

SCHEDULES

SCHEDULE 1

Rules for conduct of an election of councillors for a community
where poll is not taken together with poll at another election

PART 3

Counting of Votes and Declaration of Result at Contested Elections

The count: steps

- 54.**—(1) The returning officer must take the following steps.
- (2) The returning officer must, in the presence of the counting agents, open each ballot box, take out the ballot papers, count them and record the number of ballot papers.
 - (3) The returning officer must not count any tendered ballot paper.
 - (4) The returning officer must, in the presence of the election agents (if appointed), verify each ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoiled ballot papers in the returning officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and tendered votes list).
 - (5) The returning officer must prepare a statement as to the result of the verification and give a copy of the statement to any election agent who requests it.
 - (6) Where a candidate has not appointed an election agent—
 - (a) the verification of the ballot paper account must be done in the presence of the candidate's counting agents instead, and
 - (b) a copy of the statement must be given to any of the candidate's counting agents who requests it.
 - (7) The returning officer must also—
 - (a) count the postal ballot papers that have been properly returned (see paragraph (8)), and
 - (b) record the number counted.
 - (8) A postal ballot paper is to be treated as properly returned if the ballot paper and the accompanying postal voting statement properly completed are—
 - (a) handed in at a polling station in the electoral area before the close of the poll,
 - (b) given by hand to the returning officer before the close of the poll, or
 - (c) received by the returning officer by post before the close of the poll.
 - (9) A postal voting statement is properly completed if—
 - (a) it is signed by the elector or (as the case may be) the proxy, unless the registration officer has dispensed with the requirement for a signature,
 - (b) it states the date of birth of the elector or (as the case may be) the proxy, and

Changes to legislation: There are currently no known outstanding effects for the *The Local Elections (Communities) (Wales) Rules 2021, Paragraph 54*. (See end of Document for details)

- (c) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations under the 1983 Act, the returning officer has taken those steps and verified the date of birth and (except in a case where the requirement for a signature has been dispensed with) the signature.
- (10) Where, at the close of the poll, a person is in the polling station, or in a queue outside the polling station, for the purpose of handing in a postal ballot paper and postal voting statement—
 - (a) the person must be permitted to hand the ballot paper and statement in at the polling station, and
 - (b) where handed in, they are to be treated as having been handed in before the close of the poll for the purposes of this rule.
- (11) The returning officer must not count the votes given on any ballot paper until—
 - (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
 - (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.
- (12) While counting and recording the number of ballot papers and counting the votes, the returning officer must—
 - (a) keep the ballot papers with their faces upwards, and
 - (b) take such other precautions as are appropriate for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

Commencement Information

II Sch. 1 rule 54 in force at 17.12.2021, see [rule 1](#)

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