

SCHEDULE 3

Combined Authority Mayoral Election (Combination of Polls) Rules

PART 7

Disposal of documents

Sealing up of ballot papers

61.—(1) On the completion of the counting at a contested election the returning officer must seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

(2) The returning officer must not open the sealed packets of—

- (a) tendered ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to employment on duty on the day of the poll, or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

(3) Where the returning officer discharges the functions referred to in regulation 5 of the Combinations of Polls Regulations, the returning officer must also not open the sealed packets of—

- (a) the completed corresponding number lists, or
- (b) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies

Delivery and retention of documents

62.—(1) The returning officer must then forward to the relevant registration officer of the constituent council concerned the following documents—

- (a) the packets of ballot papers in the returning officer's possession,
- (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 voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 43 and the declarations made by the companions of voters with disabilities,
- (d) the packets of the completed corresponding number lists,
- (e) the packets of certificates as to employment on duty on the day of the poll,
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the electoral area for which the election was held.

(2) At an election where the returning officer does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (1) shall have effect as if subparagraphs (c), (d) and (f) were omitted.

(3) In this rule and in rules 60, 61 and 62 references to the relevant registration officer are to the registration officer of the constituent council in relation to whose area the returning officer exercises functions under this Order.

Orders for production of documents

63.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the relevant registration officer, or
- (b) for the opening of a sealed packet of the completed corresponding number lists or 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 County Court, if the court is 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 for the opening of a sealed packet of completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

(3) 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.

(4) In making and carrying into effect an order for the opening of a packet of completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must 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 the elector's vote was given, and
- (ii) that the vote has been declared by a competent court to be invalid.

(5) An appeal lies to the High Court from any order of the County Court under this rule.

(6) Any power given under this rule to the County Court may be exercised by any judge of the court otherwise than in open court.

(7) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified election—

- (a) the production by the registration officer or agent of the document ordered in such manner as may 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.

(8) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any election, and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D)

of the 1983 Act at the time of the election contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(9) Save as provided by this rule, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Retention of documents

64. The relevant registration officer must retain for one year all documents relating to an election forwarded to him in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an order of the County Court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.