

A Review of Polling Districts and Polling Places

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1. What is the difference between a polling district, a polling place and a polling station?

A polling district is a geographical sub-division of an electoral area, i.e. a UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division.

A polling place is a geographical area in which a polling station is located. However, as there is no legal definition of what a polling place is the geographical area could be defined as tightly as a particular building or as widely as the entire polling district.

A polling station is the actual area where the process of voting takes place, and must be located within the polling place designated for the particular polling district.

2. Polling districts

2.1 Who is responsible for designating polling districts?

Every relevant authority in the UK is responsible for dividing its area into polling districts for UK Parliamentary elections for so much of any constituency as is situated in its area (1), and for keeping the polling districts under review.

For European Parliamentary elections, the same polling districts as designated for UK Parliamentary elections are to be used unless the relevant authority considers that there are special circumstances that make alternative designations appropriate (2)

For local government elections, a local authority may divide its designated electoral areas (i.e. wards or electoral divisions) into polling districts (3)

Although there is no requirement to sub-divide local government electoral areas into polling districts, it is recognised good practice to do so. When doing so, every effort must be made to ensure that the polling district scheme for local government elections mirrors as closely as possible that agreed for parliamentary elections (4)

2.2 What is the definition of a relevant authority?

- a) In England, the council of a district or London borough;
- b) In Scotland, a local authority; and
- c) In Wales, the council of a county or county borough (5)

2.3 What are the rules?

When designating polling districts, relevant authorities must seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances.

In addition, and unless there are special circumstances that lead the authority to determine otherwise, each parish in England and each community in Wales must be in a separate polling district.

Similarly in Scotland, each electoral ward must be divided into two or more separate polling districts.

2.4 What is the Electoral Registration Officer's responsibility?

Where a relevant authority makes any alterations to the polling districts within its area, the Electoral Registration Officer must amend their register of electors accordingly.

The changes to the register take effect on the date that the Electoral Registration Officer publishes a notice stating that the adaptations have been made (6)

It is recommended that alterations to polling districts be timed to coincide with the annual revision of the register of electors on 1 December. This will help to avoid confusion both for electoral professionals and other recipients of the register. ***(This would mean consideration at full Council in October 2018)***

However, there may be instances where alterations must be made at other times of the year.

In such cases, the Electoral Registration Officer will need to publish a notice fourteen calendar days before the publication of the revised version of the register in a local newspaper, at their office and at some other conspicuous place or places in the area (7)

3. Polling Places

3.1 Who is responsible for designating polling places?

Every relevant authority in the UK must designate a polling place for every polling district in the parliamentary constituency (8) unless the size or other circumstances of the polling district are such that the situation of the polling station does not materially affect the convenience of the electorate.

The relevant authority must also keep the polling places under review.

3.2 What are the rules?

Relevant authorities must:

a) Seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;

b) Seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, including those who are disabled, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons (9)

In addition, the polling place for a polling district must be within the area of the district unless special circumstances make it desirable to designate an area either wholly or partly outside of the polling district.

The polling place must also be small enough to indicate to electors in different parts of the polling district how they will be able to reach their designated polling station.

Should a relevant authority fail to designate a polling place, the entire polling district will be classed as the polling place for that district.

4. Polling Stations

4.1 Who is responsible for designating polling stations?

The Returning Officer for the particular election must provide a sufficient number of polling stations, and allocate the electors to those polling stations in such manner as they think is the most convenient

(At the 2011 Referendum this was overridden by direction from the Chief Counting Officer at the Electoral Commission who specified the ratio of electors to each polling station).

4.2 What are the rules?

Polling stations must be located within the polling places designated by the relevant authority.

In a UK Parliamentary constituency in Scotland that comprises the whole or any part of more than one local government area, there must be at least one polling station in each of those local government areas.

The election rules permit the Returning Officer to provide one or more polling stations within the same room, and must supply each with a sufficient number of voting compartments.

5. Review of polling districts and polling places

The Electoral Administration Act 2013 included a new provision altering the timing of statutory reviews of parliamentary polling districts and polling places. This meant that all local authorities were required to complete a statutory review between 1 October 2013 and 31 January 2015.

Subsequent compulsory reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013.

This review must be completed and implemented by the end of December 2018, so for the changes to be included in the register on 1 December this year, Full Council must consider and confirm the proposals at their meeting on 17 October 2018.

5.4 The review process

Schedule A1 to the Representation of the People Act 1983 sets out the steps relevant authorities must follow in undertaking any review of polling districts and/or polling places.

Prior to commencing the review, the electoral administrator will need to compile a great deal of the background information necessary for informed decisions to be made by Councillors.

5.5 Notice of the holding of a review

The relevant authority is required to publish notice of the holding of a review (15)

Schedule A1 does not specify in what manner the relevant authority is required to publish this notice, but it would seem reasonable to follow the principles set out in the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 for the publication of a Returning Officer's representations.

6. The role of the Returning Officer

The relevant authority is required to consult the Returning Officer for every parliamentary election held in a constituency that is wholly or partly within its area.

The Returning Officer is required to make representations to the relevant authority, which must include information as to the location of polling stations (both existing and proposed) within polling places (both existing and proposed) (16)

Within thirty calendar days of their receipt, the relevant authority is required to publish the Returning Officer's representations as a minimum:

- at the relevant authority's office;
- at least one other conspicuous place in the area; and
- on the relevant authority's website (17)

7. Other representations

In reviewing polling places, the relevant authority is required to actively seek representations from such persons as it thinks have particular expertise in relation to:

- access to premises; or
- facilities for persons who have different forms of disability (18)

Such persons must be given the opportunity to make representations and to comment on the representations made by the Returning Officer.

A key factor the relevant authority will have to consider at the outset of the review is the identification of those persons it feels has particular expertise in accessibility issues.

In addition, any elector in a constituency may make representations on the designation of polling places to the relevant authority (19).

Although not specifically provided for in the review rules, it would seem sensible to actively encourage representations from local constituency political parties and independent candidates. By doing so, the relevant authority will be giving key stakeholders in the electoral process the opportunity to participate.

Further sources of expertise from which representations might be sought include the relevant authority's own planning and property services departments. Each will be able to provide technical guidance on the availability and suitability of locations or premises, and details of residential developments that might have future implications on electoral arrangements.

Administrators may wish to model possible arrangements by utilising mapping and planning tools available within the authority. Local authorities now have access to GIS mapping services, many of which combine data from different services that may be of use in testing the suitability of a proposed scheme.

In addition, the relevant authority might wish to obtain up to date mapping information from the Ordnance Survey prior to formally considering the suitability of any representations received.

An extremely practical way of undertaking the review is to consider the suitability of the available polling places first, i.e. to identify what premises are available, and then to designate the polling district boundaries and allocate the electors to what is actually available. Although the rules are drafted to require the relevant authority to sub-divide its area into polling districts and to then consult on the allocation of the associated polling places, there seems little sense in designating polling districts that are devoid of suitable polling places.

It is important to note that representations made by any person in connection with the review of polling places may include proposals for alternative polling places, which must then be considered by the relevant authority.

8. Evaluating the suitability of potential polling places

Regardless of the expert advice the relevant authority is required to seek, it is important that the accessibility needs of all voters are considered when designating polling places.

There are a number of steps that can be taken to facilitate this process (20):

- Consider the location of the polling place
- Accessibility
- Availability of parking
- Approaches to the polling station
- Entrance to the polling station
- Inside the building

Another key factor to consider when assessing the suitability of a particular building or location is the facilities available to polling station staff.

It must not be overlooked that staff will be on duty for approximately sixteen hours, and not permitted to leave the premises. Their basic human needs must not be discounted.

9. Administration of the review

It is important to note that the relevant authority is responsible for dividing its area into polling districts, so a decision will need to be taken before the review commences as to how the authority wishes to consider the representations made, and ultimately designate the polling districts and polling places within its area.

At the end of the review process, the committee then makes its recommendations to a meeting of the full council for ratification (17/10) following which the polling districts and polling places are formally designated and come into being.

10. Completion of the review

On completion of a review, the relevant authority is required to give reasons for its decisions in respect of the designation of both polling districts and polling places (21)

In addition, the authority must publish:

- all correspondence sent to a Returning Officer in connection with the review, and
- all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability;
- all representations made by any person in connection with the review;
- the minutes of any meetings held by the authority where details of the review have been considered;
- details of the actual designations of polling districts and polling places agreed as a result of the review; and
- Details of where the results of the review have been published (22).

Schedule A1 does not specify in what manner the relevant authority is required to publish this notice, but it would seem reasonable to follow the principles set out in the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 for the publication of a Returning Officer's representations.

11. The role of the Electoral Commission

The Electoral Commission has no role in the review process itself, although guidance has been issued to assist relevant authorities in the administration of the reviews in the form of a circular distributed in 2010 - **EC19 (2010)**

However, the Commission has an extremely important role in respect of considering representations and observations made that a relevant authority has not conducted a review so as to:

- meet the reasonable requirements of the electors in the constituency, or a body of them (i.e. the reasonable requirements of a particular area of the authority have not been satisfactorily met); or
- take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place (23)

11.1 Who may make representation to the Electoral Commission?

Section 18D (1) of the Representation of the People Act 1983 sets out who may make representations to the Electoral Commission, namely:

- in England, any parish council which is wholly or partly situated within the constituency (or parish meeting where there is no such council);
- in Wales, any community council which is wholly or partly situated within the constituency;
- not less than thirty registered electors in the constituency (although electors registered anonymously cannot make such a representation (24)
- any person (except the Returning Officer) who made representations to the authority when the review was being undertaken; and
- any person who is not an elector in a constituency in the authority's area who the Commission feels has sufficient interest in the accessibility of disabled persons to polling places in the area or has particular expertise in relation to the access to premises or facilities of disabled persons.

In addition, the Returning Officer may make observations on any representations made to the Commission (25)

11.2 Review held by the Electoral Commission

The Electoral Commission is required to consider any such representations and observations, and after doing so, may direct the relevant authority to make any alterations it sees necessary to the polling places designated by the review (26)

Should an authority fail to make the alterations within two months of the direction being given, the Commission may make the alterations itself.

12. Non-compliance

It is important to note that the outcome of an election cannot be questioned simply because a relevant authority, an Electoral Registration Officer, a Returning Officer or the Electoral Commission fails to comply with any or all aspects of a review process (27)

13. Other accessibility issues to consider

13.1 Polling stations

As detailed above, it is the responsibility of the Returning Officer to provide a sufficient number of polling stations within the polling places designated by the relevant authority, and to allocate the electors to those polling stations in such manner as they think is most convenient (28)

However, in complying with this requirement, the Returning Officer should have regard to the accessibility needs of all voters. In this respect, accessibility not only means entering and moving around a polling station, but also the facilities available to assist electors in casting their votes. Unless there are extenuating circumstances that make it impractical to do so, the polling places designated by relevant authorities should be accessible to all voters.

However, prior to an election being held, the Returning Officer should ensure that there is level access to both the polling place and the polling station(s), and where there is not, suitable adaptations, such as temporary ramping made available.

13.2 Assistance to voters

Within the polling station, the Returning Officer is required to provide a number of facilities specifically designed to assist voters.

The most important of these is the staff, who should be fully trained in their roles and responsibilities, and understand what facilities must be provided.

In summary, at least one copy of the following must be provided, subject to direction, inside the polling station (29)

- directions for the guidance of voters;
- enlarged version of the ballot paper for the assistance of partially-sighted voters;
- device to enable blind and partially-sighted voters to vote unaided, i.e. a Braille template;
- inside every voting compartment, “vote for one candidate only ...” or “vote for no more than X candidates” notices, as appropriate;
- hand-held copy of the enlarged ballot paper for the assistance of partially-sighted voters (30)

In addition, a copy of the directions for the guidance of voters must be displayed outside the polling station.

13.3 Translations

The Returning Officer is now authorised to make available in alternative formats any document published in connection with an election as he or she thinks appropriate, except nomination papers and the ballot papers (31)

This means that the Returning Officer may, in addition to the copies above, make the polling station notices available in:

- Braille;
- languages other than English;
- graphical representations;
- other means of making the information accessible to persons who might otherwise have reasonable access, e.g. audio.

13.4 Other assistance

Presiding Officers may (in the presence of any polling agents present) assist voters who are incapacitated by blindness or other disability.

Similarly, a blind or disabled voter may be assisted by a companion, who must either be directly related to them, or be entitled themselves to vote at that election.

Where the Presiding Officer assists a voter, the appropriate details must be entered on the “list of votes marked by the presiding officer”. Where a companion assists a voter, the companion must complete a “declaration made by the companion of a voter with disabilities”.

13.5 Accessibility checklist

It is good practice for the Returning Officer to check that every polling station is, and remains, accessible throughout polling day, and is set up correctly.

Appendix A

References

- (1) Section 18A (2) of the Representation of the People Act 1983
- (2) Regulation 8 of the European Parliamentary Elections Regulations 2004
- (3) Section 31 of the Representation of the People Act 1983
- (4) Sections 31(2) and (3) of the Representation of the People Act 1983
- (5) Section 18E (3) of the Representation of the People Act 1983
- (6) Section 18A (5) of the Representation of the People Act 1983
- (7) Section 13 (3) of the Representation of the People Act 1983 and Regulation 36 (1) of the Representation of the People (England and Wales) Regulations 2001 and Regulation 36 (1) of the Representation of the People (Scotland) Regulations 2001
- (8) Section 18B (1) of the Representation of the People Act 1983
- (9) Section 18B (4) of the Representation of the People Act 1983
- (10) Section 18C (1) of the Representation of the People Act 1983
- (11) Section 18C (2) of the Representation of the People Act 1983
- (12) Section 18C (3) of the Representation of the People Act 1983
- (13) Section 18C (4) of the Representation of the People Act 1983
- (14) Section 18C (5) of the Representation of the People Act 1983
- (15) Paragraph 1 of Schedule A1 to the Representation of the People Act 1983
- (16) Paragraphs 3 and 4 of Schedule A1 to the Representation of the People Act 1983
- (17) Regulation 3 of the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006
- (18) Paragraph 4 of Schedule A1 to the Representation of the People Act 1983
- (19) Paragraph 5 of Schedule A1 to the Representation of the People Act 1983
- (20) Adapted from Section 5 of Part B of managing a local government election – a good practice manual (2007) issued by the Electoral Commission
- (21) Paragraph 7 of Schedule A1 to the Representation of the People Act 1983
- (22) Regulation 4 of the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006
- (23) Section 18D (2) of the Representation of the People Act 1983
- (24) Section 18D (7) of the Representation of the People Act 1983
- (25) Section 18D (3) of the Representation of the People Act 1983
- (26) Section 18D (4) of the Representation of the People Act 1983
- (27) Section 18E (2) of the Representation of the People Act 1983
- (28) See the appropriate election rules: for example, at UK Parliamentary elections, Rule 25 of the Parliamentary Elections Rules (Schedule 1 to the Representation of the People Act 1983) applies
- (29) See the appropriate election rules: for example, at UK Parliamentary elections, Rule 29 of the Parliamentary Elections Rules (Schedule 1 to the Representation of the People Act 1983) applies
- (30) Section 199B of the Representation of the People Act 1983
- (31) Section 199B of the Representation of the People Act 1983

Appendix B

Extract from the Representation of the People Act 1983 (as inserted by Section 16 of the Electoral Administration Act 2006)

18A - Polling districts at parliamentary elections

- (1) Every constituency is to be divided into polling districts.
- (2) A relevant authority must—
 - (a) divide its area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in its area, and
 - (b) keep the polling districts under review.
- (3) The following rules apply—
 - (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
 - (b) in England, each parish is to be a separate polling district;
 - (c) in Wales, each community is to be a separate polling district;
 - (d) in Scotland, each electoral ward (within the meaning of section 1 of the Local Governance (Scotland) Act 2004) is to be divided into two or more separate polling districts.
- (4) Subsection (3) (b) to (d) does not apply if, in any case, there are special circumstances.
- (5) If an alteration of polling districts in an area is made under this section—
 - (a) the registration officer who acts for the area must make such adaptations of his register of parliamentary electors as are necessary to take account of the alteration, and
 - (b) the alteration is effective on the date on which the registration officer publishes a notice stating that the adaptations have been made by him.

18B Polling places at parliamentary elections

- (1) A polling place is to be designated for each polling district in a constituency.
- (2) But subsection (1) does not apply if the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.
- (3) A relevant authority must—
 - (a) designate the polling places for the polling districts in its area, and
 - (b) keep the polling places in its area under review.
- (4) The following rules apply—
 - (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
 - (b) the authority must seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled;
 - (c) the authority must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place or the designation of which as a polling place it is reviewing;
 - (d) the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district;
 - (e) the polling place for a polling district must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.
- (5) If no polling place is designated for a polling district the polling district is to be taken to be the polling place.

18C Review of polling districts and places

- (1) Each relevant authority must complete a review under sections 18A and 18B of all of the polling districts and polling places in its area before the end of the period of 12 months starting with the date on which section 16 of the Electoral Administration Act 2006 comes into force.
- (2) Subsection (1) does not apply in the case of a polling district or polling place (as the case may be) which is designated for the first time during that period.
- (3) In such a case, the first review of the polling district or polling place must be completed before the end of the period of four years starting with the date on which that designation is made.

- (4) The authority must complete a further review of each polling district and polling place in its area before the end of the period of four years starting with the completion of the previous such review.
- (5) Subsections (1) to (4) do not prevent a relevant authority carrying out at any time a review of a particular polling district or polling place.
- (6) Schedule A1 has effect in relation to a review.

18D Review of polling districts and places: representations to Electoral Commission

- (1) This section applies if in relation to a constituency in the area of a relevant authority a relevant representation is made to the Electoral Commission by—
 - (a) an interested authority in England and Wales;
 - (b) not less than 30 electors in the constituency;
 - (c) a person (other than the returning officer) who has made representations under Schedule A1;
 - (d) a person who is not an elector in a constituency in the authority's area but who the Commission think has sufficient interest in the accessibility of disabled persons to polling places in the area or has particular expertise in relation to the access to premises or facilities of disabled persons.
- (2) A relevant representation is a representation that a review under section 18A or 18B has not been conducted by a relevant authority so as to—
 - (a) Meet the reasonable requirements of the electors in the constituency or any body of those electors, or
 - (b) Take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place.
- (3) The returning officer for the constituency may make observations on representations made under this section.
- (4) The Electoral Commission must consider such representations and observations and may if they think fit—
 - (a) Direct the relevant authority to make any alterations to the polling places designated by the review which the Commission thinks necessary in the circumstances;
 - (b) If the authority fails to make the alterations before the end of the period of two months starting on the day the direction is given, make the alterations themselves.
- (5) Alterations made by the Electoral Commission under subsection (4) have effect as if they had been made by the relevant authority.
- (6) An interested authority in relation to a constituency in England and Wales is -
 - (a) In England, the council of a parish, or where there is no such council the parish meeting of a parish, which is wholly or partly situated within the constituency;
 - (b) In Wales, the council of a community which is so situated.
- (7) The reference in subsection (1) (b) to electors does not include persons who have an anonymous entry in the register of parliamentary electors or local government electors.

18E Sections 18A to 18D: supplemental

- (1) This section applies for the purposes of sections 18A to 18D.
- (2) No election is to be questioned by reason of -
 - (a) any non-compliance with the provisions of those sections, or
 - (b) any informality relative to polling districts or polling places.
- (3) Each of the following is a relevant authority -
 - (a) in relation to England, the council of a district or London borough;
 - (b) in relation to Scotland, a local authority;
 - (c) in relation to Wales, the council of a county or county borough.
- (4) The following do not apply to Northern Ireland -
 - (a) section 18A (2) to (5);
 - (b) section 18B (2) to (5);
 - (c) sections 18C and 18D,

and in Northern Ireland the polling districts and polling places are those for the time being established under the law relating to local elections within the meaning of section 130 of the Electoral Law Act (Northern Ireland) 1962.

SCHEDULE A1 (Section 18C)

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

- (1) The relevant authority must publish notice of the holding of a review.
- (2) The authority must consult the returning officer for every parliamentary election held in a constituency which is wholly or partly in its area.
- (3)
 - (1) every such returning officer must make representations to the authority.
 - (2) The representations must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed).
 - (3) The representations must be published in such manner as is prescribed.
- (4)
 - (1) The authority must seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
 - (2) Such persons must have an opportunity -
 - (a) To make representations;
 - (b) To comment on the returning officer's representations.
- (5) Any elector in a constituency situated in whole or in part in the authority's area may make representations.
- (6) Representations made by any person in connection with a review of polling places may include proposals for specified alternative polling places.
- (7) On completion of a review the authority must -
 - (a) Give reasons for its decisions in the review;
 - (b) Publish such other information as is prescribed.

Appendix C

Extract from Statutory Instrument 2006 No. 2965

The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006
Citation, commencement and extent

1. These Regulations may be cited as the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 and shall come into force on 1 January 2007.
2. These Regulations extend to England and Wales and Scotland only.

Manner of publication of representations

3. A relevant authority must, within 30 days of receipt, publish representations made by a returning officer for the purposes of the review of polling districts or polling places -
 - (a) by posting a copy of them at its office and in at least one conspicuous place in their area; and
 - (b) if the authority maintains a website, by placing a copy on the authority's website.

Information to be published on completion of a review

4. On completion of a review the authority must publish the following -
 - (a) all correspondence sent to a returning officer in connection with the review;
 - (b) all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability;
 - (c) all representations made by any person in connection with the review;
 - (d) the minutes of any meeting held by the authority to consider any revision to the designation of polling districts or polling places within its area as a result of the review;
 - (e) details of the designation of polling districts or polling places within its area as a result of the review;
 - (f) details of the places where the results of the review have been published.