

SCHEDULE 3

Combined Authority Mayoral Election (Combination of Polls) Rules

PART 4

Contested elections

Procedure at verification of ballot paper accounts

- 47.—(1) The returning officer must—
- (a) in the presence of the counting agents appointed for the purposes of the combined authority mayoral election and each relevant election or referendum open each ballot box and count and record separately the number of ballot papers used in each election,
 - (b) in the presence of the election agents appointed for the purposes of the combined authority mayoral election and each relevant election or referendum verify each ballot paper account,
 - (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the combined authority mayoral election and each relevant election or referendum,
 - (d) separate the ballot papers relating to the combined authority mayoral election from the ballot papers relating to each relevant election or referendum,
 - (e) make up into packets the ballot papers for each relevant election or referendum and seal them up into separate containers endorsing on each a description of the area to which the ballot papers relate,
 - (f) deliver or cause to be delivered to the returning officer for the relevant election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each, and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election, and
 - (g) at the same time deliver or cause to be delivered to that officer packets that so relate containing—
 - (i) the unused and spoilt ballot papers,
 - (ii) the tendered ballot papers.
 - (iii) the certificates as to employment on duty on the day of the poll.
- (2) A postal ballot paper must not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (3) and reaches the returning officer or any polling station in the local authority area for which the returning officer acts before the close of the poll, and
 - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (3) and reaches the returning officer or such a polling station before that time,
 - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
 - (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act, the returning officer (having

taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(3) The manner in which any postal ballot paper or postal voting statement may be returned—

(a) to the returning officer, is by hand or by post,

(b) to a polling station, is by hand.

(4) A postal ballot paper or postal voting statement that reaches the returning officer or a polling station on or after the close of the poll is treated for the purposes of this rule as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.

(5) Where separate ballot boxes are used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box intended for use at any relevant election or referendum.

(6) The returning officer, while counting and recording the number of ballot papers, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(7) Unless otherwise directed by the combined authority returning officer, the returning officer must determine the hours during which the procedure under this rule is to be carried out and must take proper precautions for the security of the ballot papers and documents.

(8) The returning officer (R) must verify each ballot paper account by comparing it with the number of ballot papers recorded by R, and the unused and spoilt ballot papers in R'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 must draw up a provisional statement as to the result of the verification, which any election agent may copy.

(9) As soon as practicable after the returning officer has drawn up the statement as to the result of the verification, the returning officer must inform the combined authority returning officer of its contents.