
STATUTORY INSTRUMENTS

2013 No. 2893

The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2013

Amendment of Schedule 1 to the European Parliamentary Elections (Northern Ireland) Regulations 2004

14.—(1) In Schedule 1, rule 55 (first stage) is amended as follows.

(2) In the heading, for “First stage” substitute “Initial stages”.

(3) After paragraph (1) insert—

“(1A) Where one or more of the candidates is an ineligible candidate the returning officer must—

- (a) exclude each ineligible candidate from the election at this stage, and
- (b) take the steps in paragraphs (1B)-(1G) before proceeding to count the number of first preference votes under paragraph (2).

(1B) The returning officer must sort all the ballot papers on which a first preference is indicated for any ineligible candidate into two sub-parcels so that they are grouped as—

- (a) ballot papers on which a next available preference is given, and
- (b) ballot papers on which no such preference is given⁽¹⁾.

(1C) The returning officer must transfer each sub-parcel of ballot papers referred to in paragraph (1B)(a) to the candidate for whom the next available preference is given on those papers.

(1D) The next available preference on a ballot paper transferred under paragraph (1C) must be treated as a first preference vote for the purpose of these rules⁽²⁾, and in any subsequent transfer of ballot papers under these rules the next available preference must be treated as indicating a “second preference”, “third preference” and so on.

(1E) All ballot papers transferred under paragraph (1C) must be clearly marked, either individually or as a sub-parcel, so as to indicate that the vote has been transferred from an ineligible candidate.

(1F) The sub-parcel of ballot papers referred to in paragraph (1B)(b) must be—

- (a) treated as void and not counted; and
- (b) dealt with in accordance with rule 54(2) to (4).

(1) This sub-parcel will include ballot papers on which preferences are given only for ineligible candidates. This rule interacts with the definition of “preference” in rule 52 (as amended by regulation 12(5) of these Regulations). By that definition, a “next available preference” is a second or subsequent preference recorded in consecutive order for a continuing candidate, meaning a candidate who has not been deemed to be elected or excluded either as ineligible or under rule 59. At this stage of the count, an ineligible candidate will have been excluded (rule 55(1A)(a)). Accordingly, if a second, third or subsequent preference is indicated for an ineligible candidate, that indication will not count as a “next available preference”.

(2) This will mean that, where ballot papers have been transferred from an ineligible candidate to the “next available preference”, the references to a first preference vote in rules 52, 55(2), 57(1), 58(2), 59(2) and (10), 64(1) and 71(2) must be read as including that “next available preference”.

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(1G) Where a ballot paper is so marked that it is unclear to the returning officer for which candidate the next preference is recorded, the returning officer must treat that ballot paper as a ballot paper on which no next available preference is given, and a ballot paper must be so treated where, for example, the names of two or more candidates are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.

(1H) The exclusion of a candidate under this rule constitutes a stage of the count.”.