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*Status: Point in time view as at 10/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Elections Act 2001, Part 1. (See end of Document for details)*

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## SCHEDULE

### NORTHERN IRELAND: MODIFICATION OF ELECTION PROVISIONS

#### PART 1

##### PARLIAMENTARY ELECTIONS RULES

###### *Introduction*

- 1 Where the poll at a parliamentary election is to be taken with the poll at a local election in Northern Ireland, Schedule 1 to the Representation of the People Act 1983 (c. 2) (parliamentary elections rules) is amended as follows.

###### *Ballot papers*

- 2 In rule 19(2) after paragraph (d) insert—
- “(e) must be of a different colour from that of any ballot papers used at an election the poll for which is taken together with the poll for the parliamentary election.”

###### *Notice of poll*

- 3 In rule 23 after paragraph (2) insert—
- “(2A) The notice published under paragraph (2)—
- (a) must state that the poll at the parliamentary election is to be taken together with the poll at a local election;
- (b) must specify the relevant district council.”

###### *Official poll cards*

- 4 In rule 28 after paragraph (3) insert—
- “(3A) An official poll card issued under this rule may be combined with an official poll card issued at a local election.”

###### *Equipment of polling stations*

- 5 (1) Rule 29 is amended as follows.
- (2) In paragraph (4) for “inside and outside every polling station” substitute “ outside every polling station and in every compartment of every polling station. ”
- (3) After paragraph (4) insert—
- “(4A) The notice referred to in paragraph (4)—
- (a) must clearly indicate the election to which it relates;
- (b) must be printed on paper of the same colour as the ballot papers (other than tendered ballot papers) used at the election to which it relates.”
- (4) Omit paragraph (5).

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### *Questions to be put to voters*

- 6 In rule 35 in question (ii) in each of paragraphs (1)(a) and (1)(b) and in the second question in paragraph (2) after “at this” insert “parliamentary”.

### *Voting procedure*

- 7 In rule 37 after paragraph (3) insert—
- “(4) The same copy of the register of electors may be used under paragraph (1) above for each election.
  - (5) One mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each election.
  - (6) If a ballot paper is issued in respect of only one election a different mark must be placed in the register or list (as the case may be) so as to identify the election in respect of which the ballot paper is issued.”

### *Votes marked by presiding officer*

- 8 In rule 38 at the end insert—
- “(3) The same list may be used for each election.
  - (4) If it is, an entry in the list must be taken to mean that the ballot papers were marked in pursuance of this rule in respect of each election unless the list identifies the election at which the ballot paper was so marked.”

### *Voting by persons with disabilities*

- 9 In rule 39 after paragraph (4) insert—
- “(4A) The same list may be used for each election.
  - (4B) If it is, an entry in the list must be taken to mean that the votes were given in accordance with this rule in respect of each election unless the list identifies the election at which the vote was so given.”

### *Tendered ballot papers*

- 10 In rule 40 after paragraph (3) insert—
- “(3A) The same list may be used for each election.
  - (3B) If it is, an entry in the list must be taken to mean that the tendered ballot papers were marked in respect of each election unless the list identifies the election at which a tendered ballot paper was marked.”

### *Procedure on close of poll*

- 11 (1) Rule 43 is amended as follows.
- (2) After paragraph (1) insert—

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“(1A) Separate packets must be made up in respect of each election for the purpose of each of sub-paragraphs (b), (c) and (e) of paragraph (1).”

(3) In paragraph (3) after “presiding officer” insert “ separately for the purposes of each election ”.

*Ballot papers in wrong box*

12 After rule 46 insert—

*“ Ballot papers in wrong box*

46A(1) The returning officer may make arrangements for—

- (a) ballot boxes for the parliamentary election to be opened and any ballot papers for the local election to be taken out;
- (b) those ballot papers to be taken into account for the purposes of the local election;
- (c) ballot boxes for the local election to be opened and any ballot papers for the parliamentary election to be taken out;
- (d) those ballot papers to be taken into account for the purposes of the parliamentary election.

(2) Paragraph (1) applies notwithstanding anything else in these rules or the local elections rules.

(3) Nothing in these rules or the local elections rules requires the counting agents to be given facilities for overseeing the proceedings mentioned in paragraph (1)(a) or (c).”

*Countermand or abandonment of poll on death of candidate*

13 (1) Rule 60 is amended as follows.

(2) After paragraph (1) insert—

“(1A) Neither the countermand of the poll at the parliamentary election nor the direction that that poll be abandoned affects the poll at the local election.”

(3) For paragraph (2) substitute—

“(2) If the poll at the parliamentary election is abandoned because of a candidate’s death—

- (a) no further ballot papers at that election must be delivered in any polling station;
- (b) at the close of the poll for the local election the presiding officer must comply with the requirements of rule 43 (as amended by the Schedule to the Elections Act 2001) as if the poll at the parliamentary election had not been abandoned;
- (c) the returning officer must dispose of ballot papers used at the parliamentary election and other documents in his possession as he is required to do on the completion in due course of the counting of the votes,

but this is subject to paragraph (2A).

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(2A) In a case falling within paragraph (2)—

- (a) a ballot paper account for the parliamentary election need not be prepared or verified;
- (b) the returning officer, having separated the ballot papers relating to the local election, must take no step or further step for the counting of the ballot papers used at the parliamentary election or of the votes;
- (c) the returning officer must seal up all of those ballot papers whether the votes on them have been counted or not;
- (d) it is not necessary to seal up counted and rejected ballot papers in separate packets.”

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