

SCHEDULE 3

Combined Authority Mayoral Election (Combination of Polls) Rules

PART 5

Further provision: more than two candidates

The count of second preference votes

55.—(1) If directed by the combined authority returning officer in accordance with rule 58, the returning officer must, at the time and place notified to the counting agents, count the number of second preference votes for each of the candidates remaining in the contest given by voters who did not give their first preference vote to any of those candidates.

(2) A ballot paper which is not otherwise void and on which not more than one second preference vote is marked shall be valid as respects that vote and shall be counted accordingly if, but only if, a valid first preference vote has also been marked.

(3) Rules 49(2) to (5), 50(4) to (7), 51 (except paragraph (3)) and 53 (except the words “the votes, or as the case may be,” in both paragraphs where they appear) shall apply in relation to the count of second preference votes as they apply in relation to the count of first preference votes as if references to first preference votes were references to second preference votes.

(4) The returning officer shall not be required to re-examine any decision taken under rule 52.

The calculation of total votes

56.—(1) The returning officer must add the number of second preference votes given for a candidate to the number of first preference votes given for that candidate, to give that candidate's total number of votes.

(2) The returning officer must then draw up a provisional statement showing—

- (a) the total number of first preference votes given for each candidate,
- (b) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes,
- (c) the total number of votes given for each of those candidates, and
- (d) the number of ballot papers that were—
 - (i) valid as respects a first preference vote given for a candidate who did not remain in the contest after the count of the first preference votes, and
 - (ii) rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) As soon as practicable after completion of the statement, the returning officer must—

- (a) provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the statement, and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation,
- (b) as soon as practicable inform the combined authority returning officer of its contents.