
Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, Counting of votes. (See end of Document for details)

SCHEDULES

SCHEDULE 8

COMBINATION OF POLLS: NORTHERN IRELAND

PART 1

PROVISION ABOUT COMBINATION

COUNTING OF VOTES

Attendance and arrangements for counting

- 32 (1) The Chief Electoral Officer must make arrangements for carrying out the functions conferred by paragraph 33, and for counting the votes as soon as practicable, in the presence of the counting agents.
- (2) The Chief Electoral Officer must give the counting agents—
- (a) notice in writing of the time and place at which the proceedings under paragraph 33 will begin;
 - (b) notice of the time and place at which the counting of the votes will begin.
- (3) A person may be present at those proceedings or at the counting of the votes only if the person falls within—
- (a) paragraphs (a) to (e) of rule 39(4) of the referendum rules,
 - (b) paragraphs (a) to (e) of rule 44(2) of the Assembly Elections Rules, or
 - (c) paragraphs (a) to (e) of rule 44(1) of the Local Elections Rules,
- or the person is permitted by the Chief Electoral Officer to attend.
- (4) The Chief Electoral Officer may give a person permission under sub-paragraph (3) only if—
- (a) the officer is satisfied that the person's attendance will not impede the efficient conduct of the proceedings, and
 - (b) the officer has consulted the referendum agents and election agents or thought it impracticable to do so.
- (5) The Chief Electoral Officer must give the counting agents—
- (a) whatever reasonable facilities for overseeing the proceedings (including, in particular, facilities for satisfying themselves that the ballot papers are correctly sorted), and
 - (b) whatever information with respect to the proceedings,
- the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.

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Counting and separation of ballot papers

- 33 (1) As soon as practicable after the close of the poll the Chief Electoral Officer must—
- (a) in the presence of the counting agents, open the ballot boxes and count and record separately the number of ballot papers relating to the referendum and each relevant election;
 - (b) count the postal ballot papers that have been duly returned for the referendum and each relevant election and record separately the number relating to each;
 - (c) separate the ballot papers relating to the referendum and those relating to each relevant election.
- (2) A postal ballot paper is not to be taken to be duly returned unless—
- (a) it is returned in the proper envelope so as to reach the Chief Electoral Officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated, and
 - (b) in the case of an elector, the declaration of identity states the elector's date of birth and the Chief Electoral Officer is satisfied that the date stated corresponds with the date supplied as the elector's date of birth in pursuance of section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act.
- (3) Unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act applies, the declaration of identity referred to in sub-paragraph (2) is not to be taken to be duly signed unless the Chief Electoral Officer is satisfied that the signature on the declaration corresponds with the signature supplied as the elector's signature in pursuance of section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of that Act.
- (4) The Chief Electoral Officer must not count any tendered ballot papers.
- (5) The Chief Electoral Officer, while counting and recording the number of ballot papers, 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.
- (6) The Chief Electoral Officer must, in the presence of the referendum agents and the election agents for the relevant elections—
- (a) verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list);
 - (b) draw up a separate statement as to the result of the verification in relation to each poll.
- (7) An election agent for a relevant election may copy the statement relating to that relevant election.
- (8) A counting agent for the referendum present at the verification may copy the statement relating to the referendum.
- (9) Once the statement relating to the referendum is drawn up, the Chief Electoral Officer must inform the Chief Counting Officer of the contents of the statement.

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- (10) If the Chief Electoral Officer has not begun to count the votes given on the ballot papers for a particular poll by the time the statements under sub-paragraph (6)(b) in relation to all the polls are prepared—
- (a) the ballot papers for that poll must be sealed into packets, each of which must be endorsed with a description of its contents, and
 - (b) the packets may not be opened until the Chief Electoral Officer begins dealing with the ballot papers in those packets under paragraph 34(1).

Counting of votes

- 34 (1) The Chief Electoral Officer must count the votes given on the ballot papers, separately in respect of the referendum and each 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.
- (2) The Chief Electoral 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.
- (3) The Chief Electoral 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 11 pm and 9 am on the next day;
 - (b) the officer may exclude a day mentioned in rule 2(1) of the referendum rules.
- (4) During the time so excluded the Chief Electoral Officer must—
- (a) place the ballot papers and other documents relating to the referendum or 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.

Application

- 35 Paragraphs 32 to 34 apply instead of—
- (a) rules 39 and 40 of the referendum rules;
 - (b) rules 44 and 44B of the Assembly Elections Rules;
 - (c) rules 43(1), 44 and 45 of the Local Elections Rules.

Ballot papers placed in wrong ballot box

- 36 Where separate ballot boxes are used for the referendum and a relevant election, the placing of a ballot paper in the wrong ballot box does not render it void.

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