

## SCHEDULE 3

### Combined Authority Mayoral Election (Combination of Polls) Rules

## PART 4

### Contested elections

#### The first count

**50.**—(1) Where the returning officer at the combined authority mayoral election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, the returning officer must, after completion of the proceedings under rule 47, mix together all of the ballot papers used at the combined authority mayoral election and count the votes given on them.

(2) Where the returning officer at the combined authority mayoral election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, the returning officer must—

- (a) on receipt of containers containing the ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 49(2), in the presence of the counting agents, open each container,
  - (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Elections Regulations, or under that regulation as applied by this Order or regulations made under sections 9MG and 105 of the Local Government Act 2000(1) or sections 52ZQ and 113 of the Local Government Finance Act 1992(2), count such of the postal ballot papers as have been duly returned and record the number counted; and
  - (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.
- (3) Paragraph (10) does not apply to proceedings under paragraph (2).
- (4) The returning officer must then—
- (a) where the election is contested by three or more candidates, count the first preference votes given on them,
  - (b) where the election is contested by only two candidates, count the votes given on them
- (5) A postal ballot paper must not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (6) and reaches the returning officer or any polling station in the appropriate electoral area before the close of the poll,
  - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) 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.
- (6) The manner in which any postal ballot paper or postal voting statement may be returned—

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(1) Section 9MG was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

(2) Section 52ZQ was inserted by the Localism Act 2011, section 72 and Schedule 5.

- (a) to the returning officer, is by hand or by post,
- (b) to a polling station, is by hand.

(7) 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.

(8) The appropriate electoral area in respect of any voter shall be—

- (a) the area which is common to the parliamentary constituency, electoral area, local counting area, local authority area or voting area (as the case may be) in which the polls at the combined authority mayoral election and any relevant election or referendum are being taken together, and
- (b) in respect of which polls the voter has been issued with a postal ballot paper,

and in subparagraph (a) “electoral area” means the local authority area for which the returning officer acts.

(9) The returning officer must not count any tendered ballot papers.

(10) While counting and recording the number of postal ballot papers and counting the votes, the returning officer 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.

(11) The returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the returning officer may exclude the hours between 7 in the evening and 9 on the following morning.

(12) During the time so excluded the returning officer must—

- (a) place the ballot papers and other documents relating to the election under the returning officer’s 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.