

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, PART 2. (See end of Document for details)

SCHEDULES

SCHEDULE 8

COMBINATION OF POLLS: NORTHERN IRELAND

PART 2

POSTAL VOTING

Interpretation

- 41 In this Part—
- “the 2008 Regulations” means—
- (a) the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) as applied for purposes of the referendum by Part 4 of Schedule 4, and
 - (b) those regulations as applied for the purposes of Assembly elections by Article 3(2) of, and Schedule 2 to, the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599);
- “the Local Elections Order” means the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).

Attendance at proceedings on issue and receipt of postal ballot papers

- 42 (1) This paragraph applies where the Chief Electoral Officer decides that the proceedings on the issue and receipt of postal ballot papers in respect of the referendum and the relevant elections are to be taken together.
- (2) The following provisions have effect as if the persons listed in them included persons who would be entitled to be present at the proceedings on the issue or receipt of postal ballot papers in respect of the referendum or a relevant election if those proceedings were taken on their own.
- (3) The provisions are—
- (a) regulation 72 of the 2008 Regulations;
 - (b) paragraph 3(1) of Part 3 of Schedule 2 to the Local Elections Order.

Procedure on issue of postal ballot papers

- 43 (1) This paragraph applies where—
- (a) the Chief Electoral Officer decides that the proceedings on the issue and receipt of postal ballot papers in respect of the referendum and the relevant elections are to be taken together, and
 - (b) a combined postal voters list or proxy postal voters list is produced by virtue of paragraph 23.

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- (2) In a case where a postal ballot paper is issued at the same time in respect of the referendum and the relevant elections, a single mark must be placed in the list under the following provisions—
- (a) regulation 76(2) of the 2008 Regulations;
 - (b) paragraph 6(1) of Part 3 of Schedule 2 to the Local Elections Order.
- (3) In any other case, a mark must be placed in the list under those provisions identifying the poll to which each postal ballot paper issued relates.

Provisions requiring declaration of identity to indicate colours of ballot papers

- 44 (1) The provisions listed in sub-paragraph (3) do not apply where the Chief Electoral Officer decides that the proceedings on the issue and receipt of postal ballot papers in respect of the referendum and the relevant elections are to be taken together.
- (2) Otherwise, the provisions listed in sub-paragraph (3) have effect as if the words before “the colour” were omitted.
- (3) The provisions are—
- (a) regulation 76(4) of the 2008 Regulations;
 - (b) paragraph 6(3) of Part 3 of Schedule 2 to the Local Elections Order.

Envelopes

- 45 (1) This paragraph applies where the Chief Electoral Officer decides that the proceedings on the issue and receipt of postal ballot papers in respect of the referendum and the relevant elections are to be taken together.
- (2) The same covering envelope and ballot paper envelope must be issued to a voter under the following provisions in respect of the referendum and the relevant elections.
- (3) The provisions are—
- (a) regulation 78 of the 2008 Regulations;
 - (b) paragraph 8 of Part 3 of Schedule 2 to the Local Elections Order.
- (4) The number of each of the postal ballot papers issued must be marked on the ballot paper envelope unless the envelope has a window through which all of the ballot paper numbers are displayed.
- (5) The following provisions do not apply—
- (a) regulation 78(4) of the 2008 Regulations;
 - (b) paragraph 8(2) of Part 3 of Schedule 2 to the Local Elections Order.

Spoilt postal ballot papers

- 46 (1) This paragraph applies where—
- (a) the Chief Electoral Officer decides that the proceedings on the issue and receipt of postal ballot papers in respect of the referendum and the relevant elections are to be taken together,
 - (b) a person returns a spoilt postal ballot paper under regulation 81(1) of the 2008 Regulations or paragraph 12(1) of Part 3 of Schedule 2 to the Local Elections Order, and

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- (c) a postal ballot paper has been issued to the person in respect of one or more of the other polls.
- (2) The spoilt postal ballot paper may not be replaced unless all the postal ballot papers issued to the person are returned.
- (3) Where an unspoilt postal ballot paper is returned as mentioned in sub-paragraph (2), the 2008 Regulations or Local Elections Order apply to it as if it were a spoilt ballot paper.

Opening of postal voters' ballot box

- 47 The following provisions have effect as if for the words after “opened” there were substituted “ at the counting of the ballot papers ”
- (a) regulation 85(3) of the 2008 Regulations;
 - (b) paragraph 16(3) of Part 3 of Schedule 2 to the Local Elections Order.

Opening of ballot paper envelopes

- 48 (1) This paragraph applies where the Chief Electoral Officer decides that the proceedings on the issue and receipt of postal ballot papers in respect of the referendum and the relevant elections are to be taken together.
- (2) The following provisions have effect as if after “number” there were inserted “ (or one of the numbers) ”
- (a) regulation 88(2)(a) of the 2008 Regulations;
 - (b) paragraph 17B(2)(a) of Part 3 of Schedule 2 to the Local Elections Order.
- (3) The following provisions have effect as if at the end there were inserted “ or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (marking the envelope to indicate the missing ballot paper) ”
- (a) regulation 88(2)(c) of the 2008 Regulations;
 - (b) paragraph 17B(2)(c) of Part 3 of Schedule 2 to the Local Elections Order.

Countermand or abandonment of poll for relevant election

- 49 The following provisions do not apply where the Chief Electoral Officer decides that the proceedings on the issue and receipt of postal ballot papers in respect of the referendum and the relevant elections are to be taken together—
- (a) regulation 90 of the 2008 Regulations;
 - (b) paragraph 18 of Part 3 of Schedule 2 to the Local Elections Order.

Retention of documents

- 50 (1) This paragraph applies where the Chief Electoral Officer decides that the proceedings on the issue and receipt of postal ballot papers in respect of the referendum and the relevant elections are to be taken together.
- (2) The Chief Electoral Officer must—
- (a) endorse on each of the specified packets a description of its contents, the date of the poll and the name of the area to which the packet relates;
 - (b) complete a statement as to postal ballot papers in relation to each poll;

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- (c) retain the packets and statements.
- (3) The specified packets—
- (a) in relation to the referendum and the Assembly election, are the packets made up under regulations 79, 81(5) and 89 of the 2008 Regulations;
 - (b) in relation to a local election, are—
 - (i) the packets, made up under paragraph 11 of Part 3 of Schedule 2 to the Local Elections Order, of any combined lists produced by virtue of paragraph 7 or 23 above;
 - (ii) the packets made up under paragraphs 12 and 17C of that Part.
- (4) A statement as to postal ballot papers—
- (a) in the case of the referendum and the Assembly election, must be in the form set out in Form N in Schedule 3 to the 2008 Regulations;
 - (b) in the case of a local election, must be in the form set out in Form 2 in Part 3 of Schedule 2 to the Local Elections Order.
- (5) Where—
- (a) any covering envelopes are received by the Chief Electoral Officer after the close of the poll,
 - (b) any envelopes addressed to postal voters are returned as undelivered too late, or
 - (c) any spoilt postal ballot papers for the referendum or Assembly election are returned too late to enable other postal ballot papers to be issued,
- the Chief Electoral Officer must seal those envelopes or postal ballot papers up in a separate packet, endorse the packet as mentioned in sub-paragraph (2)(a) and retain the packet.
- (6) A copy of the completed statements as to postal ballot papers for the referendum and for the Assembly election must be provided to the Electoral Commission.
- (7) The following rules apply to any packet or document retained under this paragraph—
- (a) rules 51 and 52 of the referendum rules;
 - (b) rule 56 of the Assembly Elections Rules;
 - (c) rule 59 of the Local Elections Rules.
- (8) In its application by virtue of sub-paragraph (7)(c), rule 59 of the Local Elections Rules has effect as if references to the proper officer of the council were to the Chief Electoral Officer.
- (9) This paragraph applies instead of regulation 91 of the 2008 Regulations.
- (10) Paragraph 19 of Part 3 of Schedule 2 to the Local Elections Order has effect as if—
- (a) in sub-paragraph (1), the reference to packets did not include the packets mentioned in sub-paragraph (3)(b) above;
 - (b) in sub-paragraph (2), the references to envelopes were omitted.
- (11) Regulation 115(1) of the 2008 Regulations has effect in relation to an Assembly election as if the reference to documents retained under rule 57(1A) of the elections rules included a reference to documents retained under this paragraph that relate to the Assembly election.
- (12) Schedule 3 to the Local Elections (Northern Ireland) Order 2010 has effect—

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- (a) as if, in the definition of “the marked register or lists” in paragraph 1(1), the reference to documents retained under rule 60 of the Local Elections Rules included a reference to documents retained under this paragraph that relate to the local election;
- (b) as if references to the proper officer included references to the Chief Electoral Officer.

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