

## SCHEDULE 3

Article 15(4)

### Issue and receipt of postal ballot papers

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## **Interpretation**

1. For the purposes of this Schedule, unless the context requires otherwise—
  - “agent” includes an election agent and a person appointed to attend in the election agent’s place;
  - “ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 11;
  - “issue” includes the original and any subsequent issue;
  - “postal ballot box” means the ballot box referred to in paragraph 17(1)(b);
  - “postal voters’ ballot box” means the ballot box referred to in paragraph 17(1)(a);
  - “receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in paragraph 17(5); and
  - “spoilt postal ballot paper” means a ballot paper referred to in paragraph 14(1);

### ***Issue of postal ballot papers***

## **Combination of polls**

2. Where the polls at elections are taken together under article 16(1) or (2) the proceedings on the issue and receipt of postal ballot papers in respect of each election may, if the returning officers agree, be taken together.

## **Form of postal voting statement**

3. The form of the postal voting statement sent with the postal ballot paper (prescribed in Rule 33 of Schedule 5) to a postal voter shall be—
  - (a) in form CC1 set out in English and Welsh in Schedule 10 at an Assembly election the poll at which is not taken together with another election under article 16(1) or (2);
  - (b) in form CC2 set out in English and Welsh in Schedule 10 at an Assembly election where the proceedings on the issue and receipt of postal ballot papers are taken together under paragraph 2 with those proceedings at another election;
  - (c) in form CC3 set out in English and Welsh in Schedule 10 at an Assembly election, the polls at which are taken together with the poll at another election under article 16(1) or (2) in any part of an Assembly constituency, but where the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2, for use in that part of the constituency in which polls at more than one election are taken together under article 16(1) or (2).

## **Regional elections**

4. At a regional election the functions connected with the issue and receipt of postal ballot papers are to be exercised in relation to each Assembly constituency in an Assembly electoral region by the returning officer for such a constituency.

## **Persons entitled to be present at proceedings on issue of postal ballot papers.**

5. Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the 2000 Political Parties Act, no person may be present at the proceedings on the issue of postal ballot papers other than the constituency returning officer and his clerks.

### **Persons entitled to be present at proceedings on receipt of postal ballot papers**

6.—(1) Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the 2000 Political Parties Act, no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the constituency returning officer and his clerks;
- (b) the regional returning officer in the case of a regional election;
- (c) a candidate;
- (d) an election agent or any person appointed by—
  - (i) a candidate to attend in his election agent's place in the case of a constituency election;
  - (ii) an individual candidate to attend in his election agent's place in the case of a regional election; or
  - (iii) the election agent of a registered political party standing nominated or by the registered nominating officer of that party to attend in the place of that party's election agent in the case of a regional election; or
- (e) any agents appointed under sub-paragraph (2).

(2) Each—

- (a) candidate in the case of a constituency election; and
- (b) individual candidate and election agent for a registered political party standing nominated, in the case of a regional election,

may appoint one or more agents up to the number as may be authorised by the constituency returning officer to appoint; provided, however, that the number authorised shall be the same in the case of each candidate or, as the case may be, election agent for a registered political party standing nominated.

(3) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate or election agent to the constituency returning officer before the time fixed for the opening of the postal voters' ballot boxes.

(4) Where the postal ballot papers for more than one election are issued together under paragraph 2, the constituency returning officer to whom notice shall be given under sub-paragraphs (3), (5) and (6) is the returning officer who issues the postal ballot papers.

(5) If an agent dies or becomes incapable of acting, the candidate or election agent for a registered political party, as the case may be, may appoint another agent in his place and shall forthwith give to the constituency returning officer notice in writing of the name and address of the agent appointed.

(6) Agents may be appointed and notice of appointment given to the constituency returning officer by the election agent for a candidate who is otherwise authorised to make an appointment under sub-paragraph (2).

(7) In this Schedule references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (2), who are within the number authorised by the constituency returning officer.

(8) Any of the following persons, namely—

- (a) a candidate in a constituency election;
- (b) an individual candidate in a regional election; or
- (c) the election agent of a registered political party standing nominated,

may himself do any act or thing which any agent of his or of the registered political party on whose list he is a candidate, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

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(9) Where in this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

#### **Notification of requirement of secrecy**

7. The constituency returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of article 35(4) and (6).

#### **Time when postal ballot papers are to be issued**

8.—(1) In the case of a person shown in the record kept under—

- (a) article 8(3); or
- (b) article 12(6),

no postal ballot paper and postal voting statement shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 7(6) of Schedule 1).

(2) In the case of any other person, the postal ballot paper and postal voting statement shall be issued by the constituency returning officer as soon as practicable after the registration officer has granted the application to vote by post.

#### **Procedure on issue of postal ballot paper**

9.—(1) The number of the elector as stated in the register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector.

(2) Where an elector is entitled to give two votes, the constituency ballot paper and the regional ballot paper shall have the same number.

(3) A mark shall be placed in the postal voters list or the proxy postal voters list against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the postal voting statement sent with that paper.

(5) Where postal ballot papers for more than one election are issued together—

- (a) one mark shall be placed in the postal voters list or the proxy postal voters list under sub-paragraph (3) to denote that ballot papers have been issued in respect of all of those elections; except that, where ballot papers are not so issued a different mark shall be placed in the postal voters list or proxy postal voters list to identify the election in respect of which the ballot paper was issued; and
- (b) the number of each ballot paper shall be marked on the postal voting statement under sub-paragraph (4).

(6) Where the poll at an Assembly election is taken with the poll at another election under article 16(1) or (2) but the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2, the colour of the postal ballot paper (or colours of the postal ballot papers) shall also be marked on the postal voting statement sent with that paper.

(7) Subject to sub-paragraph (8), the address to which the postal ballot paper, postal voting statement and the envelopes referred to in paragraph 11 are to be sent is—

- (a) in the case of an elector, the address shown in the postal voters list;
- (b) in the case of a proxy, the address shown in the proxy postal voters list.

(8) Where a person has an anonymous entry in the register, the items specified in sub-paragraph (7) must be sent (as the case may be) to the address to which postal ballot papers should be sent—

- (a) as shown in the record kept under article 8(3) or 12(6); or
- (b) as given in pursuance of an application made under article 9(1) or 12(4)(b).

### **Refusal to issue postal ballot papers**

**10.** Where a constituency returning officer is satisfied that two or more entries in either the postal voters list, or the proxy postal voters list or in each of those lists relate to the same elector he shall not issue more than one ballot paper in respect of the same elector for the same Assembly election.

### **Envelopes**

**11.—(1)** The envelope which the constituency returning officer is required by rule 33 of Schedule 5 to send to a postal voter for the return of the postal ballot paper or, as the case may be, ballot papers and the postal voting statement (referred to as a “covering envelope”) shall be marked with the letter “B”.

(2) In addition to the documents referred to in sub-paragraph (1), the constituency returning officer shall send to a postal voter a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
- (b) the words—
  - (i) “Ballot paper envelope”;
  - (ii) “Amlen papur pleidleisio”; and
- (c) the number of the ballot paper or, as the case may be, ballot papers.

(3) Where the poll at an Assembly election is taken together with the poll at another election under article 16(1) or (2) but the proceedings on the issue and receipt of postal ballot papers are not to be taken together under paragraph 2—

- (a) the envelope referred to in sub-paragraph (1) shall also be marked—
  - (i) “Covering envelope for the [*insert colour of ballot paper(s)*] coloured ballot paper(s)”;
  - (ii) “Prif amlen ar gyfer y papur(au) pleidleisio lliw [*nodwch liw'r papur(au) pleidleisio*]”; and
- (b) on the envelope referred to in sub-paragraph (2), after the words—
  - (i) “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper(s)*] coloured ballot paper(s)”;
  - (ii) “Amlen papur pleidleisio” there shall be added “ar gyfer y papur(au) pleidleisio lliw [*nodwch liw'r papur(au) pleidleisio*]”.

### **Sealing up of completed corresponding number lists and security of special lists**

**12.—(1)** As soon as practicable after the issue of each batch of postal ballot papers, the constituency returning officer shall make up into a packet the completed corresponding number lists(1) of those ballot papers which have been issued and shall seal such a packet.

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(1) “Completed corresponding number lists” is defined in rule 53(1)(g) of Schedule 5.

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(2) Until the time referred to in paragraph 20(11), the returning officer shall take all proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.

### **Delivery of postal ballot papers**

**13.**—(1) For the purposes of delivering postal ballot papers, the constituency returning officer may use—

- (a) a universal service provider;
- (b) a commercial delivery firm; or
- (c) persons appointed under rule 35(1) of Schedule 5.

(2) Where the services of a universal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the constituency returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where sub-paragraph (1)(c) applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

### **Spoilt postal ballot paper**

**14.**—(1) If a postal voter has inadvertently dealt with his ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a postal voting statement (referred to as “a spoilt postal voting statement”) he may return (either by hand or by post) to the constituency returning officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where the postal voter exercises the entitlement conferred by sub-paragraph (1), he shall also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not;
- (b) where postal ballot papers for more than one election have been issued together (including under paragraph 2 of this Schedule), all other ballot papers so issued, whether spoilt or not; and
- (c) the envelopes supplied for the return of the documents mentioned in sub-paragraph (1) and paragraphs (a) and (b) of this sub-paragraph.

(3) Subject to sub-paragraph (4) on receipt of the documents referred to in sub-paragraphs (1) and, where applicable, (2) the constituency returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after 5 pm on the day of the poll.

(4) Where the constituency returning officer receives the documents referred to in sub-paragraph (1) and, where applicable sub-paragraph (2), after 5pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returned the documents by hand.

(5) Paragraphs 9 (except sub-paragraph(3))to 12 and, subject to sub-paragraph (8), 13 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3).

(6) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with paragraph (1) or (2) shall be immediately cancelled.

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(7) The constituency returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall then be again made up and sealed.

(8) Where a postal voter applies in person—

- (a) by 5pm on the day before the day of the poll, the constituency returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5pm on the day before the day of the poll, the constituency returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with paragraph 13.

(9) The constituency returning officer shall enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the postal ballot paper (or papers) issued under this paragraph; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

### **Lost postal ballot papers**

**15.**—(1) Where a postal voter claims either to have lost or not to have received

- (a) his postal ballot paper; or
- (b) the postal voting statement; or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the day of the poll, he may apply (whether or not in person) to the constituency returning officer for a replacement ballot paper.

(2) Such an application shall include evidence of the voter’s identity.

(3) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), he shall return—

- (a) the documents referred to in sub-paragraph (1)(a), (b) and (c); and
- (b) where postal ballot papers for more than one election have been issued together (including under paragraph 2 of this Schedule), all other ballot papers so issued,

which he has received and which have not been lost.

(4) Any postal ballot paper or postal voting statement returned in accordance with sub-paragraph (3) shall be immediately cancelled.

(5) The constituency returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(6) Subject to sub-paragraph (7) where the application is received by the constituency returning officer before 5 pm on the day of the poll and the constituency returning officer—

- (a) is satisfied as to the voter’s identity; and
- (b) has no reason to doubt that the postal voter has lost or did not receive the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return,

he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

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(7) Where the application is received by the constituency returning officer after 5pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, other ballot papers if the postal voter applied in person.

(8) The constituency returning officer shall enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

- (a) the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the postal ballot paper which has been lost or not received and of its replacement issued under this paragraph; and
- (c) where the postal voter is a proxy, his name and address.

(9) Paragraphs 9 (except sub-paragraph (3)) to 12, and subject to sub-paragraph (10), 13 of this Schedule shall apply to the issue of a replacement postal ballot papers under sub-paragraph (6).

(10) Where the postal voter applies in person—

- (a) by 5pm on the day before the day of the poll, the constituency returning officer may hand a replacement paper to him; or
- (b) after 5pm on the day before the day of the poll, the constituency returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with paragraph 13 of this Schedule.

(11) Where the constituency returning officer issues another postal ballot paper, or as the case may be, postal ballot papers under sub-paragraph (6), the ballot paper which has been lost or not received shall be cancelled and of no effect.

### ***Receipt of postal ballot papers***

#### **Notice of opening of postal ballot paper envelopes**

**16.**—(1) The constituency returning officer shall give not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it are to be opened to—

- (a) each candidate in a constituency election; and
- (b) in the case of an election for an Assembly electoral region, each individual candidate and the election agent for each registered party standing nominated.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place; and
- (b) the number of agents a candidate or registered political party may appoint under paragraph 6(2) to attend each opening.

#### **Postal ballot boxes and receptacles**

**17.**—(1) The constituency returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”); and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency or electoral region for which the election is, or elections are, held.



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(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The constituency returning officer shall then apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The constituency returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for postal voting statements;
- (c) the receptacle for ballot paper envelopes;
- (d) the receptacle for rejected ballot paper envelopes;
- (e) the receptacle for rejected votes (verification procedure); and
- (f) the receptacle for postal voting statements (verification procedure).

(6) The constituency returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

### **Receipt of covering envelope**

**18.**—(1) The constituency returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the constituency returning officer—

- (a) has been opened; and
- (b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope together with its contents, shall be placed in a postal voters' ballot box.

### **Opening of postal voters' ballot box**

**19.**—(1) Each postal voters' ballot box shall be opened by the constituency returning officer in the presence of any agents, if in attendance.

(2) So long as the constituency returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 55 of Schedule 5.

### **Opening of covering envelopes**

**20.**—(1) When a postal voters' ballot box is opened, the constituency returning officer shall count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 18).

(2) He shall set aside for personal identifier verification a percentage, not less than 20%, of the envelopes recorded on that occasion.

(3) He shall open separately each covering envelope (including an envelope described in paragraph 18(2)).

(4) The procedure in paragraph 22 or 23 applies where a covering envelope (including an envelope to which paragraph 18 applies) contains both—

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- (a) a postal voting statement; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers).

(5) Where the covering envelope does not contain the postal voting statement separately, the constituency returning officer shall open the ballot paper envelope to ascertain whether the postal voting statement is inside.

- (6) Where a covering envelope does not contain both—
  - (a) a postal voting statement (whether separately or not); and
  - (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper, (or ballot papers),

the constituency returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

- (7) Where—
  - (a) an envelope contains the postal voting statement of an elector with an anonymous entry; and
  - (b) sub-paragraph (6) does not apply,

the constituency returning officer shall set aside that envelope and its contents for personal identifier verification in accordance with paragraph 23.

- (8) In carrying out the procedures in this paragraph and paragraphs 22 to 28 the returning officer—
  - (a) shall keep the ballot papers face downwards and shall take all proper precautions for preventing any person from seeing the votes made on the ballot papers; and
  - (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the constituency returning officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(10) A mark made under sub-paragraph (9) shall be distinguishable from and shall not obscure the mark made under paragraph 9 of this schedule.

(11) As soon as practicable after the last covering envelope has been opened, the constituency returning officer shall make up into a packet the copies of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and shall seal such a packet.

### **Confirming receipt of postal voting statements**

**21.**—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may make a request, at any time between the first issue of postal ballots under paragraph 9 of this Schedule and the close of poll, that the constituency returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of provisionally rejected votes kept by the constituency returning officer under paragraph 27.

- (2) A request under sub-paragraph (1) shall—

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- (a) be made by any method specified by the returning officer; and
  - (b) include any evidence of the voter's identity requested by the constituency returning officer.
- (3) Where a request is received in accordance with sub-paragraph (2) the constituency returning officer shall satisfy himself that the request has been made by the elector or his proxy and where he is so satisfied provide confirmation of the matters under sub-paragraph (1).

#### **Procedure in relation to postal voting statements**

**22.**—(1) This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 20(2) or (7).

(2) The constituency returning officer must satisfy himself that the postal voting statement is duly completed.

(3) Where the constituency returning officer is not so satisfied, he shall mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.

(4) The constituency returning officer shall then examine the number (or numbers) on the postal voting statement against the number (or numbers) on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.

(5) Where—

- (a) the number (or numbers) on a valid postal voting statement is not the same as the number (or numbers) on the ballot paper envelope; or
- (b) the envelope has no number on it (or only one number when the postal voting statement has more than one),

the constituency returning officer shall open the envelope.

(6) Sub-paragraph (7) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 20(4) or sub-paragraph (7).

(7) In the circumstances described in sub-paragraph (6), the constituency returning officer shall place—

- (a) in the postal ballot box any ballot paper the number on which is the same as the number (or one of the numbers) on the valid postal voting statement;
- (b) in the receptacle for rejected votes any other ballot paper, with the postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes any valid postal voting statement marked “provisionally rejected” where—
  - (i) there is no ballot paper; or
  - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements, any valid statement not disposed of under sub-paragraph (b) or (c).

#### **Procedure in relation to postal voting statements: personal identifier verification**

**23.**—(1) This paragraph applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with paragraph 20(2) or (7).

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(2) The constituency returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the constituency returning officer is not so satisfied, he shall mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing any postal voting statement in the receptacle for rejected votes (verification procedure), the constituency returning officer must show it to the agents and, must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal voting statement was addressed, and if any of them object to his decision, he shall add the words “rejection objected to”.

(5) The constituency returning officer shall then examine the number (or numbers) on the postal voting statement against the number (or numbers) on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
- (b) the envelope has no number on it (or only one number when the postal voting statement has more than one),

the constituency returning officer shall open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 20(5) or sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the constituency returning officer shall place—

- (a) in the postal ballot box any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure) any valid postal voting statement marked “provisionally rejected” where—
  - (i) there is no ballot paper; or
  - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing; and
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c).

#### **Postal voting statements: additional personal identifier verification**

**24.**—(1) The constituency returning officer may on any occasion at which a postal voters' ballot box is opened in accordance with paragraph 19 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

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(2) Where the returning officer undertakes additional verification of personal identifiers, he must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as he wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the constituency returning officer is no longer satisfied that the postal voting statement has been duly completed he must mark the statement “rejected”, and before placing the postal voting statement in the receptacle for rejected votes (verification procedure) he must—

- (a) show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”;
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the agents; and
- (d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the constituency returning officer must reseal the postal ballot box in the presence of the agents.

### **Opening of ballot paper envelopes**

**25.**—(1) The constituency returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

### **Retrieval of cancelled postal ballot papers**

**26.**—(1) Where it appears to the constituency returning officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters' ballot box; or
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters ballot box is opened in accordance with paragraph 19 of this Schedule, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;

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- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by paragraph 14(7) of this Schedule; and
- (f) unless the postal ballot box has been opened for the purposes of counting the votes under rule 55 of Schedule 5 reseal the postal ballot box in the presence of the agents.

### **Lists of rejected postal ballot papers**

27.—(1) In respect of any Assembly election, the constituency returning officer shall keep two separate lists of rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

### **Checking of lists kept under paragraph 27**

28.—(1) Where the constituency returning officer receives a valid postal voting statement without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 27(2) to see whether the number (or numbers) of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the constituency returning officer receives a postal ballot paper without the postal voting statement to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 27(3) to see whether the number of that ballot paper is entered in that list.

(3) The constituency returning officer shall conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the constituency or, as the case may be, electoral area under rule 53 of Schedule 5.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the constituency returning officer shall retrieve that statement or paper.

(5) The constituency returning officer shall then take the appropriate steps under this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

### **Sealing of receptacles**

29.—(1) As soon as practicable after the completion of the procedure under paragraph 28(3) and (4), the constituency returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes;
- (b) the receptacle of postal voting statements;
- (c) the receptacle of rejected ballot paper envelopes;
- (d) the lists of spoilt and lost postal ballot papers; and
- (e) the receptacle of rejected votes (verification procedure); and
- (f) the receptacle of postal voting statements (verification procedure),

and shall seal up such packets.

(2) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

### **Abandoned poll**

**30.**—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the constituency returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Schedule; and
- (b) shall, notwithstanding paragraphs 20 to 26, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Sub-paragraph (1) shall not apply where postal ballot papers for more than one election have been issued together under paragraph 2.

### **Forwarding of documents**

**31.**—(1) The constituency returning officer shall forward to the relevant registration officer at the same time as he forwards the documents mentioned in rule 67 of Schedule 5—

- (a) any packets referred to in paragraphs 12, 14(7), 15(5), 20(11) and 29, subject to paragraph 30, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral area for which the election (or elections) was (or were) held; and
- (b) a completed statement in the form CD “Statement as to postal ballot papers” set out in English and Welsh in Schedule 10, of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the constituency returning officer after the close of the poll (apart from those delivered in accordance with rule 55(7) of Schedule 5);
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed; or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the constituency returning officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in sub-paragraph (1).

(3) Rules 68 and 69 of Schedule 5 shall apply to any packet or document forwarded under this paragraph.

(4) A copy of the statement referred to in sub-paragraph (1)(b) shall be provided by the constituency returning officer to the Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.