

*Changes to legislation: There are currently no known outstanding effects  
for the Elections Act 2001, Part 2. (See end of Document for details)*

## SCHEDULE

### NORTHERN IRELAND: MODIFICATION OF ELECTION PROVISIONS

#### PART 2

##### LOCAL ELECTIONS RULES

###### **Modifications etc. (not altering text)**

- C1** Sch. 1 Pt. 2: power to modify conferred by 1985 c. 50, s. 15(5B)(a) (as substituted (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\), s. 7\(2\)](#), [Sch. para. 15\(3\)](#) (with s. 6))

###### *Introduction*

- 14 Where the poll at a local election is to be taken with the poll at a parliamentary election in Northern Ireland, Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) (local elections rules) is amended as follows.

###### *Ballot papers*

- 15 In rule 16(2) after paragraph (d) insert—  
“(e) must be of a different colour from that of any ballot papers used at an election the poll for which is taken together with the poll for the local election.”

###### *Notice of poll*

- 16 In rule 20 after paragraph (2) insert—  
“(3) The notice published under paragraph (2)—  
(a) must state that the poll at the local election is to be taken together with the poll at a parliamentary election;  
(b) must specify the relevant parliamentary constituency.”

###### *Postal ballot papers*

- 17 In rule 21(1) after “identity in the” insert “ relevant ”.

###### *Official poll cards*

- 18 In rule 25 after paragraph (3) insert—  
“(3A) An official poll card issued under this rule may be combined with an official poll card issued at a parliamentary election.”

###### *Equipment of polling stations*

- 19 In rule 26 after paragraph (4) insert—  
“(4A) The notice referred to in paragraph (4)—

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- (a) must clearly indicate the election to which it relates;
- (b) must be printed on paper of the same colour as the ballot papers (other than tendered ballot papers [<sup>F1</sup>or tendered postal ballot papers]) used at the election to which it relates.”

**Textual Amendments**

**F1** Words in *Sch. para. 19* inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), arts. 1(1), **9(5)**

*Questions to be put to voters*

- 20 In rule 32 in question (ii) of each of paragraphs (1)(a) and (1)(b) and in [<sup>F2</sup>in each of questions (a), (b) and (c) in paragraph (2)] after “at this” insert “ local ”.

**Textual Amendments**

**F2** Words in *Sch. para. 20* substituted (31.1.2024) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 6 para. 31(3)**; [S.I. 2023/1145](#), reg. 4(e)(ix) (with *Sch. para. 6*)

*Voting procedure*

- 21 In rule 34 after paragraph (9) insert—
- “(10) The same copy of the register of electors may be used under paragraph (1) for each election.
  - (11) One mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each election.
  - (12) If a ballot paper is issued in respect of one election only a different mark must be placed in the register or list (as the case may be) so as to identify the election in respect of which the ballot paper is issued.”

*Votes marked by presiding officer*

- 22 In rule 35 at the end insert—
- “(4) The same list may be used for each election.
  - (5) If it is, an entry in the list must be taken to mean that the ballot papers were marked in pursuance of this rule in respect of each election unless the list identifies the election at which the ballot paper was so marked.”

*Voting by persons with disabilities*

- 23 In rule 36 after [<sup>F3</sup>paragraph (4A)] insert—
- [<sup>F4</sup>“(4B)] The same list may be used for each election.

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[<sup>F4</sup>(4C)] If it is, an entry in the list must be taken to mean that the votes were given in accordance with this rule in respect of each election unless the list identifies the election at which the vote was so given.”

#### Textual Amendments

- F3** Words in Sch. para. 23 substituted (16.12.2010) by [The Local Elections \(Northern Ireland\) Order 2010 \(S.I. 2010/2977\)](#), arts. 2(2), **6(2)(a)** (with art. 1(3))
- F4** Words in Sch. para. 23 substituted (16.12.2010) by [The Local Elections \(Northern Ireland\) Order 2010 \(S.I. 2010/2977\)](#), arts. 2(2), **6(2)(b)** (with art. 1(3))

#### *Tendered ballot papers*

24 In rule 37 after paragraph (6) insert—

“(6A) The same list may be used for each election.

(6B) If it is, an entry in the list must be taken to mean that the tendered ballot papers were marked in respect of each election unless the list identifies the election at which a tendered ballot paper was marked.”

#### *Tendered postal ballot papers*

[<sup>F5</sup>24A. In rule 37A after paragraph (10) insert—

“(10A) The same list may be used for each election.

(10B) If it is, an entry in the list must be taken to mean that the tendered postal ballot papers were marked in respect of each election unless the list identifies the election at which a tendered postal ballot paper was marked.”]

#### Textual Amendments

- F5** Sch. para. 24A inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), arts. 1(1), **9(6)**

#### *Procedure on close of poll*

25 (1) Rule 41 is amended as follows.

(2) After paragraph (1) insert—

“(1A) Separate packets must be made up in respect of each election for the purpose of each of sub-paragraphs (b), (c) and (e) of paragraph (1).”

(3) In paragraph (3) after “presiding officer” insert “ separately for the purposes of each election ”.

#### *Time for counting votes*

26 (1) Rule 43 is amended as follows.

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- (2) In paragraph (1) for “morning on the day after” substitute “ morning on the second day after ”.
- (3) After paragraph (1) insert—
- “(1A) For the purpose of determining the day for counting under paragraph (1) a Saturday, a Sunday and a public holiday must be disregarded.”

*Ballot papers in wrong box*

27 After rule 53 insert—

*“ Ballot papers in wrong box*

- 53A(1) The returning officer may make arrangements for—
- (a) ballot boxes for the local election to be opened and any ballot papers for the parliamentary election to be taken out;
  - (b) those ballot papers to be taken into account for the purposes of the parliamentary election;
  - (c) ballot boxes for the parliamentary election to be opened and any ballot papers for the local election to be taken out;
  - (d) those ballot papers to be taken into account for the purposes of the local election.
- (2) Paragraph (1) applies notwithstanding anything else in these rules or the parliamentary elections rules.
- (3) Nothing in these rules or the parliamentary elections rules requires the counting agents to be given facilities for overseeing the proceedings mentioned in paragraph (1)(a) or (c).”

*Countermand or abandonment of poll on death of candidate*

28 <sup>F6</sup>(1) . . . . .

(2) [<sup>F7</sup>In rule 63 after paragraph (2)] insert—

[<sup>F8</sup>“(2A) Neither the countermand of the poll at the local election nor the direction that that poll be abandoned affects the poll at the parliamentary election.”

(3) [<sup>F9</sup>In rule 64, for paragraphs (2) to (6) substitute] substitute—

- “(2) If the poll at the local election is abandoned because of a candidate’s death—
- (a) no further ballot papers at that election must be delivered in any polling station;
  - (b) at the close of the poll for the parliamentary election the presiding officer must comply with the requirements of rule 41 (as amended by the Schedule to the Elections Act 2001) as if the poll at the local election had not been abandoned;
  - (c) the returning officer must dispose of ballot papers used at the local election and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but this is subject to paragraph (2A).

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- (2A) In a case falling within paragraph (2)—
- (a) a ballot paper account for the local election need not be prepared or verified;
  - (b) the returning officer, having separated the ballot papers relating to the parliamentary election, must take no step or further step for the counting of the ballot papers used at the local election or of the votes;
  - (c) the returning officer must seal up all of those ballot papers whether the votes on them have been counted or not;
  - (d) it is not necessary to seal up counted and rejected ballot papers in separate packets.”

#### Textual Amendments

- F6** Sch. para. 28(1) omitted (16.12.2010) by virtue of [The Local Elections \(Northern Ireland\) Order 2010 \(S.I. 2010/2977\)](#), arts. 2(2), **6(3)(a)** (with art. 1(3))
- F7** Words in Sch. para. 28(2) substituted (16.12.2010) by [The Local Elections \(Northern Ireland\) Order 2010 \(S.I. 2010/2977\)](#), arts. 2(2), **6(3)(b)(i)** (with art. 1(3))
- F8** Word in Sch. para. 28(2) substituted (16.12.2010) by [The Local Elections \(Northern Ireland\) Order 2010 \(S.I. 2010/2977\)](#), arts. 2(2), **6(3)(b)(ii)** (with art. 1(3))
- F9** Words in Sch. para. 28(3) substituted (16.12.2010) by [The Local Elections \(Northern Ireland\) Order 2010 \(S.I. 2010/2977\)](#), arts. 2(2), **6(3)(c)** (with art. 1(3))

#### Forms

- 29 (1) In the Arrangement of Rules, in the Appendix of Forms, after the entry for Form 5 insert—
- “5A Declaration of Identity (Combined Polls).”
- (2) In the Appendix of Forms after Form 5 (declaration of identity) insert—

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## Declaration of identity (combined polls)(rule 21)

[<sup>F10</sup>Form  
5A]<sup>F11</sup>

### *Front of declaration*

(for use when a parliamentary poll is combined with a local poll)

#### Declaration of Identity

##### Local Council Election

*[insert name of District Council]* District Council

*[insert name of District Electoral Area]* District Electoral Area

Date of election [day] [date] [month] [year]

To be returned with the *[insert colour of ballot paper]* coloured ballot paper.

**Important – you must fill in and return this declaration of identity with your completed ballot paper for it to be counted.**

**Please read the instructions on the back of this form carefully.**

\*Name \_\_\_\_\_ Ballot paper number \_\_\_\_\_

\* Returning Officer to omit name where sent to an anonymous elector

(!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us **immediately** or (*insert helpline number*).

**I am the person the ballot paper numbered above was sent to.**

**My Date of Birth is:**

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Day

Month

Year

**\*My Signature is:**

\* Returning Officer to omit where elector has been granted a waiver.

**We will check this information against our records for security.**

**The voter has signed this declaration in my presence.**

**Witness signature**

The witness must be aged 18 or over and satisfied to the best of their knowledge and belief as to the identity of the voter

**Please turn over**

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### Back of declaration

#### Instructions for voting by post

Please read through carefully. If you need help, please contact

1. For your vote to be counted, you must fill in, in the presence of a witness, and return this declaration of identity with your ballot paper. You must do this even if you have already signed a similar declaration of identity for another election to be held on the same day.
2. Make sure you have filled in all the information on this declaration of identity and your witness has signed it.
3. On the ballot paper, number the candidates in order of preference  
Putting "1" against your first choice,  
"2" against your second choice and so on.
4. You should not put the same number against more than one candidate.
5. You may number as many or as few candidates as you wish.
6. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity will refer to the colour of the ballot paper. It is important to use the correct envelopes and declaration of identity.
7. Place each ballot paper in the correct smaller envelope marked "A" and seal it. Then put the envelope marked "A", together with the correct declaration of identity, in the correct larger envelope marked "B" and seal it.
8. We must receive your postal vote in the envelope provided by 10pm on [day] [date of poll].
9. After receiving this postal vote, you cannot vote in person at a polling station in this election.

#### Getting Help

- If you need help to vote, you can ask someone you know or get advice by calling the helpline. The person helping you must not tell anyone how you voted.
- Please call the helpline if you need information in another format or language.
- If you make a mistake you can get a replacement if you return all your postal documents. Call us immediately as we can only issue a replacement before 5pm on [day] [date] [month].

[Insert helpline and other contact details including website]

**Electoral fraud is a crime.**

Issued by the Chief Electoral Officer.

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**Textual Amendments**

- F10** Sch. para. 29(2) Form 5A substituted (20.3.2015) by [The Local Elections \(Forms\) \(Northern Ireland\) Order 2015 \(S.I. 2015/566\)](#), arts. 1(2), 4, **Sch. 12**
- F11** Sch. para. 29(2) Form 5A: the words “*relevant council*” are substituted for “*District Council*] District” (13.7.2020) by [The Local Elections \(Northern Ireland\) \(Amendment\) Order 2020 \(S.I. 2020/635\)](#), arts. 1(2), **11** (with art. 1(3))



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