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## SCHEDULES

### SCHEDULE 2

#### RULES APPLICABLE TO ELECTION OF COMMISSIONERS

##### PART 3

##### CONTESTED ELECTIONS

##### GENERAL PROVISIONS

###### *Poll to be taken by postal ballot*

- 9 The votes at the poll shall be given by postal ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of commissioners to be elected, shall be declared to have been elected.

###### *The ballot papers*

- 10 (1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated after any withdrawals under these rules, and no others, shall be entitled to have their names inserted in the ballot paper.
- (2) Every ballot paper shall be in the form in the Appendix of Forms to this Schedule, and—
- (a) shall contain the names and addresses of the candidates as shown in the statement of persons nominated;
  - (b) shall be capable of being folded up; and
  - (c) shall have a number printed on the back.
- (3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

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

- 11 The returning officer shall send to every voter at the addresses shown in the list or register, a ballot paper and a declaration of identity in the form set out in the Appendix of Forms to this Schedule, or a form to the like effect, together with an envelope for their return.

###### *Spoilt ballot papers*

- 12 A voter who has inadvertently dealt with his or her ballot paper in such manner that it cannot conveniently be used as a ballot paper may, on delivering it to the

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returning officer and proving to the returning officer's satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as "spoilt ballot paper") and the spoilt ballot paper shall be immediately cancelled.

## COUNTING OF VOTES

### *Attendance at counting of votes*

- 13 The returning officer shall make arrangements for counting the votes in the presence of the candidates and such other persons as the returning officer may permit as soon as practicable after the close of the poll, and shall give to the candidates notice in writing of the time and place at which the counting of the votes will commence.

### *The count*

- 14 (1) The returning officer shall count such of the ballot papers as have been duly returned and record the number counted.
- (2) A ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed.

### *Recount*

- 15 (1) A candidate may, if present when the counting or any recount of the votes is complete, require the returning officer to have the votes recounted or again recounted but the returning officer may refuse to do so if in his or her opinion the request is unreasonable.
- (2) No step shall be taken on the completion of the counting or any recount of votes until the candidates present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

### *Rejected ballot papers*

- 16 (1) Any ballot paper—
- (a) on which votes are given for more candidates than the voter is entitled to vote for, or
  - (b) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
  - (c) which is unmarked or void for uncertainty,
- shall, subject to subparagraphs (2) and (3) below, be void and not counted.
- (2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.
- (3) A ballot paper on which the vote is marked—
- (a) elsewhere than in the proper place, or
  - (b) otherwise than by means of a cross, or
  - (c) by more than one mark,

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shall not for such reason be deemed to be void (either wholly or as respects that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that the voter can be identified by it.

- (4) The returning officer shall—
- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and
  - (b) in the case of a ballot paper on which any vote is counted under subparagraph (2) above, endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted;
- and shall add to the endorsement the words “rejection objected to” if any objection is made by a candidate to that decision.
- (5) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—
- (a) voting for more candidates than voter is entitled to;
  - (b) writing or mark by which voter could be identified;
  - (c) unmarked or void for uncertainty;
- and the statement shall record the number of ballot papers rejected in part.

#### *Decisions on ballot papers*

- 17 The decision of the returning officer on any question arising in respect of a ballot paper shall be final.

#### *Equality of votes*

- 18 Where, after the counting of the votes (including any recount) 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 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.