

### SCHEDULE 3

#### Issue and receipt of postal ballot papers

##### *Receipt of postal ballot papers*

##### **Notice of opening of postal ballot paper envelopes**

**16.**—(1) The constituency returning officer shall give not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it are to be opened to—

- (a) each candidate in a constituency election; and
  - (b) in the case of an election for an Assembly electoral region, each individual candidate and the election agent for each registered party standing nominated.
- (2) Such a notice shall specify—
- (a) the time and place at which such an opening is to take place; and
  - (b) the number of agents a candidate or registered political party may appoint under paragraph 6(2) to attend each opening.

##### **Postal ballot boxes and receptacles**

**17.**—(1) The constituency returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”); and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency or electoral region for which the election is, or elections are, held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The constituency returning officer shall then apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

- (5) The constituency returning officer shall provide the following receptacles—
- (a) the receptacle for rejected votes;
  - (b) the receptacle for postal voting statements;
  - (c) the receptacle for ballot paper envelopes;
  - (d) the receptacle for rejected ballot paper envelopes;
  - (e) the receptacle for rejected votes (verification procedure); and
  - (f) the receptacle for postal voting statements (verification procedure).

(6) The constituency returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

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### **Receipt of covering envelope**

**18.**—(1) The constituency returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the constituency returning officer—

(a) has been opened; and

(b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope together with its contents, shall be placed in a postal voters' ballot box.

### **Opening of postal voters' ballot box**

**19.**—(1) Each postal voters' ballot box shall be opened by the constituency returning officer in the presence of any agents, if in attendance.

(2) So long as the constituency returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 55 of Schedule 5.

### **Opening of covering envelopes**

**20.**—(1) When a postal voters' ballot box is opened, the constituency returning officer shall count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 18).

(2) He shall set aside for personal identifier verification a percentage, not less than 20%, of the envelopes recorded on that occasion.

(3) He shall open separately each covering envelope (including an envelope described in paragraph 18(2)).

(4) The procedure in paragraph 22 or 23 applies where a covering envelope (including an envelope to which paragraph 18 applies) contains both—

(a) a postal voting statement; and

(b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers).

(5) Where the covering envelope does not contain the postal voting statement separately, the constituency returning officer shall open the ballot paper envelope to ascertain whether the postal voting statement is inside.

(6) Where a covering envelope does not contain both—

(a) a postal voting statement (whether separately or not); and

(b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper, (or ballot papers),

the constituency returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

(7) Where—

(a) an envelope contains the postal voting statement of an elector with an anonymous entry; and

(b) sub-paragraph (6) does not apply,  
the constituency returning officer shall set aside that envelope and its contents for personal identifier verification in accordance with paragraph 23.

(8) In carrying out the procedures in this paragraph and paragraphs 22 to 28 the returning officer—

- (a) shall keep the ballot papers face downwards and shall take all proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the constituency returning officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(10) A mark made under sub-paragraph (9) shall be distinguishable from and shall not obscure the mark made under paragraph 9 of this schedule.

(11) As soon as practicable after the last covering envelope has been opened, the constituency returning officer shall make up into a packet the copies of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and shall seal such a packet.

### **Confirming receipt of postal voting statements**

**21.**—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may make a request, at any time between the first issue of postal ballots under paragraph 9 of this Schedule and the close of poll, that the constituency returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of provisionally rejected votes kept by the constituency returning officer under paragraph 27.

(2) A request under sub-paragraph (1) shall—

- (a) be made by any method specified by the returning officer; and
- (b) include any evidence of the voter's identity requested by the constituency returning officer.

(3) Where a request is received in accordance with sub-paragraph (2) the constituency returning officer shall satisfy himself that the request has been made by the elector or his proxy and where he is so satisfied provide confirmation of the matters under sub-paragraph (1).

### **Procedure in relation to postal voting statements**

**22.**—(1) This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 20(2) or (7).

(2) The constituency returning officer must satisfy himself that the postal voting statement is duly completed.

(3) Where the constituency returning officer is not so satisfied, he shall mark the statement "rejected", attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.

(4) The constituency returning officer shall then examine the number (or numbers) on the postal voting statement against the number (or numbers) on the ballot paper envelope and, where they are

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the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.

(5) Where—

- (a) the number (or numbers) on a valid postal voting statement is not the same as the number (or numbers) on the ballot paper envelope; or
- (b) the envelope has no number on it (or only one number when the postal voting statement has more than one),

the constituency returning officer shall open the envelope.

(6) Sub-paragraph (7) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 20(4) or sub-paragraph (7).

(7) In the circumstances described in sub-paragraph (6), the constituency returning officer shall place—

- (a) in the postal ballot box any ballot paper the number on which is the same as the number (or one of the numbers) on the valid postal voting statement;
- (b) in the receptacle for rejected votes any other ballot paper, with the postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes any valid postal voting statement marked “provisionally rejected” where—
  - (i) there is no ballot paper; or
  - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements, any valid statement not disposed of under sub-paragraph (b) or (c).

### **Procedure in relation to postal voting statements: personal identifier verification**

**23.**—(1) This paragraph applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with paragraph 20(2) or (7).

(2) The constituency returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the constituency returning officer is not so satisfied, he shall mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing any postal voting statement in the receptacle for rejected votes (verification procedure), the constituency returning officer must show it to the agents and, must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal voting statement was addressed, and if any of them object to his decision, he shall add the words “rejection objected to”.

(5) The constituency returning officer shall then examine the number (or numbers) on the postal voting statement against the number (or numbers) on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
- (b) the envelope has no number on it (or only one number when the postal voting statement has more than one),

the constituency returning officer shall open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 20(5) or sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the constituency returning officer shall place—

- (a) in the postal ballot box any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure) any valid postal voting statement marked “provisionally rejected” where—
  - (i) there is no ballot paper; or
  - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing; and
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c).

#### **Postal voting statements: additional personal identifier verification**

**24.**—(1) The constituency returning officer may on any occasion at which a postal voters' ballot box is opened in accordance with paragraph 19 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where the returning officer undertakes additional verification of personal identifiers, he must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as he wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the constituency returning officer is no longer satisfied that the postal voting statement has been duly completed he must mark the statement “rejected”, and before placing the postal voting statement in the receptacle for rejected votes (verification procedure) he must—

- (a) show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”;
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the agents; and
- (d) attach the ballot paper to the postal voting statement.

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(4) Following the removal of a postal ballot paper from a postal ballot box the constituency returning officer must reseal the postal ballot box in the presence of the agents.

### **Opening of ballot paper envelopes**

**25.—**(1) The constituency returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

### **Retrieval of cancelled postal ballot papers**

**26.—**(1) Where it appears to the constituency returning officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters' ballot box; or
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters ballot box is opened in accordance with paragraph 19 of this Schedule, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by paragraph 14(7) of this Schedule; and
- (f) unless the postal ballot box has been opened for the purposes of counting the votes under rule 55 of Schedule 5 reseal the postal ballot box in the presence of the agents.

### **Lists of rejected postal ballot papers**

**27.—**(1) In respect of any Assembly election, the constituency returning officer shall keep two separate lists of rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

### **Checking of lists kept under paragraph 27**

**28.**—(1) Where the constituency returning officer receives a valid postal voting statement without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 27(2) to see whether the number (or numbers) of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the constituency returning officer receives a postal ballot paper without the postal voting statement to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 27(3) to see whether the number of that ballot paper is entered in that list.

(3) The constituency returning officer shall conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the constituency or, as the case may be, electoral area under rule 53 of Schedule 5.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the constituency returning officer shall retrieve that statement or paper.

(5) The constituency returning officer shall then take the appropriate steps under this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

### **Sealing of receptacles**

**29.**—(1) As soon as practicable after the completion of the procedure under paragraph 28(3) and (4), the constituency returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes;
- (b) the receptacle of postal voting statements;
- (c) the receptacle of rejected ballot paper envelopes;
- (d) the lists of spoilt and lost postal ballot papers; and
- (e) the receptacle of rejected votes (verification procedure); and
- (f) the receptacle of postal voting statements (verification procedure),

and shall seal up such packets.

(2) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

### **Abandoned poll**

**30.**—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the constituency returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Schedule; and
- (b) shall, notwithstanding paragraphs 20 to 26, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Sub-paragraph (1) shall not apply where postal ballot papers for more than one election have been issued together under paragraph 2.

### **Forwarding of documents**

**31.**—(1) The constituency returning officer shall forward to the relevant registration officer at the same time as he forwards the documents mentioned in rule 67 of Schedule 5—

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- (a) any packets referred to in paragraphs 12, 14(7), 15(5), 20(11) and 29, subject to paragraph 30, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral area for which the election (or elections) was (or were) held; and
  - (b) a completed statement in the form CD “Statement as to postal ballot papers” set out in English and Welsh in Schedule 10, of the number of postal ballot papers issued.
- (2) Where—
- (a) any covering envelopes are received by the constituency returning officer after the close of the poll (apart from those delivered in accordance with rule 55(7) of Schedule 5);
  - (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed; or
  - (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the constituency returning officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in sub-paragraph (1).

(3) Rules 68 and 69 of Schedule 5 shall apply to any packet or document forwarded under this paragraph.

(4) A copy of the statement referred to in sub-paragraph (1)(b) shall be provided by the constituency returning officer to the Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.