

SCHEDULE 3

Mayoral Election (Combination of Polls) Rules

PART 5

Further provision: more than two candidates

The count of second preference votes

52.—(1) The returning officer must count the number of second preference votes for each of the candidates remaining in the contest given by voters who did not give their first preference vote to any of those candidates.

(2) A ballot paper which is not otherwise void and on which not more than one second preference vote is marked shall be valid as respects that vote and shall be counted accordingly if, but only if, a valid first preference vote has also been marked.

(3) Rules 46(3) to (7), 47(10), (11), (13) and (14), 48 (except paragraph (3)) and 50 (except the words “the votes, or as the case may be,” in both paragraphs where they appear) shall apply in relation to the count of second preference votes as they apply in relation to the count of first preference votes as if references to first preference votes were references to second preference votes.

(4) The returning officer shall not be required to re-examine any decision taken under rule 49.

The calculation of total votes and resolution of equality

53.—(1) The returning officer must comply with paragraph 3(6) of Schedule 2 to the 2000 Act.

(2) The returning officer must then draw up a statement showing—

- (a) the total number of first preference votes given for each candidate,
- (b) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes,
- (c) the total number of votes given for each of those candidates, and
- (d) the number of ballot papers that were—
 - (i) valid as respects a first preference vote given for a candidate who did not remain in the contest after the count of the first preference votes; and
 - (ii) rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) As soon as practicable after completion of the statement, the returning officer shall provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the statement, and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(4) If, after the second preference votes have been counted, the total number of votes given for two or more candidates remaining in the contest is equal, the person to be returned as the elected mayor is the person whom the returning officer decides, in accordance with paragraph 3(8) of Schedule 2 to the 2000 Act, is to be returned as the elected mayor.