

SCHEDULE 5

Assembly election rules

PART 3

Contested elections

General provisions

Poll to be taken by ballot

23.—(1) At a constituency election the votes at the poll shall be given by ballot and the result shall be ascertained, after counting the votes given to each candidate, in accordance with section 4(4) of the 1998 Act; and the candidate to whom the majority of votes has been given shall be declared to have been elected.

(2) At a regional election the votes at the poll shall be given by ballot and the results shall be ascertained, after counting the electoral region votes given to each individual candidate or registered political party, in accordance with sections 4(5) and (6) and 5 to 7(1) of the 1998 Act; and the candidates who, in accordance with those provisions, are returned as Assembly members shall be declared to have been elected.

(3) In respect of an Assembly election held after the 2007 Assembly general election—

- (a) paragraph (1) shall have effect as if the reference to section 4(4) of the 1998 Act were a reference to section 6(4) of the 2006 Act; and
- (b) paragraph (2) shall have effect as if the references to sections 4(5) and (6) and 5 to 7 of the 1998 Act were a reference to sections 6(5) and 7 to 9 of the 2006 Act.

The ballot paper at a constituency election

24.—(1) At a constituency election, the ballot of every voter shall consist of a ballot paper.

(2) The persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

(3) Every ballot paper shall be in form CK in Schedule 10, and shall be printed in accordance with the directions in form CK1 in that Schedule and—

- (a) shall contain the names and other particulars of the candidates shown in the statement of persons nominated;
- (b) shall be capable of being folded up; and
- (c) shall have a number and other unique identifying mark printed on the back.

(4) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

(5) If a certificate received by the constituency returning officer under rule 5(1) or (3) has requested that a registered political party's registered emblem (or, as the case may be, one of the party's registered emblems) is to be shown on the ballot paper against the candidate's particulars, the ballot paper shall contain that emblem in that way.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The ballot paper at a regional election

25.—(1) At a regional election, the ballot of every voter shall consist of a ballot paper.

(2) The following, namely—

(a) the persons shown in the statement of persons nominated standing nominated as individual candidates; and

(b) the registered political parties which have submitted a party list and are shown in the statement of persons nominated as standing nominated, together with the party list candidates appearing on the party list of each such party and as standing nominated,

and no others, shall be entitled to have their names and descriptions inserted in the ballot paper.

(3) Every ballot paper shall be in form CL in Schedule 10, and shall be printed in accordance with the directions in form CL1 in that Schedule, and—

(a) shall contain the names and descriptions of the individual candidates shown in the statement of persons nominated;

(b) shall contain the names or, as the case may be, descriptions of the registered political parties shown in the statement of persons nominated together with the names of the candidates included on those parties' lists;

(c) shall be capable of being folded up; and

(d) shall have a number and other unique identifying mark printed on the back (together with a mark or other distinguishing feature by which the Assembly constituency can be identified in which the vote is to be given in relation to the ballot paper).

(4) The order of—

(a) the names of the individual candidates; and

(b) the names or, as the case may be, descriptions of the registered political parties (together with, in respect of each such name (or names) or, as the case may be, description of a registered political party, the names of its party list candidates),

in the ballot paper shall be the same order as in the statement of persons nominated.

(5) If a certificate received by the regional returning officer under rule 8(1) has requested that the registered political party's registered emblem (or, as the case may be, one of the party's registered emblems) is to be shown on the ballot paper against the party's description, the ballot paper shall contain that emblem in that way.

Polls with two ballot papers

26.—(1) Where the poll at a regional election is to be taken together with the poll at a constituency election for a relevant constituency, the constituency returning officer shall ensure that the number on the back of a constituency ballot paper is the same as the number on the back of one (but not more than one) regional ballot paper.

(2) A constituency is a relevant constituency for the purposes of paragraph (1) if it is situated in the region in respect of which the regional election is being held.

Corresponding number list

27.—(1) The constituency returning officer must prepare a list containing the numbers and other unique identifying marks of all ballot papers to be issued by him in pursuance of rule 33(1) or provided by him in pursuance of rule 37(1).

(2) The list shall be in form CM as set out in English and Welsh in Schedule 10.

Colour of ballot papers

28. Where at Assembly elections, an elector is entitled to give two votes, the ballot paper for each vote shall be of a different colour.

The official mark

29.—(1) Every ballot paper must contain an appropriate security marking (in this rule and in rule 58 referred to as “the official mark”).

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark—

- (a) at elections for the same Assembly constituency; or
- (b) in relation to the same Assembly constituency, at elections in the same Assembly electoral region.

(3) The appropriate returning officer may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

30. No person who has voted at an Assembly election shall, in any legal proceedings to question the election or return, be required to state how he voted.

Use of schools and public rooms

31.—(1) At an Assembly election the constituency returning officer may use, free of charge, for the purpose of taking the poll—

- (a) a room in a school to which this paragraph applies; or
- (b) a room, the expense of maintaining which is payable wholly or mainly out of public funds.

(2) This rule applies to a school maintained or assisted by a local education authority, or a school in respect of which grants are made out of money provided by the Assembly or by Parliament to the person or body of persons responsible for the management of the school.

(3) The constituency returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned by reason of its being used for the purpose of taking the poll.