–(1) A validated voting card shall be handed to a voter who applies for one, and immediately before it is so handed –

- (a) the number and name of the elector as stated in the register of electors shall be called out;
- (b) the number of the elector shall be recorded electronically with the number of the vote;
- (c) a mark shall be placed in the electronically held register of electors to denote that he has been handed a validated voting card;
- (d) in the case of a person applying to vote as proxy, a mark shall be placed against his name in the electronically held list of proxies.

(2) The voter, on receipt of a validated voting card, shall proceed into one of the voting compartments in the polling station, insert the card into the voting machine and, after the ballot paper has appeared on the screen of the machine, touch the name of the candidate for whom he wishes to vote.

(3) A cross will appear against the name of that candidate and the voter will be asked whether he is sure that the vote is correct.

(4) The voter shall vote without undue delay.

(5) On confirming that his initial (or any subsequent) choice of candidate is correct, the voter shall retrieve the voting card, return it to the presiding officer or a poll clerk and leave the polling station.”.

(13) After rule 31 insert:

“Questionnaire

31A. A person voting by electronic means shall be invited to complete a questionnaire for use in evaluating the scheme.”.

(14) In rule 32(1) from the words “on a” to the end substitute “in the manner directed by the voter”.

(15) For rule 34(2)(a) substitute –

“(a) consist of paper and be of a colour differing from the postal ballot papers;”.

(16) Omit rule 35.

(17) Omit rule 36.

(18) In rule 37(1) omit sub-paragraphs (a), (b) and (d) and the words from the beginning to “and” in sub-paragraph (e).

(19) For rule 37(2) and (3) substitute:

“(2) As soon as practicable after the close of the poll, the presiding officer shall operate the computer equipment so that the information referred to in rule 23(1)(b) above is sent to a linked computer at the place where the result of the election is announced.

(3) As soon as practicable after the close of poll, the presiding officer shall –

- (a) remove the devices referred to in rule 23(1)(a) and (b) from the electronic voting equipment,
- (b) in the presence of the polling agents, make them up into a separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals, and
- (c) deliver them, or cause them to be delivered, to the returning officer to be taken charge of by him;

but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.”.

(20) In rule 38 –

- (a) for every reference to the counting agents substitute the election agents;
 - (b) in paragraph (1) –
 - (i) for “counting the votes” substitute “counting the postal votes and announcing the result of the count”, and
 - (ii) omit the words from “and shall” to the end;
 - (c) omit paragraph (2)(d), and
 - (d) in paragraph (5) before “ballot”, in each place where it occurs, insert “postal”.
- (21) In rule 39(1) omit sub-paragraphs (a) and (b).
- (22) Omit rule 39(2).
- (23) In rule 39(5) before “ballot”, in both places where it occurs, insert “postal”.
- (24) Omit paragraphs (6) to (8) of rule 39 and at the end of the rule insert:
“(9) The returning officer shall add to the total number of votes given to each candidate in the polling stations the total number of votes from postal ballot papers given to each candidate.”.
- (25) At the end of rule 40 insert –
“(3) This rule applies only to votes given on the postal ballot papers.”.
- (26) At the end of rule 41 insert –
“(6) This rule applies only to votes given on the postal ballot papers”.
- (27) At the end of rule 42 insert:
“This rule applies only to votes given on the postal ballot papers.”.
- (28) In rule 43 after “(including” insert “any electronic count and”.
- (29) In rule 44(1)(c) after “rejected” in both places where it occurs, insert “postal”
- (30) In rule 45(1) before “ballot”, in both places where it occurs, insert “postal”.
- (31) In rule 45(2) -
 - (a) omit “counterfoils and”, and

(b) at the end insert “or the packet containing the device referred to in rule 23(1)(a) ”.

(32) In rule 46(1) –

(a) in sub-paragraph (a) before “ballot” insert “postal”;

(b) for sub-paragraph (b) substitute:

“(b) the packets made up under rule 37(3) and the statement of rejected postal ballot papers,” and

(c) in sub-paragraph (d) omit “counterfoils and”.

(33) In rule 47(7) before “ballot”, in each place where it occurs, insert “postal”.

(34) At the end of rule 47 insert –

“(9) In this rule any reference to ballot papers includes the electronically held record of the marked ballot papers, as well as the postal ballot papers.”.

(35) In rule 48(2) for “ballot papers, counterfoils” substitute “the device referred to in rule 23(1)(a), the postal ballot papers and their counterfoils”.

(36) In rule 49(1) for the words from “persons” to “papers” substitute “persons remaining validly nominated after the statement of persons nominated has been published”.

(37) In rule 49(2) –

(a) omit “ballot boxes and of ballot papers and other”; and

(b) omit sub-paragraphs (a) and (b).

(38) In rule 49(3)(b) for “any” substitute “the device referred to in rule 23(1)(a), any postal”.

(39) In the Appendix to the rules after paragraph 1 of the directions as to printing the ballot paper insert:

“1A. These directions apply –

- (a) to the printing of the postal ballot papers, and
- (b) except as respects paragraph 5, to the manner in which the ballot paper shall be produced electronically on the screens in polling stations.”.

(40) In the Appendix to the rules for the form of the back of an elector’s official poll card substitute:

“LOCAL GOVERNMENT ELECTION

This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.

When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The presiding officer will give you a validated card.

Take the validated voting card to one of the compartments containing a voting machine. Insert your card into the voting machine to produce a ballot paper on the screen.

Touch the screen where the name of the candidate you are voting for appears. An “X” will appear on the screen against the candidate’s name.

Touch the button on the screen to cast your vote. If by mistake you have touched the name of a different candidate from the one you are voting for, touch the button on the screen to return to the unmarked ballot paper and the touch the correct name.

When you have cast your vote, remove your voting card from the voting machine and return it to the clerk.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at the election if you do so before the proxy has voted on your behalf.

If you have been granted a postal vote, you will not be entitled to vote in person at this election, so please ignore this poll card.”.

(41) In the Appendix to the rules, for the form of direction for the guidance of the voters in voting substitute:

“1. When you are given a validated voting card, take it to one of the compartments containing a voting machine.

2. Insert your card into the voting machine to produce a ballot paper on the screen.
 3. Touch the screen where the name of the candidate you are voting for appears. An “X” will appear on the screen against that candidate’s name.
 4. Touch the button on the screen to cast your vote. If by mistake you have touched the name of a different candidate from the one you are voting for, touch the button on the screen to return to the unmarked ballot paper and then touch the correct name.
 5. When you have cast your vote, remove your voting card from the voting machine and return it to the clerk.”.
6. Section 15 of the Representation of the People Act 1985**(a)** shall not apply in respect of a relevant election.

Parliamentary Under-Secretary of State

Home Office

April 2000

(a) 1985c.50.