

SCHEDULE 1

The Mayoral Elections Rules

PART 8

Death of candidate

Countermand or abandonment of poll on death of a candidate

60.—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 of the 1983 Act⁽¹⁾ apply in respect of any vacancy which remains unfilled.

(2) Subject to paragraph (4), where the poll is abandoned by reason of a candidate's death no further ballot papers shall be issued, and the presiding officer at any polling station must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as he is required to take on the close of the poll in due course.

(3) The returning officer must dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, subject to paragraphs (4) and (5).

(4) It is not necessary for any ballot paper account to be prepared or verified.

(5) The returning officer must seal up all the ballot papers, whether the votes on them have been counted or not, and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(6) The provisions of these Rules 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 subject to paragraphs (7) and (8).

(7) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(8) No order is to be made for—

(a) the inspection or production of any ballot papers, or

(b) for the opening of a sealed packet of the completed corresponding number lists 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.

(1) Subsection (1) of section 39 was amended by the Local Government Act 1985 (c.51), Schedule 17, and the Representation of the People Act 1985 (c.50), section 19(2).