

SCHEDULE 2

ABSENT VOTERS

PART II

Receipt of postal ballot papers

Notice of opening of postal ballot paper envelopes

27.—(1) The returning officer shall give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under paragraph 18(1) above to attend each opening.

Postal ballot boxes and receptacles

28.—(1) The returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity; and
- (c) the receptacle for ballot paper envelopes.

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

Receipt of covering envelope

29. The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box.

Opening of postal voters' ballot box

30.—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

Opening of covering envelopes

31.—(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope separately.

(2) The procedure in paragraph 33 below applies where a covering envelope contains both—

- (a) a declaration of identity; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.

(3) Where the covering envelope does not contain the declaration of identity separately, the returning officer shall open the ballot paper envelope to ascertain whether the declaration of identity is inside.

(4) Where a covering envelope does not contain both—

- (a) a declaration of identity (whether separately or not), and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,

the returning officer shall mark the covering envelope “rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

Procedure in relation to declarations of identity on receipt of covering envelope

32.—(1) A declaration of identity is a valid declaration of identity for the purposes of this Part of this Schedule if—

- (a) it is duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address, and
- (b) in the case of an elector, the requirements of rule 46(2)(b) and (3) of the European Parliamentary elections rules are satisfied.

(2) The returning officer must satisfy himself that the declaration of identity is a valid declaration of identify.

(3) Where the returning officer is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper and, subject to sub-paragraph (4) below, place it in the receptacle for rejected votes.

(4) Before placing the declaration in the receptacle for rejected votes, the returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(5) The returning officer shall then examine the number on the declaration of identity against the number on the ballot paper envelope and, where they are the same, he shall place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid declaration of identity is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it,

the returning officer shall open the envelope.

(7) Sub-paragraph (8) below applies where—

- (a) there is a valid declaration of identity but no ballot paper envelope, or
 - (b) the ballot paper envelope has been opened under paragraph 31(3) or sub-paragraph (6) above.
- (8) In the circumstances described in sub-paragraph (7) above, the returning officer shall place—
- (a) in the postal ballot paper box, any ballot paper the number on which is the same as the number on the valid declaration of identity;
 - (b) in the receptacle for rejected votes, any other ballot paper, with the valid declaration of identity attached and marked “rejected”;
 - (c) in the receptacle for rejected votes, any valid declaration of identity marked “rejected” where there is no ballot paper;
 - (d) in the receptacle for declarations of identity, any valid declaration not disposed of under paragraph (b) or (c) above.

Opening of ballot paper envelopes

33.—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

- (2) He shall place—
- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
 - (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “rejected” and to which shall be attached the ballot paper envelope; and
 - (c) in the receptacle for rejected votes any ballot paper envelope which shall be marked “rejected” because it does not contain a ballot paper.

Sealing of receptacles

34. As soon as practicable after the completion of the procedure under paragraph 33 above, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes, and
- (b) the receptacle of declarations of identity,

and shall seal up such packets.

Abandoned poll

35. Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of this Schedule; and
- (b) shall notwithstanding paragraphs 31 to 33 above, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

Retention of documents

36.—(1) The returning officer shall retain at the same time as he retains the documents mentioned in rule 63 of the European Parliamentary elections rules—

- (a) any packets referred to in paragraphs 24, 26(5) and 34 above, subject to paragraph 35 above, endorsing on each packet a description of its contents and the date of the election to which it relates, and
 - (b) a completed statement in Form H in the Appendix of the number of postal ballot papers issued.
- (2) Where—
- (a) any covering envelopes are received by the returning officer after the close of the poll;
 - (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
 - (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up such packet and endorse and retain it at a subsequent date in the manner described in sub-paragraph (1) above.

(3) Rules 64 and 65 of the European Parliamentary elections rules shall apply to any packet or document retained under this regulation.

(4) A copy of the statement referred to in sub-paragraph (1)(b) above shall be provided by the returning officer to the Electoral Commission.