
STATUTORY INSTRUMENTS

2020 No. 926

**The Postponed Elections and Referendums (Coronavirus) and
Policy Development Grants (Amendment) Regulations 2020**

PART 2

Provision relating to polls postponed due to coronavirus

CHAPTER 1

Postal ballots

Postal ballots: disposal of documents by the returning or counting officer

4.—(1) The returning officer for a relevant by-election or the counting officer for a relevant referendum—

- (a) subject to paragraph (2), must not take any step or further step to open a covering envelope, or deal with the contents of an opened relevant envelope, in accordance with Part 5 of the 2001 Regulations;
- (b) must treat as if it were a counted ballot paper—
 - (i) any unopened covering envelope;
 - (ii) the contents of any opened relevant envelope;
 - (iii) any contents of the postal ballot box.

(2) Where the polls for one or more relevant by-elections or relevant referendums were due to be taken together—

- (a) the returning officer or counting officer may open any covering envelopes or ballot paper envelopes in order to separate the contents by election or referendum for the purposes of paragraph (4);
- (b) the requirements of Part 5 of the 2001 Regulations do not apply to any such opening of envelopes.

(3) In paragraph (1), “opened relevant envelope” means—

- (a) a covering envelope that has been opened, or
- (b) an envelope (other than a covering envelope) which is received by the returning officer or counting officer and which, when opened, contains a ballot paper envelope, postal voting statement or ballot paper.

(4) The returning officer or counting officer—

- (a) must seal up in packets—
 - (i) any contents of the receptacle for rejected votes;
 - (ii) any contents of the receptacle for ballot paper envelopes;
 - (iii) any contents of the receptacle for rejected ballot paper envelopes;

- (iv) any lists of spoilt, lost or cancelled postal ballot papers kept in accordance with regulation 77(8), 78(4) or 78A(3) of the 2001 Regulations respectively;
 - (v) any contents of the receptacle for rejected votes (verification procedure);
 - (vi) any contents of the receptacle for postal voting statements (verification procedure);
 - (vii) anything treated as if it were a counted ballot paper under paragraph (1)(b) which would not otherwise be contained in a packet in accordance with paragraphs (i) to (vi);
 - (viii) the marked copies of the postal voters list and the proxy postal voters list;
- (b) must forward those packets to the relevant registration officer, together with—
- (i) any sealed packets described in regulations 75(1), 77(6), 78(2C) and 78A(2)(c) of the 2001 Regulations (completed corresponding number lists and spoilt, lost and cancelled postal ballot papers);
 - (ii) any list required to be compiled in accordance with regulation 87(4) of the 2001 Regulations (lists of rejected ballot papers).
- (5) The returning officer or counting officer must endorse each packet described in paragraph (4) with—
- (a) a description of its contents;
 - (b) the date of the poll for the relevant by-election or relevant referendum;
 - (c) in the case of a relevant by-election, the name of the electoral area (or areas) to which the relevant by-election relates;
 - (d) in the case of a relevant referendum, the name of the relevant council.
- (6) Subsection (4) or (5), as the case may be, of section 36 of the 1983 Act (local elections in England and Wales: payment of expenditure)(1) applies to all expenditure properly incurred by a returning officer or counting officer in relation to the exercise of the officer’s functions under this regulation as it applies to expenditure properly incurred in relation to the holding of an election or referendum.
- (7) In paragraph (6), the reference to subsection (4) or (5) of section 36 of the 1983 Act in relation to—
- (a) a relevant referendum the poll for which was not due to be taken together with the poll for a relevant by-election or relevant referendum, is to that subsection as applied by regulation 8 of, and Schedule 4 to, the 2012 Regulations;
 - (b) a relevant referendum the poll for which was due to be taken together with the poll for a relevant by-election or another relevant referendum, is to that subsection as applied by regulation 12 of, and Schedule 4 to, the 2012 Regulations;
 - (c) a relevant by-election the poll for which was due to be taken together with the poll for a relevant referendum, is to that subsection as applied by regulation 13 of, and Schedule 4 to, the 2012 Regulations.
- (8) In this regulation—
- “ballot paper envelope”, “covering envelope”, “postal voter”, “receptacle for ballot paper envelopes” and other references to specified receptacles have the same meanings as in Part 5 of the 2001 Regulations;
 - “counting officer” has the same meaning as in the 2012 Regulations;
 - “electoral area” has the same meaning as in section 203(1) of the 1983 Act;

(1) Section 36(4) and (5) was amended by the Representation of the People Act 1985 (c. 50), Schedule 17; by the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraph 68(9) and (10); and by S.I. 1991/1730.

“postal voters list” and “proxy postal voters list” have the same meaning as in section 202(1) of the 1983 Act⁽²⁾;

“relevant council” has the same meaning as in paragraph 14(3) of Schedule 4B to the Town and Country Planning Act 1990⁽³⁾.

(2) Section 202(1) was amended by the Electoral Administration Act 2006 (c. 22), Schedule 1, paragraph 128.

(3) 1990 c. 8; Schedule 4B was inserted by the Localism Act 2011 (c. 20), Schedule 10.