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SCHEDULES

SCHEDULE 6

COMBINATION OF POLLS: WALES

PART 1

PROVISION ABOUT COMBINATION

GENERAL PROVISIONS

Interpretation

- 1 The polls to be taken together under section 4(2) are referred to in this Schedule as “combined polls”.
- 2 In this Schedule—
- “Assembly election” means—
 - (a) an Assembly constituency election, or
 - (b) an Assembly regional election;
 - “Assembly constituency election” means an election for the return of an Assembly constituency member (within the meaning of section 1 of the Government of Wales Act 2006);
 - “Assembly Elections Rules” means the rules set out in Schedule 5 to the Welsh Assembly Order;
 - “Assembly regional election” means an election for the return of an Assembly regional member (within the meaning of section 1 of the Government of Wales Act 2006);
 - “constituency returning officer” is to be construed in accordance with Article 18 of the Welsh Assembly Order;
 - “counting agent” means a counting agent for the referendum or a counting agent for an Assembly election (except where one or other is specified);
 - “regional returning officer” is to be construed in accordance with Article 18 of the Welsh Assembly Order;
 - “returning officer” means a person who is a constituency returning officer or a regional returning officer (unless one or the other is specified);
 - “the Welsh Assembly Order” means the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236).

Cost of combined polls

- 3 The cost of taking the combined polls (excluding any cost solely attributable to the referendum or an Assembly election), and any cost attributable to their combination, is to be apportioned equally between—

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- (a) the referendum, and
 - (b) the Assembly elections.
- 4 (1) Articles 23 and 24 of the Welsh Assembly Order (payments by and to returning officer etc) apply—
- (a) as if a reference to a returning officer included a reference to a counting officer carrying out functions that, but for this Schedule, would be exercisable by a returning officer (“transferred functions”), and
 - (b) as if, in relation to that counting officer, a reference to services or expenses were to services rendered or expenses incurred in respect of transferred functions.
- (2) An order under article 23(1) of that Order (as it has effect as mentioned above) may include special provision for services rendered or expenses incurred by a counting officer in respect of transferred functions.

Publication of statement of persons nominated

- 5 (1) The statement of persons nominated at an Assembly election must be published not later than noon on the 15th day before the date of the poll.
- (2) The timetable set out in rule 1(1) of the Assembly Elections Rules is to be read with whatever modifications are necessary to give effect to this paragraph.

Forms

- 6 Forms 2, 3, 4, 6, 7 and 9 in Part 3 of this Schedule are “relevant forms” for the purposes of rule 10 of the referendum rules.

ACTION TO BE TAKEN BEFORE POLL

Corresponding number lists

- 7 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.
- (2) The function of the constituency returning officer under rule 27 of the Assembly Elections Rules is to be carried out by the counting officer.
- (3) If the counting officer thinks fit, the lists prepared under the following provisions may be combined in the form set out in Form 1 in Part 3 of this Schedule—
- (a) rule 6 of the referendum rules;
 - (b) rule 27 of the Assembly Elections Rules.
- (4) In that case, sub-paragraph (3) applies instead of—
- (a) rule 6(2) of the referendum rules;
 - (b) rule 27(2) of the Assembly Elections Rules.
- 8 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.

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- (2) The counting officer must prepare a list under sub-paragraph (3) or (4) as the officer thinks fit.
- (3) A list under this sub-paragraph is a list containing the numbers and other unique identifying marks of all of the ballot papers to be provided to presiding officers in pursuance of rule 37(1) of the Assembly Elections Rules.
- (4) A list under this sub-paragraph is a list containing the numbers and other unique identifying marks of all of the ballot papers to be provided to presiding officers in pursuance of the following provisions—
 - (a) rule 17(1) of the referendum rules;
 - (b) rule 37(1) of the Assembly Elections Rules.The list must be in the form set out in Form 1 in Part 3 of this Schedule.
- (5) A list prepared under rule 27 of the Assembly Elections Rules must not include details relating to ballot papers in relation to which a list is prepared under sub-paragraph (3) or (4).
- (6) A reference in an enactment to a list prepared under rule 27 of the Assembly Elections Rules has effect, in so far as it relates to ballot papers to be provided in pursuance of rule 37(1) of those rules, as a reference to the list prepared under sub-paragraph (3) or (4).
- (7) Where the counting officer prepares a list under sub-paragraph (4) in relation to ballot papers—
 - (a) the list prepared under rule 6 of the referendum rules must not include details relating to those ballot papers;
 - (b) a reference in an enactment to a list prepared under rule 6 of the referendum rules has effect, in so far as it relates to ballot papers to be provided in pursuance of rule 17(1) of the referendum rules, as a reference to the list prepared under sub-paragraph (4).

Notice of polling stations

- 9 (1) No later than the time of the publication of the notice of the polls, the counting officer must give public notice of—
 - (a) the situation of each polling station;
 - (b) the description of voters entitled to vote there.
- (2) The notice must—
 - (a) state that the polls for the referendum, the Assembly constituency election and the Assembly regional election are to be taken together, and
 - (b) specify the relevant voting area, constituency and region.
- (3) As soon as practicable after giving the notice the counting officer must give a copy of it to—
 - (a) each of the referendum agents appointed for the officer's area;
 - (b) each of the election agents for the Assembly elections;
 - (c) the regional returning officer.
- (4) This paragraph applies instead of—
 - (a) rule 11(3) and (4) of the referendum rules;

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- (b) rule 32(2) to (4) of the Assembly Elections rules.

Postal voting

- 10 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.
- (2) The functions of the constituency returning officer under rule 33 of the Assembly Elections Rules are to be carried out by the counting officer.
- (3) The form of postal voting statement to be issued to those entitled to vote by post in the referendum and in both the Assembly elections must be in the form set out in Form 2 in Part 3 of this Schedule.
- (4) Where that form is used, this paragraph applies instead of any requirement in the following provisions for a postal voting statement to be in a particular form.
- (5) The provisions are—
- (a) rule 12(1)(b) of the referendum rules;
- (b) rule 33(1) of the Assembly Elections Rules.
- 11 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.
- (2) The form of postal voting statement to be issued to those entitled to vote by post in the referendum must be in the form set out in Form 3 in Part 3 of this Schedule.
- (3) Sub-paragraph (2) applies instead of the requirement in rule 12(1)(b) of the referendum rules for a postal voting statement to be in a particular form.
- (4) The form of postal voting statement to be issued to those entitled to vote in the Assembly elections must be in the form set out in Form 4 in Part 3 of this Schedule.
- (5) Sub-paragraph (4) applies instead of the requirement in rule 33(1) of the Assembly Elections Rules for a postal voting statement to be in a particular form.

Polling stations

- 12 The functions of the constituency returning officer under rule 34 of the Assembly Elections Rules are to be carried out by the counting officer.
- 13 The referendum polling stations are to be used for the combined polls.

Appointment of presiding officers and clerks

- 14 The functions of the constituency returning officer under the following paragraphs of rule 35 of the Assembly Elections Rules are to be carried out by the counting officer—
- (a) paragraph (1) so far as it relates to the appointment of presiding officers and clerks;
- (b) paragraph (3).

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Official poll cards

- 15 (1) If the counting officer thinks fit, the official poll cards used for the referendum and the Assembly elections may be combined.
- (2) In that case, the forms required to be used for official poll cards for the referendum and elections must be adapted in whatever manner seems necessary.

Equipment of polling stations

- 16 The functions of the constituency returning officer under rule 37 of the Assembly Elections Rules are to be carried out by the counting officer.
- 17 (1) If the counting officer thinks fit, the same ballot box may be used at the polls for the referendum and the Assembly elections.
- (2) Where separate ballot boxes are used, each must be clearly marked to show—
- (a) the referendum or Assembly election to which it relates, and
 - (b) the colour of ballot papers that should be placed in it.
- (3) This paragraph applies instead of rule 37(2) and (3) of the Assembly Elections Rules.

Colour of ballot papers

- 18 The ballot papers used for the referendum must be of a different colour from the ballot papers used for the Assembly elections.

Form of corresponding number lists provided to polling stations

- 19 (1) If the counting officer thinks fit, the lists to be provided under the following provisions may be combined in the form set out in Form 5 in Part 3 of this Schedule—
- (a) rule 17(3)(d) of the referendum rules;
 - (b) rule 37(5)(d) of the Assembly Elections Rules.
- (2) In that case, this paragraph applies instead of—
- (a) the second sentence in rule 17(3) of the referendum rules;
 - (b) the requirement in rule 37(5)(d) of the Assembly Elections Rules to use a particular form.

Ballot paper displayed in polling stations

- 20 (1) The large version of the ballot paper displayed inside the polling station under rule 17(4)(a) of the referendum rules must be of the same colour as the ballot papers to be used for the referendum.
- (2) The large version of the ballot paper displayed inside the polling station under rule 37(7)(a) of the Assembly Elections Rules in respect of each Assembly election must be of the same colour as the ballot papers to be used for that election.

Guidance to be exhibited inside and outside polling stations

- 21 (1) A notice in the form set out in Form 6 in Part 3 of this Schedule, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

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- (2) This paragraph applies instead of—
- (a) rule 17(6) of the referendum rules;
 - (b) rule 37(14) of the Assembly Elections Rules.

Guidance to be exhibited in each polling station compartment

- 22 (1) A notice in the form set out in Form 7 in Part 3 of this Schedule, giving directions for the guidance of voters in voting, must be exhibited in every compartment of every polling station.
- (2) This paragraph applies instead of—
- (a) rule 17(7) of the referendum rules;
 - (b) rule 37(15) and (16) of the Assembly Elections Rules.

Notice of appointment of polling and counting agents

- 23 A notice required to be given to a constituency returning officer under rule 38(5), (6) or (7) of the Assembly Elections Rules is to be given to the counting officer.

Notification of requirement of secrecy

- 24 The functions of the constituency returning officer under rule 39(a) of the Assembly Elections Rules are to be carried out by the counting officer.

Return of postal ballot papers

- 25 Where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, the functions of the constituency returning officer under rule 40 of the Assembly Elections Rules are to be carried out by the counting officer.

THE POLL

Admission to the polling station

- 26 (1) Rule 21(1) of the referendum rules has effect as if the persons listed there included persons who would be entitled to be admitted to the polling station for an Assembly election if the poll for the election were held on its own.
- (2) Rule 41(1) of the Assembly Elections Rules has effect as if the persons listed there included persons who would be entitled to be admitted to the polling station for the referendum if the poll for the referendum were held on its own.

Voting by persons on duty on day of poll

- 27 (1) Paragraph 2(5) of Schedule 3 has effect as if in the words after paragraph (b) the reference to any polling station were to any polling station in the same voting area as the allotted polling station.
- (2) A certificate as to employment on duty on the day of the poll for the referendum must be in the form set out in Form 8 in Part 3 of this Schedule.
- (3) Sub-paragraph (2) applies instead of rule 21(4)(b) of the referendum rules.

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- 28 The returning officer's function of signing certificates as to employment under rule 41(5) of the Assembly Elections Rules is to be carried out by the counting officer.

Removal from polling station

- 29 The constituency returning officer's function under rule 42(2)(b) of the Assembly Elections Rules of authorising someone to remove a person from a polling station is to be carried out by the counting officer.

Voting procedure: copies of registers and lists of proxies

- 30 (1) If the counting officer thinks fit, the same copy of the register of electors may be used under the following provisions for the purposes of the referendum and the Assembly elections—
- (a) rule 28(2) of the referendum rules;
 - (b) rule 46(1) of the Assembly Elections Rules.
- (2) Sub-paragraphs (3) and (4) apply where the same copy of the register is used as mentioned in sub-paragraph (1).
- (3) In a case where a ballot paper is delivered at the same time in respect of the referendum, the Assembly constituency election and the Assembly regional election, a single mark must be placed in the register against the number of the elector under—
- (a) rule 28(2)(c) of the referendum rules, and
 - (b) rule 46(1)(c) of the Assembly Elections Rules.
- (4) In any other case, a mark must be placed in the register against the number of the elector identifying the poll to which each ballot paper delivered relates.
- (5) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act—
- (a) references in this paragraph to the copy of the register of electors are to be read as references to the copy of the notice;
 - (b) references to a mark being placed in the register of electors are to be read as references to a mark being made on the copy of the notice.
- (6) Where the same copy of the register is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 46(6) of the Assembly Elections Rules except so far as it relates to the list of proxies.
- 31 (1) If the counting officer thinks fit, the counting officer may require the relevant registration officer to produce a combined list of proxies for the referendum and the Assembly elections.
- (2) The following provisions apply where the lists are combined and a person applies for a ballot paper as proxy.
- (3) Immediately before delivery of the ballot paper the list of proxies must be marked in a way that identifies—
- (a) the proxy,
 - (b) the elector for whom the proxy is applying for the ballot paper, and
 - (c) the referendum or Assembly election to which the ballot paper relates.
- (4) Sub-paragraph (3) applies instead of—

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- (a) rule 28(2)(d) of the referendum rules;
 - (b) rule 46(1)(d) of the Assembly Elections Rules and rule 46(6) of those rules so far as it relates to the list of proxies.
- 32 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.
- (2) If the counting officer thinks fit, the counting officer may require the relevant registration officer to produce a combined postal voters list and a combined proxy postal voters list for the referendum and the Assembly elections.

List of votes marked by presiding officer

- 33 (1) If the counting officer thinks fit, a single list of votes marked by the presiding officer may be used for the purposes of the referendum and the Assembly elections.
- (2) Where a person's entry in that list does not relate to the referendum, the Assembly constituency election and the Assembly regional election, the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any election to which it relates.
- (3) In this paragraph “list of votes marked by the presiding officer” means a list compiled under—
- (a) rule 30(4) of the referendum rules, or
 - (b) rule 47(2) of the Assembly Elections Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 47(5) of the Assembly Elections Rules.

Declaration to be made by the companion of a voter with disabilities

- 34 (1) A declaration made by the companion of a voter with disabilities must be in the form set out in Form 9 in Part 3 of this Schedule.
- (2) In this paragraph “declaration made by the companion of a voter with disabilities” means a declaration made by a companion under—
- (a) rule 31 of the referendum rules, or
 - (b) rule 48 of the Assembly Elections Rules.
- (3) This paragraph applies instead of—
- (a) rule 31(5)(a) of the referendum rules;
 - (b) rule 48(7)(a) of the Assembly Elections Rules.

List of voters with disabilities assisted by companions

- 35 (1) If the counting officer thinks fit, a single list of voters with disabilities assisted by companions may be used for the purposes of the referendum and the Assembly elections.
- (2) Where a person's entry in that list does not relate to the referendum, the Assembly constituency election and the Assembly regional election, the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any election to which it relates.

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- (3) In this paragraph “list of voters with disabilities assisted by companions” means a list compiled under—
- (a) rule 31(8) of the referendum rules, or
 - (b) rule 48(4) of the Assembly Elections Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 48(9) of the Assembly Elections Rules.

Tendered votes list

- 36 (1) If the counting officer thinks fit, a single tendered votes list may be used for the purposes of the referendum and the Assembly elections.
- (2) Where a person's entry in that list does not relate to the referendum, the Assembly constituency election and the Assembly regional election, the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any election to which it relates.
- (3) In this paragraph “tendered votes list” means a list compiled under—
- (a) rule 33(7) of the referendum rules, or
 - (b) rule 49(8) of the Assembly Elections Rules
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 49(12) of the Assembly Elections Rules.

Lists relating to correction of errors on day of poll

- 37 (1) If the counting officer thinks fit, a single list of persons to whom ballot papers are delivered in consequence of late alterations to the register may be used for the purposes of the referendum and the Assembly elections.
- (2) Where a person's entry in that list does not relate to the referendum, the Assembly constituency election and the Assembly regional election, the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any election to which it relates.
- (3) In this paragraph “list of persons to whom ballot papers are delivered in consequence of late alterations to the register” means a list compiled under—
- (a) rule 36 of the referendum rules, or
 - (b) rule 51 of the Assembly Elections Rules.

Notice of adjournment in case of riot

- 38 Rule 52(1) of the Assembly Elections Rules has effect as if references to the constituency returning officer were to the counting officer.

Procedure on close of poll

- 39 (1) In rule 38(1) of the referendum rules the reference to polling agents includes a reference to polling agents appointed for the purposes of an Assembly election.
- (2) In rule 53(1) of the Assembly Elections Rules the reference to polling agents includes a reference to polling agents appointed for the purposes of the referendum.

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- 40 (1) A packet made up under one of the following provisions may not be combined with a packet made up under another of those provisions.
- (2) The provisions are—
- (a) rule 38(1)(b), (c) or (f) of the referendum rules;
- (b) rule 53(1)(b), (c), (d), (e) or (h) of the Assembly Elections Rules.
- 41 The ballot paper accounts prepared under rule 38(6) of the referendum rules and rule 53(4) of the Assembly Elections Rules may not be combined.
- 42 In rule 53(3) of the Assembly Elections Rules references to a constituency returning officer are to be read as references to the counting officer.

COUNTING OF VOTES

Attendance and arrangements for counting

- 43 (1) The counting officer must make arrangements for counting the ballot papers and carrying out the other functions conferred by paragraph 47 in the presence of the counting agents.
- (2) The counting officer must give the counting agents and the regional returning officer notice in writing of the time and place at which the proceedings under paragraph 47 will begin.
- (3) A person may be present at the proceedings under paragraph 47 only if—
- (a) the person is entitled to be present at the counting of the votes for the referendum or an Assembly election, or
- (b) the person is permitted by the counting officer to attend.
- (4) The counting officer may give a person permission under sub-paragraph (3)(b) only if—
- (a) the officer is satisfied that the person's attendance will not impede the efficient conduct of the proceedings, and
- (b) the officer has consulted the referendum agents and election agents or thought it impracticable to do so.
- (5) The counting officer must give the counting agents—
- (a) whatever reasonable facilities for overseeing the proceedings, and
- (b) whatever information with respect to the proceedings,
- the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.
- 44 Rule 39(1) of the referendum rules (arrangements for the counting of votes in the referendum) has effect with the omission of the words “after the close of the poll”.
- 45 (1) The constituency returning officer must make arrangements for counting the votes for the Assembly elections in the presence of the counting agents for the election as soon as practicable after receiving the ballot papers from the counting officer under paragraph 48.
- (2) The constituency returning officer must give the counting agents for the Assembly elections and the regional returning officer notice in writing of the time and place at which the counting of the votes for the elections will begin.

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- (3) A person may be present at the counting of the votes for an Assembly election only if—
 - (a) the person is permitted by the returning officer to attend, or
 - (b) the person would be entitled to be present at the counting of votes for the Assembly election if it were taken on its own.
- (4) The constituency returning officer may give a person permission under subparagraph (3)(a) only if—
 - (a) the officer is satisfied that the person's attendance will not impede the efficient counting of the votes, and
 - (b) the officer has consulted the election agents or thought it impracticable to do so.
- (5) The constituency returning officer must give the counting agents for the Assembly elections—
 - (a) whatever reasonable facilities for overseeing the proceedings, and
 - (b) whatever information with respect to the proceedings,the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.
- (6) In particular, where the votes are counted by sorting the ballot papers into lots according to the votes marked on them and then counting the number of ballot papers in each lot, the counting agents for an Assembly election are entitled to satisfy themselves that the ballot papers are correctly sorted.

46 Paragraphs 43 and 45 apply instead of rule 54 of the Assembly Elections Rules.

Counting and separation of ballot papers by counting officer

- 47
- (1) As soon as practicable after the close of the poll the counting officer must—
 - (a) in the presence of the counting agents, open each ballot box and count and record separately the number of ballot papers relating to the referendum, the Assembly constituency election and the Assembly regional election;
 - (b) where proceedings on the issue and receipt of postal ballot papers for the referendum and the Assembly elections are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, count the postal ballot papers that have been duly returned for the referendum, the Assembly constituency election and the Assembly regional election and record separately the number relating to each;
 - (c) where proceedings on the issue and receipt of postal ballot papers for the referendum and the Assembly elections are not taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, count the postal ballot papers that have been duly returned for the referendum and record the number;
 - (d) separate the ballot papers relating to the referendum, the Assembly constituency election and the Assembly regional election.
 - (2) The counting officer must not count any tendered ballot papers.
 - (3) The counting officer, while counting and recording the number of ballot papers, must—
 - (a) keep the ballot papers with their faces upwards, and

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- (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (4) The counting officer must, in the presence of the referendum agents and the election agents for the Assembly elections—
 - (a) verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoiled ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list);
 - (b) draw up a separate statement as to the result of the verification in relation to each poll.
- (5) An election agent for an Assembly election may copy the statement relating to that Assembly election.
- (6) A counting agent for the referendum present at the verification may copy the statement relating to the referendum.
- (7) Once the statement relating to the referendum is drawn up, the counting officer must—
 - (a) in the case of a voting area in a region for which a Regional Counting Officer is appointed, inform the Regional Counting Officer of the contents of the statement;
 - (b) in the case of any other voting area, inform the Chief Counting Officer of the contents of the statement.
- (8) Rule 40 of the referendum rules does not apply.

Delivery of ballot papers etc to returning officers

- 48
- (1) The counting officer must deliver or cause to be delivered to the constituency returning officer the ballot papers for the Assembly elections.
 - (2) The counting officer must also deliver or cause to be delivered to the constituency returning officer—
 - (a) the ballot paper accounts and the statement as to the result of the verification of the ballot paper accounts for the Assembly elections;
 - (b) the packets of unused and spoiled ballot papers for the Assembly elections;
 - (c) the packets of tendered ballot papers for the Assembly elections;
 - (d) the packets of certificates as to employment on duty on the day of the poll for the Assembly elections.
 - (3) If the counting officer has not begun to count the votes given on the referendum ballot papers by the time the statements as to the result of the verification of the ballot paper accounts in relation to all the polls are prepared—
 - (a) those ballot papers must be sealed into packets, each of which must be endorsed with a description of its contents, and
 - (b) the packets may not be opened until the counting officer begins dealing with the ballot papers in those packets under paragraph 49(1).
 - (4) If, in respect of an Assembly constituency election or an Assembly regional election, none of the ballot papers have been delivered under sub-paragraph (1) by the time the

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statements as to the result of the verification of the ballot paper accounts in relation to all the polls are prepared—

- (a) the ballot papers for that election must be sealed into packets, each of which must be endorsed with a description of its contents, and
- (b) the packets may not be opened until the constituency returning officer begins dealing with the ballot papers in those packets under paragraph 49(3).

Counting of votes

- 49 (1) The counting officer must count the votes given on the ballot papers for the referendum, but must not do so until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (2) Where proceedings on the issue and receipt of postal ballot papers for the Assembly elections are not taken together with those for the referendum, the constituency returning officer must count the postal ballot papers that have been duly returned for the Assembly constituency election and the Assembly regional election and record separately the number relating to each.
- (3) The constituency returning officer must count the votes given on the ballot papers for each Assembly election, but must not do so until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (4) The counting or constituency returning officer, while counting the votes, must—
- (a) keep the ballot papers with their faces upwards, and
 - (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (5) The counting or constituency returning officer must so far as practicable proceed continuously with the counting of votes, allowing only time for refreshment, except that—
- (a) the officer may exclude the whole or any part of the period between 7 pm and 9 am on the next day;
 - (b) the officer may exclude a day mentioned in rule 2(1) of the referendum rules.
- (6) During the time so excluded the counting or constituency returning officer must—
- (a) place the ballot papers and other documents relating to the referendum or Assembly election under the officer's own seal and the seals of any of the counting agents who want to affix their seals, and
 - (b) otherwise take proper precautions for the security of the papers and documents.
- (7) This paragraph and paragraph 50 apply instead of rule 55 of the Assembly Elections Rules.

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Ballot papers placed in wrong ballot box

- 50 Where separate ballot boxes are used for the referendum, the Assembly constituency election and the Assembly regional election, the placing of a ballot paper in the wrong ballot box does not render it void.

DECLARATION OF RESULT

Declaration

- 51 The result of the referendum or an Assembly election may not be declared until the statement as to the result of the verification of the ballot paper accounts in relation to each poll has been prepared.

DISPOSAL OF DOCUMENTS ETC

Packets of documents

- 52 (1) The counting officer may not open the sealed packets of—
- (a) the completed corresponding number lists for an Assembly election, or
 - (b) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act), and lists of proxies, for an Assembly election.
- (2) Rule 66(3) of the Assembly Elections Rules has effect as if sub-paragraphs (b) and (d) were omitted.

Delivery and retention of documents

- 53 (1) Rules 50(1)(a) and 52 of the referendum rules apply to the specified documents.
- (2) The specified documents are those specified in rule 67(1)(e), (f) and (h) of the Assembly Elections Rules.
- (3) Rule 68 of the Assembly Elections Rules applies to the specified documents as if references to the relevant registration officer were to the registration officer to whom the documents were forwarded under rule 50(1)(a) of the referendum rules.
- (4) Except for the purposes of this paragraph, rule 67 of the Assembly Elections Rules has effect as if it did not include a reference to the specified documents (and as if paragraph (2) were omitted).
- (5) Regulation 121 of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) has effect in relation to an Assembly election—
- (a) as if, in the definition of “relevant Assembly election documents”, the reference to rule 69(1) of Schedule 5 to the 2007 Order included a reference to rule 52 of the referendum rules as applied by this paragraph;
 - (b) as if, in paragraph (2), the reference to documents forwarded under rule 67(1)(h) of Schedule 5 to the 2007 Order were to documents forwarded under rule 50(1)(a) of the referendum rules as so applied.
- (6) Rule 68(8) of the Assembly Elections Rules has effect as if after “rule” there were inserted “(or a court order)”.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, PART 1. (See end of Document for details)

Countermand or abandonment of poll on death of candidate

- 54 Where an Assembly election is countermanded, or polling is abandoned, because of the death of a candidate, this does not affect the poll for the referendum.
- 55 (1) Rule 76 of the Assembly Elections Rules has effect as if it were modified in accordance with sub-paragraphs (2) to (4).
- (2) In paragraph (2) after “constituency returning officer” insert “ or counting officer ”.
- (3) For paragraph (3) substitute—
- “(3) After the close of any polls that are being taken together with the poll that has been abandoned, the counting officer must—
- (a) separate the ballot papers for the abandoned poll, and
- (b) deliver or cause to be delivered to the constituency returning officer the ballot papers and other documents relating to the abandoned poll.
- (3A) Paragraphs (4) to (9) apply in relation to the election for which the poll has been abandoned.”
- (4) Sub-paragraph (3) applies instead of rule 76(10) of the Assembly Elections Rules.

PROVISION OF REGISTERS ETC TO COUNTING OFFICER

Registers

- 56 Regulation 98(8) of the Representation of the People (England and Wales) Regulations 2001 has effect as if a reference to a returning officer included a reference to the counting officer.

Absent voters lists

- 57 As soon as practicable after 5 pm on the 6th day before the date of the poll, the registration officer must provide the counting officer with the following lists, and any subsequent revised lists or revisions to the lists—
- (a) the list of proxies for the Assembly elections;
- (b) the postal voters list for the Assembly elections;
- (c) the proxy postal voters list for the Assembly elections.

Personal identifier information

- 58 Where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, Article 13(5) of that Order has effect as if a reference to a constituency returning officer were a reference to the counting officer.

Changes to legislation:

There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, PART 1.