

## SCHEDULE 4

### Combination of polls

#### PART 4

#### **Modifications to election rules to apply where the poll at an election of community councillors is taken together with the poll at an Assembly election under Article 16(1) or (2)**

##### **Rule 45 of community election rules (the count)**

**59.**—(1) For rule 45(1) of the community election rules substitute—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

- (a) in the presence of the counting agents appointed for the purposes of the poll at the community election and Assembly election open each ballot box and count and record separately the number of ballot papers used in each election;
- (b) in the presence of the counting agents appointed for the purposes of the poll at the community election and the election agents appointed for the purposes of the Assembly elections, 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 each election;
- (e) make up into packets the ballot papers for each election other than the community election and seal them up in separate containers endorsing on each a description of the election 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 (or, in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the votes were given on those ballot papers)—
  - (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, or cause to be delivered, to that officer packets that so relate containing (as appropriate)—
  - (i) the unused and spoiled ballot papers;
  - (ii) the tendered ballot papers;
  - (iii) the completed corresponding number lists; and
  - (iv) the certificates as to employment on duty on the day of the poll.”.

(2) For rule 45(2) substitute—

“(2) Where separate ballot boxes are used for the community election and Assembly election no vote for any candidate shall be rendered invalid by the ballot papers being placed in the wrong ballot box.”.

(3) For rule 45(3) and (4) substitute—

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(3) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the community election and count the votes given on them.

(4) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(2) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007), in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.”.

(4) Rule 45(10) does not apply to these proceedings.