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STATUTORY INSTRUMENTS

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**1985 No. 454**

**NORTHERN IRELAND**

**The Local Elections (Northern Ireland) Order 1985**

*Laid before Parliament in draft*

*Made - - - - 20th March 1985*

*Coming into Operation 27th March 1985*

At the Court at Buckingham Palace, the 20th day of March 1985

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty in exercise of the powers conferred by section 38(1)(a) and (4) of the Northern Ireland Constitution Act 1973(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Local Elections (Northern Ireland) Order 1985 and shall come into operation on the seventh day after the day on which it is made.

(2) This Order extends to Northern Ireland only.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954(2) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the Act of 1962” means the Electoral Law Act (Northern Ireland) 1962(3).

(3) In this Order expressions have the same meaning as in the Act of 1962.

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(1) 1973 c. 36; section 38 was amended by paragraph 6 of Schedule 2 to the Northern Ireland Act 1982 (c. 38) and the powers in section 38(1) are referred to in section 5(1) of the Elections (Northern Ireland) Act 1985 (c. 2).  
(2) 1954 c. 33 (N.I.).  
(3) 1962 c. 14 (N.I.).

## Revocations

3.—(1) The provisions of the Northern Ireland (Local Elections) Order 1977(4), except Article 3 of, and Schedule 1 to, that Order shall cease to have effect on the coming into operation of this Order and that Order shall be revoked on 15th May 1985.

(2) The Northern Ireland (Variation of Limits of Candidates' Election Expenses) Order 1981(5) is hereby revoked.

## Local elections rules

4. For the local elections rules set out in Schedule 5 to the Act of 1962(6) there shall be substituted the rules set out in Schedule 1.

## District electoral areas

5. At a local election there shall be a separate election for each district electoral area and each such area shall return such number of councillors as is provided by the Order in Council under section 38(1)(a) of the Northern Ireland Constitution Act 1973 constituting the area in question.

## Manner of voting

6.—(1) A local elector may vote in person at the polling station allotted to him under the local elections rules in Schedule 5 to the Act of 1962 (as substituted by Schedule 1) unless he is entitled as an elector to an absent vote at the election.

(2) He may vote by post if he is entitled as an elector to vote by post at the election.

(3) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him for a ballot paper for the purpose of voting in person, in which case he may vote in person there.

(4) The provisions of Parts I and II of Schedule 2 shall have effect as respects the entitlement to vote by post or to vote by proxy at a local election and as respects the appointment of proxies and voting by post or by proxy.

(5) Accordingly, at the end of section 67 of the Act of 1962 (voting by proxy)(7), there shall be added the following subsection—

“(5) This section and Schedule 7 shall not apply at a local election.”.

(6) A local elector shall not be entitled to vote in person as an elector where he has applied to be treated as an absent voter and is entitled in pursuance of the application to vote by post.

(7) If a local elector is not entitled as an elector to vote by post or by proxy at the election but is unable or likely to be unable to go to the polling station allotted to him by reason of the particular circumstances of his duties on the date of the poll either—

(a) as a constable,

(b) as a member of Her Majesty's forces (including Her Majesty's reserve or auxiliary forces) in connection with the election, or

(c) by reason of his employment by the returning officer in connection with the election,

he may vote in person as elector at any polling station in the district electoral area.

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(4) S.I. 1977 /428.

(5) S.I. 1981/229.

(6) Schedule 5 was substituted by Schedule 2 to the Northern Ireland (Local Elections) Order 1977.

(7) Section 67 was extended by Article 6 of the Northern Ireland (Local Elections) Order 1977.

(8) The proceedings in connection with the issue and receipt of postal ballot papers at a local election shall be conducted in accordance with Part III of Schedule 2.

### **Election day**

7.—(1) In section 11 of the Act of 1962 (election and term of office of members of district councils)(8), after subsection (1) there shall be inserted:

“(1A) The election day referred to in subsection (1) is the third Wednesday in May.”.

(2) In section 130(1) of the Act of 1962 (interpretation), after the definition of “election court” there shall be inserted:

““election day” has the meaning given in section 11(1) and (1A);”.

### **Variation of certain time limits**

8.—(1) In section 23(7) of the Act of 1962 (returning officer at local election to submit account of expenses to local authority within three months of the declaration of the result of the election), for the words “three months” there shall be substituted the words “six months”.

(2) At the end of section 24(1) of the Act of 1962 (time during which claims must be made against the returning officer), there shall be added the words “In the case of a local election, this subsection shall have effect as if, for the period of twenty-one days referred to above, there were substituted a period of forty-two days”.

### **Limit on candidates' election expenses**

9. In section 42(1) of the Act of 1962 (limit on candidates' election expenses at an election)(9), for the words from “current register” to the end there shall be substituted the words “current register, and for a candidate at a local election is £135 together with an additional 2.8p for every entry in the register of electors to be used at the election (as first published)”.

### **Fee for inspection of returns and declarations as to election expenses**

10. In subsection (1) of section 52 of the Act of 1962 (inspection of returns and declarations)(10), after the words “5p” and after the words “1p” there shall be inserted the words “in the case of a return or declaration relating to a parliamentary election,” and at the end of the subsection there shall be inserted the following:—

“Where the return or declaration relates to a local election, the fee for inspection shall be £1 and the price of copies shall be 10p for each side of each page.”.

### **Right to send election address post free**

11. In subsection (1) of section 53 of the Act of 1962 (right to send election address post free), after the word “parliamentary” there shall be inserted the words “or local”.

### **Deposit**

12.—(1) In section 60 of the Act of 1962 (candidates' deposit), in subsection (1) after the word “election” there shall be inserted the words “(other than a local election)”; and in subsection (3), paragraph (b) shall cease to have effect.

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(8) Section 11 was substituted by Article 3(1) of the Electoral law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I.13)).

(9) Section 42(1) was amended (so far as material) by Article 13(2)(c) of the Electoral Law (Northern Ireland) Order 1972.

(10) Section 52(1) is read in accordance with section 10 of, and Schedule 1 to, the [Decimal Currency Act 1969 \(c. 19\)](#).

- (2) In section 61 of the Act of 1962 (return or disposal of deposit)—
- (a) in subsection (1) the words “or Local Elections Rules as the case may be”,
  - (b) in subsection (3), paragraph (b),
  - (c) in subsection (5), paragraph (b), and
  - (d) in subsection (8), paragraph (c),
- shall cease to have effect.

### **Disapplication of section 110 of the Act of 1962**

13. Section 110 of the Act of 1962 (compensation where charge of personation is unjustly made or not prosecuted) shall not apply at a local election and accordingly in subsection ( 1) of that section the words “or Rule 37 of the Local Elections Rules” shall be omitted.

### **Voting offences**

14.—(1) The following amendments shall be made to Schedule 9 to the Act of 1962 (electoral offences).

(2) In sub-paragraph (a) of paragraph 5 (offences as to proxy voting) after the word “parliamentary” there shall be inserted the words “or local”.

(3) In paragraph 10(1) (offences in connection with legal incapacity to vote):—

- (a) at the end of paragraph (a), there shall be added the words “or votes by post at a local election”, and
- (b) in paragraph (b), after the word “parliamentary” there shall be inserted the words “or local”.

(4) In paragraph I I(b) (voting in person where entitled to vote by post) after the word “parliamentary” there shall be inserted the words “or local”.

(5) In paragraph 12(1)(b) (voting as proxy for person subject to legal incapacity), after the word “votes” there shall be inserted the words “(at a local election, whether in person or by post)”.

(6) After paragraph 12 (proxy offences) there shall be inserted the following paragraph:—

(1) For the purposes of the offences in sub-paragraphs (c) and (d) of paragraph 11 (voting offences as elector at local elections) and sub-paragraph (d) of paragraph 12(2) (voting offence as proxy at local elections) a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

(2) Where a person is alleged to have committed an offence under the provisions referred to in sub-paragraph (1) by voting on a second or subsequent occasion, he shall not be deemed by virtue of that sub-paragraph to have voted by applying on a previous occasion for a ballot paper for the purpose of voting in person unless he then marked a tendered ballot paper under rule 37(4) of the local elections rules.”.

### **Offences relating to specified documents**

15.—(1) A person commits an offence if, on the day of or the day next preceding the poll at a local election, he has possession of a document to which this Article applies, with the intention of committing or of enabling another person to commit the offence of personation at the election.

(2) This Article applies to—

- (a) a document which is not, but purports to be, a specified document within the meaning of rule 34 of the local elections rules in Schedule 5 to the Act of 1962 (as substituted by Schedule 1), and
  - (b) a specified document within the meaning of that rule which either falsely bears the name of the person in possession or does not bear that name.
- (3) If a constable has reasonable grounds for suspecting that a person has possession of a document in contravention of paragraph (1), the constable may—
- (a) search that person, and detain him for the purpose of searching him;
  - (b) search any vehicle in which the constable suspects that the document may be found, and for that purpose require the person in control of the vehicle to stop it;
  - (c) seize and retain, for the purpose of proceedings for an offence under paragraph (1), any document found in the course of the search if there are reasonable grounds for suspecting that it is a document to which this Article applies.
- (4) If a resident magistrate is satisfied by complaint on oath that there are reasonable grounds for suspecting that a person has possession on any premises of a document in contravention of paragraph (1), he may grant a warrant authorising any constable—
- (a) to enter, if need be by force, the premises named in the warrant,
  - (b) to search the premises and any person found there, and
  - (c) to seize and retain, for the purpose of proceedings for an offence under paragraph (1), any document found in the course of the search if there are reasonable grounds for suspecting that it is a document to which this Article applies.
- (5) A person commits an offence if he—
- (a) intentionally obstructs a constable in the exercise of his powers under this Article, or
  - (b) conceals from a constable acting in the exercise of those powers any document to which this Article applies.
- (6) A constable may arrest without warrant a person who has committed, or whom the constable has reasonable grounds for suspecting to have committed, an offence under paragraph (1) or (5) if—
- (a) he has reasonable grounds for believing that that person will abscond unless arrested,
  - (b) the name and address of that person are unknown to, and cannot be ascertained by, him, or
  - (c) he is not satisfied that a name and address furnished by that person as his name and address are true.
- (7) A person is guilty of a corrupt practice if he commits or aids, abets, counsels or procures the commission of an offence under paragraph (1); and the provisions of the Act of 1962 relating to corrupt practices shall apply in such a case, but reading for the words “one year” in section 108(2) (penalty on indictment) the words “two years”.
- (8) A person guilty of an offence under paragraph (5) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale (as provided by Article 5 of the Fines and Penalties (Northern Ireland) Order 1984(11)) or to imprisonment for a term not exceeding 6 months or to both.
- (9) A prosecution shall not be instituted in respect of an offence under paragraph (1) except by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (10) In this Article—
- “premises” includes any place and, in particular, includes any movable structure, and
  - “vehicle” means a vehicle intended or adapted for use on land (however propelled, and including a caravan or other vehicle intended or adapted to be drawn).

### Consequential amendments to Act of 1962

16.—(1) The following amendments in consequence of the provisions of this Order shall be made to the Act of 1962.

(2) In section 11(3) (effect of death of candidate)(**12**) for the words from the beginning to “adjourned” there shall be substituted the words “If the poll at an election in any district electoral area is countermanded or abandoned by reason of a candidate's death”.

(3) In section 14A(2) (discharge of functions of Chief Electoral Officer)(**13**) for the words “Rule 22 of Schedule 5” there shall be substituted the words “rule 23 of the local elections rules”.

(4) In section 29(8) (power to refuse to issue a ballot paper) for the words “Rules 31, 35 and 37 of the Local Elections Rules” there shall be substituted the words “rule 32 and paragraphs (2) to (7) of rule 34 (including those paragraphs as applied by rules 35, 36 and 37) of the local elections rules”.

(5) In section 42(3) (limitation on election expenses), after the words “of expenses” there shall be inserted “(a) at a parliamentary election” and at the end there shall be inserted the following:—

“and

(b) at a local election shall, for each of two or more joint candidates, be reduced by one-fourth or, if there are more than two joint candidates, by one-third.”.

(6) In section 72(3)(c) (persons not qualified to act at election court for trial of petition relating to local election) for the word “ward” there shall be substituted the words “district electoral area”.

(7) In section 130(1) (interpretation)—

(a) in the definition of “current register” for the words after “constituency” to the end of the definition there shall be substituted the words “or district electoral area for which the election is being held”;

(b) in the definition of “election” for the words from “local election means” to the end of the definition there shall be substituted the words “local election means an election in a district electoral area”; and

(c) in the definition of “local election” for the words from “an election” to “for a” there shall be substituted the words “an election in a district electoral area for a”.

(8) In Schedule 10—

(a) in Forms 2, 3 and 4(**14**) for the words “ward of district” there shall be substituted the words “district electoral area”, and

(b) in Form 5 after the word “constituency” there shall be inserted the words “or ... district electoral area”.

### Consequential amendment to the Local Government Act (Northern Ireland) 1972

17. In section 1(1)(a) of the Local Government Act (Northern Ireland) 1972 (district councils)(**15**), for sub-paragraphs (i) and (ia) there shall be substituted:

“(i) elected by the local electors (within the meaning of section 130(1) of the Electoral Law Act (Northern Ireland) 1962) in each district electoral area in the district in accordance with the provisions of the Electoral Law Acts (Northern Ireland) 1962 to 1971 and the provisions of the Local Elections (Northern Ireland) Order 1985;”;

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(12) Section 11(3) was substituted by Article 3 of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)) and amended by Article 4(3)(a) of the Local Elections (Northern Ireland) Order 1977 (S.I. 1977/428).

(13) Section 14A was substituted by Article 6 of the Electoral Law (Northern Ireland) Order 1972.

(14) Forms 2, 3 and 4 were amended by Schedule 2 to the Electoral Law (Northern Ireland) Order 1972.

(15) 1972 c. 9 (N.I.); paragraph (a) was amended by Article 5(4) of the Northern Ireland (Local Elections) Order 1977.

Provided that nothing in this Article shall affect the tenure of office of any member of a district council elected before election day in 1985.

### **Consequential amendments to Electoral Law (Northern Ireland) Order 1972**

**18.**—(1) The following amendments in consequence of the provisions of this Order shall be made to the Electoral Law (Northern Ireland) Order 1972<sup>(16)</sup>.

(2) Article 3(2) and Schedule 1 (timetable for local elections and computation of time) shall cease to have effect.

(3) Article 8(2) (description of candidate in nomination paper and on ballot paper) shall cease to have effect.

(4) Article 10 (deposits by candidates at local elections) shall cease to have effect.

(5) In Article 11 (period for delivery of nomination papers) the words “and local” shall be omitted.

(6) In Article 14 (hours of polling) the words “or local” and the words from “and in paragraph (3)” to the end shall be omitted.

*G. I. de Deney,*  
Clerk of the Privy Council.

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(16) S.I. 1972/1264 (N.I. 13).

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SCHEDULE 1

Article 4

SCHEDULE SUBSTITUTED FOR SCHEDULE 5 TO THE ACT OF 1962

“Local Elections Rules

ARRANGEMENT OF RULES

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PROVISIONS AS TO TIME AND INTERPRETATION

1. Timetable
2. Computation of time
3. Returning officer

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5. Nomination of candidates
6. Subscription of nomination paper
7. Consent to nomination
8. Place for delivery of nomination papers
9. Right to attend nomination
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11. Withdrawal of candidates
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23. Appointment of presiding officers and clerks
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25. Issue of official poll cards
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27. Appointment of polling and counting agents
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29. Admission to polling station
30. Keeping of order in station
31. Sealing of ballot boxes
32. Questions to be put to voters
33. Challenge of voter
34. Voting procedure
35. Votes marked by presiding officer
36. Voting by blind persons
37. Tendered ballot papers
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46. Rejected ballot papers
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48. The quota
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#### PART VII

#### DEATH OF CANDIDATE

61. Countermand or abandonment of poll on death of candidate

#### — APPENDIX OF FORMS

1. Form of nomination paper
2. Form of consent to nomination
3. Form of ballot paper

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4. Directions for printing the ballot paper
5. Declaration of identity
6. Form of elector's official poll card
7. Form of proxy's official poll card
8. Form of directions for the guidance of voters in voting
9. Form of certificate of employment
10. Form of declaration to be made by the companion of a blind voter

## PART I

### PROVISIONS AS TO TIME AND INTERPRETATION

#### *Timetable*

(1) The proceedings at an election shall be conducted in accordance with whichever of the timetables in paragraph (2) or (3) applies for that election.

(2) The proceedings at an election in a local election year (within the meaning of section 11(1)), not being an election to fill a casual vacancy, shall be conducted in accordance with the following timetable:—

#### **TIMETABLE**

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	Not later than the 25th day before election day.
Delivery of nomination papers.	Between the hours of 10 a.m. and 5 p.m. on the 17th and 16th days before election day.
Delivery of notices of withdrawal of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers.	During the hours allowed for delivery of nomination papers and on the 16th day before election day during the hour following.
Publication of statement of persons nominated.	At the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.
Polling.	Between the hours of 7 a.m. and 10 p.m. on election day.

(3) The proceedings at an election to fill a casual vacancy shall be conducted in accordance with the following timetable:—

#### **TIMETABLE**

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	Within 21 days from the date on which a casual vacancy is deemed to have occurred under section 11(5).

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<i>Proceeding</i>	<i>Time</i>
Delivery of nomination papers.	Between the hours of 10 a.m. and 5 p.m. on two consecutive days, the second of which shall not be earlier than the 4th day, nor later than the 7th day after the day of publication of the notice of election.
Delivery of notices of withdrawals of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers.	During the hours allowed for delivery of nomination papers and on the second day for such delivery during the hour following.
Publication of statement of persons nominated.	At the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.
Polling.	Between the hours of 7 a.m. and 10 p.m. on the day fixed by the returning officer, which shall not be earlier than the 18th nor later than the 21st day after the last day for delivery of nomination papers.

#### *Computation of time*

2. In computing any period of time for the purpose of the appropriate Timetable a Saturday, Sunday or public holiday shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

#### *Returning officer*

3. In these rules “returning officer” means the Chief Electoral Officer provided that, in respect of any function which that Officer has delegated to a deputy returning officer (within the meaning of Article 9(2) of the Electoral Law (Northern Ireland) Order 1972), it means the deputy returning officer acting under the supervision of the Chief Electoral Officer.

## PART II

### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

#### *Notice of election*

4. The returning officer shall publish notice of the election stating in addition to the notification referred to in section 24(2)—

- (a) the place and times at which nomination papers are to be delivered;
- (b) the number of members to be returned for each district electoral area in the local government district concerned;
- (c) the last time by which applications to vote by post or proxy or by post as proxy must reach the Chief Electoral Officer in order to be effective for the election;
- (d) the date and hours of the poll in the event of a contest;

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and the notice shall state that forms of nomination paper may be obtained at the place referred to in paragraph (a).

#### *Nomination of candidates*

(1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix, delivered—

- (a) by the candidate himself, or
- (b) by his proposer or seconder,

to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 34 or are so given at the time the paper is delivered.

(2) The nomination paper shall state the candidate's—

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of his names.

(3) The description, if any, shall not exceed 6 words in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

#### *Subscription of nomination paper*

(1) The nomination paper shall be subscribed by two electors for the district electoral area as proposer and seconder, and by eight other electors for that area as assenting to the nomination.

(2) Where a nomination paper bears the signature of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

(3) The nomination paper shall give the electoral number of each person subscribing it.

(4) The returning officer shall—

- (a) supply any elector with a form of nomination paper at the place and during the time for delivery of nomination papers, and
- (b) at any elector's request prepare a nomination paper for signature;

but it is not necessary for a nomination to be on a form supplied by the returning officer.

(5) A person shall not subscribe more nomination papers at the same election than there are vacancies to be filled in the district electoral area; but a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.

(6) If a person subscribes nomination papers in contravention of paragraph (5), his signature shall be inoperative on any paper other than those papers (up to the permitted number) which are delivered first.

(7) In this rule—

“elector” means a person—

- (a) who is registered as a local government elector in the district electoral area in the register to be used at the election,

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- (b) who, pending the publication of that register, appears from the electors lists for that register as corrected by the Chief Electoral Officer to be entitled to be so registered, and accordingly includes one shown in the register or electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll but not otherwise; “electoral number” means a person's number in that register (including the distinguishing number of the polling district), or, pending publication of the register, his number (if any) in the electors lists for that register.

*Consent to nomination*

- 7. A person shall not be validly nominated unless his consent to nomination is—
  - (a) given in writing in the form in the Appendix, on or within one month before the day fixed as the last day for the delivery of nomination papers,
  - (b) attested by one witness, and
  - (c) delivered at the place and within the time for the delivery of nomination papers.

*Place for delivery of nomination papers*

- 8. The returning officer shall fix the place at which nomination papers are to be delivered to him, and shall attend there during the time for their delivery and for the making of objections to them.

*Right to attend nomination*

- (1) Except for the purpose of delivering a nomination paper or of assisting the returning officer no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—
  - (a) a person standing nominated as a candidate, or
  - (b) the election agent, proposer or seconder of such a person, but where a candidate acts as his own election agent he may name one other person who shall be entitled to attend in place of his election agent.
- (2) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—
  - (a) to such one of those papers as he may select, or
  - (b) in default of such a selection, to that one of those papers which is first delivered,shall be entitled to attend as his proposer and seconder.
- (3) The right to attend conferred by this rule includes the right—
  - (a) to inspect, and
  - (b) to object to the validity of,any nomination paper.

*Decisions as to validity of nomination papers*

- (1) Where a nomination paper and the candidate's consent to it are delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—
  - (a) the returning officer decides that the nomination paper is invalid; or
  - (b) proof is given to the returning officer's satisfaction of the candidate's death; or

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- (c) the candidate withdraws.
- (2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—
  - (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law;
  - (b) that the paper is not subscribed as so required.
- (3) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.
- (4) Where he decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.
- (5) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceedings whatsoever.
- (6) Subject to paragraph (5), nothing in this rule shall prevent the validity of a nomination being questioned on an election petition.

#### *Withdrawal of candidates*

- (1) A candidate may withdraw his candidature by notice of withdrawal—
  - (a) signed by him and attested by one witness, and
  - (b) delivered to the returning officer at the place for delivery of nomination papers.
- (2) Where a candidate is out of Northern Ireland, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from Northern Ireland shall be of the same effect as a notice of withdrawal signed by the candidate, but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, but only if—
  - (a) it and the accompanying declaration are signed by all the proposers except anyone who is, and is stated in that declaration to be, out of Northern Ireland; or
  - (b) it is accompanied, in addition to the declaration, by a written statement signed by the candidate that the proposer giving notice is authorised to do so on the candidate's behalf during his absence from Northern Ireland.

#### *Publication of nominations*

- (1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated in each district electoral area and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers, together with the names of the persons subscribing those papers.
- (3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and, if there are two or more of them with the same surname, of their other names.
- (4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

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*Adjournment of nomination proceedings in case of riot*

(1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—

- (a) the proceedings shall be abandoned for that day, and
- (b) if that day is the last day for the delivery of nomination papers, the proceedings shall be continued on the next day as if that were the last day of such delivery;

and that day shall be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).

(2) Where proceedings are abandoned by virtue of this rule—

- (a) nothing may be done after they are continued if the time for doing it had passed at the time of the abandonment; and
- (b) anything done before the abandonment shall not be invalidated by reason of the abandonment.

*Method of election*

(1) If the number of persons standing nominated, as shown by the statement of persons nominated, exceeds the number of seats to be filled, a poll shall be taken in accordance with Part III of these rules.

(2) If the number of persons standing nominated, as so shown, is equal to or less than the number of seats to be filled, the persons standing nominated shall be declared to be elected in accordance with Part V of these rules.

## PART III

### CONTESTED ELECTIONS

*Poll to be taken by ballot*

**15.** The votes at the poll shall be given by ballot, the votes given to each candidate shall be counted and the result shall be determined in accordance with Part IV of these rules.

*The ballot papers*

(1) The ballot of every voter shall consist of a ballot paper, and the persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the form in the Appendix, and shall be printed in accordance with the directions in that Appendix, and—

- (a) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on the face.

(3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

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### *The official mark*

- (1) Every ballot paper shall be marked with an official mark, which shall perforate or emboss the ballot paper.
- (2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same district electoral area.
- (3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

### *Prohibition of disclosure of vote*

**18.** No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he voted.

### *Use of schools and public rooms*

- (1) The returning officer may use, free of charge, for the purpose of taking the poll or conducting the count—
  - (a) school premises to which this rule applies;
  - (b) a room the expense of maintaining which is payable out of any rate.
- (2) This rule applies to a school which is in receipt of a grant out of moneys appropriated by Measure of the Northern Ireland Assembly.
- (3) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such premises or room as mentioned above by reason of its being used for the purpose of taking the poll or conducting the count.
- (4) The use of a room in an unoccupied house for that purpose does not render a person liable to be rated or to pay any rate for the house.

### *Notice of poll*

- (1) The returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and the hours during which the poll will be taken.
- (2) The returning officer shall also give public notice (which may be combined with the statement of persons nominated) of—
  - (a) the situation of each polling station;
  - (b) the description of voters entitled to vote there;
  - (c) the mode in which voters are to vote; and
  - (d) the number of councillors to be elected for each district electoral area.

### *Postal ballot papers*

- (1) The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses provided by them for the purpose, a ballot paper and a declaration of identity in the form prescribed in the Appendix, together with an envelope for their return.
- (2) The declaration of identity shall be witnessed by another elector who personally knows the voter.



### *Provision of polling stations*

- (1) The returning officer shall provide a sufficient number of polling stations and shall allot the electors to the polling stations in such manner as he thinks most convenient.
- (2) One or more polling stations may be provided in the same room.
- (3) The polling station allotted to electors from any polling district shall be in the polling place for that district.
- (4) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

### *Appointment of presiding officers and clerks*

- (1) The returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.
- (2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.
- (3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station or refuse to deliver a ballot paper under paragraph (4) of rule 34 (including that paragraph as applied by rule 35, 36 or 37).

### *List of proxies and postal voters*

- (1) The Chief Electoral Officer shall as soon as practicable after the eleventh day (computed like any period of time in the Timetable) before the day of the poll prepare a list (in these rules referred to as “the list of proxies”) giving—
  - (a) the names and numbers on the register of electors for whom proxies have been appointed (omitting any of those electors who are registered as service electors and who are entitled to vote by post at that election); and
  - (b) the names and addresses of the persons appointed.
- (2) The Chief Electoral Officer shall as soon as practicable after the eleventh day (computed like any period of time in the Timetable) before the day of the poll prepare a list of those persons (including proxies) whose applications to vote by post he has allowed under the provisions of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985, together with the addresses provided by them as the addresses to which their ballot papers are to be sent.
- (3) The list of proxies and the list of persons (including proxies) entitled to vote by post are together referred to in these rules as the absent voters list.

### *Issue of official poll cards*

- (1) The returning officer shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—
  - (a) as an elector if he is placed on the absent voters list for the election; or
  - (b) as a proxy if his application to vote as such by post is allowed for the election.

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(2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card shall be in the form prescribed in the Appendix and shall set out—

- (a) the name of the district electoral area;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station.

(4) Paragraph (7) of rule 6 applies for the interpretation of this rule.

#### *Equipment of polling stations*

(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked.

(3) The returning officer shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of the absent voters lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (c).

(4) A notice in the form in the Appendix giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited outside every polling station and in every compartment of every polling station.

#### *Appointment of polling and counting agents*

(1) Each candidate may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
- (b) one counting agent to attend at the counting of the votes.

(2) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than 5 p.m. on the second day ( computed like any period of time in the Timetable) before the day of the poll.

(3) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(4) The foregoing provisions of this rule shall be without prejudice to the requirements of subsection (1) of section 38 as to the appointment of paid polling agents, and any appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

(5) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted number.

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(6) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment.

(7) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.

(9) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

#### *Declaration of secrecy*

(1) Before the opening of the poll a declaration of secrecy in the form in paragraph (5) shall be made by—

- (a) the returning officer and the presiding officers;
- (b) every clerk authorised to attend at a polling station or the counting of the votes;
- (c) every candidate attending at a polling station or at the counting of the votes and every election agent so attending;
- (d) every polling agent and counting agent;
- (e) every person permitted by the returning officer to attend the counting of the votes, though not entitled to do so.

(2) Notwithstanding anything in the foregoing paragraph, the following persons attending at the counting of the votes—

- (a) any candidate,
- (b) any election agent,
- (c) any person permitted by the returning officer to attend, though not entitled to do so,
- (d) any clerk making the declaration in order to attend the counting of the votes,

need not make the declaration before the opening of the poll but shall make it before he or she is permitted to attend the counting, and a polling or counting agent appointed after the opening of the poll shall make the declaration before acting as such an agent.

(3) The returning officer shall make the declaration in the presence of a Justice of the Peace, any deputy returning officer shall make the declaration in the presence of a Justice of the Peace or the returning officer, and any other person shall make the declaration in the presence of a Justice of the Peace, the returning officer or a deputy returning officer.

(4) Sub-paragraphs (1), (2) and (3) of paragraph 27 of Schedule 9 and subsections (1) and (2) of section 111 shall be read to the declarant by the person taking the declaration or shall be read by the declarant in the presence of that person.

(5) The declaration shall be as follows:—

“I solemnly promise and declare I will not do anything forbidden by sub-paragraphs (1), (2) and (3) of paragraph 27 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962, which have been read to [by] me.”

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### *Admission to polling station*

- (1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—
  - (a) the candidates and their election agents;
  - (b) the polling agents appointed to attend at the polling station;
  - (c) the clerks appointed to attend at the polling station;
  - (d) the constables on duty;
  - (e) members of Her Majesty's forces on duty in connection with the election, and
  - (f) the companions of blind voters.
- (2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.
- (3) A constable, a member of Her Majesty's forces (including Her Majesty's reserve or auxiliary forces) or a person employed by a returning officer shall not be admitted to vote in person elsewhere than at the polling station allotted to him, except on production and surrender of a certificate as to his employment, which shall be in the form in the Appendix and shall be signed—
  - (a) in the case of a constable, by an officer of the Royal Ulster Constabulary not below the rank of chief inspector;
  - (b) in the case of a member of Her Majesty's forces (including Her Majesty's reserve or auxiliary forces), by an officer not below the rank of major; and
  - (c) in the case of a person employed by the returning officer, by that officer.
- (4) Any certificate surrendered under this rule shall forthwith be cancelled.

### *Keeping of order in station*

- (1) It is the presiding officer's duty to keep order at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—
  - (a) by a constable in or near that station, or
  - (b) by any other person authorised in writing by the returning officer to remove him,and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.
- (3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

### *Sealing of ballot boxes*

**31.** Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal on it in such a manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

### *Questions to be put to voters*

(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them—

- (a) in the case of a person applying as an elector—
  - (i) "Are you the person registered in the register of electors for this election as follows (read the whole entry from the register)?"
  - (ii) "Have you already voted on your own behalf either here or elsewhere in this or any other district electoral area at this election?"
- (b) in the case of a person applying as proxy—
  - (i) "Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?"
  - (ii) "Have you already voted as proxy on behalf of C.D. either here or elsewhere in this or any other district electoral area at this election?"

(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question:—

“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?”

and if that question is not answered in the affirmative the following question:—

“Have you at this election already voted in this district electoral area on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”

(3) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.

(4) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote.

### *Challenge of voter*

(1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
- (b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable to do so.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable without a warrant.

### *Voting procedure*

(1) Subject to paragraphs (2) to (7), a ballot paper shall be delivered to a voter who applies for one and immediately before delivery—

- (a) the ballot paper shall be stamped with the official mark;

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- (b) the number and name of the elector as stated in the copy of the register of electors shall be called out;
  - (c) the number of the elector shall be marked on the counterfoil;
  - (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
  - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.
- (2) A ballot paper shall not be delivered to a voter unless he has produced a specified document to the presiding officer or a clerk.
- (3) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced shall deliver a ballot paper to the voter unless the officer or clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.
- (4) Where a voter produces a specified document to a presiding officer and he so decides, he shall refuse to deliver a ballot paper to the voter.
- (5) Where a voter produces a specified document to a clerk and he so decides, he shall refer the matter and produce the document to the presiding officer who shall proceed as if the document had been produced to him in the first place.
- (6) For the purposes of this rule a specified document is one which for the time being falls within the following list:—
- (a) a current licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1972 (excluding a provisional licence), or under Article 12 of the Road Traffic (Northern Ireland) Order 1981 or any corresponding enactment for the time being in force;
  - (b) a current passport issued by the Government of the United Kingdom or by the Government of the Republic of Ireland;
  - (c) a current book for the payment of allowances, benefits or pensions issued by the Department of Health and Social Services for Northern Ireland;
  - (d) a medical card issued by the Northern Ireland Central Services Agency for the Health and Social Services;
  - (e) a certified copy, or extract, of an entry of marriage issued by a Registrar General, where the voter producing the copy or extract is a woman married within the period of two years ending with the day of the poll concerned.
- In sub-paragraph (e), “a Registrar General” means the Registrar General for England and Wales, the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland.
- (7) References in this rule to producing a document are to producing it for inspection.
- (8) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there shall—
- (a) secretly record his vote by placing on the ballot paper the figure 1 opposite the name of the candidate for whom he votes and in addition, if he so wishes, by placing the figure 2 opposite the name of the candidate of his second choice, the figure 3 opposite the name of the candidate of his third choice and so on in the order of his preference;
  - (b) fold the paper so that his vote is concealed;
  - (c) show to the presiding officer the back of the paper so as to disclose the official mark; and
  - (d) put the folded ballot paper into the ballot box in the presiding officer's presence.

(9) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

*Votes marked by presiding officer*

- (1) Subject to paragraph (2), the presiding officer, on the application of a voter—
  - (a) who is incapacitated by blindness or other physical cause from voting in manner directed by these rules, or
  - (b) who declares orally that he is unable to read,

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) Paragraphs (2) to (7) of rule 34 apply in the case of a voter who applies under paragraph (1) as they apply in the case of a voter who applies under rule 34(1), but reading references to delivering a ballot paper to a voter as references to causing a voter's vote to be marked on a ballot paper.

(3) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called “the list of votes marked by the presiding officer”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

*Voting by blind persons*

(1) If the voter makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

- (2) Subject to paragraph (3), if the presiding officer—
  - (a) is satisfied that the voter is so incapacitated, and
  - (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a blind voter”) that the companion—
    - (i) is a qualified person within the meaning of this rule, and
    - (ii) has not previously assisted more than one blind person to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) Paragraphs (2) to (7) of rule 34 shall apply in the case of a voter who applies under paragraph (1) as they apply in the case of a voter who applies under rule 34(1), but reading references to delivering a ballot paper to a voter as references to granting a voter's application.

(4) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—

- (a) a person who is entitled to vote as an elector at the election; or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of 18 years.

(5) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of blind voters assisted by companions”).

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In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

- (6) The declaration made by the companion—
  - (a) shall be in the form in the Appendix;
  - (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.
- (7) No fee or other payment shall be charged in respect of the declaration.

#### *Tendered ballot papers*

- (1) If a person, representing himself to be—
  - (a) a particular elector named on the register and not named in the absent voters list, or
  - (b) a particular person named in the list of proxies as proxy for an elector and not named in the list of persons entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraphs (2) to (7) of rule 34 shall apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1) as they apply in the case of a voter who applies for a ballot paper under rule 34(1).

(3) Paragraph (4) applies where a presiding officer refuses to deliver a ballot paper to a person under paragraph (4) of rule 34 (including that paragraph as applied by rule 35 or 36 or this rule).

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, nevertheless be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

- (5) A tendered ballot paper shall—
  - (a) be of a colour differing from the other ballot papers;
  - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

(6) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the “tendered votes list”).

(7) In the case of a person voting as proxy for an elector the number to be endorsed or entered together with the voter's name shall be the number of that elector.

(8) A person who marks a tendered ballot paper under paragraph (4) shall sign the paper, unless it was marked after an application was refused under rule 35 or 36.

- (9) A paper which is required to be signed under paragraph (8) and is not so signed shall be void.

#### *Refusal to deliver ballot paper*

(1) This rule applies where a presiding officer refuses to deliver a ballot paper under paragraph (4) of rule 34 (including that paragraph as applied by rule 35, 36 or 37).

(2) The refusal shall be subject to review on an election petition but, subject to that, shall be final and shall not be questioned in any proceeding whatsoever.



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### *Spoilt ballot papers*

**39.** A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper shall be immediately cancelled.

### *Adjournment of poll in case of riot*

(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the returning officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in these rules to the close of poll shall be construed accordingly.

### *Procedure on close of poll*

(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) the tendered votes list, the list of blind voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of blind voters,

and shall deliver the packets or cause them to be delivered to the returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.

(2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(3) The packets shall be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

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## PART IV COUNTING OF VOTES

### *Interpretation*

**42.** In this Part of these rules—

“continuing candidate” means any candidate not deemed to be elected and not excluded;

“count” means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of excluded candidates;

“deemed to be elected” means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;

“mark” means a figure, a word written in the English language or a mark such as “X”;

“non-transferable vote” means a ballot paper—

- (a) on which no second or subsequent preference is recorded for a continuing candidate, or
- (b) which is excluded by the returning officer under rule 50(4);

“preference” as used in the following contexts has the meaning assigned below:—

- (a) “first preference” means the figure “1” or any mark or word which clearly indicates a first (or only) preference;
- (b) “next available preference” means a preference which is the second or, as the case may be, subsequent preference recorded in consecutive order for a continuing candidate (any candidate who is deemed to be elected or is excluded thereby being ignored), and
- (c) in this context, a “second preference” is shown by the figure “2” or any mark or word which clearly indicates a second preference, a third preference by the figure “3” or any mark or word which clearly indicates a third preference, and so on;

“quota” means the number calculated in accordance with rule 48;

“surplus” means the number of votes by which the total number of votes for any candidate (whether first preference or transferred votes, or a combination of both) exceeds the quota; but, references in these rules to the transfer of the surplus means the transfer (at a transfer value) of all transferable papers from the candidate who has the surplus;

“stage of the count” means—

- (a) the determination of the first preference vote for each candidate;
- (b) the transfer of a surplus of a candidate deemed to be elected; or
- (c) the exclusion of one or more candidates at any given time;

“transferable paper” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

“transferred vote” means a vote derived from a ballot paper on which a second or subsequent preference is recorded for the candidate to whom that paper has been transferred;

“transfer value” means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 49, as the case may be.

### *Place and time for, and manner of, counting of votes*

- (1) Subject to paragraph (3), the returning officer shall make arrangements for counting the votes in the presence of the counting agents at 9 in the morning on the day after the day of the poll and

shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) There shall be a separate count in respect of each district electoral area in the local government district.

(3) Nothing in paragraph (1) shall require the returning officer to commence counting the votes for all the district electoral areas in any local government district at the same time.

#### *Attendance at counting of votes*

(1) No person other than—

- (a) the returning officer and his clerks,
- (b) the candidates,
- (c) the election agents,
- (d) the counting agents,
- (e) the constables on duty,

may be present at the counting of the votes, unless permitted by the returning officer to attend.

(2) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he is satisfied that the efficient counting of the votes will not be impeded.

(3) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings at the counting of the votes (including in particular, facilities for satisfying themselves that the ballot papers are correctly sorted) and all such information with respect thereto as he can give them consistently with the orderly conduct of the proceedings and the performance of his functions.

#### *Preliminary proceedings and conduct of the count*

(1) Before the returning officer proceeds to count the votes, he shall—

- (a) in the presence of the counting agents open each ballot box and, taking out the ballot papers in it, count and record the number of them and in the presence of the election agents verify each ballot paper account;
- (b) count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) then mix together the whole of the ballot papers mentioned in the foregoing subparagraphs.

(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

(3) The returning officer shall not count any tendered ballot paper.

(4) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(5) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list ( opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

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(6) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment and excluding (except so far as he and the agents otherwise agree) the hours between 11 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

- (7) During the time so excluded the returning officer shall—
- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
  - (b) otherwise take proper precautions for the security of the papers and documents.

#### *Rejected ballot papers*

- (1) Any ballot paper—
- (a) which does not bear the official mark; or
  - (b) on which the figure 1 standing alone is not placed so as to indicate a first preference for some candidate; or
  - (c) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or
  - (d) on which anything (other than the printed number on the back) is written or marked by which the voter can be identified; or
  - (e) which is unmarked or void for uncertainty,

shall be void and not counted, but the ballot paper shall not be void by reason only of carrying the words “one”, “two”, “three”, (and so on) or any other mark instead of a figure if, in the opinion of the returning officer, the word or mark clearly indicates a preference or preferences.

(2) The returning officer shall endorse “rejected” on any ballot paper which under this rule is not to be counted and if an election agent objects to his decision shall add to the endorsement the words “rejection objected to”.

(3) The returning officer shall prepare a statement showing the number of ballot papers rejected by him under each of sub-paragraphs (a), (b), (c), (d) and (e) of paragraph (1) and shall, on request, allow any candidate or agent of a candidate to copy such statement.

(4) The decision of the returning officer on any question arising in respect of a ballot paper shall be final but shall be subject to review on an election petition.

#### *First stage*

(1) The returning officer shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.

(2) The returning officer shall then count the number of first preference votes given on ballot papers for each candidate and shall record those numbers.

(3) The returning officer shall also ascertain and record the number of valid ballot papers.

#### *The quota*

(1) The returning officer shall divide the number of valid ballot papers by a number exceeding by one the number of members to be elected.

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(2) The result, increased by one, of the division under paragraph (1) (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as “the quota”).

(3) At any stage of the count a candidate whose total vote equals or exceeds the quota shall be deemed to be elected, except that at an election where there is only one vacancy a candidate shall not be deemed to be elected until the procedure set out in paragraphs (1) to (3) of rule 51 has been complied with.

#### *Transfer of votes*

(1) Where the number of first preference votes for any candidate exceeds the quota, the returning officer shall sort all the ballot papers on which first preference votes are given for that candidate into sub-parcels so that they are grouped—

- (a) according to the next available preference given on those papers for any continuing candidate, or
- (b) where no such preference is given, as the sub-parcel of non-transferable votes.

(2) The returning officer shall count the number of ballot papers in each parcel referred to in paragraph (1).

(3) The returning officer shall, in accordance with this rule and rule 50, transfer each sub-parcel of ballot papers referred to in sub-paragraph (a) of paragraph (1) to the candidate for whom the next available preference is given on those papers.

(4) The vote on each ballot paper transferred under paragraph (3) shall be at a value (“the transfer value”) which—

- (a) reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus, and
- (b) is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot papers on which those votes are given, the calculation being made to two decimal places (ignoring the remainder if any).

(5) Where, at the end of any stage of the count involving the transfer of ballot papers, the number of votes for any candidate exceeds the quota, the returning officer shall sort the ballot papers in the sub-parcel of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped—

- (a) according to the next available preference given on those papers for any continuing candidate, or
- (b) where no such preference is given, as the sub-parcel of non-transferable votes.

(6) The returning officer shall, in accordance with this rule and rule 50, transfer each sub-parcel of ballot papers referred to in sub-paragraph (a) of paragraph (5) to the candidate for whom the next available preference is given on those papers.

(7) The vote on each ballot paper transferred under paragraph (6) shall be at—

- (a) a transfer value calculated as set out in sub-paragraph (b) of paragraph (4), or
- (b) at the value at which that vote was received by the candidate from whom it is now being transferred,

whichever is the less.

(8) Each transfer of a surplus constitutes a stage in the count.

(9) Subject to paragraph (10), the returning officer shall proceed to transfer transferable papers until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.

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- (10) Transferable papers shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are—
- (a) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote; or
  - (b) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidate next above such candidates.
- (11) This rule shall not apply at an election where there is only one vacancy.

*Supplementary provisions on transfer*

- (1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the largest surplus shall be transferred first, and if—
- (a) the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded votes at the earliest preceding stage at which they had unequal votes, shall be transferred first, and
  - (b) the votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between those candidates by lot and the transferable papers of the candidate on whom the lot falls shall be transferred first.
- (2) The returning officer shall, on each transfer of transferable papers under rule 49—
- (a) record the total transfer value of the votes transferred to each candidate;
  - (b) add that value to the previous total of votes recorded for each candidate and record the new total;
  - (c) record as non-transferable votes the difference between the surplus and the total transfer value of transferred votes and add that difference to the previously recorded total of non-transferable votes, and
  - (d) compare—
    - (i) the total number of votes then recorded for all of the candidates, together with total number of non-transferable votes, with
    - (ii) the recorded total of valid first preference votes.
- (3) All ballot papers transferred under rule 49 or 51 shall be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel.
- (4) Where a ballot paper is so marked that it is unclear to the returning officer at any stage of the count under rule 49 or 51 for which candidate the next preference is recorded, the returning officer shall treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper shall be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.

*Exclusion of candidates*

- (1) If—
- (a) all transferable papers which under the provisions of rule 49 (including that rule as applied by paragraph (11)) and this rule are required to be transferred, have been transferred, and

(b) subject to rule 52 one or more vacancies remain to be filled, the returning officer shall exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph (12) applies, the candidates with the then lowest votes).

(2) The returning officer shall sort all the ballot papers on which first preference votes are given for the candidate or candidates excluded under paragraph (1) into two sub-parcels so that they are grouped as—

- (a) ballot papers on which a next available preference is given, and
- (b) ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded).

(3) The returning officer shall, in accordance with this rule and rule 50, transfer each sub-parcel of ballot papers referred to in sub-paragraph (a) of paragraph (2) to the candidate for whom the next available preference is given on those papers.

(4) The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.

(5) If, subject to rule 52, one or more vacancies still remain to be filled, the returning officer shall then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph (1) into sub-parcels according to their transfer value.

(6) The returning officer shall transfer those papers in the sub-parcel of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).

(7) The vote on each transferable paper transferred under paragraph (6) shall be at the value at which that vote was received by the candidate excluded under paragraph (1).

(8) Any papers on which no next available preferences have been expressed shall be set aside as non-transferable votes.

(9) After the returning officer has completed the transfer of the ballot papers in the sub-parcel of ballot papers with the highest transfer value he shall proceed to transfer in the same way the sub-parcel of ballot papers with the next highest value and so on until he has dealt with each sub-parcel of a candidate excluded under paragraph (1).

(10) The returning officer shall after each stage of the count completed under this rule—

- (a) record—
  - (i) the total value of votes, or
  - (ii) the total transfer value of votes transferred to each candidate;
- (b) add that total to the previous total of votes recorded for each candidate and record the new total;
- (c) record the value of non-transferable votes and add that value to the previous non-transferable votes total, and
- (d) compare—
  - (i) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with
  - (ii) the recorded total of valid first preference votes.

(11) If after a transfer of votes under any provision of this rule, a candidate has a surplus, that surplus shall be dealt with in accordance with paragraphs (5) to (10) of rule 49 and rule 50.

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(12) Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the returning officer shall in one operation exclude such two or more candidates.

(13) If where a candidate has to be excluded under this rule, two or more candidates each have the same number of votes and are lowest—

- (a) regard shall be had to the total number of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and
- (b) where the number of votes credited to those candidates was equal at all stages, the returning officer shall decide between the candidates by lot and the candidate on whom the lot falls shall be excluded.

#### *Filling of last vacancies*

(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be elected.

(2) Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to another or other continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.

(3) Where the last vacancies can be filled under this rule, no further transfer of votes shall be made.

#### *Re-count*

(1) The returning officer on completion of each stage of the count shall, before proceeding with the next stage, inform all the candidates and their election agents then present of his intention, subject to a request for a re-count, to proceed to the next stage.

(2) Before the returning officer so proceeds, any candidate or his election agent present at the count may request that a re-count be undertaken of the last completed stage.

(3) If a request is made under paragraph (2), the returning officer shall then proceed to carry out the re-count of the last completed stage, but if no such request is made, he shall proceed with the next subsequent stage of the count.

(4) The returning officer may also, if he thinks fit, re-count ballot papers either once or more often if he is not satisfied as to the accuracy of any stage.

(5) Nothing in this rule shall require the returning officer to re-count the same parcel or sub-parcel more than once.

(6) Where as a result of a re-count an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.

#### *Order of election of candidates*

(1) The order in which candidates whose votes equal or exceed the quota are deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for rule 49(10).

(2) A candidate credited with a number of votes equal to and not greater than the quota shall, for the purposes of this rule, be regarded as having had the smallest surplus at the stage of the count at which he obtained the quota.



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(3) Where the surpluses of two or more candidates are equal and are not required to be transferred, regard shall be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidate who had the greatest number of votes at that stage shall be deemed to be the largest.

(4) Where the number of votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between them by lot and the candidate on whom the lot falls shall be deemed to have been elected first.

#### *Decisions of returning officer*

**55.** The decision of the returning officer, whether expressed or implied, on any question which arises in relation to the exclusion of any candidate under rule 51 or to any ballot paper or transfer of votes shall be final, but may be reviewed on an election petition.

## PART V

### FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

#### *Declaration of result*

(1) In a contested election, when the result of the poll has been ascertained in respect of a district electoral area the returning officer shall forthwith—

- (a) declare to be elected the candidates who are deemed to be elected under the rules in Part IV above; and
- (b) give public notice of—
  - (i) the names of the candidates declared to be elected;
  - (ii) the number of first preference votes for each candidate whether elected or not;
  - (iii) any transfer of votes;
  - (iv) the total number of votes for each candidate at each stage of the count at which such transfer took place; and
  - (v) the order in which the candidates were elected.

(2) In an uncontested election, the statement of persons nominated, in addition to showing the persons standing nominated, shall also declare those persons elected.

## PART VI

### DISPOSAL OF DOCUMENTS

#### *Sealing up of ballot papers*

(1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers.

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

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### *Forwarding of documents*

(1) This rule applies to the following documents—

- (a) the packets of ballot papers in the possession of the returning officer,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters,
- (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll,
- (e) the packets containing marked copies of registers and of lists of proxies.

(2) The returning officer shall endorse on each packet to which this rule applies a description of its contents, the date of the election to which they relate and the name of the district electoral area for which the election was held.

(3) The returning officer shall then forward to the officer of the relevant council who is charged with the duty of looking after them the documents to which this rule applies.

(4) The officer referred to in paragraph (3) is referred to in rules 59 and 60 as the “proper officer of the council”; and the expression “relevant council” in paragraph (3) means the council to which the election in question takes place.

### *Orders for production of documents*

(1) An order for—

- (a) the inspection or production of any rejected ballot papers in the custody of the proper officer of the council, or
- (b) the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

may be made by the High Court, a county court or an election court if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order may think expedient, but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

(3) An appeal lies to the High Court from any order of a county court under this rule.

(4) Any power given under this rule—

- (a) to the High Court may be exercised by any judge of the court otherwise than in open court; and

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- (b) to a county court, may be exercised in such manner as may be provided by rules of court.
- (5) Where an order is made for the production by the proper officer of the council of any document in his possession relating to any specified election—
- (a) the production by him or his agent of the document ordered in such manner as they be directed by that order shall be conclusive evidence that the document relates to the specified election; and
  - (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.
- (6) The production from proper custody of a ballot paper purporting to have been used in any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.
- (7) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the proper officer of the council or to open any sealed packets of counterfoils and certificates.

#### *Retention and public inspection of documents*

- (1) The proper officer of the council shall retain for six months the documents to which rule 58 applies and then, unless otherwise directed by an order under rule 59, shall cause them to be destroyed.
- (2) The said documents, except those mentioned in sub-paragraphs (a) and (d) of rule 58(1) shall, so long as they are retained by the proper officer of the council, be open to public inspection at a fee of £1 during ordinary office hours.
- (3) The proper officer of the council shall, on request, supply copies of the documents open to public inspection on payment of a fee of 10p for each side of each page of a document so copied.

## PART VII

### DEATH OF CANDIDATE

#### *Countermand or abandonment of poll on death of candidate*

- (1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall—
- (a) countermand notice of the poll, or
  - (b) if polling has begun, direct that the poll be abandoned,
- and the proceedings with reference to the election shall be commenced afresh as if a casual vacancy had occurred and as if the day on which the returning officer is satisfied that a candidate has died is the day on which the casual vacancy is deemed to have occurred; accordingly, the timetable in rule 1(3) shall apply to the fresh proceedings except that no fresh nomination shall be necessary in the case of a person shown in the statement of persons nominated as standing nominated.
- (2) Where the poll is abandoned by reason of a candidate's death the proceedings at or consequent on the poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of

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ballot papers and other documents as he is required to take on the close of the poll in due course, and the returning officer shall dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death with the following modifications—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

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APPENDIX OF FORMS

1. Form of nomination paper (rule 5)

ELECTION OF DISTRICT COUNCILLORS

District of .....  
 District Electoral Area .....  
 Day of election .....

We, the undersigned, being electors in the above-mentioned district electoral area do hereby nominate the under-mentioned person as candidate at this election.

Candidate's surname	Other names in full	Description	Home Address in full

  

Signatures	Electoral Number (See Note 3)
Proposer .....	
Seconder .....	
We, the undersigned, being electors for the above-mentioned district electoral area do hereby assent to the foregoing nomination.	
1 .....	
2 .....	
3 .....	
4 .....	
5 .....	
6 .....	
7 .....	
8 .....	

NOTES

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the local elections rules in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, as substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 and, in particular, to the need for a candidate to consent to his nomination.
2. Where the candidate is commonly known by some title he may be described by his title as if it were his surname.
3. A person's electoral number is his number in the register to be used at the election, except that, before publication of the register his number (if any) in the electors lists for that register shall be used instead.
4. An elector must not sign more nomination papers for the district electoral area than there are vacancies to be filled.
5. A person whose name is entered in the register or electors lists may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

2. Candidate's consent to nomination (rule 7)

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ELECTION OF DISTRICT COUNCILLORS

I (name in full) .....
of (home address in full) .....

hereby consent to my nomination as a candidate for election as councillor for the ..... district electoral area in the district of .....

I declare that I have attained the age of 21 years and that I am a Commonwealth citizen or a person to whom section 121 of the Electoral Law Act (Northern Ireland) 1962 applies and—

\* Delete whichever is in-appropriate

- \*(a) I am a local elector for the district of the council; or
\*(b) during the whole of the period of twelve months preceding the day of the poll:—
\*(i) I have occupied as owner or tenant land in that district, or
\*(ii) resided in that district; or
\*(c) my principal or only place of work during that twelve months has been in that district.

I further declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification contained in section 4 of the Local Government Act (Northern Ireland) 1972, a copy of which is printed overleaf.

Signed .....

Date .....

Signed in my presence
Signature of witness .....

Name and address .....
of witness (in .....
CAPITAL LETTERS) .....

3. Ballot paper (rule 16)

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Form of front of ballot paper.

COUNTER-FOIL No.	Mark order of preference in space below	
		<b>BLACK—CONSTRUCTION PARTY</b> (Joseph Black of 5 Down Street —Engineer)
		<b>BLUE—CONCERT PARTY</b> (Veronica Blue of 9 Mourne View —Singer)
		<b>BROWN—THIRD PARTY</b> (Rupert Brown of 8 Magilligan Drive —Solicitor)
		<b>GOLD—NON PARTY</b> (John Gold of 29 Gilford Place —Driver)
		<b>HAZEL—GARDEN PARTY</b> (Horace Hazel of Glen Cottage —Nurseryman)
		<b>LIME—THIRD PARTY</b> (Harry Lime of 7 Gortin Mansions —Insurance Broker)
		<b>PLUM—INDEPENDENT</b> (Peter Plum of 3 Strangford Road —Greengrocer)
		<b>ROSE—GARDEN PARTY</b> (Ruth Rose of 41 Devenish Drive —Florist)
		<b>SILVER—GARDEN PARTY</b> (Anthony Silver of 3 Mourne View —Architect)
		<b>WRIGHT—WORKING PARTY</b> (Frank Wright of 11 Moira Terrace —Dispenser)

Form of back of ballot paper

No.

Election for the                      district electoral area.

4. Directions as to printing the ballot paper (*rule 16*)

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1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. The following arrangements shall be observed in the printing of the front of the ballot paper—
  - (a) apart from the instructions “Mark order of preference in space below” in the top left-hand corner no other word or words shall be printed on the ballot paper except the particulars of the candidates;
  - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidate from one another and the vertical rule separating those particulars from the spaces on the left side of the paper where the order of preference is to be marked;
  - (c) the whole space between the top and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
- 3(a) The front of the ballot paper shall contain the names, addresses, occupations and descriptions, if any, of the candidates standing nominated. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates having the same surname, in alphabetical order of their other names, or if their other names are the same, in the alphabetical order of their home addresses or descriptions;
  - (b) the surname of each candidate and his political description (if given) shall be printed in large capitals, and his full name, address and profession, rank or calling (if given) shall be printed underneath in ordinary type; (and for the purposes of this direction a political description shall include a description such as “independent”);
  - (c) where the surnames of two or more candidates are the same there shall also be printed in large capitals the other names of such candidates and if those are the same so much of the descriptions or home addresses of such candidates as will enable the electors to distinguish between them;
  - (d) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting;
  - (e) the ballot papers shall be numbered consecutively on the back, and the front of the counterfoil attached to each ballot paper shall bear the same number. The numbers on the ballot papers shall be printed in the smallest type compatible with legibility and shall be printed on or about the centre of the paper.
4. Any reference in these directions to the particulars of a candidate are a reference to those particulars as given in the statement of persons nominated.

## 5. Declaration of identity (rule 21)



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Front of form

ELECTION OF DISTRICT COUNCILLORS

DECLARATION BY VOTER

Ballot Paper No .....

I hereby declare that I am the person to whom the ballot paper numbered above was sent.

Voter's signature .....

CERTIFICATION BY WITNESS

The voter who is personally known to me has signed this declaration in my presence.

Witness's signature ..... Date .....

Name of Witness .....

(CAPITAL LETTERS)

Address .....

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You should place the figure 1 opposite the name of the candidate for whom you wish to vote and in addition you may, if you wish, place the figure 2 opposite the name of the candidate of your second choice, the figure 3 opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.

2. The figure or figures should be placed in the spaces provided at the left-hand side of the paper opposite the name of the candidate for whom you intend it.

3. In no circumstances write anything else on the paper; if you do your vote may be invalid.

4. Immediately after voting you must place the marked ballot paper in the enclosed small envelope on which are printed the words "Ballot paper envelope" and seal it.

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5. Then take the sealed ballot paper envelope and the voter's declaration to another elector as a witness and sign the declaration in his presence. He should then certify your signature on the declaration by signing the certification, adding his name and address. Without this, the declaration will be invalid.

6. Enclose the signed and witnessed declaration and the sealed ballot paper envelope in the larger enclosed envelope addressed to the returning officer and despatch it by post without delay. Unless you return the ballot paper at once it may be received by the returning officer too late to be counted.

7. If you receive more than one ballot paper it must be remembered that you can vote only once on your own behalf at this election.

8. If you lose or destroy the stamped addressed envelope provided for the return of your vote you may use another envelope but any such envelope should be addressed and marked as nearly as possible in the same way as the printed envelope provided.

9. In no circumstances should you share your return envelope with another voter nor share his. If more than one voter's declaration or more than one ballot paper are received together in one covering envelope, the whole contents of the envelope will be disregarded by the returning officer and your vote will be void.

10. If you inadvertently spoil your postal ballot paper, you can apply to the returning officer for another one. With your application you must return (in a fresh envelope) the spoiled ballot paper, the declaration of identity and the envelope sent to you with your ballot paper. Remember that there is little time available if a fresh ballot paper is to be issued to you for completion and return before the close of the poll.

## 6. Elector's official poll card (*rule 25*)

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Front of card

..... District Council	<b>OFFICIAL POLL CARD</b>
..... District electoral area	Name .....
Polling day .....	Number on register .....
Polling hours 7 a.m. to 10 p.m.	Address .....
Your polling station is at .....	.....
.....	.....
<b>VOTING INSTRUCTIONS</b> Mark your vote secretly by placing in the square provided on the left-hand side of the paper the figure "1" opposite the name of the candidate for whom you wish to vote and, if you wish, the figure "2" opposite the name of the candidate of your second choice and so on in the order of your preference.	
<b>IMPORTANT—PLEASE READ NOTES ON BACK OF THIS CARD</b>	

Back of card

<p><b>THE LAW PREVENTS YOU BEING GIVEN A BALLOT PAPER UNLESS YOU PRODUCE ONE OF THE FOLLOWING DOCUMENTS:—</b></p> <p>(a) a <i>current</i> Northern Ireland or Great Britain full driving licence (but NOT a provisional licence);</p> <p>(b) a <i>current</i> United Kingdom or Republic of Ireland passport (including a U.K. Visitor's passport);</p> <p>(c) a <i>current</i> book for the payment of allowances, benefits or pensions issued by the Dept. of Health and Social Services for Northern Ireland;</p> <p>(d) a medical card issued by the Northern Ireland Central Services Agency;</p> <p>(e) in the case ONLY of a woman married within 2 years of polling day, a certified copy or extract of an entry of marriage issued by a Registrar General in the U.K.</p> <p>Issued by the Returning Officer</p>
---

7. Proxy's official poll card (rule 25)

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

Front of card

<p>..... District council</p> <p>..... District electoral area</p> <p>Polling day .....</p> <p>Polling hours 7 a.m. to 10 p.m.</p> <p>Elector's polling station is</p> <p>at .....</p> <p>.....</p>	<p><b>PROXY'S OFFICIAL POLL CARD</b></p> <hr/> <p>Proxy's name .....</p> <p>Proxy's address .....</p> <p>.....</p> <p>Elector's name .....</p> <p>Elector's number on register .....</p> <p>Elector's address .....</p> <p>.....</p>
<p><b>INSTRUCTIONS</b> To vote as proxy for the elector named above you must go to the polling station named above. Tell the clerk you wish to vote as proxy and give the name, number and address of elector as given above. The method of voting as proxy is the same as voting as an elector. The person who appointed you as his proxy may vote himself if he votes before you.</p> <p><b>IMPORTANT: YOU MUST IDENTIFY YOURSELF BY ONE OF THE DOCUMENTS SET OUT ON THE BACK OF THIS CARD</b></p>	

The back of the card is the same as the back of an elector's official poll card set out in Form 6 above.

**8. Form of directions for the guidance of voters in voting (rule 26)**

**DIRECTIONS FOR THE GUIDANCE OF THE VOTER IN VOTING**

1. You should make sure that the ballot paper you have received from the presiding officer has the official mark stamped on it. The paper is invalid without it.
2. Go into one of the voting compartments provided. Look at the ballot paper carefully and then record your vote by placing, in the spaces provided at the left-hand side of the paper, the figure 1 opposite the name of the candidate of your first choice and then proceed if you wish by placing the figure 2 opposite the name of the candidate of your second choice; and the figure 3 opposite the name of the candidate of your third choice and so on. You may indicate as many or as few preferences as you wish.
3. In no circumstances write anything else on the ballot paper; if you do your vote may be invalid.
4. To ensure that a ballot paper is a valid vote you must, at least, place the figure 1 opposite the name of the candidate of your first choice. If you fail to place the figure 1 on the ballot paper, or place the figure 1 and some other figure opposite the name of the same candidate, or place any mark or writing on the ballot paper by which you may be identified, your ballot paper will be invalid and your vote will not be counted.
5. If by accident you damage or spoil your paper or if you mark it in such a way that it may be rejected as spoilt, or if you place a wrong mark on it or mark it inadvertently in a wrong place, then take the paper back to the presiding officer, tell him what has happened and ask him for a fresh ballot paper.
6. When you have marked your ballot paper, fold it so that the front of it is hidden and, holding the paper so that the presiding officer can see the official mark on the back of it, put it into the ballot box.
7. You must neither take your ballot paper out of the polling station nor put any other paper into a ballot box. To do so is a serious offence.
8. When you have voted leave the polling station at once.

**9. Form of certificate of employment (rule 29(3))**

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Local government election

..... district electoral area

I certify that [name] .....

who is numbered ..... in the register of electors used at this district council election in the district electoral area named above is likely to be unable to go in person to the polling station allotted to him by reason of the particular circumstances of his employment on that date

*\*Delete  
whichever  
is in-  
appropriate*

*\*(a)* as a constable

*\*(b)* as a member of Her Majesty's Forces (including Her Majesty's reserve or auxiliary forces) in connection with the election

*\*(c)* by me for a purpose connected with the election.

Signature .....

\*Police officer

(Chief Inspector or above)

\*Major or above

\*Returning officer

Date .....

Note.—The person named above is entitled to vote at any polling station in the above district electoral area on production and surrender of this certificate to the presiding officer.

**10. Form of declaration to be made by the companion of a blind voter (rule 36(6))**

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I, A.B. of \_\_\_\_\_, having been requested to assist C.D. (in the case of a blind person voting as proxy add voting as proxy for M.N.) whose number on the register is \_\_\_\_\_, to record his vote at the election now being held in this district electoral area hereby declare that [I am entitled to vote as an elector at the said election] [I am the \* \_\_\_\_\_ of the said voter and have attained the age of 18 years] and that I have not previously assisted any blind person [except E.F. of \_\_\_\_\_] to vote at the said election.  
\*state relationship of companion to voter

(Signed) A.B.,

day of \_\_\_\_\_ 19 \_\_\_\_\_

I, the undersigned, being the presiding officer for the \_\_\_\_\_ polling station for the \_\_\_\_\_ district electoral area, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed G.H.)

day of \_\_\_\_\_ 19 \_\_\_\_\_  
minutes past \_\_\_\_\_ o'clock [a.m.] [p.m.]

NOTE: If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

SCHEDULE 2

ABSENT VOTING

PART I

VOTING BY POST AND BY PROXY

**Interpretation**

1. In this Part—
  - (a) “Act of 1983” means the Representation of the People Act 1983(17);
  - (b) a reference to a specified day before the day of the poll shall be calculated in accordance with rule 2 (computation of time) of the local elections rules;
  - (c) a reference to a numbered form is a reference to the form of that number in Part II of this Schedule; and

(17) 1983 c. 2.

- (d) a reference to the local elections rules means the rules in Schedule 5 to the Act of 1962 as substituted by Schedule 1.

### **Entitlement to absent vote for an indefinite period under Act of 1983**

2.—(1) This paragraph applies to a local elector who—

- (a) on the day of the poll for a local election is, or will be, also registered as an elector for the purposes of elections to the Parliament of the United Kingdom,
- (b) is, in respect of that registration, entitled to an absent vote at those elections for an indefinite period by virtue of paragraph (a), (b) or (c) of subsection (2) or subsection (4) of section 20 of the Act of 1983,
- (c) is included not later than noon on the eleventh day before the day of the poll in the record of absent voters kept by the Chief Electoral Officer as registration officer under section 20(5) of the Act of 1983 or, as the case may be, the record of electors for whom proxies have been appointed kept by that Officer under section 21(8) of that Act, and

in respect of whom that Officer has, before the time mentioned in paragraph (c), received an application in Form 1, requesting that the applicant's entitlement to vote by post or by proxy for an indefinite period at elections to the Parliament of the United Kingdom should also have effect for an indefinite period at local elections.

(2) A local elector—

- (a) to whom sub-paragraph (1) applies, and
- (b) who is entitled to vote by post for an indefinite period at elections to the Parliament of the United Kingdom

may, by virtue of this paragraph, vote by post at local elections for as long as he is so entitled to vote at elections to the Parliament of the United Kingdom; and the address given in the record under section 20(5) of the Act of 1983 as the address to which a ballot paper is to be sent shall be the address for that purpose at local elections.

(3) A local elector—

- (a) to whom sub-paragraph (1) applies, and
- (b) who is entitled to vote by proxy for an indefinite period at elections to the Parliament of the United Kingdom

may, by virtue of this paragraph, vote by proxy at local elections for as long as he is so entitled to vote at elections to the Parliament of the United Kingdom; and the proxy named in the record kept under section 21(8) of the Act of 1983 as the proxy appointed shall be the proxy for the purpose of local elections.

(4) The Chief Electoral Officer shall include the names of those electors who, at a local election, are—

- (a) entitled to vote by post under the provisions of sub-paragraphs (1) and (2) in the list referred to in rule 24(2) of the local elections rules, and
- (b) entitled to vote by proxy under the provisions of sub-paragraphs (1) and (3) in the list referred to in rule 24(1) of the local elections rules.

(5) The Chief Electoral Officer shall notify the applicant if he disallows his application under sub-paragraph (1).

### **Entitlement of proxy to vote by post/or an indefinite period under Act of 1983**

3.—(1) This paragraph applies where a local elector is entitled to vote by proxy by virtue of paragraph 2(1) and (3) and that proxy—

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- (a) is entitled to vote by post as proxy at elections to the Parliament of the United Kingdom in respect of that elector for an indefinite period by virtue of subsections (6)(b) and (7) of section 22 of the Act of 1983,
- (b) is included not later than noon on the eleventh day before the day of the poll in the record of persons whose applications to vote by post as proxy are for the time being allowed, kept by the Chief Electoral Officer as registration officer under section 22(8) of the Act of 1983, and

in respect of whom that Officer has, before the time mentioned in paragraph (b), received an application in Form 2, requesting that the applicant's entitlement to vote by post as proxy for an indefinite period at elections to the Parliament of the United Kingdom should also have effect for an indefinite period at local elections.

(2) A proxy to whom sub-paragraph (1) applies may, by virtue of this paragraph, vote by post as proxy at local elections for as long as he is so entitled to vote at elections to the Parliament of the United Kingdom; and the address given in the record kept under section 22(8) of the Act of 1983 as the address to which a ballot paper is to be sent shall be the address for that purpose at local elections.

(3) The Chief Electoral Officer shall include the names of those proxies who are entitled to vote by post at a local election under the provisions of this paragraph in the list referred to in rule 24(2) of the local elections rules.

(4) The Chief Electoral Officer shall notify an applicant if he disallows his application under sub-paragraph (1).

#### **Absent vote at a particular local election**

4.—(1) Where a person applies to the Chief Electoral Officer to vote by post, or to vote by proxy, at a particular local election, the Chief Electoral Officer shall grant the application if—

- (a) he is satisfied that the applicant is a person to whom this paragraph applies,
- (b) he is satisfied that the applicant is or will be registered in the register of local electors,
- (c) in the case of an application to vote by post, the applicant has provided an address in the United Kingdom as an address to which his ballot paper is to be sent, and
- (d) the application meets the requirements of paragraphs 9 and 10.

(2) This paragraph applies to the following persons—

- (a) any person who cannot reasonably be expected to go in person to the polling station allotted or likely to be allotted to him under the local elections rules for one of the following reasons, that is—
  - (i) the general nature of his occupation, service or employment or that of his spouse,
  - (ii) his service as a member of any of Her Majesty's reserve or auxiliary forces,
  - (iii) the particular circumstances of his employment on the date of the poll either as a constable or, for a purpose connected with the election, by the returning officer, and
  - (iv) religious observance,
- (b) any person who cannot reasonably be expected—
  - (i) to go in person to the polling station allotted or likely to be allotted to him under the local elections rules; or
  - (ii) to vote unaided there
 by reason of blindness or other physical incapacity,
- (c) any person who is a patient or inmate in any hospital or institution in Northern Ireland, and



- (d) any person who is unable to go in person from his qualifying address to the polling station without making a journey by air or sea.

(3) The Chief Electoral Officer shall notify the applicant if he disallows his application under this paragraph.

#### **Service elector's application to vote by post at a particular election**

5.—(1) An elector who

- (a) is registered as a local elector by virtue of a service qualification,
- (b) is, under sub-paragraphs (1) and (3) of paragraph 2, entitled to vote by proxy at local elections by virtue of being so entitled to vote at elections to the Parliament of the United Kingdom,

may, not later than noon on the eleventh day before the day of the poll, apply to the Chief Electoral Officer by means of Form 3 for the purpose of voting by post at a particular local election.

(2) The Chief Electoral Officer shall grant an application under sub-paragraph (1) if—

- (a) he is satisfied that the applicant is a person to whom sub-paragraph (1) applies and that he is or will be registered in the register of local electors by virtue of a service qualification,
- (b) the applicant has provided an address in the United Kingdom as an address to which his ballot paper is to be sent, and
- (c) the application was made in the form and received by the Chief Electoral Officer in the time specified in sub-paragraph (1).

(3) The Chief Electoral Officer shall notify the applicant if he disallows his application under sub-paragraph (1).

#### **Appointment of proxies under paragraph 4**

6.—(1) This paragraph applies to the appointment of proxies under paragraph 4.

(2) Subject to the provisions of this paragraph, any person is capable of being appointed proxy to vote for another (in this paragraph referred to as “the elector”) at a local election and may vote in pursuance of the appointment.

(3) The elector cannot have more than one person appointed to vote for him at any particular local election.

(4) A person is not capable of being appointed to vote, or voting, as proxy at a local election—

- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector; or
- (b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland.

(5) An elector shall apply to the Chief Electoral Officer for the appointment of a proxy to vote for him at a particular local election by means of completing Part II of Forms 5, 6 or 7, which Part should be signed by the person consenting to act as the elector's proxy.

(6) The Chief Electoral Officer shall make the appointment if he is satisfied that the application satisfies the requirements of paragraphs 4, 9 and 10 and that the proxy is capable of being and willing to be appointed.

(7) The appointment of the proxy under this paragraph is to be made by means of a proxy paper in Form 4 issued by the Chief Electoral Officer.

(8) The appointment shall remain in force for the particular local election for which it was made.

(9) If for any reason the Chief Electoral Officer does not issue a proxy paper under sub-paragraph (7), he shall notify the elector why he has not done so.

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### **Voting by proxy**

7.—(1) A person entitled to vote as proxy at a local election, whether by virtue of paragraph 2(1) and (3) or paragraph 6, may do so in person at the polling station allotted to the elector under the local elections rules unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.

(2) A person is not capable of voting as proxy at any such election unless on the day of the poll he has attained the age of 18.

(3) A person is not entitled to vote as proxy at the same local election in any district electoral area on behalf of more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

(4) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.

(5) A person entitled to vote as proxy for another at a local election is entitled so to vote by post if he is included in the list of proxies entitled to vote by post at the election kept under rule 24(2) of the local elections rules.

(6) Where a person applies to the Chief Electoral Officer to vote by post as proxy at a particular election and the application meets the requirements of sub-paragraph (7) and paragraphs 9 and 10, he shall grant the application if the applicant has provided an address in the United Kingdom as an address to which his ballot paper is to be sent, and either—

- (a) that address is not in the same district electoral area as the elector's qualifying address, or
- (b) the applicant is, or the Chief Electoral Officer is satisfied that he will be, included as an elector in the absent voters lists kept under rule 24 of the local elections rules for the election in question.

(7) The Chief Electoral Officer shall not grant an application under this paragraph unless—

- (a) he is satisfied that the elector is or will be registered in the register of local electors,
- (b) the application is in Form 8, and
- (c) there is in force an appointment of the applicant as the elector's proxy to vote for him at the particular local election concerned.

(8) The Chief Electoral Officer shall notify an applicant if he disallows an application under sub-paragraphs (6) and (7).

### **List of proxies and postal voters and notifications**

8.—(1) The Chief Electoral Officer shall include the names of those electors who, at a local election, are—

- (a) entitled to vote by post under the provisions of paragraphs 4 and 5, in the list referred to in rule 24(2) of the local elections rules; and
- (b) entitled to vote by proxy under the provisions of paragraphs 4 and 6, in the list referred to in rule 24(1) of the local elections rules.

(2) The Chief Electoral Officer shall include the names of those proxies who are entitled to vote by post at a local election under the provisions of Article 7 in the list referred to in rule 24(2) of the local elections rules.

(3) As soon as may be after the issue of a proxy paper under paragraph 6(7) the Chief Electoral Officer shall send a notice of the fact to the elector.

#### **Applications under paragraph 4**

**9.**—(1) An application under paragraph 4 to vote by post or vote by proxy at a particular election shall be made in—

- (a) Form 5 in any case where the application is based on the grounds in paragraph 4(2)(a);
- (b) Form 6 in any case where the application is based on the grounds in paragraph 4(2)(b) or (c); and
- (c) Form 7 in any case where the application is based on the grounds in paragraph 4(2)(d).

(2) An application to be treated as an absent voter based on the ground of religious observance shall not be allowed by the Chief Electoral Officer unless it is accompanied by a certificate signed by a minister of the applicant's religious denomination certifying the nature and times of the religious observances and that the applicant is bound to observe them.

(3) An application to be treated as an absent voter based on the ground that the applicant is a patient or inmate in a hospital or institution in Northern Ireland shall not be allowed by the Chief Electoral Officer unless it is accompanied by a declaration, signed by a registered medical practitioner who has responsibility for the applicant or who has examined him, declaring that the applicant is such a patient.

(4) An application to be treated as an absent voter based on the ground of blindness or physical incapacity shall not be allowed by the Chief Electoral Officer unless it is accompanied by a declaration signed by a registered medical practitioner or by a Christian Science practitioner declaring—

- (a) that the applicant cannot reasonably be expected by reason of blindness or other physical incapacity to go in person to the polling station allotted to him, or, if able to go, to vote there unaided; and
- (b) that, in the case of a registered medical practitioner, the applicant is registered with him as that practitioner or, in either case, that he has examined the applicant immediately before making the declaration.

#### **Disregard of applications**

**10.** An application to vote by post or by proxy under paragraph 4, or by a proxy to vote by post under paragraph 7, shall be disregarded if it is received by the Chief Electoral Officer after noon on the eleventh day before the day of the poll.

#### **Absent voters lists**

**11.** As soon as the absent voters lists (within the meaning of rule 24 of the local elections rules) have been prepared, the Chief Electoral Officer shall publish them by making a copy of them available for inspection at his office; and, as soon as practicable after that, he shall, on request and free of charge, supply a copy of them to each candidate or his election agent.

#### **Marked register of electors for polling stations**

**12.** In any copy of the register or part of it that is provided for a polling station there shall be placed—

- (a) against the name of any elector who is, or whose proxy is, entitled to vote by post the letter “A”; and
- (b) against the name of any elector on behalf of whom a proxy has been appointed the letter “P”.

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

**Offences**

13. A person who makes a statement which he knows to be false in any declaration or form in Part II which is used for the purposes of this Part is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale (as provided by Article 5 of the Fines and Penalties (Northern Ireland) Order 1984).

**PART II**

**FORMS**

**FORM 1: Application for absent voting facilities granted for an indefinite period for elections to the Parliament of the United Kingdom to apply for local elections (paragraph 2 of Part I)**

**Local Elections (Northern Ireland) Order 1985**

To the Chief Electoral Officer

I, (name in CAPITAL LETTERS) .....  
of (address in CAPITAL LETTERS) .....  
.....  
.....

am registered in respect of (qualifying address in CAPITAL LETTERS)

.....  
as an elector for elections to the Parliament of the United Kingdom and in respect of that registration I am entitled to

\*Delete (a) vote by post  
whichever (b) vote by proxy.  
does not  
apply

I hereby apply for the same absent voting facilities in respect of all local government elections.

Signed .....  
Date .....

**NOTES**

1. This application, if successful, will entitle you to absent voting facilities at all local government elections for the district electoral area in which you are registered so long as:—

- (a) you remain registered as an elector at elections to the Parliament of the United Kingdom and local elections in respect of the above address, and
- (b) you remain entitled to absent voting facilities at parliamentary elections.

2. If you are entitled to *vote by post* at parliamentary elections, the address to which your ballot paper will be sent at local elections is the address given for the purposes of your application in respect of parliamentary elections.

3. If you are entitled to *vote by proxy* at parliamentary elections, the proxy who will vote for you at local elections is the person appointed to vote for you at parliamentary elections.

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

**FORM 2: Application by proxy for an elector at elections to the Parliament of the United Kingdom who is entitled for an indefinite period to vote by post at those elections to vote by post for an indefinite period at local elections (paragraph 3 of Part I)**

**Local Elections (Northern Ireland) Order 1985**

To the Chief Electoral Officer

I, (*name in CAPITAL LETTERS*) .....  
of (*address in CAPITAL LETTERS*) .....  
.....  
.....

have been appointed as proxy for:—

(*elector's name in CAPITAL LETTERS*) .....  
of (*elector's address in CAPITAL LETTERS*) .....  
.....  
.....

for an indefinite period at elections to the Parliament of the United Kingdom and am entitled to vote by post at those elections.

I hereby apply to vote by post as proxy for that elector at all local government elections.

*Signed* .....  
*Date* .....

**NOTES**

1. This application, if successful, will entitle you to vote by post as proxy for the elector named in this application at all local government elections so long as—

- (a) the elector for whom you are proxy is registered in the register of electors to the Parliament of the United Kingdom and in the register of local electors, and
- (b) your appointment as proxy remains in force.

2. If you wish to change the address to which the ballot paper is to be sent, you should apply to change that address for the purpose of parliamentary elections.

**FORM 3: Application by service elector in the United Kingdom to vote by post (paragraph 5 of Part I)**

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

Local Elections (Northern Ireland) Order 1985

To the Chief Electoral Officer

Name (CAPITAL LETTERS) .....
I am registered as a service voter for elections to the Parliament of the United Kingdom in respect of the following address (CAPITAL LETTERS)
..... (give address given in your service declaration)

\*Delete whichever does not apply
I am registered as a service voter by virtue of \*my qualification/\*that of my \*husband/wife
That qualification rests on service as
\*(a) Service (R.N., Army, R.A.F. etc.) ..... Regt./Corps .....
Rank or ..... ranking ..... Service number .....
OR \*(b) Name of Government department in which employed
.....
Description of post .....
OR \*(c) British Council; description of post .....

I am also registered as a local elector in Northern Ireland.
I hereby apply to vote by post at the forthcoming local government election and the following is the address in the United Kingdom to which a ballot paper should be sent.
(Full address in BLOCK CAPITALS) .....

Signed ..... Date .....

NOTE

When this form is completed by the spouse of a member of H.M. forces or of a person employed by a Government department or the British Council, the service or other particulars of that member should be entered.

FORM 4: Proxy paper (paragraph 6(7) of Part I)

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

Local Elections (Northern Ireland) Order 1985

Date of election .....

District electoral area .....

Polling district .....

(Name of proxy) .....  
of (address) .....

is hereby appointed proxy for (name of elector) .....

who is registered in respect of (qualifying address)  
.....  
.....  
.....

to vote for him at the forthcoming local election.

Signed (on behalf of Chief Electoral Officer) .....

Date .....

NOTES

1. Your appointment as proxy is valid for the purposes of the forthcoming local election (referred to above) ONLY.
2. If a ballot paper is issued to the elector at his allotted polling station before you apply for a ballot paper on his behalf, you will not be entitled to vote as proxy.
3. To vote as proxy at the election you must go in person to the polling station for the elector's qualifying address, except that you may apply to vote by post as proxy if either—
  - (a) you are entitled to vote by post in respect of your own vote at the election, or
  - (b) your address is not in the same district electoral area as the address for which the elector is registered.
4. The form to enable you to vote by post may be obtained from the Chief Electoral Officer.

**FORM 5: Application to be treated as an absent voter for reason connected with employment or religious observance (paragraph 9 of Part I)**

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

Local Elections (Northern Ireland) Order 1985

To the Chief Electoral Officer

PART I

I (full name in CAPITAL LETTERS) ..... am qualified to be registered as an elector for

(full address in CAPITAL LETTERS) .....

and I hereby apply to be treated as an absent voter at the forthcoming local election on the grounds that I cannot reasonably be expected to go in person to the polling station allotted to me because of:--

- \*Delete whichever does not apply
\*(a) the general nature of my occupation, service or employment which is as follows:— (Write legibly and give full reasons for application)
\*(b) the general nature of the occupation, service or employment of my spouse, which is as follows:— (Write legibly and give full reasons for application)
\*(c) my service in one of H.M.'s reserve or auxiliary forces as follows:— (see Note 2)
\*(d) my employment on polling day
\*(i) as a constable (give rank and number)
\*(ii) by the returning officer in connection with the election:— (give details)
\*(e) my being bound to the following religious observances:— (Write legibly, give details and see Note 3)

AND I hereby apply to vote \*BY POST/BY PROXY

CERTIFICATE

To be completed when paragraph (e) above applies

I certify that the statement in paragraph (e) above is correct.

Signature .....
Date .....

This certificate must be signed by a minister of the elector's religious denomination. The full name and address of the minister who signed this certificate is

CAPITAL LETTERS Name .....
Address .....



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**PART II**

**PROXY APPOINTMENT**

(NOTE: 1. *This Part of the form MUST be completed if the applicant wishes to vote by proxy*  
2. *See Notes 4, 5 and 6 below*)

I hereby apply for the person named below to act as my proxy to the forthcoming local election.

Full name (in CAPITAL LETTERS) .....

Full address (in CAPITAL LETTERS) .....  
.....  
.....

Relationship, if any, to me .....

Proxy's consent to act (*signed*) ..... Date .....

**NOTES**

1. This application, if granted, entitles you to vote by post or by proxy at the forthcoming local election only. If you will be at sea or out of the United Kingdom on polling day you **MUST** appoint a proxy.

2. Where paragraph (c) applies, you must state the name of the reserve or auxiliary force concerned.

3. Where paragraph (e) applies, you must state the nature and times of the religious observances. The certificate above must be completed by a minister of your religious denomination.

4. If you wish to appoint a proxy you must complete Part II. To vote as proxy, a person must be a British citizen, other Commonwealth citizen or citizen of the Republic of Ireland, of voting age and not subject to any legal incapacity to vote.

5. A proxy may not vote at the same election as proxy for more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

6. The proxy must sign the application to show he is willing to act.

**FORM 6: Application to be treated as an absent voter at a particular local election owing to blindness, other physical incapacity or being a patient or inmate of hospital or institution**  
(*paragraph 9 of Part I*)



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**DECLARATION BY CHRISTIAN SCIENCE PRACTITIONER**

I declare that I have examined the applicant immediately before making this declaration and that to the best of my knowledge and belief the applicant suffers from blindness or some other physical incapacity and by reason thereof cannot reasonably be expected to go to the polling station allotted to him on polling day for the forthcoming local election.

Signed ..... Date .....

Full name (CAPITAL LETTERS) .....

Occupation (CAPITAL LETTERS) .....

Full address (CAPITAL LETTERS) .....

**PART II**

**PROXY APPOINTMENT**

(Note: 1. *This Part of the Form MUST be completed if the applicant wishes to vote by proxy*  
2. *See Notes 3, 4 and 5 below*)

I hereby apply for the person named below to vote as proxy to the forthcoming local election.

Full name (in CAPITAL LETTERS) .....

Full address (in CAPITAL LETTERS) .....

Relationship, if any, to me .....

Proxy's consent to act (signed) ..... Date .....

**NOTES**

1. This application, if granted, entitles you to vote by post or by proxy at the forthcoming local election only.

2. Where the application is made on the grounds that the person is a patient or inmate in any hospital or institution in Northern Ireland it will only be allowed if the declaration attached is made by a medical practitioner. Where the application is made on the grounds of blindness or other physical incapacity the attached declaration must be completed but may be made by a registered medical practitioner or a Christian Science practitioner.

3. If you wish to appoint a proxy you must complete Part II. To vote as proxy, a person must be a British citizen, other Commonwealth citizen or a citizen of the Republic of Ireland, of voting age and not subject to any legal incapacity to vote.

4. A proxy may not vote at the same election as proxy for more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

5. The proxy must sign the application to show he is willing to act.

**FORM 7: Application to be treated as an absent voter at a particular local election owing to an air or sea journey (paragraph 9 of Part I)**

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

Local Elections (Northern Ireland) Order 1985

To the Chief Electoral Officer

PART I

I (full name in CAPITAL LETTERS) ..... am qualified to be registered as an elector for:— (full qualifying address in CAPITAL LETTERS) .....

I hereby apply to be treated as an absent voter at the forthcoming local election on the grounds that I cannot go in person from the above address to the polling station allotted to me without making a journey by air or sea.

Signed ..... Date .....

PART II

PROXY APPOINTMENT

(Note: 1. This Part of the Form MUST be completed if the applicant wishes to vote by proxy 2. See Notes 3, 4 and 5 below)

I hereby apply for the person named below to vote as proxy for me at the forthcoming local election.

Full name (in CAPITAL LETTERS) ..... Full address (in CAPITAL LETTERS) .....

Relationship, if any, to me .....

Proxy's consent to act (signed) ..... Date .....

NOTES

- 1. This application, if granted, entitles you to vote by post or by proxy, at the forthcoming local election only.
2. If you do not apply to vote by proxy a ballot paper will be sent to your qualifying address for you to vote by post.
3. If you wish to appoint a proxy you must complete Part II. To vote as proxy, a person must be a British citizen, or other Commonwealth citizen or a citizen of the Republic of Ireland, of voting age and not subject to any legal incapacity to vote.
4. A proxy may not vote at the same election as proxy for more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
5. The proxy must sign the application to show he is willing to act.

FORM 8: Application by proxy to vote by post (paragraph 7 of Part I)

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

## Local Elections (Northern Ireland) Order 1985

To the Chief Electoral Officer

I (full names in CAPITAL LETTERS) .....  
have been appointed proxy for  
(elector's name in CAPITAL LETTERS) .....

who is registered as elector at (qualifying address in CAPITAL LETTERS)  
.....  
.....  
in respect of the forthcoming local election.

I hereby apply to vote by post as proxy at that election on the grounds that—

*\*Delete  
whichever  
does not  
apply*                      *\*(a)* I am entitled as an elector to vote by proxy at that election  
*\*(b)* the address given below is not in the same district electoral area  
as the elector's qualifying address.

A ballot paper should be sent to me at the following address in the United Kingdom:—

(CAPITAL LETTERS) .....  
.....  
.....

### NOTE

This application, if allowed, enables you to vote by post as proxy for the forthcoming local election ONLY.

## PART III

### ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

#### Interpretation

1. For the purpose of this Part, unless the context otherwise requires—

“agent” includes the election agent and a person appointed to attend in the election agent's place;

“election rules” means the local elections rules in Schedule 5 to the Act of 1962, as substituted by Schedule 1;

“issue” includes the original and any subsequent issue;

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter” means a person entitled to vote by post at an election as an absent voter or as a proxy;

“returning officer” means the Chief Electoral Officer provided that, in respect of any function that Officer has delegated to a deputy returning officer (within the meaning of Article 9(2) of the Electoral Law (Northern Ireland) Order 1972), it means the deputy returning officer acting under the supervision of the Chief Electoral Officer.

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### **Form of ballot paper**

2. Except as provided by rule 17(3) of the elections rules with respect to the official mark, the ballot papers to be sent to postal voters shall be in the same form as, and indistinguishable from, those delivered to other voters.

### **Persons entitled to be present at issue and receipt of postal ballot papers**

- 3.—(1) No person other than—
- (a) the returning officer and his clerks,
  - (b) a candidate,
  - (c) an election agent or any person appointed by a candidate to attend in his election agent's place,
  - (d) any agents appointed under sub-paragraph (2),

may be present at the proceedings on the issue or receipt of postal ballot papers.

(2) Where postal ballot papers are to be issued, or the envelopes contained in the postal voters' ballot boxes are to be opened, simultaneously or in two or more batches, each candidate may appoint one or more agents up to the number he may be authorised by the returning officer to appoint not exceeding the number of such batches so, however, that the number authorised shall be the same in the case of each candidate.

(3) Notice of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers or the opening of the postal voters' ballot boxes, as the case may be.

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In this Part of this Schedule references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (2), who are within the number authorised by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) Where in this Part any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

### **Declaration of secrecy**

4.—(1) Every person attending the proceedings on the issue or receipt of postal ballot papers shall make a declaration of secrecy in the form in sub-paragraph (4) before the issue of postal ballot papers:

Provided that if any person attends only the proceedings on the receipt of postal ballot papers, he need not make the declaration before the issue but shall make it before he is permitted to attend the proceedings on the receipt of postal ballot papers.

(2) The returning officer shall make the declaration in the presence of a Justice of the Peace, and any other person shall make the declaration in the presence of a Justice of the Peace or of the returning officer or of the clerk of a district council.

(3) Sub-paragraph (4) of paragraph 27 of Schedule 9 to, and section 111 of, the Act of 1962 shall be read to the declarant by the person taking the declaration or shall be read by the declarant in the presence of that person.

(4) The declaration shall be as follows:—

“I solemnly promise and declare that I will not do anything forbidden by sub-paragraph (4) of paragraph 27 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 which has been read to [by] me.”

#### **Notice of issue of postal ballot papers**

5.—(1) The returning officer shall give each candidate not less than two days' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents he may appoint under paragraph 3(2) to attend that issue.

(2) Where any subsequent issue of ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents he may appoint under paragraph 3(2) to attend such issue.

#### **Marking of postal ballot paper**

6.—(1) Each postal ballot paper issued shall be stamped with the official mark which shall perforate or emboss the ballot paper and the name and number in the register of electors shall be called out, and such number shall be marked on the counterfoil, and a mark shall be placed in the list of postal voters against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy but without showing the particular ballot paper issued.

(2) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

#### **Refusal to issue postal ballot paper**

7. Where the returning officer is satisfied that two or more entries in the list of postal voters relate to the same elector or that a postal proxy has been appointed for a person entered in the list of proxies, he shall not issue more than one ballot paper in respect of the same elector.

#### **Ballot paper envelope**

8. The returning officer shall, in addition to the ballot paper, declaration of identity and envelope for their return (hereinafter referred to as a “covering envelope”) which he is required by rule 21 of the elections rules to send to a postal voter, send a smaller envelope marked “ballot paper envelope” bearing the number of the ballot paper.

#### **Delivery of postal ballot papers to post office**

9. Envelopes addressed to postal voters shall be counted and forthwith delivered by the returning officer to the nearest head post office, or such other office as may be arranged with the head postmaster, and the postmaster shall stamp with the post office date stamp a form of receipt to be presented by the returning officer stating the number of envelopes so delivered, and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

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### **Provision of postal voters' ballot box**

**10.**—(1) The returning officer shall, at the proceedings on the original issue of postal ballot papers, provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the postal voters.

(2) Every such ballot box shall be shown open and empty to the agents present and shall then be locked by the returning officer and sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals in such a manner as to prevent its being opened without breaking the seal.

(3) Every such ballot box shall be marked "postal voters' ballot box" and with the name of the district electoral area for which the election is held.

(4) The returning officer shall make provision for the safe custody of every such ballot box.

### **Sealing up of special lists and counterfoils**

**11.**—(1) The returning officer, as soon as practicable after the completion of the issue of the postal ballot papers, and in the presence of the agents, shall make up in separate packets—

- (a) the marked copies of the list of postal voters, and
- (b) the counterfoils of those ballot papers which were issued,

and shall seal such packets.

(2) The sealed packet containing the marked copies of the list of postal voters may be opened by the returning officer for the purposes of a subsequent issue, and on completion of that issue the copies shall be again made up and sealed in accordance with sub-paragraph (1).

### **Spoilt postal ballot paper**

**12.**—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (in this Part referred to as "a spoilt postal ballot paper") he may return (either by hand or by post) to the returning officer the spoilt postal ballot paper, the declaration of identity, the ballot paper envelope and the covering envelope.

(2) The returning officer, on receipt of the said documents, shall, unless the documents are received too late for another postal ballot paper to be returned before the close of the poll, issue another postal ballot paper and the foregoing paragraphs of this Part, but not paragraphs (b), (c) or (d) of sub-paragraph (1) or sub-paragraphs (2) to (8) of paragraph 3 or paragraph 5, shall apply accordingly.

(3) The spoilt postal ballot paper, the declaration of identity and the ballot paper envelope shall be immediately cancelled.

(4) The returning officer, as soon as practicable after cancelling the said documents, shall make up the said documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as aforesaid, the sealed packet shall be opened and the additional cancelled documents included therein and the packet shall thereupon be again made up and sealed.

### **Receipt of covering envelope**

**13.** The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box locked and sealed in accordance with paragraph 10.



### **Opening of postal voters' ballot box**

14.—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The returning officer shall give each candidate at least forty-eight hours' notice in writing of the time and place of his opening of each postal voters' ballot box and the envelopes contained therein and of the number of agents the candidates may appoint under paragraph 3(2) to be present at each opening.

### **Opening of covering envelopes**

15.—(1) Where a postal voters' ballot box has been opened, the returning officer shall count and note the number of covering envelopes, and shall then open each covering envelope separately.

(2) Where a covering envelope does not contain both a declaration of identity and a ballot paper envelope or, there being no ballot paper envelope, a ballot paper, or contains more than one ballot paper (whether in an envelope or not), he shall mark the covering envelope “rejected”, attach thereto the contents (if any) of the covering envelope and place it in a separate receptacle (hereinafter referred to as “the receptacle for votes rejected”); and if the covering envelope does not contain the declaration separately, the returning officer shall open the ballot paper envelope to ascertain if the declaration is inside that envelope.

(3) On opening a covering envelope, other than one to which sub-paragraph (2) applies, he shall first satisfy himself that the declaration of identity has been duly signed and authenticated and, if he is not so satisfied, he shall mark the declaration “rejected”, attach thereto the ballot paper envelope or, if there is no such envelope, the ballot paper, and place it in the receptacle for votes rejected:

Provided that before so doing he shall show the declaration to the agents and, if any objection is made by any agent to his decision, he shall add the words “rejection objected to”.

(4) Where the number on the declaration of identity duly signed and authenticated agrees with the number on the ballot paper envelope, he shall place the declaration in a separate receptacle (hereinafter referred to as “the receptacle for declarations of identity”) and the ballot envelope in another separate receptacle (hereinafter referred to as “the receptacle for ballot paper envelopes”).

(5) Where there is no ballot paper envelope or the ballot paper envelope has been opened under sub-paragraph (2), he shall—

(a) where the number on the declaration of identity duly signed and authenticated agrees with the number on the ballot paper, place the declaration in the receptacle for declarations of identity and the ballot paper in a ballot box previously shown open and empty to the agents present and locked by the returning officer and sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals in such manner as to prevent its being opened without breaking the seal which shall be subsequently treated as a ballot box for the purpose of rule 45 of the elections rules;

(b) where the number on the said declaration does not agree with the number on the ballot paper, mark the declaration “rejected”, attach thereto the ballot paper and place it in the receptacle for votes rejected.

(6) Where the number on the declaration of identity duly signed and authenticated does not agree with the number on the ballot paper envelope or that envelope has no number on it, he shall open the envelope and shall—

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- (a) where the number on the declaration agrees with the number on the ballot paper, place the declaration in the receptacle for declarations of identity and the ballot paper in the ballot box referred to in sub-paragraph (5);
  - (b) where the number on the declaration does not agree with the number on the ballot paper or there is no ballot paper, mark the declaration “rejected”, attach thereto the ballot paper (if any) and place it in the receptacle for votes rejected.
- (7) Except for the purposes of ascertaining under sub-paragraph (2) whether a ballot paper envelope contains a declaration of identity or, where there is more than one ballot paper envelope, a ballot paper or under sub-paragraph (6) whether the number on the declaration agrees with the number on the ballot paper, the returning officer shall not open the ballot paper envelopes before they are opened under paragraph 17.

#### **Sealing up of rejected votes and declarations of identity**

16. On the conclusion of the proceedings under paragraph 15 the returning officer shall put the contents of the receptacle for votes rejected and the contents of the receptacle for declarations of identity into two separate packets and shall seal up such packets.

#### **Opening of ballot paper envelopes**

17.—(1) After sealing up the packets referred to in paragraph 16 the returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) Where a ballot paper envelope does not contain a ballot paper, he shall mark the envelope “rejected”.

(3) Where the number on the ballot paper envelope agrees with the number on the ballot paper contained therein, he shall place the ballot paper in the ballot box referred to in paragraph 15(5).

(4) Where the number on the ballot paper envelope does not agree with the number on the ballot paper contained therein, he shall mark the ballot paper “rejected” and attach the ballot paper envelope thereto.

(5) He shall put into a separate packet the envelopes and the ballot papers marked “rejected” under the provisions of this paragraph and shall seal up such packet.

#### **Abandoned poll**

18. Where a poll is countermanded or abandoned after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with their contents in accordance with the provisions of this Part, and
- (b) shall, notwithstanding paragraphs 16 or 17, treat all unopened covering envelopes and the contents of those which have been opened as if they were counted ballot papers.

#### **Disposal of documents**

19.—(1) The returning officer shall forward to the proper officer of the relevant council any packets referred to in paragraphs 11, 12, 16 or 17.

In this sub-paragraph—

“proper officer” means the officer who is charged with the duty of looking after the documents to which rule 58 of the elections rules applies; and

“relevant council” means the council to which the election in question takes place.

(2) Where any covering envelopes are received by the returning officer after the close of the poll or any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or any spoilt ballot papers are returned too late to enable other postal ballot papers to be issued, he shall put them unopened into a separate packet, seal up such packet and deal with it in the manner described in sub-paragraph (1).

(3) Any packets dealt with under sub-paragraphs (1) or (2) shall be deemed to be documents to which rules 58 to 60 of the elections rules apply.

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## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order replaces the Northern Ireland (Local Elections) Order 1977 (“the 1977 Order”). In common with that Order, this Order amends and supplements the provisions of the Electoral Law Act (Northern Ireland) 1962 (“the 1962 Act”) in its application to local government elections in Northern Ireland. The changes are as follows.

Article 4 of this Order substitutes the new local elections rules which are set out in Schedule 1 to the Order for the rules in Schedule 5 to the Act of 1962 (as substituted by the 1977 Order). The new rules include provisions about the documents an elector must produce at a polling station in order to obtain a ballot paper which provisions correspond to sections 1 and 2 of the Elections (Northern Ireland) Act 1985. In common with the rules substituted by the 1977 Order, the new elections rules provide for the use of the single transferable vote system at local elections. However, in other respects the new rules are more closely based on the parliamentary elections rules in Schedule 1 to the [Representation of the People Act 1983 \(c.2\)](#) (“the 1983 Act”).

Article 6 of, and Schedule 2 to, this Order make fresh provision for absent voting at local elections. Under paragraph 2 of Part I of Schedule 2 to the Order those electors who are also registered as parliamentary electors and are, in respect of that registration, entitled to absent voting facilities for an indefinite period at those elections, are entitled, on application, to those facilities for an indefinite period at local elections. Paragraph 4 enables electors to apply for absent voting facilities at a particular local election. The grounds of entitlement are similar to the grounds of entitlement for local electors in Great Britain under the 1983 Act. Part III of Schedule 2 to the Order provides for the issue and receipt of postal ballot papers.

Article 8 extends from three to six months the time in which the Chief Electoral Officer as returning officer must submit his account of expenses to the relevant local authority and extends from twenty-one to forty-two days the time in which claims against the returning officer must be sent to him.

Article 9 amends section 42(1) of the Act of 1962 to increase the limit on candidates' election expenses at local elections. That limit is calculated by reference to a fixed sum (which was £110 and will be £135) together with an additional sum (which was 2.3p and will be 2.8p) in respect of each entry in the register of electors for that election. The sums were last increased in February 1981. Article 10 increases the fee payable for the inspection of the returns as to election expenses at local elections from 10p to £1 and alters the fee payable for copies of those returns so that such copies are now available at 10p for each side of each page. The present fees have not been increased since the enactment of the Act of 1962 (which Act was itself a consolidation).

Article 12 removes the requirement for a candidate at a local election to deposit £15 pending the outcome of the election.

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

Article 13 disapplies section 110 of the Act of 1962 under which a person unfairly charged with personation was entitled to a sum not exceeding £10 in respect of damages and costs arising from his arrest.

Article 14 extends certain voting offences in the Act of 1962.

Article 15 makes provision with respect to the possession of certain documents which corresponds to section 3 of the Elections (Northern Ireland) Act 1985. The Article creates an offence in respect of the possession of the documents referred to in paragraph (2) of Article 15 on the day of the poll or the preceding day so as to commit personation. It confers powers on constables in connection with the offence; and creates a related offence of obstruction or concealment punishable by a maximum of six months imprisonment or a fine not exceeding level 5 on the standard scale ( currently £2,000).

Article 7 makes a minor drafting amendment and Article 11 sets out in a different form the provision included in the 1977 Order by which candidates are entitled to send their election addresses post free. Articles 16 to 18 make consequential amendments.