

SCHEDULE 3 CONDUCT RULES

The count

- 30 (1) The counting officer must—
- (a) in the presence of the counting agents, open each ballot box and count and record the number of ballot papers in it, checking the number against the ballot paper account,
 - (b) verify each ballot paper account in the presence of any referendum agents, and
 - (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (2) For the purposes of paragraph (1)(b), a counting officer must—
- (a) verify the ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the counting officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list), and
 - (b) prepare a statement as to the result of the verification (the “verification statement”).
- (3) Any counting agent present at the verification may copy the verification statement.
- (4) For the purposes of paragraph (1)(c), a postal ballot paper is not to be considered as having been duly returned unless it—
- (a) is returned—
 - (i) by hand to a polling station in the same local government area, or
 - (ii) by hand or post to the counting officer,before the close of the poll, and
 - (b) is accompanied by a postal voting statement which—
 - (i) is duly signed (unless the requirement for signature has been dispensed with in accordance with paragraph 7(6) of schedule 2), and
 - (ii) states the date of birth of the voter or the voter's proxy.
- (5) The counting officer must not count the votes given on any ballot papers until—
- (a) in the case of postal ballot papers, they have been mixed with ballot papers from at least one ballot box, and
 - (b) in the case of ballot papers from a ballot box, they have been mixed with ballot papers from at least one other ballot box.
- (6) The counting officer must not count any tendered ballot paper.
- (7) The counting officer must not count any postal ballot paper if, having taken steps to verify the signature and date of birth of the voter or the voter's proxy, the counting officer is not satisfied that the postal voting statement has been properly completed.
- (8) The counting officer, while counting and recording the number of ballot papers and counting the votes, must take all proper precautions for preventing any person from identifying the voter who cast the vote.

Status: This is the original version (as it was originally enacted).

- (9) The counting officer must, so far as reasonably practicable, proceed continuously with counting the votes, allowing only time for refreshment, but the counting officer may suspend counting between 7pm on any day following the date of the referendum and 9am on the following morning.
- (10) During any period when counting is suspended, the counting officer must take proper precautions for the security of the papers.