

SCHEDULE 1

THE REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUM RULES

PART 4

The Count

Attendance at counting of votes

55.—(1) The counting officer shall make arrangements for counting the votes in the presence of the counting agents appointed for the referendum as soon as practicable after the close of the poll, and shall give to those counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) No person may be present at the counting of the votes other than—

- (a) the Chief Counting Officer, the counting officer and his clerks,
- (b) the referendum agents,
- (c) the counting agents,
- (d) in the case of combined polls, any person entitled to be present at the counting of the votes at the other poll,
- (e) any person authorised by the Electoral Commission to attend at the counting of the votes as a representative of the Commission,

unless permitted by the counting officer to attend.

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the counting officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the referendum agents or thought it impracticable to do so.

(4) The counting officer shall give the counting agents for the referendum such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

56.—(1) The counting officer shall, in the presence of the counting agents appointed for the referendum—

- (a) open each final ballot box;
- (b) count such of the ballot papers as have been duly returned and record the number counted; and
- (c) count the votes given on the ballot papers that have been duly returned.

(2) Where there are combined polls, no vote shall be rendered invalid by the ballot paper having been placed in the final ballot box provided for the other referendum.

(3) The counting 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 ballot numbers on the back of the papers.

(4) The counting officer shall so far as practicable proceed continuously with counting the votes (including any re-count), allowing only time for refreshment, except that—

- (a) he may on any day exclude the hours between 7 p.m. and 9 a.m. on the following day; and
- (b) at combined polls he may count the votes (including any re-count) at the polls concurrently or in such sequence as he sees fit.

(5) The counting officer—

- (a) during the time excluded under paragraph (4)(a) shall place the ballot papers and other documents relating to the referendum under his own seal and the seals of such counting agents as desire to fix their seals; and
- (b) at all times during the count (including any recount) shall take proper precautions for the security of the ballot papers and those other documents.

Counting officer's re-count

57.—(1) A referendum agent may, if present when the counting or any re-count of the votes in a voting area is completed, require the counting officer to have the votes re-counted or again re-counted, but the counting officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until any referendum agent present at its completion has been given a reasonable opportunity to exercise the right conferred by this rule.

(3) A counting officer shall not conduct a re-count once a direction has been given by the Chief Counting Officer under rule 60(1) in relation to the referendum.

Rejected ballot papers

58.—(1) Any ballot paper—

- (a) which does not have the official mark,
- (b) on which a vote for more than one answer is given to the question asked in the referendum,
- (c) on which anything is written or marked by which the voter can be identified, except the ballot number on the back, or
- (d) which is unmarked or where the voter's intention is uncertain,

shall, subject to paragraphs (2) and (3), be void and not counted.

(2) Where—

- (a) a combined ballot paper is used;
- (b) the voter's intention is clear as regards one referendum; and
- (c) in relation to the other referendum the ballot paper is unmarked or the voter's intention is uncertain,

the ballot paper for the one referendum shall not be treated as void and not counted under paragraph (1)(d).

(3) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be void (either wholly or as respects that vote), if the voter's intended answer to the question asked in the referendum is apparent, and the way the paper is marked (which in the case of a combined ballot paper means all of the combined ballot paper) does not itself identify the voter and it is not shown that he can be identified by it.

(4) The counting officer shall endorse the word "rejected" on any ballot paper which under this rule is not to be counted and shall add to the endorsement the words "rejection objected to" if any objection is made by a counting agent to his decision.

(5) In the case of a combined ballot paper on which any vote is to be counted under paragraph (2) above, the counting officer shall endorse the words "rejected in part" on the ballot paper and indicate which vote is to be counted and shall add to the endorsement the words "rejection objected to" if any objection is made by a counting agent to his decision.

(6) The counting officer shall draw up a provisional statement of rejected ballot papers, showing the number of ballot papers rejected under the several heads of—

- (a) want of an official mark;
- (b) voting for more answers than the number of questions asked in the referendum;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or where the voter's intention is uncertain.

(7) As soon as practicable after completion of the provisional statement under paragraph (6), the counting officer shall inform the Chief Counting Officer of its contents.

(8) Where a combined ballot paper is used, separate statements under paragraph (6) shall be drawn up in relation to its use as a ballot paper for each of the combined polls and each statement shall include the number of ballot papers rejected in part.

Chief counting officer's recount

59.—(1) As soon as practicable after the conclusion of the count (which includes any re-count under rule 57) and any re-count directed under this rule, the counting officer shall draw up a provisional statement showing—

- (a) the number of ballot papers counted by him, and
- (b) the number of votes cast in favour of each answer to the question asked in the referendum.

(2) As soon as practicable after completion of the provisional statement, the counting officer shall inform the Chief Counting Officer of its contents.

(3) Once the Chief Counting Officer has received the report of every counting officer on the contents of their provisional statements prepared under paragraph (1) and under rule 58(6), the Chief Counting Officer, having regard to any request by a referendum agent for a re-count of votes, may direct counting officers to re-count (or further re-count) the votes.

(4) A re-count directed by the Chief Counting Officer under paragraph (3) shall be of the votes in all the voting areas in the referendum area, or in such of the voting areas as he considers reasonable.

(5) A counting officer shall proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding forthwith shall notify those counting agents entitled to be present at the re-count of the time and place at which he will begin to re-count the votes.