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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1399**

**The Local Government (Coronavirus) (Postponement  
of Elections) (Wales) (No. 2) Regulations 2020**

**Postal ballots: disposal of documents by the returning or counting officer**

- 5.—(1) The returning officer for a relevant by-election—
- (a) subject to paragraph (2), must not take any steps or further steps to open a covering envelope, or deal with the contents of an opened relevant envelope, in accordance with Part 5 of the 2001 Regulations;
  - (b) must treat as if it were a counted ballot paper—
    - (i) any unopened covering envelope;
    - (ii) the contents of any opened relevant envelope; and
    - (iii) any contents of the postal ballot box.
- (2) Where the polls for one or more relevant by-elections were due to be taken together—
- (a) the returning officer may open any covering envelopes or ballot paper envelopes in order to separate the contents by election for the purposes of paragraph (4);
  - (b) the requirements of Part 5 of the 2001 Regulations do not apply to any such opening of envelopes.
- (3) The returning officer—
- (a) must seal up in packets—
    - (i) any contents of the receptacle for rejected votes;
    - (ii) any contents of the receptacle for ballot paper envelopes;
    - (iii) any contents of the receptacle for rejected ballot paper envelopes;
    - (iv) any lists of spoilt, lost or cancelled postal ballot papers kept in accordance with regulations 77(8), 78(4) or 78A(3) of the 2001 Regulations;
    - (v) any contents of the receptacle for rejected votes (verification procedure);
    - (vi) any contents of the receptacle for postal voting statements (verification procedure);
    - (vii) anything treated as if it were a counted ballot paper under paragraph (1)(b) which would not otherwise be contained in a packet in accordance with sub-paragraphs (i) to (vi);
    - (viii) the marked copies of the postal voters list and the proxy postal voters list;
  - (b) must forward those packets to the relevant registration officer, together with—
    - (i) any sealed packets described in regulations 75(1), 77(6), 78(2C) and 78A(2)(c) of the 2001 Regulations (completed corresponding number lists and spoilt, lost and cancelled postal ballot papers);
    - (ii) any list required to be compiled in accordance with regulation 87(4) of the 2001 Regulations (lists of rejected ballot papers).
- (4) The returning officer must endorse each packet described in paragraph (4) with—

- (a) a description of its contents;
- (b) the date of the poll for the relevant by-election; and
- (c) the name of the electoral area (or areas) to which the relevant by-election relates.

(5) Section 36(4) or (5A) of the 1983 Act (local elections in England and Wales: payment of expenditure)(1) applies to all expenditure properly incurred by a returning officer in relation to the exercise of the officer's functions under this regulation as it applies to expenditure properly incurred in relation to the holding of an election.

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(1) Section 36(4) and (5A) was amended by the Local Government Act 1985 (c. 51), Schedule 17; by the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraphs 68(9) and (10).