

SCHEDULE 2

Rules for Conduct of an Election of Councillors of a Principal Area where Poll is not taken together with Poll at another Election

PART 3

Contested Elections

CHAPTER 4

Counting of Votes

The count

- 45.**—(1) The returning officer must—
- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
 - (b) in the presence of the election agents verify each ballot paper account; and
 - (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (2) The returning officer must not count the votes given on any ballot papers until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
 - (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.
- (3) A postal ballot paper must not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (4) and reaches the returning officer or any polling station in the electoral area in question before the close of the poll;
 - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (4) and reaches him or such a polling station before that time;
 - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
 - (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act⁽¹⁾, the returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).
- (4) The manner in which any postal ballot paper or postal voting statement may be returned—
- (a) to the returning officer, is by hand or by post;
 - (b) to a polling station, is by hand.
- (5) The returning officer must not count any tendered ballot paper.
- (6) The returning officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(1) See regulations 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

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(7) The returning officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any election agent may copy.

(8) The returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.

(9) During the time so excluded the returning officer must—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.