

SCHEDULE 4

Combination of polls

PART 4

Modifications to election rules to apply where the poll at an election of community councillors is taken together with the poll at an Assembly election under Article 16(1) or (2)

Modifications to community election rules: general provision

46.—(1) Where the poll at an election of community councillors is taken together with the poll at an Assembly election under article 16(1) or (2), Schedule 3 to the Local Elections (Parishes and Communities)(England and Wales) Rules 2006(1) shall have effect subject to the modifications set out in to the remaining paragraphs of this Part.

(2) In this Part the rules in that Schedule referred to in sub-paragraph (1) are referred to as the community election rules.

Rule 16 of community election rules (the ballot papers)

47.—(1) At the end of rule 16(2) of the community election rules add—

“(e) must be of a different colour from that of any ballot papers used at an Assembly election and any local government election the polls at which are taken together with the poll at the community election.”.

(2) At the end of rule 16 of the community election rules add—

“(6) References to an Assembly election in paragraph (2)(e) and elsewhere in these rules refer to an election to the National Assembly for Wales; and references to an Assembly election (and to a poll at such an election) include a reference to Assembly elections (and to polls at such elections) where the context so requires.”.

Rule 21 of community election rules (notice of poll)

48. For rule 21(4) of the community election rules substitute—

“(4) The notice published under paragraph (3) shall:

- (a) state that the poll at the community election is to be taken together with the poll at an Assembly election and any other local government election;
- (b) specify the Assembly constituency or electoral region and any relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and
- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

Rule 25 of community election rules (issue of official poll cards)

49. At the end of rule 25 to the community election rules add—

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“(8) An official poll card issued under this rule may be combined with the official poll card issued at an Assembly election and any other local government election.”.

Rule 26 of community election rules (equipment of polling stations)

50.—(1) For rule 26(2) of the community election rules substitute—

“(2) The same ballot box may be used for the poll at the community election and for the polls at the Assembly election and any other local government election if the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007 so decides and a decision may make different provision for different polling stations.”.

(2) For rule 26(7) of the community election rules substitute—

“(7) Where the same ballot box is not used under paragraph (2) each ballot box shall be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma.”.

(3) For rule 26(10) of the community election rules substitute—

“(10) In every compartment of every polling station there shall be exhibited the notice—

(a) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than candidates on the local government ballot paper coloured [**colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy nag o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(b) in respect of an Assembly election for an Assembly constituency—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; and

(c) in respect of an Assembly election for an Assembly electoral region—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.

Rule 27 of community election rules (appointment of polling and counting agents)

51. For rule 27(6) of the community election rules substitute—

“(6) Notices of appointment of polling and election agents which are required by paragraphs (5) and (7) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007”.

Rule 35 of community election rules (voting procedure)

52. For rule 35(6) of the community election rules substitute—

“(6) The same copy of the register of electors which is used for the community election under paragraph (1), or where paragraph (3) applies, the same copy of the notice issued under section 13(3B) or (3D) of the 1983 Act, may be used for the Assembly election—

- (a) and one mark may be placed in that register or on that notice under paragraph (1) (c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each election;
- (b) but where a ballot paper has been issued in respect of one election only, a different mark must be placed in the register or, as the case may be, on that notice or in that list so as to identify the election in respect of which a ballot paper was issued.”.

Rule 36 of community election rules (votes marked by presiding officer)

53. For rule 36(4) of the community election rules substitute—

“(4) The same list may be used for the community election and for an Assembly election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies an election at which a ballot paper was so marked.”.

Rule 37 of community election rules (voting by persons with disabilities)

54. For rule 37(6) of the community election rules substitute—

“(6) The same list may be used for the community election and for an Assembly election, and where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies an election at which a vote was so given.”.

Rule 39 of community election rules (tendered ballot papers; general provisions)

55. For rule 39(3) of the community election rules substitute—

“(3) The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of the community election and an Assembly election, unless the list identifies an election at which a tendered ballot paper was so marked.”.

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Rule 42 of community election rules (adjournment of poll in case of riot)

56. For rule 42(1) of the community election rules substitute—

“(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice—

- (a) to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007; and
- (b) in the case of a regional election, whether or not the poll is taken with the poll at a constituency election, to the regional returning officer.”.

Rule 43 of community election rules (procedure on close of poll)

57.—(1) For rule 43(2) of the community election rules substitute—

“(2) The contents of the packets referred to in paragraph (1)(b), (c), (e) and (f) shall not be combined with the contents of the packets made under the corresponding provisions that apply at an Assembly election and any other local government election; nor shall the statement prepared under paragraph (5) be so combined”.

(2) For rule 43(3) substitute—

“(3) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007.”.

Rule 44 of community election rules (attendance at counting of votes)

58.—(1) For rule 44(1) and (2) of the community election rules substitute—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

- (a) make arrangements for—
 - (i) discharging the functions under rule 45(1) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007) in the presence of the counting agents appointed for the purposes of the community election and Assembly election as soon as practicable after the close of the poll; and
 - (ii) thereafter counting the votes at the community election in the presence of the agents appointed for that election; and
- (b) give to those counting agents appointed for the purposes of the community election and Assembly election notice in writing of the time and place at which he will begin to discharge the functions under rule 45(1).

(2) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

- (a) make arrangements for counting the votes in the presence of the counting agents appointed for the purposes of the community election as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and

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- (b) must give to the counting agents notice in writing of the time at which he will begin to count the votes, if by then he has received the ballot papers and the place at which the count will take place.”.

(2) In rule 44(3) of the community election rules after “at the counting of the votes” insert “in accordance with rule 45(1) (as substituted) or”.

Rule 45 of community election rules (the count)

59.—(1) For rule 45(1) of the community election rules substitute—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

- (a) in the presence of the counting agents appointed for the purposes of the poll at the community election and Assembly election open each ballot box and count and record separately the number of ballot papers used in each election;
- (b) in the presence of the counting agents appointed for the purposes of the poll at the community election and the election agents appointed for the purposes of the Assembly elections, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to each election;
- (e) make up into packets the ballot papers for each election other than the community election and seal them up in separate containers endorsing on each a description of the election to which the ballot papers relate;
- (f) deliver, or cause to be delivered, to the returning officer for the election to which the ballot papers relate (or, in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the votes were given on those ballot papers)—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and
- (g) at the same time deliver, or cause to be delivered, to that officer packets that so relate containing (as appropriate)—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers;
 - (iii) the completed corresponding number lists; and
 - (iv) the certificates as to employment on duty on the day of the poll.”.

(2) For rule 45(2) substitute—

“(2) Where separate ballot boxes are used for the community election and Assembly election no vote for any candidate shall be rendered invalid by the ballot papers being placed in the wrong ballot box.”.

(3) For rule 45(3) and (4) substitute—

“(3) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the community election and count the votes given on them.

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(4) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(2) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007), in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.”.

(4) Rule 45(10) does not apply to these proceedings.

Rule 55 of community election rules (countermand or abandonment of poll on death of candidate)

60.—(1) For rule 55(2) of the community election rules substitute—

“(2) Neither the countermand of the notice of the poll at the community election nor the direction that that poll be abandoned shall affect the poll at the Assembly election and any other local government election.”.

(2) For rule 55(4) of the community election rules substitute—

“(4) At the close of the poll for the Assembly election and any other local government election, the presiding officer shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the community election had not been abandoned.”.

(3) For rule 55(7) substitute—

“(7) Having separated the ballot papers relating to the Assembly election and local government election (as the case may be) the returning officer must take no step or further step for the counting of the ballot papers used at the community election (at which the candidate has died) or of the votes.”.

Appendix of forms to community election rules (postal voting statement)

61. In the Appendix of forms to the community election rules, for the form of postal voting statement substitute—

- (a) the form set out in paragraph 43(2) where the proceedings on the issue and receipt of postal ballot papers at the community election are taken together with those proceedings at an Assembly election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007; and
- (b) the form set out in paragraph 43(3) where those proceedings are not taken together.

Appendix of forms to community election rules (directions for the guidance of the voters in voting)

62. In the Appendix of forms to the community election rules, for the form of directions for the guidance of the voters in voting substitute the same form of directions as is set out in paragraph 25.

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Appendix of forms to community election rules (declaration to be made by the companion of a voter with disabilities)

63. In the Appendix of forms to the community election rules, for the form of declaration to be made by the companion of a voter with disabilities, substitute the form set out in paragraph 45.