



Electoral Administration Act 2006

2006 CHAPTER 22

PART 6

CONDUCT OF ELECTIONS ETC.

Death of candidate

24 **Death of candidate**

In Schedule 1 to the 1983 Act (parliamentary elections rules) for rule 60 (countermand or abandonment of poll on death of candidate) and the cross-heading preceding it substitute—

60 **“Independent candidate**

- (1) This rule applies if at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named in the ballot papers as an independent candidate has died.
- (2) Subject to this rule and rules 61 and 62, these rules apply to the election as if the candidate had not died.
- (3) The following provisions of these rules do not apply in relation to the deceased candidate—
 - (a) rule 32(1)(c) and (d) (admission to polling station);
 - (b) rule 44(2)(b) to (d) (attendance at count);
 - (c) rule 53(4) (forfeiture of deposit).
- (4) If only two persons are shown as standing nominated in the statement of persons nominated the returning officer must—
 - (a) if polling has not begun, countermand the notice of poll;
 - (b) if polling has begun, direct that the poll is abandoned;
 - (c) subject to rule 65, treat the election as an uncontested election.

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Death of candidate. (See end of Document for details)

- (5) For the purposes of this rule a person is named or to be named on the ballot papers as an independent candidate if the description (if any) on his nomination paper is not authorised as mentioned in rule 6A(1) or (1B).

61 Deceased independent candidate wins

- (1) This rule applies if at an election mentioned in rule 60(1) the majority of votes is given to the deceased candidate.
- (2) Rule 50(1) (declaration of result) does not apply but the returning officer must—
- (a) declare that the majority of votes has been given to the deceased candidate,
 - (b) declare that no member is returned, and
 - (c) give public notice of the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (3) Rule 53 (return or forfeiture of candidate's deposit) does not apply in relation to the remaining candidates.
- (4) The returning officer must not return the writ and the proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.
- (5) The writ for the election must be taken to have been received on the first working day after the end of the period of seven days starting on the day of the election mentioned in rule 60(1).
- (6) No fresh nomination is necessary in the case of a person shown in the statement of persons nominated as standing nominated, and no other nomination may be made.
- (7) The last day on which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (6) may be delivered is the seventh working day after the day on which the writ is taken to be received.
- (8) Rule 9 (deposit) does not apply.
- (9) The poll must be held on a day in the period which starts 15 working days after the day on which the writ is taken to have been received and ends 19 working days after that day.
- (10) For the purposes of this rule a working day is a day which is not a day specified in rule 2(1)(a) to (c).

62 Deceased independent candidate with equality of votes

In an election mentioned in rule 60(1), if—

- (a) rule 49 applies (equality of votes), and
 - (b) any of the candidates to whom that rule applies is a deceased candidate,
- the deceased candidate must be ignored.

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63 Party candidate

- (1) This rule applies if—
 - (a) at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot paper has died, and
 - (b) that person is standing in the name of a registered political party.
- (2) The returning officer must—
 - (a) countermand notice of the poll, or
 - (b) if polling has begun, direct that the poll be abandoned.
- (3) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.
- (4) The writ for the election must be taken to have been received on the first working day after the end of the period of seven days starting on the day the proof is given to the returning officer.
- (5) No fresh nomination is necessary in the case of a person shown in the statement of persons nominated as standing nominated.
- (6) No other nomination may be made except for a person standing in the name of the same registered political party in whose name the deceased candidate was standing.
- (7) The last day on which a nomination mentioned in paragraph (6) may be delivered is the seventh working day after the day on which the writ is taken to be received.
- (8) The last day on which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (5) or in pursuance of paragraph (6) may be delivered is the seventh working day after the day on which the writ is taken to be received.
- (9) The poll must be held on a day in the period which starts 15 working days after the day on which the writ is taken to have been received and ends 19 working days after that day.
- (10) For the purposes of this rule—
 - (a) a person stands in the name of a registered political party if his nomination paper contains a description which is authorised as mentioned in rule 6A(1) or (1B);
 - (b) a registered political party is a party which is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000;
 - (c) a working day is a day which is not a day specified in rule 2(1)(a) to (c).

64 Speaker of the House of Commons seeking re-election

- (1) This rule applies if at a contested election—
 - (a) one of the candidates is the Speaker of the House of Commons seeking re-election, and

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- (b) proof is given to the returning officer's satisfaction before the result of the election is declared that that candidate has died.
- (2) The returning officer must—
 - (a) countermand notice of the poll, or
 - (b) if polling has begun, direct that the poll be abandoned.
- (3) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.
- (4) The writ for the election must be taken to have been received on the first working day after the end of the period of seven days starting on the day the proof is given to the returning officer.
- (5) The last day on which—
 - (a) nominations, or
 - (b) notice of withdrawal of candidature,
 may be delivered is the seventh working day after the day on which the writ is taken to be received.
- (6) The poll must be held on a day in the period which starts 15 working days after the day on which the writ is taken to have been received and ends 19 working days after that day.
- (7) For the purposes of this rule a working day is a day which is not a day specified in rule 2(1)(a) to (c).

65 Abandoned poll

- (1) This rule applies to—
 - (a) a poll which is abandoned in pursuance of rule 60(4)(b) as if it were a poll at a contested election;
 - (b) a poll which is abandoned in pursuance of rule 63(2)(b) or 64(2)(b).
- (2) The presiding officer at a polling station must 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 is required to take on the close of the poll.
- (3) The returning officer must dispose of ballot papers and other documents in his possession as is he required to do on the completion of the counting of the votes.
- (4) It is not necessary for a ballot paper account to be prepared or verified.
- (5) No step or further step is to be taken for the counting of the ballot papers or of the votes.
- (6) The returning officer must seal up all the ballot papers (whether the votes on them have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets.
- (7) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply subject to paragraphs (8) and (9).

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- (8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.
- (9) No order is to be made for—
- (a) the production or inspection of any ballot papers, or
 - (b) the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on the day of the poll,
- unless the order is made by a court with reference to a prosecution.”

Commencement Information

- II** [S. 24](#) wholly in force at 1.7.2008; [s. 24](#) not in force at Royal Assent see [s. 77](#); [s. 24](#) in force for E.W.S. at 1.1.2007 by [S.I. 2006/3412](#), [art. 3](#), [Sch. 1](#) para. 14(k) (subject to [Sch. 2](#)); [s. 24](#) in force for N.I. at 1.7.2008 by [S.I. 2008/1316](#), [arts. 2\(2\)](#), 4(h)

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