

SCHEDULE 3

COMBINATION OF POLLS

Part II

Modifications to the Mayoral Elections Rules

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification (see also regulation 5(3) and (4))</i>
3 (timetable)	For “8 in the morning and 9” substitute “7 in the morning and 10”.
19 (notice of poll)	Add at the end— “(4) The notice published under paragraph (3) shall— (a) state that the poll at the mayoral election is to be taken together with the poll at a parliamentary election, a European Parliamentary election, a local authority election, a referendum, or another mayoral election, as the case may be; (b) specify the constituency, electoral division, ward or voting area, as the case may be, for which the other election or referendum is held; and (c) where the polls are to be taken together in part of a constituency, division, ward or voting area only, specify that part.”
23 (issue of official poll cards)	Add at the end— “(5) An official poll card issued under this rule may be combined with the official poll card issued at the other election, or, as the case may be, the referendum.”
24 (equipment of polling stations)	For paragraph (5) substitute— “(5) In every compartment of every polling station there shall be exhibited notices in the appropriate forms, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or referendum to which the notice in question relates.”
25 (appointment of polling and counting agents)	At the end of paragraph (6) add— “Notices of the appointment of polling agents which are required by this paragraph and paragraphs (7) and (8) to be given to the

(1) Rule	(2) Modification (see also regulation 5(3) and (4))
	returning officer shall be given to the returning officer who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986”(1)
32 (voting procedure)	At the end add— “(4) The same copy of the register of electors may be used under paragraph (1) for each election or, as the case may be, the mayoral election and the referendum, and one mark may be placed in that register under paragraph (1)(d) to denote that a ballot paper has been received in respect of both the mayoral election and, as the case may be, the other election or the referendum; except that, where a ballot paper has been issued in respect of the mayoral election or, as the case may be, the other election or the referendum.”
33 (votes marked by presiding officer)	At the end of paragraph (2) add— “The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each poll, unless the list identifies the poll at which the ballot paper was so marked.”
34 (voting by persons with disabilities)	At the end of paragraph (4) add— “The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”
35 (tendered ballot papers)	At the end of paragraph (3) add— “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”
37 (adjournment of poll in case of riot)	At the end of paragraph (1) insert— “who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986”
38 (procedure on close of poll)	After paragraph (1) insert— “(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of

(1) S.I.1986/1081.

(1) Rule	(2) Modification (see also regulation 5(3) and (4))
	<p>paragraph (1) shall not be combined with the contents of the packets made under the corresponding rule that applies at a parliamentary, European Parliamentary, county, county borough, district, London borough or GLA election, or at a referendum, as the case may be; nor shall the statement prepared under paragraph (3) be so combined.”</p>
39 (attendance at the first count)	<p>For paragraph (1) substitute—</p> <p>“(1) Where the returning officer discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986, he shall make arrangements for discharging the functions referred to in rule 40 (as modified in accordance with Part II of Schedule 3 to the Mayoral Elections (England and Wales) Regulations 2002 in the presence of the counting agents appointed for the purposes of the mayoral election as soon as practicable after the close of the poll and for thereafter counting the votes at that election in the presence of those agents; and he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under that rule (as so modified).</p> <p>(1A) Where the returning officer does not discharge the functions first mentioned in paragraph 91), he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the person who does discharge those functions; and he shall give to those counting agents notice in writing of the time and place at which he will begin to count the votes.”.</p> <p>In paragraph (2), before at the counting of the votes insert at the proceedings under rule 39(1) or.</p> <p>In paragraph (3)—</p> <p>(a) before “counting of the votes” in the first place where they occur, insert “proceedings under rule 39(1) or the”; and</p> <p>(b) before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”.</p>

(1) Rule	(2) Modification (see also regulation 5(3) and (4))
41 (the first count)	<p>For paragraphs (1) and (2) substitute—</p> <p>“(1) Where the returning officer at the mayoral election discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986, he shall—</p> <ul style="list-style-type: none"> (a) in the presence of the counting agents appointed for the purposes of the mayoral election open each ballot box and record separately the number of ballot papers used in each election; (b) in the presence of the election agents appointed for the purposes of the mayoral election verify each ballot paper account; (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election; (d) separate the ballot papers relating to the mayoral election from the ballot papers relating to the parliamentary election, the European Parliamentary election or, as the case may be, the London borough election; (e) make up into packets the ballot papers for each election other than the mayoral election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate; (f) deliver or cause to be delivered to the returning officer for the election to which the ballot papers relate— <ul style="list-style-type: none"> (i) those containers, together with a list of them and of the contents of each; and (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and (g) at the same time deliver to that officer packets that so relate containing— <ul style="list-style-type: none"> (i) the unused and spoilt ballot papers,

(1) Rule	(2) Modification (see also regulation 5(3) and (4))
	<p>(ii) the tendered ballot papers, and</p> <p>(iii) the counterfoils of the used ballot papers and the certificate as to employment on duty on the day of the poll.</p> <p>(2) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the mayoral election and count the votes given on them.</p> <p>(2A) Where the returning officer at the mayoral election does not discharge the functions specified in regulation 98 of the Representation of the People Regulations 1986, he shall—</p> <p>(a) on receipt of those containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 38(1A) (as substituted by Schedule 4 to the Local Elections (Principal Areas) Rules 1986) open each container;</p> <p>(b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under regulation 65 of the Representation of the People (England and Wales) Regulations 2001, count such of the postal ballot papers as have been duly returned and record the number counted; and</p> <p>(c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.</p>
	<p>(2B) Paragraph (6) does not apply to proceedings under paragraph (1) or (2)."</p>
50 (delivery and retention of documents)	<p>Add at the end of paragraph (1)—</p> <p>"At an election where the returning officer does not discharge the functions referred to in regulation 98 of the Representation of the People Regulations 1986, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted."</p>

(1) Rule	(2) Modification (see also regulation 5(3) and (4))
53 (countermand or abandonment of poll on death of candidate)	<p>At the end of paragraph (1) add—</p> <p>“Provided that neither the countermand of the poll at the mayoral election nor the direction that the poll be abandoned shall affect the poll at the parliamentary, European Parliamentary, local authority or GLA election or, as the case may be, the referendum.”.</p> <p>For paragraph (2) substitute—</p> <p>“(2) Where the poll at the mayoral election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the parliamentary, European Parliamentary, local authority or GLA election or, as the case may be, the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at the mayoral election had not been abandoned, and the returning officer shall dispose of ballot papers used at the election (at which a candidate has died) as he is required to do on the completion in due course of the counting of the votes, but—</p> <ol style="list-style-type: none"> (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified; and (b) the returning officer, having separated the ballot papers relating to the parliamentary, European Parliamentary, local authority or GLA election or, as the case may be, the referendum, shall take no step or further step for the counting of the ballot papers used at the mayoral election (at which a candidate has died) or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”