

SCHEDULE 4

COMBINATION OF POLLS

PART IV

MODIFICATIONS TO ELECTION RULES TO APPLY WHERE THE POLL AT AN ELECTION OF COMMUNITY COUNCILLORS IS TAKEN TOGETHER WITH THE POLL AT AN ASSEMBLY ELECTION UNDER ARTICLE 14(1) OR (2)

Modifications to community election rules: general provision

44.—(1) Where the poll at an election of community councillors is taken together with the poll at an Assembly election under article 14(1) or (2), Schedule 2 to the Local Elections (Parish and Communities) Rules 1986(1) (rules for conduct of election of councillors of a community or parish) shall have effect subject to the modifications set out in to the remaining paragraphs of this Part.

(2) In this Part the rules in that Schedule referred to in sub-paragraph (1) are referred to as the community election rules.

Rule 1 of community election rules (timetable)

45. In rule 1 of the community election rules, in the entry relating to polling, for “8 in the morning and 9” there shall be substituted “7 in the morning and 10”.

Rule 14 of community election rules (the ballot papers)

46.—(1) At the end of rule 14(2) of the community election rules there shall be added—

“(e) shall be of a different colour from that of any ballot papers used at an Assembly election and any local government election the polls at which are taken together with the poll at the community election.”.

(2) At the end of rule 14 of the community election rules there shall be added—

“(4) References to an Assembly election in paragraph (2)(e) and elsewhere in these rules refer to an election to the National Assembly for Wales; and references to an Assembly election (and to a poll at such an election) include a reference to Assembly elections (and to polls at such elections) where the context so requires.”.

Rule 18 of community election rules (notice of poll)

47. At the end of rule 18 of the community election rules there shall be added—

“(4) The notice published under paragraph (3) shall:

- (a) state that the poll at the community election is to be taken together with the poll at an Assembly election and any other local government election,
- (b) specify the Assembly constituency or electoral region and any relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held, and

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- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

Rule 22 of community election rules (issue of official poll cards)

48. At the end of rule 22 to the community election rules there shall be added—

“(6) An official poll card issued under this rule may be combined with the official poll card issued at an Assembly election and any other local government election.”.

Rule 23 of community election rules (equipment of polling stations)

49.—(1) After rule 23(1) of the community election rules there shall be inserted—

“(1A) The same ballot box shall be used for the poll at the community election and at the polls at the Assembly election and any other local government election.”.

(2) For rule 23(5) of the community election rules(2) there shall be substituted—

“(5) In every compartment of every polling station there shall be exhibited the notice—

(a) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than candidates on the local government ballot paper coloured [*colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy nag o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”, or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”,

(b) in respect of an Assembly election for an Assembly constituency—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”, and

(c) in respect of an Assembly election for an Assembly electoral region—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, ne fe all na chaiff eich pleidlais ei chyfrif.”.

(2) Rule 23(5) was amended by [S.I. 1987/260](#).

Rule 24 of community election rules (appointment of polling and counting agents)

50. At the end of rule 24(5) of the community election rules there shall be inserted—

“Notices of the appointment of polling agents which are required by this paragraph and paragraph (6) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999.”.

Rule 29 of community election rules (questions to be put to voters)

51.—(1) In question (ii) in rule 29(1)(a) and (b) of the community election rules, and in the second question of rule 29(2), after “this election” there shall be inserted “for this community”.

(2) In the equivalent questions in Welsh set out in Part I of the Schedule to the Local Elections (Communities) (Welsh Forms) Order 1987(3), after “yn yr etholiad presennol” and “yn yr etholiad hwn” (in both places) there shall be inserted “ar gyfer y gymuned hon”.

Rule 31 of community election rules (voting procedure)

52. At the end of rule 31 of the community election rules there shall be added—

“(4) The same copy of the register of electors may be used under paragraph (1) for each election and one mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each election; except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued.”.

Rule 32 of community election rules (votes marked by presiding officer)

53. At the end of rule 32(2) of the community election rules there shall be added—

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

Rule 33 of community election rules (voting by blind persons)

54. At the end of rule 33(4) of the community election rules there shall be added—

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”.

Rule 34 of community election rules (tendered ballot papers)

55. At the end of rule 34(3) of the community election rules there shall be added—

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.”.

(3) [S.I. 1987/561](#).

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Rule 36 of community election rules (adjournment of poll in case of riot)

56. In rule 36(1) of the community election rules, after “returning officer” there shall be inserted “who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999”.

Rule 37 of community election rules (procedure on close of poll)

57. After rule 37(1) of the community election rules there shall be inserted—

“(1A) The contents of the packets referred to in paragraph (1)(b), (c) and (e) shall not be combined with the contents of the packets made under the corresponding provisions that apply at an Assembly election and any other local government election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999.”.

Rule 38 of community election rules (attendance at counting of votes)

58.—(1) For rule 38(1) of the community election rules there shall be substituted—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999, he shall make arrangements for discharging the functions under rule 39(1) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999) in the presence of the counting agents appointed for the purposes of the community election as soon as practicable after the close of the poll and for thereafter counting the votes at that election in the presence of those agents; and he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under rule 39(1) (as so substituted).

(1A) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999, he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and shall give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.”.

(2) In rule 38(2) of the community election rules before “at the counting of the votes” there shall be inserted “at the proceedings under rule 39(1) (as so substituted) or”.

(3) In rule 38(3) of the community election rules before “counting of the votes” in the first place where they occur, there shall be inserted “proceedings under rule 39(1) (as so substituted) or the” and before “the efficient” there shall be inserted “the efficient separating of the ballot papers or, as the case may be,”.

Rule 39 of community election rules (the count)

59. For rule 39(1) and (2) of the community election rules there shall be substituted—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999, he shall—

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- (a) in the presence of the counting agents appointed for the purposes of the community election open each ballot box and record separately the number of ballot papers used in each election,
- (b) in the presence of the counting agents appointed for the purposes of the community election 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 each election,
- (d) separate the ballot papers relating to each election,
- (e) make up into packets the ballot papers for each election other than the community election and seal them up in 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 election to which the ballot papers relate (or, in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the votes were given on those ballot papers)—
 - (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 spoiled ballot papers,
 - (ii) the tendered ballot papers,
 - (iii) the counterfoils of the used ballot papers, and
 - (iv) the certificates as to employment on duty on the day of the poll,but in the case of a local government election the separate packets relating to that election referred to in paragraphs (iii) and (iv) shall be combined.

(2) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the community election and count the votes given on them.

(2A) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 38(1A) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999), 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 another election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 1999, 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.

Paragraph (6) does not apply to these proceedings.”.

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Rule 46 of community election rules (delivery of documents)

60. At the end of rule 46 of the community election rules⁽⁴⁾ there shall be added—

“At an election where the returning officer does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 1999, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted.”.

Rule 49 of community election rules (countermand or abandonment of poll on death of candidate)

61.—(1) At the end of rule 49(1) of the community election rules there shall be added—

“Provided that neither the countermand of the notice of the poll at the community election nor the direction that that poll be abandoned shall affect the poll at the Assembly election and any other local government election.”.

(2) For rule 49(2) of the community election rules there shall be substituted—

“(2) Where the poll at the community election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the Assembly election and any other local government election, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the community election had not been abandoned, and the returning officer shall dispose of ballot papers used at the community election as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified, and
- (b) the returning officer having separated the ballot papers relating to the Assembly election and any other local government election, shall take no step or further step for the counting of the ballot papers used at the community election or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

Appendix of forms to community election rules (declaration of identity)

62.—(1) In the Appendix of forms to the community election rules, for the form of declaration of identity⁽⁵⁾ there shall be substituted—

- “(a) the form set out in paragraph 41(2) where the proceedings on the issue and receipt of postal ballot papers at the community election are taken together with those proceedings at an Assembly election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 1999, and
- (b) the form set out in paragraph 41(3) where those proceedings are not taken together.”

Appendix of forms to community election rules (directions for the guidance of the voters in voting)

63. In the Appendix of forms to the community election rules, for the form of directions for the guidance of the voters in voting⁽⁶⁾ there shall be substituted the same form of directions as is set out in paragraph 21.

⁽⁴⁾ Rule 46 was amended by [S.I. 1998/585](#).

⁽⁵⁾ This form was amended by [S.I. 1987/260](#) and [S.I. 1990/157](#).

⁽⁶⁾ This form was amended by [S.I. 1987/260](#).

Appendix of forms to community election rules (declaration to be made by the companion of a blind voter)

64.—(1) In the Appendix of forms to the community election rules, in the form of declaration to be made by the companion of a blind voter—

- (a) after “election now being held in this electoral area” there shall be inserted “and the election now being held in this [*Assembly constituency] [*Assembly electoral region] (*delete whichever is inapplicable*)”, and
- (b) for “said election” (in both places) there shall be substituted “said elections”.

(2) In the equivalent declaration in Welsh set out in Part I in the Schedule to the Local Elections (Communities) (Welsh Forms) Order 1987(7)—

- (a) after “yn yr adran etholiadol hon” there shall be inserted “a'r etholiad a gynhelir yn awr yn [* yr etholaeth Gynulliad hon] [* y] [* rhanbarth etholiadol Cynulliad hwn] (* *dileer pa un bynnag sy'n anghymwys*)”, and
- (b) for “etholiad a enwyd” (in both places) there shall be substituted “etholiadau a enwyd”.