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SCHEDULES

SCHEDULE 2

Section 7

RULES APPLICABLE TO ELECTION OF COMMISSIONERS

PART 1

PROVISIONS AS TO TIME

Timetable

- 1 The proceedings at the election of commissioners shall be conducted in accordance with the following Table.

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than noon on the twelfth day before the day of election
Publication of statement as to persons nominated	Not later than noon on the tenth day before the day of election
Delivery of notices of withdrawals of candidature	Not later than noon on the ninth day before the day of election
Despatch of ballot papers	Not later than the eighth day before the day of election
Close of poll	Noon on the day of election

Computation of time

- 2 (1) In computing any period of time for the purposes of the Timetable—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
 - (c) a day appointed for public thanksgiving or mourning,
- shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.
- (2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in England and Wales.

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PART 2

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

NOTICE OF ELECTION

Notice of election

- 3 (1) The returning officer shall publish notice of the election stating—
- (a) the place and times at which nomination papers are to be delivered, and
 - (b) the date of the poll in the event of a contest,
- and the notice shall state that forms of nomination papers may be obtained at the place and those times.
- (2) The returning officer shall send a copy of the notice of election and a nomination form to every commoner whose name appears on the register or, in the case of the first commoners' election, the list compiled under paragraph 7 of Schedule 1 (Appointment and election of Commissioners) to this Act.

Nomination of candidates

- 4 (1) Each candidate shall nominate himself or herself on a separate nomination paper, in the form in the Appendix of Forms to this Schedule, delivered at the place fixed for the purpose by the returning officer.
- (2) The nomination paper shall state the candidate's—
- (a) full names, and
 - (b) home address in full,
- and the surname shall be placed first in the list of names.

Decisions as to validity of nomination papers

- 5 (1) Where a nomination paper is delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—
- (a) the returning officer decides that the nomination paper is invalid; or
 - (b) proof is given to the returning officer's satisfaction of the candidate's death;
or
 - (c) the candidate withdraws.
- (2) The returning officer is entitled to hold a nomination paper invalid only on the ground that the particulars of the candidate are not as required by law.
- (3) As soon as practicable after each nomination paper has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.
- (4) Where the returning officer decides that a nomination paper is invalid, the returning officer shall endorse and sign on the paper the fact and the reasons for his decision.
- (5) The returning officer shall send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.

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- (6) The returning officer's decision that a nomination paper is valid or invalid shall be final and not be questioned in any proceeding whatsoever.

Publication of statement of persons nominated

- 6 (1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement shall show the names and addresses of the persons nominated as given in their nomination papers.
- (3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

Withdrawal of candidates

- 7 (1) A candidate may withdraw his or her candidature by notice of withdrawal—
- (a) signed by the candidate, and
 - (b) delivered to the returning officer at the place for delivery of nomination papers.

Method of election

- 8 (1) If the number of persons remaining validly nominated after any withdrawals under these rules exceeds the number of commissioners to be elected, a poll shall be taken in accordance with Part 3 of these rules.
- (2) If the number of persons remaining validly nominated after any withdrawals under these rules does not exceed the number of commissioners to be elected, such person or persons shall be declared to be elected in accordance with Part 4 of these rules.

PART 3

CONTESTED ELECTIONS

GENERAL PROVISIONS

Poll to be taken by postal ballot

- 9 The votes at the poll shall be given by postal ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of commissioners to be elected, shall be declared to have been elected.

The ballot papers

- 10 (1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated after any withdrawals under these rules, and no others, shall be entitled to have their names inserted in the ballot paper.

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- (2) Every ballot paper shall be in the form in the Appendix of Forms to this Schedule, and—
- (a) shall contain the names and addresses of the candidates as shown in the statement of persons nominated;
 - (b) shall be capable of being folded up; and
 - (c) shall have a number printed on the back.
- (3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

Issue of ballot papers

- 11 The returning officer shall send to every voter at the addresses shown in the list or register, a ballot paper and a declaration of identity in the form set out in the Appendix of Forms to this Schedule, or a form to the like effect, together with an envelope for their return.

Spoilt ballot papers

- 12 A voter who has inadvertently dealt with his or her ballot paper in such manner that it cannot conveniently be used as a ballot paper may, on delivering it to the returning officer and proving to the returning officer's satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as "spoilt ballot paper") and the spoilt ballot paper shall be immediately cancelled.

COUNTING OF VOTES

Attendance at counting of votes

- 13 The returning officer shall make arrangements for counting the votes in the presence of the candidates and such other persons as the returning officer may permit as soon as practicable after the close of the poll, and shall give to the candidates notice in writing of the time and place at which the counting of the votes will commence.

The count

- 14 (1) The returning officer shall count such of the ballot papers as have been duly returned and record the number counted.
- (2) A ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed.

Recount

- 15 (1) A candidate may, if present when the counting or any recount of the votes is complete, require the returning officer to have the votes recounted or again recounted but the returning officer may refuse to do so if in his or her opinion the request is unreasonable.

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

Rejected ballot papers

- 16 (1) Any ballot paper—
- (a) on which votes are given for more candidates than the voter is entitled to vote for, or
 - (b) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
 - (c) which is unmarked or void for uncertainty,
- shall, subject to subparagraphs (2) and (3) below, be void and not counted.
- (2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.
- (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 deemed to be void (either wholly or as respects that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that the voter can be identified by it.
- (4) The returning officer shall—
- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and
 - (b) in the case of a ballot paper on which any vote is counted under subparagraph (2) above, endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted;
- and shall add to the endorsement the words “rejection objected to” if any objection is made by a candidate to that decision.
- (5) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—
- (a) voting for more candidates than voter is entitled to;
 - (b) writing or mark by which voter could be identified;
 - (c) unmarked or void for uncertainty;
- and the statement shall record the number of ballot papers rejected in part.

Decisions on ballot papers

- 17 The decision of the returning officer on any question arising in respect of a ballot paper shall be final.

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Equality of votes

- 18 Where, after the counting of the votes (including any recount) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

PART 4

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

- 19 (1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—
- (a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of commissioners to be elected;
 - (b) give notice of the name of each candidate to whom paragraph (a) above applies to the secretary of the Commission; and
 - (c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (2) In an uncontested election, the returning officer shall as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—
- (a) declare to be elected the person or persons remaining validly nominated;
 - (b) give notice of the name of each person to whom paragraph (a) above applies to the secretary of the Commission; and
 - (c) give public notice of the name of each such person.

PART 5

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

- 20 On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

Delivery of documents

- 21 Immediately following the declaration of election the returning officer shall forward to the secretary of the Commission the following documents:—
- (a) the packets of ballot papers in the returning officer's possession;
 - (b) the ballot paper account and the statement of rejected ballot papers; and
 - (c) the nomination papers,

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endorsing on each packet a description of its contents and the date of the election to which they relate.

Challenge to election

- 22 (1) If within one calendar month of the declaration of election a person entitled to vote in the election makes representation in writing to the Chairman of the Council alleging improper behaviour in connection with the election or a breach of these rules the Chairman of the Council may appoint an independent person (“the investigator”) to investigate such allegation.
- (2) The investigator shall carry out such enquiries as the investigator considers appropriate and shall, if necessary for the purpose of the investigation, be entitled to open the sealed packets of documents relating to the election.
- (3) If, following completion of an investigation, the investigator is of the opinion that there has been a material irregularity in the conduct of the election which may have affected the result, the investigator may declare the election void and order the returning officer to conduct a fresh election.

Retention of documents

- 23 The secretary of the Commission shall retain all documents relating to the election for a period of two months following the election and then, unless required for the purposes of an investigation under paragraph 22 above, shall cause them to be destroyed.

PART 6

DEATH OF CANDIDATE

Abandonment of election on death of candidate

- 24 If at a contested election proof is given to the returning officer’s satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall abandon the election and give fresh notice of election.

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Appendix of Forms

Note: The forms contained in this Appendix may be adapted so far as circumstances require.

Form of nomination paper

ELECTION OF GREENHAM AND CROOKHAM COMMON COMMISSIONER

Day of election.....

I, the undersigned, being a person entitled to vote in the above election do hereby nominate myself as a candidate at the said election.

Candidate's surname	Other names in full	Home address in full

Candidate's signature

Date

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Form of Ballot Paper

**ELECTION OF GREENHAM AND CROOKHAM COMMON
COMMISSIONER(S)**

Day of Election

BROWN JOHN EDWARD Brown 2 The Cottages, Barlington Grayshire
BROWN THOMAS WILLIAM Brown 15 Barchester Road, Barlington Grayshire JONES WILLIAM DAVID Jones The Grange, Barlington Grayshire
SMITH MARY Smith School House, Barlington Grayshire
WILLIAMS ELIZABETH Williams 3 Ivy Lane, Barlington Grayshire

VOTE FOR NO MORE THAN CANDIDATES

Mark a cross (X) in the box on the righthand side of the ballot paper
opposite the name of the candidatet(s) you are voting for.

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Form of declaration of identity

GREENHAM AND CROOKHAM COMMONS ACT 2002

DECLARATION OF IDENTITY

Ballot Paper No.....

I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature

Name

Address

.....

INSTRUCTIONS TO THE VOTER

- 1 You must sign this declaration of identity and return it with your ballot paper. Without this your vote will be invalid.
- 2 After you have marked your ballot paper, put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the returning officer not later than noon on the day of the election.
- 3 If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.