

## SCHEDULE 2

### ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

#### PART 3

##### Receipt of Postal Ballot Papers

###### **Notice of opening of postal ballot paper envelopes**

**13.**—(1) The counting officer must give to each referendum agent not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it are to be opened.

(2) Such a notice must specify —

- (a) the time and place at which such an opening is to take place; and
- (b) the number of agents a referendum agent may appoint under paragraph 3 to attend each opening.

###### **Postal ballot boxes and receptacles**

**14.**—(1) The counting officer must 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 must be marked “postal voters’ ballot box” or “postal ballot box”, as the case may be, and with the name of the voting area.

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

(4) The counting officer must then apply the counting officer’s seal to the postal ballot box 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 counting officer must provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for postal voting statements;
- (c) the receptacle for ballot paper envelopes;
- (d) the receptacle for rejected ballot paper envelopes;
- (e) the receptacle for rejected votes (verification procedure); and
- (f) the receptacle for postal voting statements (verification procedure).

(6) The counting officer must take reasonable precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

###### **Receipt of covering envelope**

**15.**—(1) The counting officer must, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters’ ballot box.

(2) Where an envelope, other than a covering envelope issued by the counting officer—

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- (a) has been opened; and
- (b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope together with its contents, must be placed in a postal voters' ballot box.

### **Opening of postal voters' ballot box**

**16.**—(1) Each postal voters' ballot box must be opened by the counting officer in the presence of the agents.

(2) So long as the counting 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 the counting officer.

(3) The last postal voters' ballot box and the postal ballot box are to be opened at the counting of the votes under rule 34 of the Referendum Rules.

### **Opening of covering envelopes**

**17.**—(1) When a postal voters' ballot box is opened, the counting officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 15(2)).

(2) The counting officer must set aside for personal identifier verification a percentage, not less than 20%, of the envelopes recorded on that occasion.

(3) The counting officer must open separately each covering envelope (including an envelope described in paragraph 15(2)).

(4) The procedure in paragraph 19 or 20 applies where a covering envelope (including an envelope to which paragraph 15(2) applies) contains both—

- (a) a postal voting statement; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.

(5) Where the covering envelope does not contain the postal voting statement separately, the counting officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.

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

- (a) a postal voting statement (whether separately or not); and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,

the counting officer must mark the covering envelope "provisionally rejected", attach its contents (if any) and place it in the receptacle for rejected votes.

(7) Where—

- (a) an envelope contains the postal voting statement of an elector with an anonymous entry; and
- (b) sub-paragraph (6) does not apply,

the counting officer must set aside that envelope and its contents for personal identifier verification in accordance with paragraph 20.

(8) In carrying out the procedures in this paragraph and paragraphs 19 to 25 the counting officer—

- (a) must keep the ballot papers face downwards and must take all reasonable precautions for preventing any person from seeing the votes made on the ballot papers, and
- (b) is not permitted to view the corresponding number list used at the issue of postal ballot papers.

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(9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the counting officer must place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(10) A mark made under sub-paragraph (9) must be distinguishable from and must not obscure the mark made under paragraph 6(2).

(11) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copies of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and must seal such a packet.

### **Confirming receipt of postal voting statements**

**18.**—(1) An elector or a proxy voter who is shown in the postal voters list or, as the case may be, proxy postal voters list may make a request, at any time between the first issue of postal ballots under paragraph 5 and the close of the poll, that the counting officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned, and
- (b) whether the number of the ballot paper issued to the elector or the elector’s proxy has been recorded on either of the lists of provisionally rejected votes kept by the counting officer under paragraph 24.

(2) A request under sub-paragraph (1) must —

- (a) be made by any method specified by the counting officer, and
- (b) include any evidence of the voter’s identity requested by the counting officer.

(3) Where a request is received in accordance with sub-paragraph (2) the counting officer must be satisfied that the request has been made by the elector or the elector’s proxy and where the counting officer is so satisfied provide confirmation of the matters under sub-paragraph (1).

### **Procedure in relation to postal voting statements**

**19.**—(1) This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 17(2) or (7).

(2) The counting officer must be satisfied that the postal voting statement is duly completed.

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

(4) Before placing the statement in the receptacle for rejected votes, the counting officer must show it to the agents and, if any of them object to the counting officer’s decision, the counting officer must add the words “rejection objected to”.

(5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, the counting officer must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
- (b) the envelope has no number on it,

the counting officer must open the envelope.

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- (7) Sub-paragraph (8) applies where—
  - (a) there is a valid postal voting statement but no ballot paper envelope; or
  - (b) the ballot paper envelope has been opened under paragraph 17(5) or under sub-paragraph (6).
- (8) In the circumstances described in sub-paragraph (7), the counting officer must place—
  - (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
  - (b) in the receptacle for rejected votes any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
  - (c) in the receptacle for rejected votes any valid postal voting statement marked “provisionally rejected” where there is no ballot paper; or
  - (d) in the receptacle for postal voting statements, any valid statement not disposed of under sub-paragraph (b) or (c).

**Procedure in relation to postal voting statements: personal identifier verification**

**20.**—(1) This paragraph applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with paragraph 17(2) or (7).

(2) The counting officer must be satisfied that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the relevant personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is not so satisfied, the counting officer must mark the statement “rejected”, attach to it the ballot paper envelope or, if there is no such envelope, the ballot paper, and, subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing any postal voting statement in the receptacle for rejected votes (verification procedure), the counting officer must show it to the agents and must permit them to view the entries in the relevant personal identifiers record which relate to the person to whom the postal voting statement was addressed, and if any of them object to the counting officer’s decision, the counting officer must add the words “rejection objected to”.

(5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, the counting officer must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

- (6) Where—
  - (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
  - (b) the envelope has no number on it,

the counting officer must open the envelope.

- (7) Sub-paragraph (8) applies where—
  - (a) there is a valid postal voting statement but no ballot paper envelope; or
  - (b) the ballot paper envelope has been opened under paragraph 17(5) or under sub-paragraph (6).
- (8) In the circumstances described in sub-paragraph (7), the counting officer must place—
  - (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;

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- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
  - (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where there is no ballot paper; and
  - (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c).
- (9) In this paragraph and in paragraph 21, “the relevant personal identifier records” means the records referred to in Schedule 1 paragraph 14.

### **Postal voting statements: additional personal identifier verification**

**21.**—(1) The counting officer may on any occasion at which a postal voters’ ballot box is opened in accordance with paragraph 16 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where the counting officer undertakes additional verification of personal identifiers, the counting officer must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as the counting officer wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the relevant personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is no longer satisfied that the postal voting statement has been duly completed the counting officer must mark the statement “rejected”, and before placing the postal voting statement in the receptacle for rejected votes (verification procedure) the counting officer must—

- (a) show it to the agents and must permit them to view the entries in the relevant personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to the counting officer’s decision, the counting officer must add the words “rejection objected to”;
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the agents; and
- (d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the counting officer must reseal the postal ballot box in the presence of the agents.

### **Opening of ballot paper envelopes**

**22.**—(1) The counting officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) The counting officer must 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 must be marked “provisionally rejected” and to which must be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which must be marked “provisionally rejected” because it does not contain a ballot paper.

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### **Retrieval of cancelled postal ballot papers**

**23.**—(1) Where it appears to the counting officer that a cancelled postal ballot paper has been placed —

- (a) in a postal voters' ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

the counting officer must proceed as follows.

(2) The counting officer must, on at least one occasion on which a postal voters ballot box is opened in accordance with paragraph 16, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by paragraph 11(7); and
- (f) unless the postal ballot box has been opened for the purposes of counting the votes under rule 34 of the Referendum Rules, reseal the postal ballot box in the presence of the agents.

### **Lists of rejected postal ballot papers**

**24.**—(1) In respect of the referendum, the counting officer must keep two separate lists of rejected postal ballot papers.

(2) In the first list, the counting officer must record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, the counting officer must record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

### **Checking of lists kept under paragraph 24**

**25.**—(1) Where the counting officer receives a valid postal voting statement without the postal ballot paper to which it relates, the counting officer may, at any time prior to the close of the poll, check the list referred to in paragraph 24(2) to see whether the number of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the counting officer receives a postal ballot paper without the postal voting statement to which it relates, the counting officer may, at any time prior to the close of the poll, check the list referred to in paragraph 24(3) to see whether the number of that ballot paper is entered in that list.

(3) The counting officer must conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the voting area under rule 32 of the Referendum Rules.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the counting officer must retrieve that statement or paper.

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(5) The counting officer must then take the appropriate steps under this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

### **Sealing of receptacles**

**26.**—(1) As soon as practicable after the completion of the procedure under paragraph 25(3) and (4), the counting officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes;
- (b) the receptacle of postal voting statements;
- (c) the receptacle of rejected ballot paper envelopes;
- (d) the lists of spoiled and lost postal ballot papers;
- (e) the receptacle of rejected votes (verification procedure); and
- (f) the receptacle of postal voting statements (verification procedure),

and must seal up such packets.

(2) Any document in those packets marked “provisionally rejected” is to be deemed to be marked “rejected”.

### **Forwarding of documents**

**27.**—(1) The counting officer must forward to the relevant registration officer at the same time as the counting officer forwards to that officer the documents mentioned in rule 42 of the Referendum Rules—

- (a) any packets referred to in paragraphs 9, 11(7), 12(5), 17 (11) and 26, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area; and
- (b) a completed statement in the form C set out in Schedule 6 of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the counting officer after the close of the poll (apart from those delivered in accordance with rule 34 of the Referendum Rules);
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed; or
- (c) any spoiled postal ballot papers are returned too late to enable other postal ballot papers to be issued,

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

(3) Rules 43 and 44 of the Referendum Rules apply to any packet or document forwarded under this paragraph.

(4) A copy of the statement referred to in sub-paragraph (1)(b) must be provided by the counting officer to the Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.