

SCHEDULES

SCHEDULE 1

AMENDMENTS

PART 5

CONDUCT OF ELECTIONS

THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962

- 55 The Electoral Law Act (Northern Ireland) 1962 (C. 14) is amended in accordance with paragraphs 56 to 68.

Attendance at election proceedings

- 56 In Schedule 5 (local elections rules), in rule 9 (right to attend nomination)—
- (a) in paragraph (1), after paragraph (b) insert “or
 - (c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties, Elections and Referendums Act 2000,”;
 - (b) after paragraph (3) insert—

“(4) Paragraph (3) does not apply to a person mentioned in paragraph (1)(c).”
- 57 In rule 29 of that Schedule (admission to polling station) for paragraph (1) substitute—
- “(1) The presiding officer shall exclude all persons from the polling station except—
- (a) voters;
 - (b) persons under the age of 18 who accompany voters to the polling station;
 - (c) the candidates and their election agents;
 - (d) the polling agents appointed to attend at the polling station;
 - (e) the clerks appointed to attend at the polling station;
 - (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
 - (g) the constables on duty; and
 - (h) the companions of voters with disabilities.

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(1A) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.”

58 In rule 44 of that Schedule (attendance at counting of votes) in paragraph (1), after sub-paragraph (e) insert—

“(f) a person who is entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.”

Identifying marks and security markings on ballot papers etc.

59 (1) Rule 16 of that Schedule (ballot papers) is amended as follows.

(2) In paragraph (2)(c) after “number” insert “and other unique identifying mark”.

(3) In paragraph (2)(d) after “number” insert “and other unique identifying mark”.

60 (1) Rule 17 of that Schedule (the official mark) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Every ballot paper must contain an appropriate security marking (the official mark).”

(3) For paragraph (3) substitute—

“(3) The returning officer may use a different official mark for different purposes at the same election.”

61 (1) The Appendix of forms of that Schedule is amended as follows.

(2) In the Form of Front of Ballot Paper omit “Counterfoil No. The counterfoil is to have a number to correspond with that on the back of the ballot paper”.

(3) In the Directions as to printing the ballot paper omit paragraph 3(e).

(4) In the Declaration of identity Front of form omit “Ballot Paper No”.

(5) In the Directions for the guidance of voters in voting—

(a) omit paragraph 1;

(b) in paragraph 6 omit “holding the paper so that the presiding officer can see the official mark on the back of it”.

62 (1) Paragraph 27 of Schedule 9 (electoral misdemeanours) is amended as follows.

(2) In sub-paragraph (2)(a) after “number” insert “or other unique identifying mark”.

(3) In sub-paragraph (3)(c) after “number” insert “or other unique identifying mark”.

(4) In sub-paragraph (4)(b) and (c) after “number” insert “or other unique identifying mark”.

Tendered votes in certain circumstances

63 (1) In rule 37 of Schedule 5 (tendered ballot papers) after paragraph (1) insert—

“(1A) Paragraph (1C) applies if —

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- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as a person entitled to vote by post, and
- (c) he claims that he did not make an application to vote by post at the election.

(1B) Paragraph (1C) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy, and
- (c) he claims that he did not make an application to vote by post as proxy.

(1C) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.”

(2) After paragraph (1C) of that rule (inserted by sub-paragraph (1) above) insert—

“(1D) Paragraph (1E) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register who is also named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to that Order as a person entitled to vote by post, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy,

and claims that he has lost or has not received his postal ballot paper.

(1E) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.”

64 In rule 32 of that Schedule (questions to be put to voters) after paragraph (1A) insert—

“(1B) In the case of a person applying as an elector who is named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as a person entitled to vote by post, the presiding officer may put either or both of the following additional questions—

- (a) “Did you apply to vote by post?”;
- (b) “Why have you not voted by post?”.

(1C) In the case of a person applying as proxy who is named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order

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as a person entitled to vote by post as proxy, the presiding officer may put either or both of the following additional questions—

- (a) “Did you apply to vote by post as proxy?”;
- (b) “Why have you not voted by post as proxy?”.”

Assistance for persons with disabilities

- 65 In rule 35 of Schedule 5 (votes marked by presiding officer)—
- (a) in paragraph (1)(a) for “physical cause” substitute “disability”;
 - (b) after paragraph (5) insert—

“(6) In this rule and in rule 36, reference to disability, in relation to voting, includes a short term inability to vote.”
- 66 In rule 36 of that Schedule (voting by persons with disabilities), in paragraph (1)—
- (a) in sub-paragraph (a) for “physical incapacity” substitute “disability”;
 - (b) for “other incapacity” substitute “other disability”.
- 67 In rule 41 of that Schedule (procedure on close of poll), in paragraph (1)(f) for ““physical incapacity”” substitute ““disability””.
- 68 In the Appendix of Forms in that Schedule, in Note number 2 to the Form of declaration to be made by the companion of a voter with disabilities for “incapacity” substitute “disability”.