

## SCHEDULES

### SCHEDULE 5

#### COMBINATION OF POLLS: ENGLAND

#### PART 1

#### PROVISION ABOUT COMBINATION

#### *COUNTING OF VOTES*

#### *Counting of votes*

- 44 (1) The counting officer must count the votes given on the ballot papers for the referendum, but must not do so until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
  - (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.
- (2) Where proceedings on the issue and receipt of postal ballot papers for a relevant election are not taken together with those for the referendum and any other relevant elections, the returning officer for the relevant election must count the postal ballot papers that have been duly returned and record the number counted.
- (3) The returning officer for a relevant election must count the votes given on the ballot papers for the relevant election, but must not do so until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
  - (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.
- (4) The counting or returning officer, while counting the votes, must—
- (a) keep the ballot papers with their faces upwards, and
  - (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (5) The counting or returning officer must so far as practicable proceed continuously with the counting of votes, allowing only time for refreshment, except that—
- (a) the officer may exclude the whole or any part of the period between 7 pm and 9 am on the next day;
  - (b) the officer may exclude a day mentioned in rule 2(1) of the referendum rules.
- (6) During the time so excluded the counting or returning officer must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) place the ballot papers and other documents relating to the referendum or relevant election under the officer's own seal and the seals of any of the counting agents who want to affix their seals, and
  - (b) otherwise take proper precautions for the security of the papers and documents.
- (7) This paragraph and paragraph 45 apply instead of—
- (a) rule 45 of the Local Elections (Combination of Polls) Rules;
  - (b) rule 45 of the Parish Elections (Combination of Polls) Rules;
  - (c) rule 38 of the Local Referendums (Combination of Polls) Rules;
  - (d) rule 47 of the Mayoral Elections (Combination of Polls) Rules.