

SCHEDULE 4

Combination of polls

PART 2

Modifications to Schedule 5 to apply where the poll at an Assembly election is taken together with a poll at a local government election under Article 16 (1) or (2)

Modifications to Schedule 5: general provision

4. Where the poll at an Assembly election is taken with the poll at a local government election under article 16(1) or (2), Schedule 5 shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

Rule 28 of Schedule 5 (colour of ballot papers)

5. At the end of rule 28 of Schedule 5 add—

“And the ballot paper to be used at an Assembly election shall be of a different colour from that of any ballot paper to be used at a local government election the poll for which is taken together with the poll for the Assembly election.”.

Rule 32 of Schedule 5 (notice of poll)

6. At the end of rule 32 of Schedule 5 add—

“(5) Where the poll at an Assembly election is taken together with a poll at a local government election the notice published under paragraph (2) or (3) shall—

- (a) state that the poll at the Assembly election is to be taken together with the poll at a local government election;
- (b) specify the relevant local authority and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
- (c) where the polls are to be taken together in part of an Assembly constituency only, specify that part.”.

Rule 36 of Schedule 5 (issue of official poll cards)

7. At the end of rule 36 of Schedule 5 add—

“(10) Where a poll at an Assembly election is taken together with a poll at a local government election an official poll card issued under this paragraph may be combined with an official poll card issued at the local government election.”.

Rule 37 of Schedule 5 (equipment of polling stations)

8.—(1) After rule 37(4) of Schedule 5 insert—

“(4A) The same ballot box may be used for the poll at the Assembly election and for the poll at the local government election.

(4B) Where the same ballot box is not used under paragraph (4A) each ballot box shall be clearly marked with—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the election to which it relates, as shown on the ballot papers for that election; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma.””.

(2) For rules 37(14) to (15) of Schedule 5 substitute—

“(14) Where a poll at an Assembly election is taken together with a poll at a local government election, the notice in form CP set out in English and Welsh in Schedule 10, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(15) Where the poll at an Assembly election is taken together with a poll at a local government election in every compartment of every polling station there shall be exhibited the notice—

(a) in respect of a constituency election—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(b) in respect of a regional election—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(c) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than . . . candidates on the local government ballot paper coloured [*colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy na(g) . . . o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidleisiau eu cyfrif.”; or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*lliw' papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; and

(d) in respect of a local government election which is a mayoral election —

“[*Vote for one candidate only*] [*Vote once for your first choice and once for your second choice*] on the mayoral ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.”

“[Pleidleisiwch dros un ymgeisydd yn unig] [Pleidleisiwch unwaith dros eich dewisiad cyntaf ac unwaith dros eich ail ddewisiad] ar y papur pleidleisio maerol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”,

and paragraph (16) does not apply.”.

Rule 38 of Schedule 5 (appointment of polling and counting agents)

9. After rule 38(7) of Schedule 5 insert—

“(7A) Where the poll at an Assembly election is taken together with a poll at a local government election notices of the appointment of polling agents which are required by paragraphs (5), (6) and (7) to be given to the returning officer shall be given to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4.”.

Rule 41 of Schedule 5 (admission to polling station)

10. After paragraph (1)(h) of rule 41 insert—

“(i) persons entitled to be admitted to the polling station at the local government election.”.

Rule 44 of Schedule 5 (questions to be put to voters)

11.—(1) In questions 1(b), 2, 3(a) and (b), 4, 5(b), 6 and 7 in column (2) of the Table to rule 44 of Schedule 5, before “election” insert “Assembly”.

(2) In questions 1(b), 2, 3(a) and (b), 4, 5(b), 6 and 7 in column (2) of the Table to rule 44 of Schedule 5, after “yr etholiad hwn” insert “i'r Cynulliad”.

Rule 46 of Schedule 5 (voting procedure)

12. At the end of rule 46 of Schedule 5 add—

“(8) Where the poll at an Assembly election is taken together with a poll at a local government election the same copy of the register of electors or where paragraph (3) applies, the same copy of the notice may be used under paragraph (1) for each election and—

- (a) one mark may be placed in that register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been received in respect of each election; and
- (b) where a ballot paper has not been issued in respect of each election, a different mark shall be placed in the register, on the notice or list so as to identify the election in respect of which the ballot paper was issued.”.

Rule 47 of Schedule 5 (votes marked by presiding officer)

13. At the end of rule 47 of Schedule 5 add—

“(6) Where the poll at an Assembly election is taken together with a poll at a local government election the same list of votes marked by the presiding officer may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which a ballot paper was so marked.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 48 of Schedule 5 (voting by persons with disabilities)

14. At the end of rule 48 of Schedule 5 add—

“(10) Where the poll at an Assembly election is taken together with a poll at a local government election the same list of voters with disabilities assisted by companions may be used for each election and, where it is so used, an entry in that list shall be taken to mean the votes were so given in respect of each election, unless the list identifies the election at which a vote was so given.”.

Rule 49 of Schedule 5 (tendered ballot papers)

15. At the end of rule 49 of Schedule 5 add—

“(13) Where the poll at an Assembly election is taken together with a poll at a local government election the same tendered votes list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.”.

Rule 51 of Schedule 5 (correction of errors on the day of poll)

16. At the end of rule 51 of Schedule 5 add—

“Where the poll at an Assembly election is taken together with a poll at a local government election the same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election, unless the list identifies the election for which a ballot paper was issued”.

Rule 52 of Schedule 5 (adjournment of poll in case of riot)

17. After rule 52(1) of Schedule 5 insert—

“(1A) Where the poll at an Assembly election is taken together with a poll at a local government election, and the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 is not a constituency returning officer, the notice required to be given under paragraph (1)(b) or (c) shall also be given to the first mentioned returning officer.”.

Rule 53 of Schedule 5 (procedure on close of poll)

18.—(1) After rule 53(1) of Schedule 5 insert—

“(1A) Where paragraph (1) applies and the poll is taken together with a poll at a local government election the contents of the packets referred to in paragraph (1)(b) to (e), (g) and (h) shall not be combined with the contents of packets made under the corresponding rule that applies at a local government election; nor shall the statement prepared under paragraph (4) be so combined.”.

(2) After rule 53(2) of Schedule 5 insert—

“(2A) Where paragraph (2) applies and the poll is taken together with a poll at a local government election—

(a) the contents of the packets referred to in paragraph (2)(b), (c), (e) and (f) shall not be combined with the contents of packets made under the corresponding rule that applies at a local government election; nor shall the statement prepared under paragraph (4) be so combined; and

- (b) references to the constituency returning officer in paragraph (3) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4.”.

Rule 54 of Schedule 5 (time of, and attendance at, counting of votes)

19.—(1) After rule 54(2) of Schedule 5 insert—

“(2A) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer at the Assembly election does not discharge the functions specified in paragraph 2 of Schedule 4 (so that sub-paragraph (1) does not apply), the constituency returning officer shall make arrangements for counting the votes in the presence of the counting agents after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and he shall also give to the counting agents notice in writing of the time and place he will begin to count the votes if he has by then received the ballot papers.

(2B) At a regional election notice under paragraph (2A) shall also be given to the regional returning officer.”.

(2) In rule 54(6), before “the efficient” insert “the efficient separating of the ballot papers or, as the case may be,”.

Rule 55 of Schedule 5 (the count)

20.—(1) For rules 55(1) to (3) of Schedule 5 substitute—

“(1) Where the poll at an Assembly election is taken together with the poll at a local government election and if the constituency returning officer for the Assembly constituency discharges the functions specified in paragraph 2 of Schedule 4, he must—

- (a) in the presence of the counting agents appointed for the purposes of the Assembly and local government elections open each ballot box and record separately the number of ballot papers in each box for each election;
- (b) in the presence of the election agents appointed for the purposes of the Assembly and local government elections verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to each election;
- (e) make up into packets the ballot papers for each election other than the Assembly elections and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver, or cause to be delivered, to the returning officer at the election to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and
- (g) at the same time deliver, or cause to be delivered, to that officer packets that so relate containing,—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers; and
 - (iii) the completed corresponding number lists and the certificates as to employment on duty on the day of the poll.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) Where separate ballot boxes have been used, no vote shall be rendered invalid solely by the ballot paper being placed in the wrong ballot box.

(2A) After the completion of the proceedings under paragraph (1) the returning officer shall separately mix together all the ballot papers used at the Assembly constituency election and those used at the Assembly regional election (or if only one poll is held in respect of an Assembly election, the ballot papers used at that election) and count the votes given on them.

(2B) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer does not discharge the functions specified in paragraph 2 of Schedule 4 he must—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 54(2A), in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) in respect of each Assembly election, mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them;

.and paragraph (12) shall not apply to these proceedings

(3) The proceedings described in paragraph (1) may be undertaken at a different place (or at different places) than a place at which the votes at an Assembly election are counted; but if the power is so exercised paragraph (4) does not apply with respect to the ballot papers and other documents relating to the local government election.”.

(2) Paragraphs (16) to (18) of rule 55 shall not apply to these proceedings.

Rule 67 of Schedule 5 (delivery of documents to relevant registration officer)

21. After rule 67(2) of Schedule 5 insert—

“(3) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer does not discharge the functions specified in paragraph 2 of Schedule 4, paragraph (2) shall have effect as if paragraphs (c) and (f) were omitted.”.

Rule 70 of Schedule 5 (constituency election: death of independent candidate)

22. After rule 70(5) of Schedule 5 insert—

“(6) neither the countermand of the notice of poll at the Assembly election nor the direction that the poll be abandoned shall affect the poll at the local government election.”.

Rule 73 of Schedule 5 (constituency election: death of party candidate)

23.—(1) After rule 73(2) of Schedule 5 insert—

“(2A) Neither the countermand of the notice of poll at the Assembly election nor the direction that the poll be abandoned shall affect the poll at the local government election.”.

(2) In paragraph (4) after “with reference to the” insert “Assembly”.

Rule 76 of Schedule 5 (abandoned poll)

24. After rule 76(10) of Schedule 5 insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(11) Where the poll at an Assembly election is taken together with a poll at a local government election and the poll at the Assembly election is abandoned by reason of a candidate’s death (and paragraph (10) does not apply) the steps required by the presiding officer at such a polling station by paragraph (2) shall take place at the close of poll; and in paragraph (3)—

- (a) references to the constituency returning officer shall be construed as references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 5; and
- (b) “having separated the ballot papers relating to the local government election,” shall be construed as having been inserted after “constituency returning officer”.

Schedule 10 (appendix of forms)(form CP)

25. In Schedule 10, after form CP insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form CPI Form of directions for the guidance of voters in voting

Rule 37(14) of Schedule 5 as substituted by paragraph 8(2) of Schedule 4

Guidance for Voters

1. When you are given the ballot papers go to one of the compartments.
2. At an Assembly election you may vote once on *[each][the]* ballot paper. Mark your choice with a cross (X) in the box on the right hand side of the paper opposite the name of the candidate or party for whom you are voting.
3. At the local government election*[s]*, *[each][the]* ballot paper*[s]* state*[s]* how many times you may vote. Mark your choice*[s]* with a cross (X) in the box on the right hand side of the paper*[s]* opposite the name*[s]* of the candidate*[s]* for whom you are voting.
4. Vote only for the number of candidates specified on *[each][the]* ballot paper. Put no other mark on the ballot paper or your vote may not be counted.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
6. Fold the ballot papers so as to conceal your vote and to show the back of the ballot paper to disclose the number and unique identifying mark to the presiding officer. Do not let anyone see your vote. Put each ballot paper in the *[appropriate]* ballot box and leave the polling station.

Cyfarwyddyd i Bleidleiswyr

1. Pan gewch chi'r papurau pleidleisio, ewch i un o'r bythau.
2. Mewn etholiad ar gyfer y Cynulliad, gallwch bleidleisio unwaith ar *[bob]* *[y]* papur pleidleisio. Marciwch eich dewis â chroes (X) yn y blwch ar ochr dde y papur gyferbyn ag enw'r ymgeisydd neu'r blaid yr ydych yn pleidleisio drosto/drosti.
3. Yn yr etholiad *[au]* llywodraeth leol, mae *[pob]* *[y]* papur*[au]* pleidleisio yn datgan faint o weithiau y cewch chi bleidleisio. Marciwch eich dewis*[iadau]* â chroes (X) yn y blwch ar ochr dde y papur*[au]* gyferbyn ag enw*[au]*'r ymgeisydd*[ymgeiswyr]* yr ydych yn pleidleisio drosto/drostynt.
4. Pleidleisiwch dros nifer yr ymgeiswyr a bennir ar *[bob][y]* papur pleidleisio – dim mwy, dim llai. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.
5. Os byddwch chi'n difetha papur pleidleisio trwy gamgymeriad, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.
6. Plygwch y papurau pleidleisio fel eich bod yn cuddio eich pleidlais ac yn dangos cefn y papur pleidleisio i ddangos y rhif a'r marc adnabod unigryw i'r swyddog llywyddu. Peidiwch â gadael i newb weld eich pleidlais. Rhowch bob papur pleidleisio yn y blwch pleidleisio *[priodol]* a gadael ye orsaf bleidleisio.
* delete as appropriate..

Schedule 10 (appendix of forms) (form CQ)

26.—(1) In Schedule 10, the form CQ shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In that part of the form in English for “the Assembly election now being held in this *[constituency]* *[and]* *[electoral region]*” substitute “the elections now being held in this Assembly constituency *[, Assembly electoral region]* and, in the case of a local government election which is not a mayoral election, *[name of electoral area for which election is held and name of local government area]* or, in the case of a local government election which is a mayoral election, *[name of local government area]*”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) In that part of the form in Welsh for “yn etholiad y Cynulliad a gynhelir yn awr yn yr [etholaeth hon] [a'r] [rhanbarth etholiadol hwn]” substitute “yr etholiadau a gynhelir yn awr yn yr etholaeth y cynulliad hon [, y rhanbarth etholiadol Cynulliad hwn] ac, yn achos etholiad llywodraeth leol nad yw yn etholiad maerol, [enw'r ardal etholiadol y cynhelir yr etholiad hwn ar ei chyfer ac enw'r ardal llywodraeth leol] neu, yn achos etholiad llywodraeth leol sydd yn etholiad maerol, [enw'r ardal llywodraeth leol]”.