

SCHEDULE 5

Assembly election rules

PART 3

Contested elections

General provisions

Poll to be taken by ballot

23.—(1) At a constituency election the votes at the poll shall be given by ballot and the result shall be ascertained, after counting the votes given to each candidate, in accordance with section 4(4) of the 1998 Act; and the candidate to whom the majority of votes has been given shall be declared to have been elected.

(2) At a regional election the votes at the poll shall be given by ballot and the results shall be ascertained, after counting the electoral region votes given to each individual candidate or registered political party, in accordance with sections 4(5) and (6) and 5 to 7(1) of the 1998 Act; and the candidates who, in accordance with those provisions, are returned as Assembly members shall be declared to have been elected.

(3) In respect of an Assembly election held after the 2007 Assembly general election—

- (a) paragraph (1) shall have effect as if the reference to section 4(4) of the 1998 Act were a reference to section 6(4) of the 2006 Act; and
- (b) paragraph (2) shall have effect as if the references to sections 4(5) and (6) and 5 to 7 of the 1998 Act were a reference to sections 6(5) and 7 to 9 of the 2006 Act.

The ballot paper at a constituency election

24.—(1) At a constituency election, the ballot of every voter shall consist of a ballot paper.

(2) The persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

(3) Every ballot paper shall be in form CK in Schedule 10, and shall be printed in accordance with the directions in form CK1 in that Schedule and—

- (a) shall contain the names and other particulars of the candidates shown in the statement of persons nominated;
- (b) shall be capable of being folded up; and
- (c) shall have a number and other unique identifying mark printed on the back.

(4) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

(5) If a certificate received by the constituency returning officer under rule 5(1) or (3) has requested that a registered political party's registered emblem (or, as the case may be, one of the party's registered emblems) is to be shown on the ballot paper against the candidate's particulars, the ballot paper shall contain that emblem in that way.

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The ballot paper at a regional election

25.—(1) At a regional election, the ballot of every voter shall consist of a ballot paper.

(2) The following, namely—

(a) the persons shown in the statement of persons nominated standing nominated as individual candidates; and

(b) the registered political parties which have submitted a party list and are shown in the statement of persons nominated as standing nominated, together with the party list candidates appearing on the party list of each such party and as standing nominated,

and no others, shall be entitled to have their names and descriptions inserted in the ballot paper.

(3) Every ballot paper shall be in form CL in Schedule 10, and shall be printed in accordance with the directions in form CL1 in that Schedule, and—

(a) shall contain the names and descriptions of the individual candidates shown in the statement of persons nominated;

(b) shall contain the names or, as the case may be, descriptions of the registered political parties shown in the statement of persons nominated together with the names of the candidates included on those parties' lists;

(c) shall be capable of being folded up; and

(d) shall have a number and other unique identifying mark printed on the back (together with a mark or other distinguishing feature by which the Assembly constituency can be identified in which the vote is to be given in relation to the ballot paper).

(4) The order of—

(a) the names of the individual candidates; and

(b) the names or, as the case may be, descriptions of the registered political parties (together with, in respect of each such name (or names) or, as the case may be, description of a registered political party, the names of its party list candidates),

in the ballot paper shall be the same order as in the statement of persons nominated.

(5) If a certificate received by the regional returning officer under rule 8(1) has requested that the registered political party's registered emblem (or, as the case may be, one of the party's registered emblems) is to be shown on the ballot paper against the party's description, the ballot paper shall contain that emblem in that way.

Polls with two ballot papers

26.—(1) Where the poll at a regional election is to be taken together with the poll at a constituency election for a relevant constituency, the constituency returning officer shall ensure that the number on the back of a constituency ballot paper is the same as the number on the back of one (but not more than one) regional ballot paper.

(2) A constituency is a relevant constituency for the purposes of paragraph (1) if it is situated in the region in respect of which the regional election is being held.

Corresponding number list

27.—(1) The constituency returning officer must prepare a list containing the numbers and other unique identifying marks of all ballot papers to be issued by him in pursuance of rule 33(1) or provided by him in pursuance of rule 37(1).

(2) The list shall be in form CM as set out in English and Welsh in Schedule 10.

Colour of ballot papers

28. Where at Assembly elections, an elector is entitled to give two votes, the ballot paper for each vote shall be of a different colour.

The official mark

29.—(1) Every ballot paper must contain an appropriate security marking (in this rule and in rule 58 referred to as “the official mark”).

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark—

- (a) at elections for the same Assembly constituency; or
- (b) in relation to the same Assembly constituency, at elections in the same Assembly electoral region.

(3) The appropriate returning officer may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

30. No person who has voted at an Assembly election shall, in any legal proceedings to question the election or return, be required to state how he voted.

Use of schools and public rooms

31.—(1) At an Assembly election the constituency returning officer may use, free of charge, for the purpose of taking the poll—

- (a) a room in a school to which this paragraph applies; or
- (b) a room, the expense of maintaining which is payable wholly or mainly out of public funds.

(2) This rule applies to a school maintained or assisted by a local education authority, or a school in respect of which grants are made out of money provided by the Assembly or by Parliament to the person or body of persons responsible for the management of the school.

(3) The constituency returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned by reason of its being used for the purpose of taking the poll.

Action to be taken before the poll

Notice of poll

32.—(1) The appropriate returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and the hours during which the poll will be taken.

(2) In the case of a constituency election, the constituency returning officer shall also prepare and publish a notice (which may be combined with the statement of persons nominated under paragraph 16) setting out—

- (a) the situation of each polling station; and
- (b) the description of voters entitled to vote there,

and he shall as soon as practicable after publishing such notice give a copy of it to each of the election agents.

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(3) In the case of a regional election, the constituency returning officer for each Assembly constituency in the Assembly electoral region shall prepare and publish a notice (which may be combined with the statement of persons nominated under rule 17) setting out—

- (a) the situation of each polling station in the Assembly constituency for which he is returning officer; and
- (b) the description of voters entitled to vote there,

and he shall as soon as practicable after publishing such notice—

- (i) give a copy of it to each of the election agents; and
- (ii) deliver, or cause to be delivered, a copy of it to the regional returning officer.

(4) Where the polls at a constituency election and a regional election are to be taken together the notices prepared by a constituency returning officer under paragraphs (2) and (3) may be combined.

Postal ballot papers

33.—(1) Subject to paragraph (2), at an Assembly election the constituency returning officer shall in accordance with Schedule 3 issue to those entitled to vote by post—

- (a) a ballot paper; and
- (b) a postal voting statement,

in the appropriate forms set out in Schedule 10 together with such envelopes for their return in accordance with paragraph 11 of Schedule 3.

(2) In the case of a person who is entitled to give a constituency vote and an electoral region vote by post the provisions of paragraph (1) shall apply save the reference in paragraph (1) to “a ballot paper” shall be construed as a reference to a constituency ballot paper and a regional ballot paper and following references in this rule to “ballot paper” shall be construed accordingly.

(3) In the case of a ballot paper issued to a person resident in the United Kingdom, the constituency returning officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

(4) The constituency returning officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—

- (a) translations into languages other than English and Welsh of any directions to and guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance; or
- (d) the directions or guidance in any other form (including any audible form).

Provision of polling stations

34.—(1) At an Assembly election the constituency returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any polling district shall be in the polling place for that district.

(4) The constituency returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

Appointment of presiding officers and clerks

35.—(1) At an Assembly election the constituency returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of—

- (a) a candidate; or
- (b) a registered political party,

in or about the election.

(2) At a regional election the regional returning officer shall appoint and pay such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed in the circumstances described in paragraph (1)(a) or (b).

(3) The constituency returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a constituency returning officer so presiding with the necessary modifications as to things to be done by the constituency returning officer to the presiding officer or by the presiding officer to the constituency returning officer.

(4) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

36.—(1) At an Assembly election the constituency returning officer shall as soon as practicable after the publication of notice of the election send to electors and their proxies an official poll card.

(2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) In accordance with the following provisions of this rule, the official poll card shall set out—

- (a) the name of the Assembly constituency or electoral region for which the election is to be held, or, where the polls at a constituency election and a regional election are to be taken together, both such areas;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station; and
- (d) such other information, not relating to any candidate or registered political party, as the constituency returning officer considers appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different electors or descriptions of electors.

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the official poll card shall contain such matter as is specified in the appropriate form referred to in paragraph (5), (6), (7) or (8).

(5) The official poll card issued to an elector shall be in form CN1 set out in English and Welsh in Schedule 10.

(6) The official poll card issued to the proxy of an elector shall be in form CN2 set out in English and Welsh in Schedule 10.

(7) The official postal poll card issued to an elector shall be in form CN3 set out in English and Welsh in Schedule 10.

(8) The official postal poll card issued to the proxy of an elector shall be in form CN4 set out in English and Welsh in Schedule 10.

(9) In this rule—

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“elector” means a person—

- (a) who is registered in the register for the Assembly constituency or as the case may be, Assembly electoral region on the last day for publication of notice of the election in question; and
- (b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

Equipment of polling stations

37.—(1) At an Assembly election the constituency returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the constituency returning officer’s opinion may be necessary.

(2) Where the polls at a constituency election and a regional election are to be taken together, the same ballot box may be used for the receipt of ballot papers at the regional election and at the constituency election if the constituency returning officer so determines and a determination may make different provision for different polling stations.

(3) Where separate ballot boxes are to be used for the receipt of ballot papers at a constituency election and at a regional election, each ballot box shall be clearly marked with—

- (a) the Assembly election to which it relates; 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”.

(4) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it without the seal being broken.

(5) The constituency returning officer shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register or such part of it as contains the entries relating to the electors allotted to the station;
- (c) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (b); and
- (d) a list consisting of that part of the list prepared under rule 27 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station in the form CO set out in Schedule 10.

(6) The reference in paragraph (5)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act in respect of alterations to the register.

(7) The constituency returning officer shall for the assistance of voters who are partially-sighted provide each polling station with—

- (a) at least one large version of the ballot paper which complies with the relevant provision of article 141(6) and which shall be displayed inside the polling station;
- (b) an enlarged hand-held copy of the ballot paper which complies with the relevant provisions of article 141(7) and (8); and
- (c) a device of the description set out in paragraphs (8) and (9), for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 48(1)).

(8) The device referred to in paragraph (7)(c) must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(9) On one side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (10) to (13).

(10) The tabs must be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of—

(a) in the case of a constituency election, the particulars of a constituency candidate; or,

(b) in the case of a regional election—

(i) the name or names or, as the case may be, description of a registered political party;
or

(ii) the particulars of an individual candidate,

and on which the vote is to be marked (“the relevant space”).

(11) Each tab shall be numbered so that when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate, or as the case may be, registered political party, whose details (as referred to in paragraph (10)) are to the left of the relevant space covered by the tab in question.

(12) Each number on a tab shall be in raised form so that it can be clearly identified by touch.

(13) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

(14) A notice in the form of 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 there is a contested constituency election, in every compartment of every polling station there shall be exhibited the notice—

(a) in the case where votes are also given at the polling station in respect of a contested regional 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.

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

(b) in any other case—

“Vote for one candidate only on the ballot paper. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”

(16) Where there is a contested regional election, in every compartment of every polling station there shall be exhibited the notice—

(a) in the case where votes are also given at the polling station in respect of a contested constituency 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.

Pleidleisiwch 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.”; or

(b) in any other case—

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“Vote once only on the 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. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.

(17) The appropriate statement of persons nominated referred to in rule 16 and rule 17 shall be printed in conspicuous characters and exhibited inside and outside every polling station.

Appointment of polling and counting agents

38.—(1) Subject to paragraph (2), at a constituency election each candidate may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
- (b) counting agents to attend at the counting of the votes.

(2) The constituency returning officer may limit the number of counting agents that may be appointed under paragraph (1), so that—

- (a) the number shall be the same in the case of each candidate; and
- (b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(3) Subject to paragraph (4), at a regional election each—

- (a) individual candidate; and
- (b) election agent for a registered political party standing nominated,

may, before the commencement of the poll, appoint in relation to each Assembly constituency in the Assembly electoral region—

- (i) polling agents to attend at polling stations for the purpose of detecting personation; and
- (ii) counting agents to attend at the counting of the votes.

(4) The constituency returning officer may, in relation to the Assembly constituency for which he is the returning officer, limit the number of counting agents that may be appointed under paragraph (3), so that—

- (a) the number shall be the same in the case of each individual candidate or registered political party; and
- (b) the number allowed to an individual candidate or registered political party shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the total of the number of individual candidates and registered political parties standing nominated.

(5) Notice in writing of an appointment under paragraph (1) or (3), stating the name and address of the person appointed, shall be given by the person making the appointment to the constituency returning officer and shall be so given not later than the second day (computed like any period of time set out in the Table in rule 1(1)) before the day of the poll.

(6) If an agent dies, or becomes incapable of acting, the person who appointed him 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.

(7) Any appointment authorised by this rule to be made by a constituency or an individual candidate may be made, and the notice of appointment given to the constituency returning officer, by the candidate’s election agent instead of by the candidate.

(8) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted number.

(9) Any notice required to be given to a counting agent by the constituency returning officer may be delivered at or sent by post to the address stated in the notice of appointment.

(10) Any candidate may do himself any act or thing which any polling or counting agent, if appointed by him or on his behalf, would have been authorised to do, or may assist such agent in doing any such act or thing.

(11) An election agent for a constituency or an individual candidate or a registered political party standing nominated may do or assist in doing anything which a polling or counting agent of that candidate or party is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of such an election agent instead of such polling or counting agents.

(12) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent 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

39. At an Assembly election the constituency returning officer shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of article 35(1), (3) and (6); and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of article 35(2) and (6).

Return of postal ballot papers

40.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list; or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the constituency returning officer must mark the appropriate list accordingly.

(2) Rule 55(6) does not apply for the purposes of determining whether, for the purposes of this paragraph, a postal vote or a proxy postal vote is returned.

The poll

Admission to polling station

41.—(1) The presiding officer shall exclude all persons from the polling station except—

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;

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- (c) the candidates and the election agents of any constituency or individual candidates or in relation to any registered political party standing nominated, the election agent of such party in respect of the list it has submitted;
 - (d) the polling agents appointed to attend at the polling station;
 - (e) the clerks appointed to attend the polling station;
 - (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Political Parties Act⁽²⁾;
 - (g) the constables on duty; and
 - (h) the companions of voters with disabilities.
- (2) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.
- (3) Not more than one party list candidate from the same party list submitted by a registered political party shall be admitted at the same time to a polling station.
- (4) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same constituency or individual candidate or on behalf of the same registered political party.
- (5) A constable or person employed by a constituency or regional returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of this Order, except on production and surrender of a certificate as to his employment, which shall be in form CB set out in Schedule 10 and signed by an officer of police of the rank of inspector or above or by the returning officer, as the case may be.
- (6) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in the polling station

- 42.**—(1) It is the presiding officer's duty to keep order at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—
- (a) by a constable in or near that station; or
 - (b) by any other person authorised in writing by the constituency returning officer to remove him,
- and the person so removed shall not, without the presiding officer's permission, enter the polling station again during the day.
- (3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

- 43.** Immediately before the commencement of the poll, the presiding officer shall—
- (a) show each ballot box proposed to be used for the purposes of the poll empty to such persons, if any, as are present in the polling station, so that they may see that each box is empty;

(2) Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

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- (b) place his seal on it in such a manner as to prevent it being opened without breaking the seal;
- (c) place each box in his view for the receipt of ballot papers; and
- (d) keep it so sealed.

Questions to be put to voters

44.—(1) At the time that a person described in an entry in column 1 of the Table to this rule (“the Table”) applies for a ballot paper (but not afterwards) the presiding officer may put to that person the appropriate question (or if more than one any of them) set out opposite that entry.

(2) A question may be asked in English (as set out in column (2) of the Table) or Welsh (as set out in column (3) of the Table).

(3) In respect of a person described in entries 2, 4 or 6 of the Table, the questions set out opposite those entries may be asked only where the polls at a constituency election and a regional election are taken together.

(4) Where the letter “R” appears after a question the presiding officer shall put that question to the person described opposite if the candidate or his election or polling agent (including such an agent of a registered political party standing nominated) so requires.

(5) In the case of an elector in respect of whom a notice has been issued under section 13B (3B) or 13B(3D) of the 1983 Act, the references in the questions at 1(a), 5(a), (b) (c) and 6 to reading from the register must be taken as references to reading from the notice issued under section 13B (3B) or 13B (3D)(3).

(6) A ballot paper shall not be delivered to any person required to answer any of the questions unless that person has answered each question satisfactorily.

(7) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.

Table

<i>Column (1)</i>	<i>Column(2)</i>	<i>Column (3)</i>
Person applying for a ballot paper	Question to be asked in English	Question to be asked in Welsh
1. A person applying as an elector	<p>(a) “Are you the person registered in the register of local government electors as follows(<i>read out the whole entry from the register</i>)?”[R]</p> <p>(b) “Have you already voted, here or elsewhere, at this election, otherwise than as proxy for some other person?”[R]</p>	<p>(a) “Ai chi yw'r person sydd wedi ei gofrestru ar y gofrestr o etholwyr llywodraeth leol fel a ganlyn (<i>darllen allan y cofnod cyfan o'r gofrestr</i>)?”[R]</p> <p>(b) “A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn yr etholiad hwn, ar wahân i fel dirprwy dros berson arall?”[R]</p>
2. A person applying as an elector where that person is entitled to give two votes at the polling station and the presiding officer	“Have you already cast a constituency vote and an electoral region vote at this election, here	“A ydych eisoes wedi bwrw pleidlais etholaedol a phleidlais rhanbarth etholiadol yn yr etholiad hwn, yma neu yn rhywle arall, ar

(3) Section 13B was inserted into the Representation of the People Act 1983 by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Subsections (3B) and (3D) were inserted into section 13B by section 11(4) of the Electoral Administration Act 2006 (c. 22).

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<i>Column (1)</i>	<i>Column(2)</i>	<i>Column (3)</i>
has asked that person one or more of the questions at entry 1(a) and 1(b)	or elsewhere, otherwise than as a proxy for some person?"[R]	wahân i fel dirprwy dros berson arall?"[R]
3. A person applying as proxy	<p>(a) "Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?"[R]</p> <p>(b) "Have you already voted, here or elsewhere, at this election, as proxy on behalf of C.D.?"[R]</p> <p>(c) "Are you the spouse, civil partner, parent, grandparent, brother/ sister, child or grandchild of C.D.?"[R]</p>	<p>(a) "Ai chi yw'r person y mae eich enw yn ymddangos fel A.B. ar y rhestr o ddirprwyon ar gyfer yr etholiad hwn fel rhywun sydd â hawl i fwrw pleidlais ddirprwy ar ran C.D.?"[R]</p> <p>(b) "A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn yr etholiad hwn, fel dirprwy ar ran C.D.?"[R]</p> <p>(c) "Ai chi yw priod, partner sifil, rhiant, nain neu daid, brawd / chwaer, plentyn neu wŷr / wyres C.D.?"[R]</p>
4. A person applying as proxy on behalf of an elector who is entitled to give two votes at the polling station if the presiding officer has asked that person one or more of the questions at entry 3(a) and 3(b).	"Have you already cast a constituency vote and an electoral region vote, at this election here or elsewhere, on behalf of C.D.?"[R]	"A ydych eisoes wedi bwrw pleidlais etholiadol a phleidlais rhanbarth etholiadol, yn yr etholiad hwn neu yn rhywle arall, ar ran C.D.?"[R]
5. A person applying as proxy for an elector with an anonymous entry, instead of the questions at entry 3.	<p>(a) "Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is <i>(read out the number from the register)</i>?"[R]</p> <p>(b) "Have you already voted, here or elsewhere, at this election, as proxy on behalf of the elector whose number on the register of electors is <i>(read out the number from the register)</i>?"[R]</p> <p>(c) "Are you the spouse, civil partner, parent, grandparent, brother/ sister, child or grandchild of the elector whose number on the register of electors is <i>(read out the number from the register)</i>?"[R]</p>	<p>(a) "Ai chi yw'r person sydd â hawl i bleidleisio fel dirprwy ar ran yr etholwr sydd â'r rhif canlynol ar y gofrestr etholwyr ar ei gyfer (darllen allan y rhif o'r gofrestr)?"[R]</p> <p>(b) "A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn yr etholiad hwn, fel dirprwy ar ran yr etholwr sydd â'r rhif canlynol ar y gofrestr etholwyr ar ei gyfer (darllen allan y rhif o'r gofrestr)?"[R]</p> <p>(c) "Ai chi yw priod, partner sifil, rhiant, nain neu daid, brawd / chwaer, plentyn neu wŷr / wyres yr etholwr sydd â'r rhif canlynol ar y gofrestr etholwyr (darllen allan y rhif o'r gofrestr)?"[R]</p>
6. A person applying as proxy on behalf of an elector with an anonymous entry and that elector	"Have you already cast a constituency vote and an electoral region vote, here or elsewhere,	"A ydych eisoes wedi bwrw pleidlais etholiadol a phleidlais rhanbarth etholiadol, yma neu

<i>Column (1)</i>	<i>Column(2)</i>	<i>Column (3)</i>
is entitled to give two votes at the polling station, if the presiding officer has asked the person applying to vote as proxy one or more of the questions at entry 5(a) and 5(b).	at this election, on behalf of the elector whose number on the register of electors is <i>(read out the number from the register)?</i> ”[R]	yn rhywle arall, yn yr etholiad hwn, ar ran yr etholwr sydd â'r rhif canlynol ar y gofrestr etholwyr ar ei gyfer (darllen allan y rhif o'r gofrestr)?”[R]
7. A person applying as proxy, if the question at entry 3(c) or 5(c) is not answered in the affirmative.	“Have you at this election already voted in this constituency on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/ sister, child or grandchild?”[R]	“A ydych yn yr etholiad hwn eisoes wedi pleidleisio yn yr etholaeth hon ar ran dau person a chithau heb fod yn briod, partner sifil, rhiant, nain neu daid, brawd / chwaer, plentyn neu wŷyr / wyres iddynt?”[R]
8. A person applying as an elector in relation to whom there is an entry in the postal voters list.	(a) “Did you apply to vote by post?” (b) “ Why have you not voted by post?”	(a) “A wnaethoch wneud cais i bleidleisio drwy'r post?” (b) “ Pam na wnaethoch bleidleisio drwy'r post?”
9. A person applying as proxy who is named in the proxy postal voters list.	(a) “Did you apply to vote by post as proxy?” (b) “Why have you not voted by post as proxy?”	(a) “ A wnaethoch wneud cais i bleidleisio drwy'r post fel dirprwy?” (b) “Pam na wnaethoch bleidleisio drwy'r post fel dirprwy?”

Challenge of voter

45. A person shall not be prevented from voting by reason only that—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation⁽⁴⁾; or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

46.—(1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register shall be called out;
- (b) the number of the elector shall be marked on the list mentioned in rule 37(5)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark shall be placed in that copy of the register against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.

⁽⁴⁾ Personation is defined in article 30.

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(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act paragraph (1) is modified as follows—

- (a) in paragraph 1(a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in paragraph 1(c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(5) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

(6) Where the polls at a constituency election and a regional election are to be taken together the same copy of the register of electors or copy of the notice may be used under paragraph (1) for a constituency election and a regional election and one mark may be placed in that register or on that copy 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 except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, on the copy or in the list so as to identify the election in respect of which the ballot paper was issued.

(7) Subject to rule 50(4) where a voter is entitled to two votes, the constituency ballot paper and the regional ballot paper delivered to a voter shall bear the same number.

Votes marked by presiding officer

47.—(1) The presiding officer on the application of a voter—

- (a) who is incapacitated by blindness or other disability from voting in a manner directed by these rules; or
- (b) who declares orally that he is unable to read,

shall, in the presence of the polling agents, cause the voter’s vote to be marked on a ballot paper in a manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in this Schedule called “the list of votes marked by the presiding officer”).

(3) For the purposes of paragraph (2) in the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for “on the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(5) Where the polls at a constituency election and a regional election are to be taken together, the same list of votes marked by the presiding officer may be used for the constituency and regional elections at which the voters are entitled to vote 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 the ballot paper was so marked.

Voting by persons with disabilities

48.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated; and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of these rules; and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the Assembly election,

the presiding officer shall grant the application, and then anything which is by this Schedule required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of this rule, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote, if that person is either—

- (a) a person who is entitled to vote as an elector at the Assembly election; or
- (b) the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter with disabilities and has attained the age of 18 years.

(4) The name and number in the register of every voter whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”).

(5) For the purposes of paragraph (4), in the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(7) The declaration made by the companion—

- (a) shall be in form CQ set out in English and Welsh in Schedule 10;
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(8) No fee or other payment shall be charged in respect of the declaration.

(9) Where the polls at a constituency election and a regional election are to be taken together, the same list of voters with disabilities assisted by companions may be used for the constituency and regional elections at which the voters are entitled to vote and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which a vote was so given.

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Tendered ballot papers

49.—(1) If a person, representing himself to be—

- (a) a particular elector named on the register and not named in the postal voters list; or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register;
- (b) he is also named in the postal voters list; and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies;
- (b) he is also named in the proxy postal voters list; and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register and who is also named in the postal voters list; or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(7) A tendered ballot paper shall—

- (a) be of a colour different from the other ballot papers; and
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register, and set aside in a separate packet.

(8) The name of the voter and his number on the register shall be entered on a list (in these rules referred to as the “tendered votes list”).

(9) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name shall be the number of that elector.

(10) This rule applies to an elector who has an anonymous entry subject to the following modifications—

- (a) in paragraphs (7)(b) and (8) the references to the name of the voter must be ignored;

- (b) otherwise, a reference to a person named on a register or in a list must be construed as a reference to a person whose number appears on the register or in the list (as the case may be).

(11) This rule applies in the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act as if—

- (a) in paragraphs (1)(a), (2)(a) and (5)(a) for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”; and
- (b) in paragraphs (7)(b) and (8) for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(12) Where the polls at a constituency election and a regional election are to be taken together, the same tendered votes list for the constituency and regional elections at which the voters are entitled to vote may be used 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.

Spoilt ballot papers

50.—(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper (“the replacement ballot paper”) in the place of the ballot paper so delivered (in these rules referred to as a “spoilt ballot paper”), and the spoilt ballot paper shall be immediately cancelled.

(2) Paragraph (1) shall also apply in a case where a voter is entitled to give two votes at a polling station, but subject to paragraphs (3) and (4).

(3) Subject to paragraph (4), if the voter proves to the satisfaction of the presiding officer that only one ballot paper is spoilt inadvertently—

- (a) he shall nevertheless deliver both ballot papers (“the surrendered ballot papers”) to the presiding officer;
- (b) the presiding officer shall deliver to the voter two replacement ballot papers; and
- (c) the presiding officer shall treat both of the surrendered ballot papers as spoilt ballot papers and shall immediately cancel them.

(4) If a voter proves to the satisfaction of the presiding officer that one ballot paper is spoilt inadvertently and that the other ballot paper (“the used ballot paper”) has been placed in the ballot box—

- (a) the voter shall deliver the spoilt ballot paper (“the returned ballot paper”) to the presiding officer;
- (b) the presiding officer shall deliver to the voter a replacement ballot paper in place of the returned ballot paper notwithstanding that the number on the replacement ballot paper is not the same as the number on the used ballot paper previously delivered to the voter; and
- (c) the presiding officer in addition to cancelling the returned ballot paper shall treat the constituency or, as the case may be, regional ballot paper that has the same number as the replacement ballot paper delivered to the voter as a spoilt ballot paper and shall also immediately cancel it.

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Correction of errors on the day of poll

51. The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

Adjournment of poll in case of riot

52.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice—

- (a) in the case where the polls at a constituency election and at a regional election are taken together, to the constituency and to the regional returning officer; but otherwise
 - (b) in the case of a constituency election, to the constituency returning officer; or
 - (c) in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the polling station is situated and to the regional returning officer.
- (2) Where the poll is adjourned at any polling station—
- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
 - (b) references in this Order to the close of the poll shall be construed accordingly.

Procedure on close of poll

53.—(1) As soon as practicable after the close of the polls where the polls at a constituency election and at a regional election have been taken together, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened;
- (b) the unused and spoilt ballot papers placed together relating to the constituency election;
- (c) the unused and spoilt ballot papers placed together relating to the regional election;
- (d) the tendered ballot papers relating to the constituency election;
- (e) the tendered ballot papers relating to the regional election;
- (f) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (g) the lists prepared under rule 27, including the parts which were completed in accordance with rule 46(1)(b) (together referred to in these rules as “the completed corresponding number lists”);
- (h) the certificates as to employment on duty on the day of the poll; and
- (i) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 51 and the declarations made by the companions of voters with disabilities.

(2) Where paragraph (1) does not apply at an Assembly election, as soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

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- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened;
- (b) the unused and spoiled ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (e) the completed corresponding number lists;
- (f) the certificates as to employment on duty on the day of the poll; and
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 51 and the declarations made by the companions of voters with disabilities.

(3) The presiding officer shall deliver the packets made up under paragraph (1) or (2), or cause them to be delivered, to the constituency returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the constituency returning officer, the arrangements for their delivery shall require the constituency returning officer’s approval.

(4) The packets shall be accompanied by—

- (a) a separate statement relating to each Assembly election where paragraph (1) applies; or
- (b) a statement relating to the Assembly election where paragraph (2) applies,

(in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

Counting of votes

Time of, and attendance at, counting of votes

54.—(1) At an Assembly election the constituency returning officer shall—

- (a) (subject to paragraph (2)) make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll; and
- (b) give to the counting agents and, in the case of a regional election, to the regional returning officer, notice in writing—
 - (i) of the time and place at which the proceedings described in rule 55(1) will begin;
 - (ii) in the case where the power conferred by rule 55(3) is exercised, of the time and the place at which he will count the votes following completion of the proceedings described in rule 55(1); and
 - (iii) in the case of a direction under paragraph (2), of the time and the place at which he will count the votes following completion of the proceedings described in rule 55(1),

and a notice under this paragraph may be combined with another such notice.

(2) At an Assembly general election where there are polls at—

- (a) a regional election; and
- (b) constituency elections in the Assembly electoral region for which the regional election is held,

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the Secretary of State may direct each constituency returning officer for any constituency within that Assembly electoral region that the counting of votes (as provided for in rule 55(5)) in respect of the regional and each constituency election shall not begin before such time between the hours of 9 in the morning and noon on the day following the close of polls for those elections (disregarding any day mentioned in rule 2) as is specified in the direction.

(3) A direction given under paragraph (2) shall be given not later than 28 days before the date of the poll at the Assembly general election in question.

(4) Where a direction is given under paragraph (2), then during the period beginning with the conclusion of the proceedings described in rule 55(1) and ending with the time specified in the direction, the constituency returning officer shall—

- (a) place the ballot papers and other documents relating to each election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

(5) No person other than—

- (a) the constituency returning officer and his clerks;
- (b) the candidates and one other person chosen by each of them;
- (c) the election agents;
- (d) the counting agents;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Political Parties Act; and
- (f) in the case of a regional election, the regional returning officer,

may be present at the proceedings described in rule 55(1) or at the counting of the votes, unless permitted by the constituency returning officer.

(6) A person not entitled to attend at the proceedings described in rule 55(1) or at the counting of the votes shall not be permitted to do so by the constituency returning officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(7) The constituency returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(8) In particular, where the votes are counted by sorting the ballot papers according to—

- (a) a candidate for whom a vote is given in the case of a constituency election; or
- (b) an individual candidate for whom, or a registered political party for which, a vote is given in the case of a regional election,

and then counting the number of ballot papers for each such candidate or party, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

55.—(1) Subject to paragraph (8) where the polls at a regional election and at a constituency election for a constituency situated in that region are held on the same day, the constituency returning officer shall—

- (a) in the presence of the counting agents appointed for the purposes of each election open each ballot box and count 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 each election verify each ballot paper account;
 - (c) count such of the postal ballot papers as have been duly returned and record separately the number counted for each election; and
 - (d) separate the ballot papers relating to each election.
- (2) Where separate ballot boxes are used at polls in respect of a regional election and a constituency election for a constituency situated within that region, no vote shall be rendered invalid solely by the ballot paper being placed in the wrong ballot box.
- (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 given on ballot papers are counted.
- (4) But if the power in paragraph (3) is exercised, during the period beginning with the conclusion of the proceedings described in paragraph (1) and ending with the commencement of proceedings described in paragraph (5), the constituency returning officer shall—
- (a) place the ballot papers and other documents relating to each election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
 - (b) otherwise take proper precautions for the security of the papers and documents.
- (5) Subject to paragraphs (3) and (4) and any direction under rule 54(2), following completion of the proceedings described in sub-paragraph (1) the constituency returning officer shall in respect of the ballot papers relating to each election mix together all the ballot papers used at that election and count the votes given on them.
- (6) A postal ballot paper shall not be taken to be duly returned unless—
- (a) before the close of the poll—
 - (i) it is returned by hand or post and reaches the constituency returning officer; or
 - (ii) it is returned by hand to a polling station in the same constituency as that for which that returning officer is appointed;
 - (b) the postal voting statement duly signed is, before that time also returned either—
 - (i) by hand or post and reaches the constituency returning officer; or
 - (ii) by hand and reaches such a polling station;
 - (c) the postal voting statement also states the date of birth of the elector or, as the case may be, proxy; and
 - (d) in a case where the constituency returning officer takes steps to verify the date of birth and signature of the elector or, as the case may be, proxy in accordance with paragraph 23 or, as the case may be, 24 of Schedule 3, he so verifies the date of birth and signature of that elector or, as the case may be, proxy.
- (7) The presiding officer of the polling station shall deliver or cause to be delivered any postal ballot paper or postal voting statement returned to that polling station to the constituency returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 53.
- (8) The constituency returning officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of paragraph (7) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.
- (9) Where the constituency returning officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with paragraph (8) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.
- (10) The constituency returning officer shall not count any tendered ballot paper.

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(11) The constituency returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(12) The constituency returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent appointed for the purposes of that election may copy; but where the power conferred by paragraph (3) is exercised in respect of more than one place a statement shall be drawn up in respect of each such place.

(13) The constituency returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents appointed for the purpose of that election agree, exclude the hours between 7 in the evening and 9 on the following morning.

(14) For the purposes of the exception in paragraph (13), the agreement of—

- (a) in the case of a constituency election, a candidate or his election agent; or
- (b) in the case of a regional election, an individual candidate or his election agent or the election agent for a registered political party,

shall be as effective as the agreement of his or its counting agents.

(15) During the time so excluded the constituency returning officer shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

(16) In relation to an Assembly election to which paragraph (1) does not apply—

- (a) paragraph (17) shall apply in its place;
- (b) the references in paragraphs (3) and (4) and in rule 54(1), (5) and (6) to paragraph (1) shall be construed as references to paragraph (17);
- (c) “each election” in paragraph (4)(a) shall be construed as a reference to “the election”; and
- (d) paragraph (18) shall apply in place of paragraph (5) and the reference to paragraph (5) in paragraph (4) shall be construed as a reference to paragraph (18).

(17) The constituency returning officer shall—

- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in those boxes;
- (b) in the presence of the election agents verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(18) Subject to paragraphs (3) and (4), following completion of the proceedings described in paragraph (17) the constituency returning officer shall count the votes given on the ballot papers after—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

Re-count at a constituency election

56.—(1) At a constituency election a candidate or his election agent may, if present when the counting or any re-count of the votes is completed, require the constituency returning officer to have the votes re-counted or again re-counted but the constituency returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Re-count of electoral region votes in an Assembly constituency

57.—(1) At a regional election and prior to the certification required by rule 61(1)—

- (a) an individual candidate or his election agent;
- (b) a party list candidate or an election agent for a registered political party standing nominated; or
- (c) subject to paragraph (3), a counting agent for an individual candidate or a registered political party standing nominated,

may, if present when the counting or any re-count of the votes is completed in a constituency, require the constituency returning officer to have the votes re-counted or again re-counted but the constituency returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates, election agents and counting agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(3) Where no candidate or election agent is present on the completion of the counting or any re-count of votes, the right conferred on that person by this rule (if he had been present) may be exercised by a counting agent referred to in paragraph (1)(c) so present provided that in his terms of appointment as a counting agent he is authorised to exercise the right conferred by this rule; but not more than one such counting agent for the same individual candidate or registered political party standing nominated may be appointed for the purposes of this rule in relation to the same Assembly constituency.

Rejected ballot papers

58.—(1) Any ballot paper—

- (a) which does not bear the official mark;
- (b) on which more than one vote is given;
- (c) on which anything is written or marked by which the voter can be identified except the printed number or other unique identifying mark on the back; or
- (d) which is unmarked or void for uncertainty,

shall, subject to the provisions of paragraph (2), be void and not counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

shall not for such reason be deemed to be void if an intention how the vote is to be given clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified by it.

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(3) At a regional election, a ballot paper on which a vote is marked for a particular party list candidate on the party list of a registered political party shall, if otherwise valid, be treated as a vote for that party, whether or not there is also a vote marked for that party.

(4) The constituency returning officer shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if an objection is made by a counting agent to his decision.

(5) The constituency returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) giving more than one vote;
- (c) writing or mark by which voter could be identified; and
- (d) unmarked or void for uncertainty.

Decisions on ballot papers

59. The decision of the constituency returning officer at an Assembly election on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an Assembly election petition.

Equality of votes at a constituency election

60. At a constituency election, where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the constituency returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Regional election: conveying results of count etc. to regional returning officer

61.—(1) At the conclusion of the count of ballot papers in an Assembly constituency at a regional election the constituency returning officer shall, in accordance with any directions given by the regional returning officer, certify—

- (a) the number of ballot papers counted by him and the total number of votes given for each individual candidate or registered political party; and
- (b) the number of rejected ballot papers under each head shown in the statement under rule 58(5), and

forthwith convey that information to the regional returning officer.

(2) Where the regional returning officer has received the information required to be conveyed to him under paragraph (1) from each constituency returning officer for an Assembly constituency in the Assembly electoral region, he shall certify the totals of the numbers referred to in paragraph (1) for the electoral region.

(3) After a constituency returning officer has conveyed to the regional returning officer the information required to be conveyed under paragraph (1) he may, subject to paragraph (4) give public notice in such manner as he considers appropriate of the information so conveyed.

(4) The regional returning officer may direct that the constituency returning officer may only give the notice referred to in paragraph (3) after the regional returning officer has given the notice that he is required to give under rule 64(1)(d).

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