1973. No. 122 **[NC]**

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (NORTHERN IRELAND) 1973

REGULATIONS, DATED 16TH APRIL 1973, MADE BY THE SECRETARY OF STATE FOR NORTHERN IRELAND UNDER THE ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972.

In exercise of the powers conferred upon me by Article 4(12) of the Electoral Law (Northern Ireland) Order 1972(a) and every other power thereunto enabling me I hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Electoral Law (Local General Election 1973) Regulations (Northern Ireland) 1973.

Interpretation

2. "the 1973 election" means the local general election to be held in the year 1973 to the district councils;

"the 1972 Order" means the Electoral Law (Northern Ireland) Order 1972;

"the principal Act" means the Electoral Law Act (Northern Ireland) 1962(b).

Conduct of the 1973 General Election

3. The proceedings at the 1973 Election shall be conducted in accordance with the Local Election Time-table and Rules contained in Schedule 1.

Forms

4. The forms contained in Schedule 2 shall be used at the 1973 Election for the purposes for which they are expressed to be applicable and the returning officer may make any adaptation in any such form which may be necessary for its use in any particular circumstances.

Dated this 16th day of April 1973.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

(a) S.I. 1972, No. 1264 (N.I. 13). (b) 1962. c. 14.

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LOCAL ELECTION RULES

PART I

Time-table

1. The proceedings at the 1973 general election shall be conducted in accordance with the following table:—

Proceeding (1)	*Time fixed or allowed at 1973 Local General Election to District Councils* (2)
1 Publication of notice of election	Not later than Wednesday the 25th day of April 1973.
2 Delivery of nomination papers	Subject to Rule 18, during the period between the hours of 10 in the morning and 5 in the afternoon on Wednesday the 2nd day of May 1973.
3 Delivery of notice of withdrawal of candidature	Not later than the hour of 3 in the afternoon of Thursday the 3rd day of May 1973.
4 The making of objections to nomination papers	Within the time specified in paragraph (12) of Rule 14.
5 Notice to candidates (*a*) of valid nomination (*b*) of invalid nomination	As soon as practicable after the expiration of the time allowed for withdrawal in proceeding 3, and not in any event later than noon on Saturday the 5th day of May 1973.
6 Publication of statement of candidates validly nominated	As soon after the close of the time allowed for proceeding 3 above as the validity of all nomination papers has been determined.
7 Notice of poll	Not later than Friday the 11th day of May 1973.
8 Poll	Wednesday, the 30th day of May 1973.

Computation of time

2. In the computation of any period of time for the purpose of these Rules, a Sunday or public holiday shall be disregarded and shall not be treated as a day for the purposes of any proceedings up to the completion of the poll, nor shall the returning officer be obliged to proceed with the count on such a day.

PART II

OFFICERS AND ELECTION STAFF

Deputy and assistant returning officers

3.—(1) The Chief Electoral Officer who in accordance with the 1972 Order is the returning officer for the 1973 Election may under and in accordance with section 14A of the principal Act (as substituted by Article 6 of the 1972 Order) appoint one deputy returning officer for each local government electoral area and such number of assistant returning officers as he considers necessary having regard to the number of district electoral areas and the size of the electorate in each.

(2) If a person appointed as a deputy or assistant returning officer is for any reason unable or unwilling to act, the Chief Electoral Officer may appoint a fit person in his stead.

(3) The functions of a deputy or assistant returning officer shall be those delegated to him by the Chief Electoral Officer but the Chief Electoral Officer shall not delegate—

(*a*) to a deputy returning officer or assistant returning officer—

(i) the transmission of any documents or records required to be transmitted by the Chief Electoral Officer to district councils; or

(ii) the furnishing of any accounts or returns required to be furnished by the Chief Electoral Officer to the Ministry of Home Affairs; or

(*b*) to an assistant returning officer—

(i) the receipt of nominations; or

(ii) the publication of the summary of returns regarding election expenses of candidates; or

(iii) the giving of any public notice in accordance with Rule 9.

(4) The Chief Electoral Officer may give to a deputy or an assistant returning officer such instructions and directions as he considers necessary and it shall be the duty of a deputy or an assistant returning officer to comply with any such instructions or directions given to him.

(5) In these Rules any reference—

(*a*) to the returning officer in relation to any function which has been delegated to a deputy or assistant returning officer shall, unless the content otherwise requires, be construed as a reference to the deputy or, as the case may be, the assistant returning officer;

(*b*) to the functions of a deputy or an assistant returning officer shall be construed as functions relating to elections to the district council for the local government electoral area for which they have been appointed.

Election offices

4. Each deputy returning officer—

(*a*) shall appoint some convenient place, within the area for which he has been appointed, to be his principal office for all the statutory purposes of that election and such office is in these Rules referred to as "the principal office";

(*b*) may, if he considers it necessary, appoint, within that area, subsidiary offices for dealing with specified matters other than the receipt of nomination and the withdrawal of candidates' nominations and such subsidiary offices shall be under the jurisdiction of an assistant returning officer;

(*c*) shall, as soon as practicable after his appointment, submit to and obtain the approval of the Chief Electoral Officer to the proposed place or places he is appointing as principal and subsidiary offices, and then shall give public notice of the place or places so appointed.

Election staff

5. (*a*) Each deputy returning officer shall, in whatever manner as may be administratively directed under Rule 9, appoint such numbers of persons, as he considers necessary, for the purposes of the election and subsequent counting of the votes.

(*b*) The election staff appointed shall be in the following categories:—

(i) The Poll
- Senior presiding officers;
- Presiding officers; and
- Poll clerks.

The numbers of such polling election staff to be appointed for each local government electoral area shall be such numbers as the deputy returning officer for that area with the approval of the Chief Electoral Officer considers necessary.

(ii) The Count
- Count supervisors;
- Count calculators;
- Senior counting clerks; and
- Counting clerks.

The numbers of such counting staff to be appointed for each local government electoral area shall be such numbers as the deputy returning officer for that area, with the approval of the Chief Electoral Officer considers necessary.

Fees and expenses

6. The expenses of the Chief Electoral Officer, the fees and expenses payable to deputy and assistant returning officers and election staffs for the purpose of the 1973 Election shall not exceed the amounts provided by a scale laid down by the Ministry of Home Affairs with the approval of the Ministry of Finance.

Officers not to act as agents of candidates, etc.

7.—(1) The Chief Electoral Officer, deputy and assistant returning officers or any person employed in connection with the 1973 Election shall not act as an agent for any candidate at that election and shall not be actively or directly or indirectly associated in furthering the candidature of any candidate at that election.

(2) The Chief Electoral Officer and deputy and assistant returning officers shall not knowingly appoint or employ in any capacity for the purposes of the 1973 Election any person who is or has been employed by or on behalf of a candidate in or about that election or who has been actively associated in furthering the candidature of any candidate at that election.

Mutual assistance

8. It shall be the duty of every person upon whom any function is conferred by or under the Electoral Law Acts (Northern Ireland) 1962-1971(c), the Electoral Law (Northern Ireland) Order 1972, or under these rules and of every person appointed or employed (otherwise than by any candidate) for any purpose relating to an election, to furnish such information and render such other assistance to any other such person as that other person requires for the purposes of the 1973 Election.

(c) 1968. c. 20 (N.I.); 1969. c. 26 (N.I.); 1971. c. 4 (N.I.).

PART III

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Publication of notices

9. Any public notice required by these rules to be given shall, unless these rules otherwise provide, or the Chief Electoral Officer otherwise directs, be given by means of—

(*a*) advertisement in one or more than one newspaper circulating in the district electoral area or the local government electoral area to which the notice relates; or

(*b*) posters exhibited in suitable positions throughout that area; or

(*c*) any other method which the Chief Electoral Officer or deputy returning officer thinks necessary or desirable for the purpose of bringing to the attention of persons interested the matter so required to be notified; or

(*d*) two or more of the above-mentioned methods.

Notice of election

10.—(1) Each deputy returning officer shall, in accordance with the time-table in Rule 1, give public notice of the 1973 Election for each district electoral area comprised in the local government electoral area for which he has been appointed and such notice is in these rules referred to as "the Notice of Election".

(2) The Notice of Election shall be in the form numbered L.E. 1 in Schedule 2 and shall state—

(*a*) the principal and subsidiary offices from which election nomination forms can be obtained;

(*b*) the date, times and place for receiving nominations;

(*c*) the amount of the deposit;

(*d*) the date and time up to which withdrawal of candidature may be made;

(*e*) the date and the period of time fixed for the holding of the poll, if the election for a district electoral area is contested.

Nomination forms

11. The deputy returning officer and the assistant returning officers shall, at the principal and subsidiary offices, provide nomination papers during normal office hours from the hour of 9.30 in the morning to the hour of 5 in the afternoon on Mondays to Fridays inclusive between the date of the publication of the notice of election and up to the hour of 4.30 in the afternoon on the day fixed for receiving nominations and shall supply such nomination papers free of charge to any person applying therefor.

Nomination and description of candidates

12.—(1) Each candidate shall be nominated by means of a separate nomination paper in form numbered L.E. 2 in Schedule 2 and each such nomination paper shall be completed fully in accordance with the instructions set out in that form.

(2) A nomination shall not be valid unless made on a nomination paper obtained from or supplied by the deputy returning officer.

(3) A nomination paper submitted by or on behalf of a candidate must be signed by the persons proposing and seconding the candidature and also by two witnesses, all of whom must be registered in the rearranged 1973 Register of Local Government Electors for the district electoral area for which the candidature is being nominated. Each such nomination paper must be signed by the candidate consenting to his nomination as a candidate for election in that district electoral area.

(4) A person shall not be entitled to have his name inserted in a ballot paper as a candidate unless he has been nominated in the manner provided and his nomination paper has been ruled as valid by the deputy returning officer and the deposit has been received in accordance with Rule 13.

(5) A candidate may, if he so wishes, include in his nomination paper a description of himself provided such description does not exceed six words in length.

This description may include the name of the political party, group, organisation or other body, of which he claims to be a candidate. In such cases the deputy returning officer shall cause a statement of the name of such party, group, organisation or other body, as shown in the nomination paper, to be specified in relation to the candidate on all the ballot papers and on notices.

(6) It shall not be the responsibility of a deputy returning officer to take steps to ascertain whether or not a candidate has correctly or incorrectly described himself on a nomination paper which has been properly completed.

(7) Where a candidate does not claim to be the candidate of a political party, group, organisation or other body, he shall be entitled if he so wishes, to enter after his name on the nomination paper the expression "Independent" or "Non-Party" and, if he does so, the deputy returning officer shall cause a statement of that expression to be specified in relation to the candidate on all the ballot papers and on notices.

Receipt of nomination papers

13.—(1) Each deputy returning officer shall on nomination day attend at the principal office, between the hours of 10 in the morning and 5 in the afternoon, for the purpose of receiving nominations (in these Rules referred to as "the nomination period") from or on behalf of candidates nominated for any district electoral area comprised in the local government electoral area for which he has been appointed to act as deputy returning officer.

(2) The deputy returning officer shall also receive during the nomination period the deposit of £15 (required by section 60(3)(*b*) of the principal Act as amended by article 10 of the 1972 Order) made by each candidate.

Delivery of nomination papers

14.—(1) Every nomination paper shall be delivered to the deputy returning officer for the local government electoral area which comprises the district electoral area for which the nomination is being made and shall be so delivered during the nomination period at the principal office of that deputy returning officer.

(2) The delivery of the nomination paper shall be made by the candidate in person or, where the candidate is proposed by another person, by the candidate in person or the proposer in person.

(3) The deputy returning officer shall endorse on the first nomination paper received in respect of each candidate and shall sign a statement of the time of receipt thereof and of the due lodgement of the candidate's deposit, and shall annex to that paper a second or any subsequent nomination paper for a candidate in the order in which it is received but shall not be required to endorse such second or subsequent paper.

(4) The candidate, his proposer and one other person designated by the candidate or his proposer, as the case may be, and no other person, except with the permission of the deputy returning officer, shall be entitled to attend while the validity of a nomination paper is being determined by the deputy returning officer.

(5) The deputy returning officer shall within one hour of the delivery to him of a nomination paper or as soon as practicable thereafter, determine the validity of the first nomination paper received in respect of each candidate and if he determines it to be valid shall mark it accordingly; and where a paper in respect of any candidate is so marked the deputy returning officer shall not be required to mark a second or any subsequent paper in respect of that candidate.

Where the deputy returning officer decides that the first of several nomination papers received in respect of any candidate is invalid, he shall examine, in the order of their receipt, the subsequent papers in respect of that candidate and shall mark in accordance with the foregoing provisions of this paragraph the first such paper that he determines to be valid, and thereupon shall not be required to examine any subsequent paper in respect of that candidate.

(6) The deputy returning officer shall for the purpose of paragraph (5) determine a nomination paper to be valid if—

(*a*) it is in the form numbered L.E. 2 in Schedule 2 and has been supplied by him or an assistant returning officer from the principal or subsidiary office, and

(*b*) the instructions in that form have been duly complied with;

and otherwise shall determine the nomination paper to be invalid.

(7) The deputy returning officer shall object to the description of a candidate in a nomination paper which is, in his opinion, insufficient to identify the candidate, misleading or consisting of more than six words. Where a deputy returning officer so objects, he shall allow the candidate or his proposer, as may be appropriate, to amend the description and, if it is not so amended to the deputy returning officer's satisfaction, he may amend or delete it, as he thinks fit, after consultation with the candidate or his proposer, if either is present.

(8) It shall be the responsibility of a candidate at an election or his election agent, as the case may be, to ensure that any nomination paper delivered is properly and fully completed; that the proposer, seconder and witnesses are registered as electors in the rearranged 1973 Register of Local Government Electors for the district electoral area in which the election is to be held and that he, as a candidate, is qualified to stand and, if elected, take his seat.

(9) Where the deputy returning officer has determined the validity of a nomination paper, he shall put a note of his decision on the nomination paper and shall sign the note. If he determines that the paper is invalid he shall include a statement of his reasons.

His decision, determining a nomination paper to be valid, shall be final and shall not be questioned in any proceedings.

(10) Nothing in this Rule shall prevent the validity of the nomination of any candidate from being questioned on an election petition.

(11) Every person in respect of whom a nomination paper under this Rule has been determined to be valid and whose candidature is not withdrawn under Rule 16 shall stand validly nominated as a candidate.

(12) Any person lawfully present at the nomination proceedings may at any time before the deputy returning officer determines the validity of a nomination paper but not later than one hour after the termination of the nomination period inspect and object to the validity of that nomination paper on the ground that it ought to be determined to be invalid under paragraph (6) of this Rule and the deputy returning officer shall take any such objection into consideration and shall give his decision thereon as soon as practicable.

(13) As soon as practicable after determining on the validity of a nomination paper, the deputy returning officer shall give, by written notice transmitted by post, his determination thereon to the candidate.

Publication of nominations

15.—(1) The deputy returning officer shall, as soon as practicable after he has determined that a nomination paper is valid, prepare a notice stating the name and description of the person nominated in the paper, the name and address of his proposer, if any, and the district electoral area for which the person has been nominated and shall cause such notice to be displayed outside the place at which he is receiving nominations.

(2) The deputy returning officer shall, as soon as practicable after the period for withdrawals on the day next following the nomination day has elapsed, cause public notice (in the manner provided by Rule 9) to be given in the form numbered L.E. 4 in Schedule 2 detailing the names and other particulars of each candidate then standing validly nominated for each separate district electoral area comprised in the local government electoral area for which he has been appointed.

A certified copy of such published notices for each district electoral area comprised in the local government electoral area shall be transmitted by the deputy returning officer to the Chief Electoral Officer.

Withdrawal of candidature

16.—(1) A candidate may withdraw his candidature by a notice of withdrawal signed by him and delivered in person by him, his election agent or his proposer to the deputy returning officer for a local government electoral area not later than the hour of 3 in the afternoon of the day next following the nomination period in accordance with proceeding 3 of the time-table in rule 1 of these rules.

(2) Where the deputy returning officer is satisfied that a candidate is unable to attend and the candidate wishes to withdraw his candidature, withdrawal may be effected by delivering to the deputy returning officer not later than the said hour in paragraph (1), a notice of withdrawal signed by the candidate and by the person who delivers the notice of withdrawal.

Publication of withdrawal

17. The deputy returning officer shall immediately on delivery to him of a notice of withdrawal under Rule 16 of these rules, give public notice of the withdrawal (and in the case of the withdrawal of a candidate who was nominated by another person as proposer, of the name of the other person) stating the district electoral area for which the candidate has been withdrawn.

Obstruction of nomination

18.—(1) If any proceedings for or in connection with the nomination of candidates at the 1973 Election are obstructed or interrupted by riot, open violence or any form of civil disorder or disobedience the deputy returning officer may adjourn the proceedings to the next following day and if he so considers necessary, may further adjourn the proceedings until such obstruction, interruption, riot, violence, or any form of civil disorder or disobedience shall have ceased.

(2) If the deputy returning officer is satisfied that any proceedings for or in connection with the nomination of candidates at the 1973 Election are likely to be obstructed or interrupted as specified in paragraph (1) at or in the general vicinity of the nomination place the deputy returning officer shall advise the Chief Electoral Officer accordingly and, with his approval, may adjourn the proceedings to the next following day and if he considers it necessary may with the approval of the Chief Electoral Officer further adjourn the nomination proceedings until the problems resulting in adjournment have ceased.

(3) Where any proceedings for or in connection with such nomination are adjourned under this Rule, the latest date for receiving nominations and the date for the taking of the poll in the said district electoral area or areas of the local government electoral area shall be postponed for a period to be determined by the deputy returning officer with the approval of the Chief Electoral Officer.

Procedure after nominations

19. If at the hour of 3 in the afternoon on the day next following the latest time for receiving nominations—

(*a*) Contested election—the number of candidates standing nominated for any district electoral area exceeds the number of members to be elected for that district electoral area, the deputy returning officer shall take a poll in that area in accordance with Part V of these Rules; or

(*b*) Uncontested election—the number of candidates standing nominated for a district electoral area is equal to or less than the number of members to be elected for that area, the deputy returning officer shall forthwith declare the candidates standing nominated to be elected and shall return their names and give public notice of their election in accordance with the provisions of Rule 65.

PART IV

DEATH OF A CANDIDATE

Death of a candidate

20.—(1) Where before the latest time for the withdrawal of candidature under Rule 16 the deputy returning officer is given proof to his satisfaction that a candidate standing nominated for a district electoral area has died, he shall immediately give public notice to that effect and the candidature of the candidate shall be deemed to have been withdrawn.

(2) Where at any time after the latest time for the withdrawal of candidature under Rule 16 and ending on the commencement of the poll (in accordance with proceeding 8 of Rule 1) the deputy returning officer is given proof to his satisfaction that a candidate, standing nominated for election for a district electoral area, has died, the following provisions shall have effect in relation to the election for that district electoral area:—

(*a*) if notice of the poll has been given, the deputy returning officer shall forthwith countermand the poll for that district electoral area;

(*b*) all the proceedings for the election in that district electoral area shall be commenced afresh, but any surviving candidate or candidates standing nominated for the countermanded election at the time when the deputy returning officer became satisfied of the death of the candidate shall be deemed to have been nominated for the fresh election;

(*c*) the deputy returning officer shall forthwith give public notice that all acts done in connection with the election (other than the nominations of the surviving candidates) are void and that a fresh election for that district electoral area will be held;

(*d*) the deputy returning officer shall forthwith publish the Notice of Election in relation to the fresh election;

(*e*) at the fresh election the earliest time for receiving nominations shall be the hour of 10 in the morning on the day next following the date of the publication of the said Notice of Election and the latest time for receiving nominations shall be the hour of 5 in the afternoon on the third day next following the said date;

(*f*) the polling day at the fresh election shall be such day, being not more than twenty-one days after the latest date for receiving nominations, as shall be fixed by the deputy returning officer, with the approval of the Chief Electoral Officer.

(3) Where at any time after the commencement of the poll at an election for a district electoral area and before the close of such poll, the deputy returning officer is given proof to his satisfaction that a candidate standing nominated for election for that local district electoral area has died—

(*a*) all votes cast at the election for that local district electoral area shall be disregarded and the ballot papers destroyed;

(*b*) the provisions of sub-paragraphs (*a*), (*c*), (*d*), (*e*) and (*f*) of paragraph 2 of this Rule shall apply to the election for the said district electoral area.

(4) The death of a candidate standing nominated at an election in circumstances other than those referred to in paragraphs (1), (2) and (3) shall not invalidate his nomination or any preference recorded for him and, if he is elected, his election shall not be invalidated by reason of his death, but he shall be deemed to have vacated his membership of the district council on the day on which the newly-elected members come into office and the vacancy shall be deemed to be a casual vacancy and shall be filled accordingly.

PART V

THE POLL

Notice of poll

21. Where an election involving the taking of a poll to elect members of a district council has to be held the deputy returning officer shall, as soon as practicable after the completion of the periods allowed for nomination and withdrawals, give public notice of—

(*a*) the day or days on which and the hours during which the poll will be taken;

(*b*) the names and descriptions, if any, of the candidates standing nominated as entered in their nomination papers, and of the persons subscribing such papers; and

(*c*) the order in which the names of the said candidates will appear alphabetically on the ballot papers.

Ballot papers

22.—(1) Votes at the poll at an election shall be given by secret ballot and the ballot of every voter shall consist of a paper (in these Rules called a "ballot paper") in form numbered L.E. 6 in Schedule 2, and the persons named in the statement displayed under Rule 15 as standing validly nominated, and no others shall be entitled to have their names inserted on the ballot paper.

(2) Each ballot paper shall be prepared in accordance with the following directions—

(*a*) it shall contain the names, addresses, occupations and descriptions, if any, of the candidates standing nominated, as shown in their respective nomination paper, determined as being valid. The names shall be arranged alphabetically in the order of the surnames, or if there are two or more candidates bearing the same surname, in the alphabetical order of their other names, or if their other names are the same, in the alphabetical order of their occupations;

(*b*) the surname of each candidate and the name of his political party, group, organisation or other body, or if the candidate has described himself as "Independent" or "Non-Party", those words shall be printed in large characters and his full name, address and occupation, if any, as appearing in his nomination paper, shall be printed in small characters;

(*c*) where the surnames of two or more candidates are the same there shall also be printed in large characters the other names of such candidates and so much of the descriptions of such candidates as appearing in their respective nomination papers, as will, in the opinion of the deputy returning officer, distinguish such candidates;

(*d*) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the deputy returning officer, is best for marking and counting;

(*e*) the ballot papers shall be numbered consecutively on the back and the front of the counterfoil attached to each ballot paper shall bear the same number. The numbers on the ballot papers shall be printed in the smallest characters compatible with legibility and shall be printed on or about the centre of the paper;

(*f*) nothing shall appear on the ballot paper except in accordance with these directions.

(3) (*a*) The colour of the ordinary poll and tendered ballot papers to be used at the 1973 election for all local government electoral areas shall be determined by the Chief Electoral Officer;

(*b*) all ballot papers shall be made up in book form which—

(i) for ordinary ballot papers shall each contain, at the discretion of the deputy returning officer, one hundred papers of the same colour;

(ii) for tendered ballot papers shall each contain not more than twenty-five papers of the same colour; and

(iii) shall be so bound that at the close of the poll the counterfoils of the issued papers can be detached from those of the unused papers;

(*c*) it shall be the duty of the deputy returning officer, subject to directions given by the Chief Electoral Officer, to make arrangements for the printing of such number of ballot papers of each appropriate colour as he thinks adequate, the ballot papers of each colour to be numbered consecutively;

(*d*) the deputy returning officer shall ensure that ballot papers in his possession, prior to issue for the purposes of the poll, are kept by him under safe custody.

The official mark

23.—(1) Every ballot paper shall at the time of issue be marked with an official mark (in these Rules referred to as the 'official mark'), which shall be either embossed or perforated so as to be visible on both sides of the paper, and for this purpose the deputy returning officer shall provide a sufficient number of marking instruments.

(2) The deputy returning officer shall ensure that the official mark is kept secret.

Polling information cards

24.—(1) Polling information cards (as in the form numbered L.E. 7 in Schedule 2) shall be prepared by the deputy returning officer in respect of all the electors registered in each district electoral area where a poll is to be taken and shall be issued by post to those registered electors.

(2) A polling information card shall be sent to the elector in sufficient time to be delivered in the ordinary course of post not later than the third day before the polling day.

Declaration of secrecy

25.—(1) A declaration of secrecy shall be made by—

(*a*) the Chief Electoral Officer; a deputy returning officer and any deputy of his;

(*b*) every officer or clerk or other assistant authorised to attend at a polling station or at the count;

(*c*) every candidate attending at a polling station or at the count and every election agent so attending;

(*d*) every polling agent and counting agent; and

(*e*) every person permitted by the Chief Electoral Officer or the deputy returning officer to attend at the poll or the count.

(2) Notwithstanding anything in paragraph (1), the following persons attending only at the count, that is to say—

(*a*) any candidate;

(*b*) any election agent;

(*c*) any person permitted by the deputy returning officer to attend;

need not make the declaration before the opening of the poll but shall make it before being permitted to attend the count; and a polling or counting agent appointed after the opening of the poll shall make the declaration before acting as such agent.

(3) Any messenger sent by or on behalf of the Chief Electoral Officer or the deputy or assistant returning officer shall before entering a polling station or being admitted to a count make a declaration of secrecy.

(4) The declaration shall be made and signed

(*a*) by the deputy returning officer in the presence of and countersigned by a justice of the peace;

(*b*) by every other person in the presence of and countersigned by either a justice of the peace or the deputy returning officer or an assistant returning officer appointed for the local government electoral area;

and a copy of paragraph 27 of the Ninth Schedule to the Act shall be given to the declarant by the person taking the declaration.

(5) The declaration of secrecy to be made under this rule shall be made on a form supplied by the deputy returning officer and shall be as follows—

> "I solemnly promise and declare that I will not do anything forbidden by paragraph 27 of the Ninth Schedule to the Electoral Law Act (Northern Ireland) 1962, and I hereby acknowledge receipt of a copy of the said paragraph 27 which has been given to me at the time of making this declaration."

Use of schools and public rooms

26.—(1) The deputy returning officer appointed for a local government electoral area may for the purpose of the taking of the poll or the counting of the votes use, free of charge—

(*a*) a room in a school to which this Rule applies;

(*b*) a room the expense of maintaining which is payable out of any rate.

(2) This Rule applies to a school in receipt of a grant from the Exchequer, not being a school adjoining or adjacent to any church or other place of worship or connected with a nunnery or other religious establishment.

(3) The deputy returning officer shall make good any damage to, and defray any expenses incurred by the persons having control over, any such room as aforesaid by reason of its being used under paragraph (1) of this Rule.

(4) The use of any unoccupied premises or any part thereof for the purpose of the taking of the poll or the counting of the votes shall not render any person liable to be rated or to pay any rate for the premises.

Polling stations and ballot boxes

27.—(1) The deputy returning officer shall make adequate provision for the heating, lighting and cleaning of each polling station situated in his local government electoral area.

(2) The deputy returning officer shall provide at each such polling station a sufficient number of ballot boxes to meet the needs of the electors allotted to such polling station, and may provide in any room in the polling station one or more than one ballot box and a polling station in which there is so provided—

(*a*) one ballot box is in these Rules referred to as a "single box station";

(*b*) more than one ballot box is in these Rules referred to as a "multiple station".

(3) Every ballot box so provided—

(*a*) shall be so constructed that—

(i) it will adequately withstand the wear and tear of transit;

(ii) it will contain the ballot papers of such number of electors as are allotted to it;

(iii) it can be securely locked and while it is so locked ballot papers can be inserted therein but cannot be extracted;

(iv) the lock and aperture for the insertion of ballot papers can be sealed after the close of the poll;

(*b*) shall be clearly marked with a distinctive number and with the name and number of the polling station in which and the election for the district electoral area and district council for which it is to be used.

(4) The deputy returning officer shall allot the electors to the polling stations, provided for in the 1973 Polling Stations Scheme, in such manner as, in his opinion, will be most convenient for them, and shall suitably divide the electors alloted to each multiple station among the ballot boxes at that station.

(5) The deputy returning officer shall provide at each polling station such number of voting compartments as may be necessary to enable the voters to mark their ballot papers screened from observation.

(6) In any room in a polling station in which two or more ballot boxes are provided the voting compartments to be used by the electors allotted to any box shall be so fixed in relation to that box as to render it inconvenient for a voter after marking his ballot paper to place it in any ballot box other than that to which he is allotted.

Presiding officers, poll clerks and other assistants

28.—(1) The deputy returning officer shall for every polling station appoint a presiding officer for each ballot box therein provided, and in a multiple station may designate as senior presiding officer one of the presiding officers who shall perform such functions as are by these Rules conferred on a senior presiding officer and such other duties as may be assigned to him by the deputy returning officer.

(2) The deputy returning officer shall appoint a poll clerk to assist each presiding officer.

(3) The deputy returning officer shall appoint such clerks and other assistants as he considers necessary for the due conduct of the election.

(4) The deputy returning officer shall, on the due performance of the duties for which they were appointed, pay to presiding officers and other persons appointed under this Rule remuneration and expenses in accordance with a scale approved by the Ministry of Home Affairs.

(5) The deputy returning officer or an assistant returning officer may in the absence or incapacity of a presiding officer or where in the opinion of the deputy or assistant returning officer the circumstances so warrant or require, perform all or any of the functions of that officer, and while so doing shall be subject to the provisions of these Rules in like manner as if he had been appointed a presiding officer.

(6) Subject to any direction of the deputy or assistant returning officer, a presiding officer may perform any of his functions by any person appointed under these Rules to assist him.

Polling and counting agents

29.—(1) The election agent of each candidate or the candidate himself, as the case may be, may before the commencement of the poll appoint in accordance with this Rule polling agents to attend at polling stations on behalf of the candidate for the purpose of detecting personation, and counting agents to attend the count in the like behalf.

(2) The maximum number of polling agents who may be appointed to attend at any polling station on behalf of any candidate shall be one more than the number of ballot boxes provided at that station.

(3) Only one counting agent may be appointed on behalf of any candidate, save in special circumstances at the discretion of the deputy returning officer.

(4) Each election agent or the candidate himself, as the case may be, shall not later than two days before the polling day give written notice to the deputy returning officer of the name and address of every polling agent appointed by him in respect of every ballot box in a single or multiple polling station for the district electoral area.

(5) Each election agent or the candidate himself, as the case may be, shall not later than two days before the polling day give written notice to the deputy returning officer of the name and address of the counting agent appointed by him.

(6) If any polling agent or counting agent dies or becomes incapable of acting the election agent or the candidate himself, as the case may be, who appointed him may appoint another agent in his place and shall forthwith give written notice of the name and address of the person so appointed to the deputy returning officer who shall in the case of a polling agent forthwith give particulars of such notice to the appropriate presiding officer.

(7) A candidate may lawfully do or assist in the doing of any act or thing which might lawfully be done on his behalf by a polling agent or counting agent.

(8) Any act or thing by these rules required or authorised to be done in the presence of the candidate or their election or other agents shall not be invalidated by reason only of the non-attendance of any candidate or any such agent or agents at the time and place appointed for so doing.

Service electors' proxies at local elections

30.—(1) Each deputy returning officer shall ascertain from the electoral officer responsible for the preparation of the register of electors being used for the local government electoral area for which he has been appointed the list of service electors' proxies appertaining to that part of the register. The deputy returning officer shall distingush entries in the rearranged register of local electors to be used for each district electoral area relating to electors who by virtue of section 67(5) of the principal act are entitled to vote by proxy at the 1973 election.

(2) On the information supplied as specified in paragraph (1) the deputy returning officer shall for each district electoral area, prepare a list in the prescribed form (form numbered L.E. 9 in Schedule 2), referred to as the "local proxy list". This form shall show the service electors in each district electoral area registered in the rearranged 1973 register of local electors who have appointed proxies and, on request, the deputy returning officer shall supply copies of such list to each candidate or his election agent.

Marking of register

31. In the copy of the register to be used at any election and in connection with the issue of ballot papers the deputy returning officer shall, before the polling day—

(*a*) rule out in green ink the names of all persons not entitled to vote as local electors;

(*b*) mark the letters "PS" against the names of electors appearing in the local proxy list.

Election equipment

32.—(1) The deputy returning officer shall provide at each polling station—

(*a*) such furniture as he thinks necessary for the efficient conduct of the poll, regard being had to the convenience and comfort of the officers and clerks concerned;

(*b*) for each compartment therein, such materials as he thinks necessary for the purpose of enabling voters to mark their ballot papers;

(*c*) copies of directions for the guidance of voters (in the form numbered L.E. 27 in Schedule 2) which he shall cause to be conspicuously displayed—

(i) in every room in the polling station in which a ballot box is provided; and

(ii) in every compartment;

(*d*) sufficient copies of such directions as will enable voters to proceed without difficulty to the ballot boxes to which they are allotted, which directions he shall cause to be conspicuously displayed;

(*e*) for the presiding officer for each ballot box—

(i) such number of ballot papers as the deputy returning officer thinks adequate for the due conduct of the poll and a record shall be kept by him of the serial numbers of the ballot papers so provided;

(ii) one marking instrument;

(iii) that part of the marked copy of the register which contains the names of the electors allotted to the box;

(iv) a copy of so much of the local proxy list as relates to such part of the register as aforesaid;

(v) a list of election and polling agents authorised to attend on behalf of the candidates;

(vi) such other documents and forms as may be appropriate;

(vii) such stationery and other materials as the deputy returning officer considers necessary for the due conduct of the poll.

(2) The deputy returning officer shall be entitled to use for the purposes of the election any such election equipment as is referred to in Rule 33(4) of the Northern Ireland Parliamentary Elections Rules (in Schedule 4 to the principal Act) but shall be under a duty—

(*a*) to ensure that any such equipment is fit for use and in good order; and

(*b*) after the election to return such equipment in good order, in such manner as may be directed by the Chief Electoral Officer;

and any expenditure incurred in the performance of such duty shall, in accordance with the scale approved, be part of the election expenses of the deputy returning officer.

Opening of poll

33.—(1) Immediately before the commencement of the poll the presiding officer for each ballot box shall show the box, empty, to such persons, if any, as are present in the polling station so that they may see that it is empty, and shall then lock the box and place his seal on it in such manner as to prevent its being opened without breaking the seal, and shall place it in his view for the deposit of ballot papers, and keep it so locked and sealed.

(2) The senior presiding officer at a multiple station and the presiding officer at a single box station shall cause the door of the station to be opened for the admittance of voters at the precise hour fixed for the opening of the poll, and no person shall before that hour be admitted to the polling station for the purpose of recording his vote.

(3) Where owing to transport or other unforseen difficulties the poll at any polling station cannot begin at the precise hour fixed for the opening of the poll, it shall begin as soon as possible after that hour.

Admission to polling station

34.—(1) Except for the purpose of recording his vote, no person shall be admitted to a polling station, other than—

(*a*) the Chief Electoral Officer; the deputy returning officer and any deputy of his;

(*b*) messengers sent by or on behalf of the Chief Electoral Officer and the deputy or an assistant returning officer;

(*c*) the presiding officers; poll clerks for the ballot boxes in the station; and any other polling station assistants appointed by the deputy returning officers;

(*d*) the candidates; their election agents and polling agents duly appointed for the station;

(*e*) a person admitted under paragraph (3) of Rule 40;

(*f*) constables and members of the security forces on duty;

(*g*) a person permitted to observe, for the purposes of research, instruction or official observation the conduct of the poll.

(2) Subject to Rule 41 a person shall not be admitted to vote at any polling station other than that to which he is allotted.

(3) The presiding officer for any ballot box shall regulate the number of voters to be admitted at the same time for the purpose of recording their votes in that box.

Polling station definition

35. For the purposes of these Rules a polling station shall include—

(*a*) any entrance porch, vestibule, corridor, ante-room or passage-way whereby entrance to the polling station can lawfully be affected;

(*b*) any road or path connecting the polling station with a public road or street;

(*c*) any other place within the same curtilage as the polling station.

Maintenance of order in polling station

36.—(1) It shall be the duty of the senior presiding officer assisted by the other presiding officers in a multiple station and of the presiding officer in a single box station to keep order in that polling station.

(2) If a person misconducts himself in a polling station or fails to obey the lawful orders of a presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a constable in or near that station or by any other person authorised in writing by the deputy returning officer to remove him, and a person so removed shall not re-enter the polling station without the permission of the presiding officer.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this Rule shall not be exercised so as to prevent a voter who is entitled to vote at a polling station from having an opportunity of voting at that station.

Where poll cannot be held or completed at the time and place appointed

37.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot, open violence or any form of civil disorder or disobedience the presiding officer shall adjourn the proceedings until the next following day and shall forthwith give notice to the deputy returning officer.

(2) If the deputy returning officer is satisfied that any proceedings for or in connection with the poll at a polling station or the access to that station by any section of electors have been or are likely to be, obstructed or interrupted as specified in paragraph (1) of this Rule at or in the general vicinity of the polling station, the deputy returning officer shall advise the Chief Electoral Officer accordingly and with his approval may adjourn the proceedings at that polling station to the next following day and if he considers it necessary, with the approval of the Chief Electoral Officer may further adjourn the poll at that station until the circumstances requiring such adjournment no longer exist.

(3) Where under either paragraphs (1) or (2) of this Rule the poll is adjourned at any polling station—

(*a*) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and

(*b*) reference in these rules to the close of the poll shall be construed accordingly.

(4) Where a polling station is damaged by fire or in any other manner and by reason of such damage a poll cannot be held or completed at the time and place appointed by or under these rules, that poll shall stand adjourned and the Chief Electoral Officer may order another poll to be held and may, so far as may appear to him to be necessary or expedient, modify the provisions of Rule 1 and give directions for the purposes of such other poll and the election to which that poll relates.

(5) The deputy returning officer shall not declare the result of the election for the district electoral area concerned until the adjourned poll has been completed.

Voting procedure

38.—(1) Subject to Rules 42, 43 and 44, a ballot paper shall be delivered—

(*a*) to a voter who applies therefor declaring his surname and other names or their initials, his qualifying address and his number in the register (if known to him); and

(*b*) subject to paragraph 3(3) of Schedule 7 to the principal Act to a person who applies therefor as proxy declaring the surname and other names or initials and the address of himself and of the elector who has appointed him as proxy;

and immediately before delivery—

(i) the number, name and address of the elector as stated in the marked copy of the register shall be called out;

(ii) the number (including ward letter or number) of the elector shall be marked on the counterfoil of the ballot paper;

(iii) the ballot paper shall be stamped with the official mark;

(iv) a short horizontal line shall be placed in the marked copy of the register against the number of the elector to denote that a ballot paper has been issued to that elector or his proxy but without showing the number of the ballot paper so issued;

(v) where a person applied for a ballot paper as proxy, a mark shall also be placed against his name in the local proxy list.

(2) Where the relevant entry in the register is marked with the letters "PS" a presiding officer (subject to paragraph (1)) shall issue a ballot paper either to the elector or his proxy, whoever first applies.

(3) The voter, on receiving the ballot paper shall (subject to the provisions of Rule 40) forthwith proceed alone into one of the compartments provided for the ballot box to which he is allotted and shall—

(*a*) secretly record his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate to whom he wishes to give his first preference and, if he so wishes, by placing the numeral 2 opposite the name of the candidate of his second choice; and the numeral 3 opposite the name of the candidate of his third choice and so on;

(*b*) fold the ballot paper so that the marking of his vote is concealed;

(*c*) return to the presiding officer's table and show the back of the folded ballot paper to the presiding officer so as to disclose the official mark; and

(*d*) put the folded ballot paper into the ballot box in the presence of the presiding officer.

(4) The voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

Spoilt ballot papers

39.—(1) A voter who has inadvertently spoilt his ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in place of the spoilt ballot paper so delivered and the spoilt ballot paper and the counterfoil thereof shall immediately be marked by the presiding officer "Cancelled" in bold characters.

(2) For the purposes of this Rule a ballot paper shall be spoilt and void if when recording his vote a voter—

(*a*) adds to the ballot paper any such writing or symbol as would enable him to be identified; or

(*b*) marks his ballot paper in such a manner as to render his intention uncertain; or

(*c*) damages his ballot paper in such a manner that it cannot conveniently be used as a ballot paper.

Blind and other assisted voters

40.—(1) This Rule shall have effect as respects any voter who states to a presiding officer that by reason of total or partial blindness, defective vision or illiteracy he is unable to read, or that for one of those reasons or by reason or any other physical disability, or of any religious belief, he is unable without assistance, or unwilling to record his vote in accordance with these Rules.

(2) The presiding officer shall—

(*a*) verify the entry in the register;

(*b*) record in the prescribed list of assisted voters (in these rules referred to as the "assisted voters list") the name and particulars of the voter;

(*c*) comply with the provisions of sub-paragraphs (i) to (v) of paragraph (1) of Rule 38;

(*d*) deliver the ballot paper to the voter;

(*e*) in the presence of the polling agents, mark the ballot paper as instructed by the voter, taking such steps as the presiding officer thinks necessary to ensure the secrecy of the ballot; and

(*f*) deposits ballot paper in the ballot box.

(3) A person accompanying a voter who by reason of total or partial blindness or other physical disability requires guidance or assistance may be admitted to the polling station for the purpose of giving such guidance or assistance.

(4) If a voter who is totally or partially blind so requests and the person accompanying him makes a declaration of secrecy, but not otherwise, that person may remain with the voter while the presiding officer records his vote under paragraph (2).

(5) The declaration of secrecy to be made under paragraph (4) shall be made in the presence of, and given to, the presiding officer who shall thereupon attest it.

(6) The declaration and form of attestation shall be as follows:—

"I, , of , having been permitted to remain with , of , while the presiding officer records a vote in accordance with that person's instructions, hereby declare that I will not divulge to any person whomsoever the names of the candidates for or against whom the said vote is recorded.

Signature .....

Date .....

I, the undersigned, being the presiding officer for ballot box numbered in the polling station situate at hereby certify that the above declaration, having been first read to the above-named declarant, was signed by him in my presence.

Signature .....

Date .....

Voting by constables and other persons on duty

41.—(1) Where a constable is likely by reason of discharging his duty to be prevented from voting at an election at his allotted polling station—

(*a*) the constable may, within the period of seven days before the day on which the poll is to be taken, apply to the chief officer in charge of the police district in which he is stationed for a certificate to that effect; and

(*b*) the chief officer of police for that district shall in the prescribed form certify under his hand—

(i) the full name and number of the constable;

(ii) the number and description of the constable appearing in the register; and

(iii) the fact that the constable will or is likely to be so prevented as aforesaid.

(2) Where an elector is employed by the deputy returning officer for any purpose connected with an election at which that elector is entitled to vote, and the circumstances of his employment are such as to prevent that elector from voting at his allotted station, the deputy returning officer may, and at the request of the elector shall, so certify in the prescribed form.

(3) Where a constable or other elector presents a certificate issued under paragraph (1) or paragraph (2) at any polling station for the same district electoral area as his allotted polling station, the presiding officer to whom it is presented shall permit him to vote and shall forthwith cancel the certificate and retain it for disposal at the close of the poll in accordance with paragraph (5) of Rule 45.

(4) This Rule shall not apply to an elector when acting as proxy.

Questions to be put to voters

42.—(1) A presiding officer may, and if required by a candidate or his election agent or polling agent present in the station shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, such one or more of the following questions as may be appropriate, that is to say:—

(*a*) to a person applying as an elector—

(i) "Are you the person registered in the rearranged 1973 register of local government electors for this district electoral area as follows .....?" (The whole entry from the register is to be read aloud by the presiding officer);

(ii) "Have you already voted on your own behalf either here or elsewhere at the present elections of councillors in this or any other district electoral area of this local government electoral area?";

(*b*) to a person applying as proxy for a service voter—

(i) "Are you the person whose name appears as AB [in this proxy paper] [or where the proxy is permitted to vote without producing a proxy paper on the local proxy list for this election] as entitled to vote as proxy on behalf of CD?";

(ii) "Have you already voted as proxy on behalf of CD either here or elsewhere at the present elections of councillors in this or any other district electoral area of this local government electoral area?".

(2) Where a person is required to answer any of the foregoing questions a ballot paper shall not be delivered to him unless he has satisfactorily answered such question or questions.

(3) Save as by this Rule authorised no enquiry shall be made as to the right of any person to vote.

Tendered ballot papers

43.—(1) Where—

(*a*) a ballot paper has been issued to a person representing himself to be a particular elector or proxy; and

(*b*) another person representing himself to be that elector or proxy—

(i) applies for a ballot paper; and

(ii) satisfactorily answers any questions put to him under Rule 42;

that other person shall be entitled to receive, mark and place in the ballot box, a ballot paper (to be known as a "tendered ballot paper") differing only in colour from the ordinary ballot papers.

(2) The name of the elector and his number in the register shall be entered on a list in the prescribed form (to be known as the "tendered votes list").

(3) At the counting of the votes tendered ballot papers shall be dealt with in accordance with paragraph (4) of Rule 49.

Challenge of voter for personation

44.—(1) If at the time a person applies for a ballot paper for the purpose of voting either in person or as proxy, or after he has applied for a ballot paper for such purpose and before he has left the polling station, a polling agent orally declares to the presiding officer to whom the application was made, that he has reasonable cause to believe that the applicant has committed an offence of personation, and undertakes to substantiate the charge in a court of law, the presiding officer shall order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) Where a person in respect of whom a declaration is made under paragraph (1) satisfactorily answers any appropriate question put to him under Rule 42, that paragraph shall not be construed as authorising a presiding officer to prevent that person from voting or to reject his vote; but in such event the presiding officer shall cause the words "Protested against for personation" to be entered against the name of that person in the marked copy of the register or, as the case may be, the local proxy list, used at the polling station.

(3) Where a person is arrested under paragraph (1), the presiding officer—

(*a*) before that person is removed from the polling station; and

(*b*) if that person has voted, before any such entry is made as is required by paragraph (2);

shall require the polling agent concerned to make in the prescribed form and sign a declaration confirming his oral declaration; and if such agent fails to comply with such requirement that person shall be released and if he has not already voted shall be permitted to vote, subject to his answering satisfactorily any question put to him under Rule 42.

(4) A person arrested under paragraph (1) shall be dealt with as a person taken into custody by a constable for an offence without a warrant but a preliminary investigation of the charge shall not be conducted by a justice of the peace who is not a resident magistrate.

Procedure on close of poll

45.—(1) At the time fixed for the close of the poll the presiding officer shall take steps to ensure that no further electors shall be admitted to a room within a polling station containing a ballot box but any elector who is in such a room at that time shall, subject to the provisions of these Rules, be entitled to receive a ballot paper and to vote.

(2) The presiding officer or, in a multiple station, the senior presiding officer shall as soon as may be after the hour aforesaid and after all the electors refered to in paragraph (1) have voted cause the polling station to be cleared of all persons other than—

(*a*) the deputy returning officer and any deputy of his;

(*b*) any messengers sent by or on behalf of the Chief Electoral Officer or the deputy or assistant returning officer;

(*c*) the presiding officers and poll clerks for the ballot boxes in the station and any other polling station assistants appointed by the deputy returning officer;

(*d*) the candidates and their election agents and polling agents duly appointed for the station;

(*e*) constables and members of the security forces on duty;

(*f*) a person admitted to the polling station under sub-paragraph (*g*) of paragraph (1) of Rule 34;

and forthwith thereafter cause the doors of the polling station to be closed and to remain closed.

(3) As soon as the polling station is closed each presiding officer shall seal the ballot box in his charge so that no further ballot papers can be inserted therein and any polling agent so requiring may also affix his seal.

(4) Each presiding officer shall complete a statement in the prescribed form (in these rules referred to as the "ballot paper account") showing the number of ordinary and tendered ballot papers entrusted to him and accounting for them all under the several heads following, that is to say, used, unused and spoilt.

(5) Each presiding officer shall, in the presence of the polling agents, if any, make up in separate packets (to be sealed by him)—

(*a*) the ballot paper account;

(*b*) the counterfoils of all ordinary and tendered ballot papers used, and any certificates presented under Rule 43;

(*c*) the marked copy of the register, all ordinary and tendered ballot papers unused, all spoilt ballot papers, the list of tendered votes, the local proxy list, the assisted voters list, and all declarations of secrecy made under Rule 25;

and shall place in a separate parcel or parcels the stamping instrument, and the unused residue of the equipment provided by the deputy returning officer for the conduct of the poll.

(6) Where any person has been taken into custody in a polling station the presiding officer who ordered the arrest shall complete a statement in the prescribed form and shall insert therein any such observations or particulars as he may consider necessary or expedient, and shall place that statement in an envelope together with any relevant declaration of a polling agent, and shall keep that envelope in safe custody pending any proceedings.

(7) The presiding officer or, in a multiple station, the senior presiding officer, after the foregoing provisions of this Rule have been compiled with, shall proceed to the place where the votes are to be counted, or such other place as may be designated by the deputy returning officer, and shall there deliver to the deputy returning officer or his assistant returning officer, or a messenger appointed for that purpose by the deputy returning officer, the ballot box or boxes together with the sealed packets and parcel or parcels, appropriate to each box; and a presiding officer or senior presiding officer may direct one or more of the clerks or constables on duty to accompany him and assist him in the performance of his duty under this paragraph.

(8) The deputy returning officer shall make adequate arrangements for the safe custody of the ballot boxes and of all documents connected with the poll, from the time of their delivery to him until the beginning of the count.

Destruction, etc., of ballot boxes or ballot papers

46.—(1) If at an election any ballot boxes or ballot papers are, without lawful authority, taken out of the custody of the deputy or an assistant returning officer or of a presiding officer or are in any way tampered with or are destroyed or are maliciously torn or defaced, the poll at every polling place at which any of the said ballot boxes or ballot papers were used shall be void. The deputy returning officer shall forthwith take all such steps and give all such directions as he thinks proper for the holding of a fresh poll at every such polling place.

(2) A fresh poll shall be held at every such polling place on a day (not being later than seven days after the polling day) appointed for the purpose by the Chief Electoral Officer, after consultaion with the deputy returning officer concerned.

(3) The provisions of these Rules shall apply in respect of such fresh poll in like manner as they apply to the original poll.

(4) The deputy returning officer shall not declare the result of the election for the district electoral area concerned until the fresh poll has been completed and the votes cast thereat have been counted.

PART VI

COUNTING OF THE VOTES

Arrangements for the counting of the votes

Place for the counting of the votes

47. The deputy returning officer shall appoint a place or places within the local government electoral area or convenient to that area as the place or places at which he will count the votes for each district electoral area contained in that area and shall, at the place so appointed, provide suitable accomodation and all furniture and equipment necessary for counting the votes in accordance with these Rules.

Attendance at the counting of the votes

48.—(1) Not less than six days before the polling day the deputy returning officer shall give to the election agent of each candidate notice in writing of the time and places at which he will begin to count the votes in respect of all the district electoral areas contained in the local government electoral area.

(2) The deputy returning officer, his assistants; duly appointed counting staff and clerks; constables and security forces on duty; the candidates, their election agents and counting agents, appointed for the purpose under these rules, and no other persons, except with the written permission of the Chief Electoral Officer or deputy returning officer, may be present at the counting of the votes.

(3) The deputy returning officer shall give the election and counting agents of the candidates all such reasonable facilities for overseeing the proceedings at the counting of the votes (including, in particular, facilities for satisfying themselves that the ballot papers are correctly sorted) and all such information with respect thereto as he can give them consistently with the orderly conduct of the proceedings and the performance of his functions.

(4) The deputy returning officer may determine to conduct the separate counts for each of the district electoral areas contained in the local government electoral area either consecutively or concurrently as he deems fit, having regard to the suitability of the counting place or places, and the availability of experienced counting staff.

(5) Not less than three days before the polling day the deputy returning officer for each local government electoral area shall make and transmit a return, detailing the appointed place or places at which he proposes to conduct the count, to the Chief Electoral Officer. Such return shall, where possible, indicate the order in which it is proposed the count for each district electoral area should be conducted.

Preliminary proceedings

49.—(1) Immediately before the commencement of the count for any particular district electoral area at the place or places appointed under Rule 48, the deptuy returning officer shall, in the presence of such agents of the candidates, as may be then present, open the ballot-boxes and extract the ballot papers therefrom.

(2) Where the polls at the elections for two different district electoral areas in a local government electoral area have been taken together in the same polling station and ballot papers for either election are found in the ballot-box provided for the other election, the deputy or assistant returning officer shall place such ballot papers, together with a statement signed by him showing the number of papers enclosed and giving particulars of the ballot-box in which they were found, in a packet which he shall seal and forthwith transmit to be associated with the ballot boxes for that other district electoral area.

(3) The ballot papers extracted by the deputy returning officer from each ballot-box shall be counted and their total number shall be compared with the number shown in the appropriate ballot paper account. The deputy returning officer shall prepare a statement showing the result of this comparison in respect of all the ballot-boxes and giving particulars of the ballot papers, if any, transmitted pursuant to paragraph (2) and those coming within the provisions of paragraph (4) of this Rule, and he shall, on request, allow the agent of any candidate to copy the statement.

(4) Tendered ballot papers extracted from any ballot-box at these preliminary proceedings shall be counted and the deputy returning officer shall set them aside until the completion of the count for the district electoral area.

(5) Where the statement referred to in paragraph (3) is prepared by an assistant returning officer the statement shall be transmitted to the deputy returning officer as soon as practicable.

Time for the counting of the votes

50. The deputy returning officer shall, so far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment, and excluding (except so far as he and the candidates otherwise agree) the hours between 11 in the evening and 9 the following morning. During the time so excluded the deputy returning officer shall place the ballot-boxes and documents relating to the election under his seal and shall take due precautions for the security of the said boxes and documents.

The count—special provisions

51.—(1) If during the proceedings under Rule 49 the deputy returning officer finds that any ballot-box—

(*a*) is missing; or

(*b*) has been tampered with and the contents thereof wholly or partly abstracted, defaced or destroyed; or

(*c*) has from any other cause suffered such damage that its contents are wholly or partly defaced or destroyed;

he shall designate such box a reserved box.

(2) If for any reason the ballot paper account for any ballot-box is destroyed or not immediately available the deputy returning officer shall, if possible, determine the number of ballot papers that could properly have been deposited in the box, by reference—

(*a*) to the marked copy of the portion of the register relevant to that box; and

(*b*) to the number of ballot papers remaining unused out of the number supplied to the presiding officer;

and if the number of papers found in the box is equal to or less than the number so determined, he shall inform the several election agents then present and, subject to Rule 54, shall admit the papers to the count.

(3) If for any reason it is not possible to comply with paragraph (2) the deputy returning officer shall forthwith, in the presence of the candidates or their election agents, cause each ballot paper found in the box to be examined; and if no such paper bears—

(*a*) a serial number not borne by any of the ballot papers supplied to the polling station; or

(*b*) the same serial number as that borne by another paper found in the box; or

(*c*) no serial number;

the number of papers found in that box shall be deemed to be the number of ballot papers issued by the presiding officer for deposit in that box and the deputy returning officer shall admit to the count the papers so found.

(4) If any such ballot papers as are referred to in sub-paragraphs (*a*), (*b*) or (*c*) of paragraph (3) are found in the box, the deputy returning officer shall designate that ballot-box a reserved box.

(5) If in any ballot-box brought from a single box station the number of ballot papers found exceeds that shown in the relevant ballot paper account or determined under paragraph (2), the deputy returning officer shall forthwith, in the presence of the candidates or their election agents, cause each such

ballot paper to be re-examined, and any papers to be abstracted which do not bear the official mark or which bear no serial number or a serial number not borne by any of the ballot papers supplied to that polling station; and if after such abstraction the number of ballot papers found in that box is still excessive and, on further examination, it appears that two or more ballot papers bearing the same serial number and marked with the official mark have been deposited in that box, the deputy returning officer shall designate that ballot-box a reserved box.

(6) If in any ballot-box brought from a multiple station the number of ballot papers found exceeds that shown in the relevant ballot paper account or determined under paragraph (2), and the deputy returning officer, after ascertaining the number of ballot papers found in the other box or boxes brought from that station—

(*a*) is satisfied that the discrepancy was caused solely by the deposit by voters of their ballot papers in the wrong ballot-box, he shall admit to the count the ballot papers contained in the box in question;

(*b*) is not satisfied that the discrepancy was so caused as aforesaid, he shall forthwith carry out the procedure provided in paragraph (5).

(7) If where only one election is being held the number of ballot papers found in any ballot-box (in this Rule referred to as a "deficient box" is less than the number of papers shown in the relevant ballot paper account, he shall inform the several election agents then present of the deficiency but shall admit those ballot papers to the count.

(8) If where in elections for two district electoral areas the polls for those areas have been taken together in the same polling station a deficient box is found in relation to one of those elections, and—

(*a*) the deputy returning officer has, in accordance with paragraph (2) of Rule 49 transmitted votes found to have been wrongly deposited he shall examine those papers and shall add to the contents of the deficient box such of them as may properly be so added and shall then admit to the count such contents so augmented, unless the aggregate number of ballot papers thus made admissible exceeds the number of ballot papers which might properly have been deposited in the deficient box, in which case paragraph (5) or paragraph (6), as the case may be, shall apply;

(*b*) no wrongly deposited ballot papers have been received and the deficiency is not substantial, the deputy returning officer shall inform the election agents of the deficiency and shall admit the contents of the box to the count;

(*c*) no wrongly deposited ballot papers have been received and the deficiency is so substantial as to be likely to affect the result of the election, the deputy returning officer shall inform the several election agents of the deficiency and shall admit to the count the contents of the deficient box; but he shall not proceed with the count until any papers which ought to have been deposited in that box and are later received by him have been taken into account under sub-paragraph(*a*) or until he is satisfied that the deficiency will not be made good under that sub-paragraph.

(9) Where under this rule a ballot-box has been designated a reserved box and it has not been possible to determine by reference to the ballot paper account or to the other documents referred to in paragraph (2) the number of ballot papers that could properly have been deposited in the box, all the electors allotted to that box shall be deemed to have duly voted and their ballot papers shall be deemed to have been deposited in that box.

(10) Where a ballot-box has been designated a reserved box under sub-paragraph (*b*) or sub-paragraph (*c*) of paragraph (1), the deputy returning officer shall, in the presence of the several election agents, proceed in accordance with the following provisions of this paragraph—

the deputy returning officer shall himself—

(*a*) extract from the box singly as many as possible of the ballot papers which are intact or not wholly destroyed; and

(*b*) examine each ballot paper so extracted, and, subject to Rule 54, admit as valid any such paper which is intact or of which a sufficient portion remains decipherable to satisfy him, after consultation with the several election agents then present—

(i) that it is a genuine ballot paper; and

(ii) that the intention of the voter can be determined notwithstanding that by reason of damage that portion either does not bear the official mark or does not bear a serial number; and

(*c*) sort and count the ballot papers so admitted in accordance with these Rules;

(11) Where any ballot-box has been designated a reserved box the deputy returning officer may, subject to the provisions of paragraph 12, with the agreement of the candidates or their election agents, to admit such a reserved ballot-box to the count.

(12) If in any election the number of ballot-boxes designated reserved boxes is such as to give the deputy returning officer reasonable grounds to suspect that corrupt or illegal practices or other contraventions of the law have prevailed in the election to such an extent as would preclude the securing of a valid result of the election, he may at his discretion declare the election null and void.

(13) Where, pursuant to this rule, the deputy returning officer declares an election to be null and void he shall immediately inform the Chief Electoral Officer and with his approval shall then proceed to a fresh election as if one of the candidates had died before the commencement of the poll and Rules 67 and 68 shall apply to all documents, other than nomination papers, used at an election which has been declared null and void in like manner as on the completion of a count.

Conduct of the counting of the votes

52.—(1) The deputy returning officer shall cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid and shall, in accordance with these Rules, ascertain and record the number of votes given to each candidate.

(2) The deputy returning officer, while counting and recording the number of ballot papers, shall cause the said papers to be kept face upwards and due precautions to be taken to prevent any person from seeing the numbers printed on the backs of the said papers.

Rules for the counting of the votes

Definitions

53. In this Part—

"candidate's vote" means the value of voting papers credited to a candidate at any stage of the count;

"continuing candidate" means any candidate not deemed to be elected and not excluded;

"count" means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of excluded candidates.

"deemed to be elected" means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;

"determine by lot" means determine as follows:—the name of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate whose name is drawn shall be the candidate

(i) who is next excluded, or

(ii) whose surplus is next transferred, as the case may be.

"mark" means a figure, a word written in the English language or a mark such as "X";

"non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate; provided that a paper shall be deemed to have become a non-transferable paper whenever—

(*a*) the names of two or more candidates (whether continuing candidates or not) are marked with marks which, in the opinion of the deputy returning officer, indicate the same order of preference and are next in order of preference; or

(*b*) the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the deputy returning officer, does not follow consecutively after some other mark on the ballot paper, or with two or more marks; or

(*c*) it is void for uncertainty;

"original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

"preference" shall be interpreted as follows—

(*a*) "first preference" means the figure "1" or any mark which, in the opinion of the deputy returning officer, clearly indicates a first preference;

"second preference" means the figure "2" or any mark which, in the opinion of the deputy returning officer, clearly indicates a second preference standing in succession to a first preference;

"third preference" means the figure "3" or any mark which, in the opinion of thedeputy returning officer, clearly indicates a third preference standing in succession to a second preference; and so on;

(*b*) "next available preference" means a preference which, in the opinion of the deputy returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preference next in order on the ballot for candidates already deemed to be elected or excluded being ignored;

"surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota;

"stage of the count" means the determination of—

(*a*) the first preference vote for each candidate (the first stage); or

(*b*) the transfer of a surplus of a candidate deemed to be elected; or

(*c*) the exclusion of one or more candidates at the same time;

"transferable paper" means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

"transferred vote" in regard to any candidate, means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

Invalid ballot papers

54.—(1) Any ballot paper—

(*a*) which does not bear the official mark; or

(*b*) on which the figure 1 standing alone is not placed so as to indicate a first preference for some candidate; or

(*c*) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or

(*d*) on which anything (other than the printed number on the back) is written or marked by which the voter can be identified; or

(*e*) which is void for uncertainty;

shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words "one", "two", "three", (and so on) or any other mark which, in the opinion of the deputy returning officer, clearly indicates a preference or preferences.

(2) The deputy returning officer shall endorse "Rejected" on any ballot paper which under this Rule is not to be counted and he shall prepare a statement showing the number of ballot papers rejected by him under each of the paragraphs (*a*), (*b*), (*c*) and (*d*) of paragraph (1) and shall, on request, allow any candidate or agent of a candidate to copy such statement.

(3) Where the statement referred to in paragraph (2) of this Rule is prepared by an assistant returning officer the statement shall be transmitted to the deputy returning officer as soon as practicable.

First stage

55.—(1) After any action necessary under the provisions of Rule 51 has been taken, the deputy returning officer shall, after rejecting any that are invalid, arrange the ballot papers in parcels according to the first preferences recorded for each candidate.

(2) The deputy returning officer shall then count the number of papers in each parcel and credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for that candidate and he shall then ascertain the number of all valid papers. The number of first preference votes for each candidate shall then be recorded on the result sheet and the total numbers of first preference votes for all the candidates shall then be reconciled with the total determined valid vote.

The quota

56.—(1) The deputy returning officer shall then divide the number of all valid papers by a number exceeding by one the number of members to be elected. The result increased by one, any fractional remainder being disregarded, shall be the number of votes sufficient to secure the election of a candidate. This number is referred to in these Rules as "the quota".

(2) Where at the end of any stage of the count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected.

Transfer of surplus

57.—(1) Where at the end of any stage of the count the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with this rule to the continuing candidate or candidates indicated on the ballot papers in the parcel or sub-parcel of the candidate deemed to be elected according to the next available preferences recorded thereon.

(2) Where the votes credited to a candidate whose surplus is to be transferred consist of original votes only, the deputy returning officer shall examine all the papers in the parcel of that candidate and shall arrange the transferable papers in sub-parcels according to the next available preferences for continuing candidates recorded thereon.

(3) Where the votes credited to a candidate whose surplus is to be transferred consist of original and transferred votes, or of transferred votes only, the deputy returning officer shall examine the papers contained in the sub-parcel last received by that candidate and shall arrange the transferable papers therein in further sub-parcels according to the next available preferences for continuing candidates recorded thereon.

(4) In either of the cases referred to in paragraphs (2) and (3) the deputy returning officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(5) If at any stage of the count two or more candidates have surpluses, the largest surplus shall be transferred first. If the surpluses determined in respect of two or more candidates are equal, the surplus of the candidate who had the highest recorded vote at the earliest preceding stage at which they had unequal votes shall be first transferred and if the votes credited to these two or more candidates were equal at all stages of the count, the deputy returning officer shall determine by lot which surplus shall be first transferred.

(6) In transferring the surplus of any candidate deemed to be elected each ballot paper of that candidate shall be transferred—

(*a*) either at a calculated value equal to the total of the surplus divided by the number of transferable papers, the calculation involved being made to two decimal places ignoring the remainder if any; or

(*b*) at the value at which such a paper had been received by the candidate from whom it is being transferred;

whichever is the less.

(7) All papers transferred in accordance with the provisions of paragraph (6) of this rule shall be clearly marked with the transfer value accorded to each paper either singly or as a sub-parcel of such transferred papers.

(8) The deputy returning officer in carrying out such a transfer of a surplus shall at each such stage enter on the election result sheet for the district electoral area the value of the papers transferred to each continuing candidate. In doing so he shall add the value of transferred papers to the previous vote recorded in each case and then determine and record on the result sheet the new total vote received by each candidate at that stage of the count.

(9) The deputy returning officer shall also enter on the result sheet as non-transferable votes the difference between the surplus and the total value of the transferred papers and add this difference to the recorded total of the previous non-transferable vote.

(10) At each stage of the count when a transfer of a surplus has been effected the deputy returning officer shall reconcile from his result sheet the total of votes at that stage credited to all candidates, together with the total non-transferable vote, with the already determined total valid vote for the district electoral area for which the votes are being counted.

(11) When at any stage the transfer of a surplus has been effected and the procedures at paragraphs (8), (9) and (10) have been completed then the deputy returning officer shall deem to be elected any candidate whose total vote, at that stage, then equals or is in excess of the declared quota for that district electoral area. The transfer of a surplus constitutes a further stage in the count.

(12) The deputy returning officer shall proceed to transfer surpluses until no surplus remains to be transferred. However, a surplus shall not be subject to transfer where that surplus, together with any other surpluses at that particular stage of the count not already transferred, is:—

(*a*) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote; or

(*b*) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidate next above such candidates.

Exclusion of candidate

58.—(1) If, after completion of the transfer of surpluses as prescribed in Rule 57, one or more vacancies in an election for vacancies in a district electoral area remain to be filled, the deputy returning officer shall exclude from the election at that stage of the count the candidate then credited with the lowest vote.

(2) When a candidate has been excluded in accordance with the provisions of paragraph (1) of this Rule the deputy returning officer shall then arrange the papers attributed at that stage to such excluded candidate in sub-parcels according to their transfer value.

(3) The deputy returning officer shall then commence to examine firstly the sub-parcel of such papers of highest transfer value and proceed to transfer the papers contained in each of these sub-parcels of papers of different transfer value in turn. The papers in each such sub-parcel shall be sorted and transferred at the value at which they were received in accordance with the next available preferences expressed on such papers for the continuing candidates, passing over preference for candidates who at such a stage have either been then already deemed to be elected or have been excluded. Any papers on which no next available preferences have been expressed shall be then set aside as non-transferable papers.

(4) After the transfer of papers of any one transfer value the deputy returning officer shall deem to be elected any candidate whose total vote equals or is in excess of the quota for the district electoral area.

(5) When the procedures required at paragraphs (1), (2) and (3) have been completed and all sub-parcels of papers of an excluded candidate have been transferred, the deputy returning officer shall record on the result sheet the total value of the papers transferred to each continuing candidate, adding such totals to the candidate's previously recorded total vote in each case, thus determining the new total vote for each continuing candidate at that stage.

(6) The deputy returning officer shall then record on the result sheet the value of the non-transferable papers and add such total to the previous non-transferable papers total. The total number of votes at that stage of the count credited to all candidates, together with the total of the non-transferable vote, shall be reconciled with the total valid vote for the district electoral area for which the votes are being counted.

(7) Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the deputy returning officer may in one operation exclude such two or more candidates—

(8) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest, regard shall be had to the total numbers of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded and, where the numbers of votes credited to those candidates were equal at all stages, the deputy returning officer shall determine by lot which candidate shall be excluded.

(9) The exclusion of a candidate, or two or more candidates together, constitutes a further stage in the count.

Transfer of votes

59.—(1) Where the transfer of votes is made under Rules 57, or 58 each sub-parcel of papers transferred, marked as to the transfer value, shall be placed on top of the parcel, if any, of papers of the candidate to whom the transfer is made and that candidate shall be credited with a total number of votes equal to the transferred value of the papers transferred to him.

(2) If after any transfer of votes a candidate has a surplus that surplus shall be dealt with in accordance with and subject to the provisions of Rule 57 before any other candidate is excluded.

Filling of last vacancies

60.—(1) When the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be elected.

(2) Where only one vacancy in a district electoral area remains unfilled and the votes of some one continuing candidate are equal to or greater than the total of votes credited to another or other continuing candidates together with any surplus not transferred that candidate shall thereupon be deemed to be elected.

(3) When the last vacancies can be filled under this Rule, no further transfer of votes shall be made.

Recount

61.—(1) The deputy returning officer on completion of each stage of the count shall, before proceeding with the next stage involved, inform all the candidates and their election agents then present of his intention, subject to a request for a recount, to proceed to the next stage. At that time any candidate or his election agent, if he so desires and considers it necessary to do so, can request that a recount be undertaken of the immediate preceding stage. If such a request is made the deputy returning officer will then proceed to carry out the recount of the immediate preceding stage, but, if no such request is made, then the deputy returning officer will proceed with the next subsequent stage of the count. The deputy returning officer may also at his discretion recount papers either once or more often in any case in which he is not satisfied as to the accuracy of any stage, but nothing herein shall make it obligatory on the deputy returning officer to recount the same parcel or sub-parcel more than once.

(2) Where as a result of a recount an error is discovered, the deputy returning officer shall, where necessary, amend any results previously announced by him.

Order of election of candidates

62.—(1) The order in which candidates credited with a number of votes equal to or greater than the quota shall be deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for paragraph (12) of Rule 57. A candidate credited with a number of votes equal to and not greater than the quota shall, for the purpose of this Rule, be regarded as having had the smallest surplus at the count at which he obtained the quota.

(2) Where the surpluses of two or more candidates are equal and need not be transferred, regard shall be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidates credited with the greatest number of votes at that stage shall be deemed to be the largest. Where the numbers of votes credited to such candidates were equal at all counts, the deputy returning officer shall determine by lot the order in which such candidates shall be deemed to have been elected.

Declaration of the result of the poll

63. On the completion of the counting of the votes the deputy returning officer shall declare the result of the poll and the candidates deemed to be elected shall thereupon stand elected in the order ascertained in accordance with Rule 62.

Decisions of the deputy returning officer

64. The decision of the deputy returning officer, whether expressed or implied by his acts, on any question which arises in relation to the exclusion of any candidate under Rule 58 or to any ballot paper or transfer of votes shall be final, subject to reversal on petition questioning the election.

Result of election

Return of persons elected

65.—(1) The deputy returning officer for each local government electoral area shall give public notice of the names and descriptions of the candidates elected and also, in the case of a contested election, of the total number of votes for each candidate, whether elected or not, of any transfer of votes, of the total number of votes credited to each candidate at the end of each stage of the count at which such transfer took place, and the order in which the candidates were elected. He shall also send a copy of the said notice, together with any other information which may be required, to the Chief Electoral Officer.

(2) The Chief Electoral Officer upon receipt of the returns of candidates elected to each district council shall prepare in the case of each local government electoral area a certified statement of the persons then elected as councillors and each such statement shall be immediately transmitted to the officer of an existing local authority designated by the Ministry of Development to act as Clerk of the Council.

Copies of such certified statements relating to each district council shall be transmitted to the Ministry of Development.

Election report by Chief Electoral Officer

66. The Chief Electoral Officer shall as soon as practicable after receipt of the returns of the elections for each of the district councils in the local government electoral areas, prepare and publish a report of the results of the 1973 election. Such report will include the detailed election results for each local government electoral area together with details for the total election expenses and any other matter which he may consider to be relevant and appropriate.

PART VII

DISPOSAL AND ORDERS FOR PRODUCTION OF DOCUMENTS

Disposal of documents, etc., by deputy returning officer

67.—(1) On the completion of the count, the deputy returning officer shall place in separate sealed packets—

(*a*) the counted ballot papers including the sealed packets of damaged ballot papers counted from any reserved ballot-box;

(*b*) the rejected ballot papers;

(*c*) the counterfoils of all ordinary ballot papers used, with the certificates (if any) presented under Rule 41;

(*d*) the tendered ballot papers used and their counterfoils;

(*e*) the ballot papers found in any reserved box which under the provisions of these Rules have not been counted;

and shall mark on each packet the nature of the contents thereof and shall place the several packets in a parcel which he shall seal and on which he shall mark particulars of its contents, the date of the election to which they relate and the district electoral area for which that election was held.

(2) The deputy returning officer shall also place in a parcel—

(*a*) the marked copy of the register used at the polling station;

(*b*) the ballot paper accounts;

(*c*) the lists of tendered votes;

(*d*) the assisted voters lists;

(*e*) the statement of the number of votes given for each candidate and the number of rejected ballot papers;

(*f*) the statement of the contents of the ballot-boxes;

(*g*) all declarations of secrecy;

(*h*) the local proxy list; and

(*i*) the candidates' nomination papers (whether valid or not);

and shall mark on the parcel particulars of its contents, the date of the election to which they relate and the district electoral area and local government electoral area for which that election was held.

(3) The deputy returning officer shall retain for six months all such documents as are referred to in paragraphs (1) and (2) and thereafter shall, unless otherwise directed by an order of a court or tribunal having cognizance of any question relating to the election, cause the documents to be destroyed, maintaining until the destruction is complete, due regard to the secrecy of the ballot.

Orders for production, etc., of documents

68.—(1) No person shall be permitted—

(*a*) to inspect any rejected ballot papers;

(*b*) to open any sealed packet of counterfoils and certificates presented under Rule 71;

(*c*) to inspect any counted or uncounted or tendered ballot papers;

in the custody of the deputy returning officer, except under an order of the High Court, a county court or an election court (in this Rule referred to as "an order").

(2) An order shall not be made unless 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 election petition.

(3) An order may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the court may think expedient, but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted or uncounted or tendered ballot papers, care shall 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 that his vote was given and that the vote has been declared by a competent court to be invalid.

(4) An appeal shall lie to the High Court from any order of a county court made under this Rule.

(5) Where an order is made for the production by the Chief Electoral Officer or a deputy returning officer of any document in their possession relating to any specified election the production in compliance with the order by them or their agent of that document shall be conclusive evidence that the document relates to the specified election; and 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.

(6) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person with whose name in the register at the time of the election there was associated the same number as that written on the counterfoil.

(7) All documents in the unsealed parcel in the custody of the returning officer shall be open to public inspection during the ordinary office hours, on payment of a fee of 50 new pence; and the deputy returning officer shall on demand made and payment of a fee of 10 new pence for every seventy-two words by any person supply to that person a copy of or extract from any such document.

SCHEDULE 2

Local General Election Forms

Form	
L.E.1	Notice of election
L.E.2	Nomination form
L.E.3	Notice to candidate as to validity or invalidity of nomination
L.E.4	Statement of persons standing validly nominated
L.E.5	Notice to candidate where no poll is to be taken
L.E.6	Form of ballot paper
L.E.7	Polling information card
L.E.8	Notice of poll
L.E.14	Local proxy list
L.E.15	Assisted voters list
L.E.16	Certificate of employment as constable
L.E.17	Certificate of employment as deputy returning officer
L.E.18	Tendered voters list
L.E.19	Declaration to be made by the polling agent
L.E.20	Ballot paper account
L.E.21	Presiding Officer's envelope No. 1
L.E.22	Presiding Officer's envelope No. 2
L.E.23	Presiding Officer's envelope No. 3
L.E.24	Statement of persons taken into custody
L.E.25	Statement—number of ballot papers issued and found in each ballot box
L.E.26	Declaration by voter of inability to read
L.E.27	Statutory declaration of secrecy
L.E.28	Paragraph 27 of Ninth Schedule to the Electoral Law Act (Northern Ireland) 1962
L.E.29	Form of declaration and attestation made by companion of blind voter
L.E.30	Form of declaration of result of poll
L.E.31	Notice of result of elections
L.E.32	Form of directions for guidance of voter in voting

Forms L.E. 9, 10, 11, 12 and 13 are not used for election purposes.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 1

LOCAL ELECTION

[*Form of notice of election to be used in district council elections*]

District of .....

District Electoral Area .....

NOTICE OF ELECTION OF DISTRICT COUNCILLORS

NOTICE IS HEREBY GIVEN THAT:

1. The day of election of councillors for all the district electoral areas of the said district council of ..... will be Wednesday the 30th day of May 1973.

2. The numbers of district councillors to be elected for each district electoral area, comprised in the district council, are as follows:

District Electoral Area No.	*Wards*	*Number to be elected*
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

3. Each candidate for election for a district electoral area must be nominated in writing and must signify in writing his consent to his nomination. Forms of nomination and consent may be obtained on application to my principal office situate at ..... or at the subsidiary office/s of my Assistant Returning Officer/s situate at .....
.....
Such forms must be completed in all respects and delivered in person by the candidate or his proposer or seconder to me at my principal office together with the deposit of £15 (fifteen pounds), between the hours of 10 a.m. and 5 p.m. on nomination day, which is Wednesday the 2nd day of May 1973.

4. Any candidate nominated for election may not later than 3 p.m. in the afternoon on Thursday the 3rd day of May 1973, withdraw his candidature by delivery in person by him or by his proposer or seconder at my principal office a notice in writing, signed by him, of such withdrawal.

5. If the number of candidates standing validly nominated for a district electoral area, after the expiration of the time fixed for withdrawals, still exceeds that of the number of persons to be elected a poll will be taken on Wednesday the 30th day of May 1973, due notice of which shall be given.

Dated this day of May 1973.

.....
Deputy Returning Officer

.....
Principal Office for the purpose of the Election

NOTE

1. Every person guilty of a corrupt or illegal practice will, on conviction, be liable to the penalties imposed by Part X of and the Ninth Schedule to the Electoral Law Act (Northern Ireland) 1962.

2. Every person having a claim against the Chief Electoral Officer or a Deputy or Assistant Returning Officer for any debt incurred by or on behalf of the Chief Electoral Officer as Returning Officer for the purposes of the 1973 local general election shall, within twenty-one days after the day on which public notice is given of the result of the election, send to the Deputy Returning Officer for a local government electoral area details of particulars in writing of such claim and the Chief Electoral Officer or a Deputy Returning Officer shall not be liable in respect of anything which is not duly stated in such particulars.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 2

LOCAL ELECTION

[*Form of nomination paper and of consent of candidate to nomination for a local election*]

District of .....

District Electoral Area .....

ELECTION OF DISTRICT COUNCILLORS FOR THE ABOVE DISTRICT ELECTORAL AREA IN THE YEAR 1973

WE, the undersigned being electors of the said district electoral area, DO HEREBY NOMINATE the under-mentioned person as a candidate at the said election:

Name of Candidate		*Place of residence.*	*Description*	*Qualification*
Surname	*Other names*			
1	2	3	4	
Number in Register of Electors (if any)				

Signature of Proposer	Signature of Seconder .....
Place of residence	Place of residence .....
Number in Register of Electors	Number in Register of Electors .....

CONSENT OF CANDIDATE TO NOMINATION

I, ...

of .....

HEREBY CONSENT TO MY NOMINATION as a candidate for election as a councillor for District Electoral Area..... of the District of .....

..... Signature of Candidate

..... Date

CONSENT ON BEHALF OF A CANDIDATE WHO IS PREVENTED BY ILLNESS OR OTHER SUFFICIENT CAUSE FROM SIGNIFYING CONSENT

I, ...

of .....

being a local elector for District Electoral Area ..... of the District of ..... hereby on behalf of ..... of .....

CONSENT TO HIS NOMINATION AS A CANDIDATE for election as a councillor for District Electoral Area ..... and I hereby declare that I have been duly authorised by the said ..... of ..... to signify such consent.

..... Signature

..... Date

RECEIVED by the Deputy Returning Officer for the Election of Members to the District Council of .....

at ..... on the 2nd day of May 1973, together with a deposit of £15.

.....
Deputy Returning Officer

.....
Principal Office for the purpose of the Election

[*Form of back of Nomination Paper*]

INSTRUCTIONS FOR FILLING UP NOMINATION PAPER

1. The surname of only one candidate for election must be inserted in column 1. The candidate's number, if any, in the re-arranged 1973 Register of Electors must be inserted in the space provided at the bottom of columns 1 and 2.

2. The other (christian) names of the candidate must be inserted in full in column 2.

3. Insert in column 3 the place of residence of the candidate.

4. In column 4 the description of the candidate must not exceed six words and need not refer to the rank, occupation or calling so long as with the other particulars of the candidate it is sufficient to identify him.

If a candidate is eligible for nomination only on the qualification that his principal or only place of work during the twelve months immediately preceding the day on which he is nominated as a candidate has been in the district of the council for which he is being nominated, then he should ensure that in column 4 is entered full details as to his occupation as to the name and address of the premises; shop, factory, etc., as the case may be, at which he works and on which his qualification is based.

5. No person is eligible for nomination as a candidate for election to any district council of a local government electoral area unless he possesses the qualifications in that regard required by law, that is to say:—

The qualifications are those required by section 3 of the Local Government Act (Northern Ireland) 1972, as follows:

(*a*) he has attained the age of 21 years; and

(*b*) he is a British subject or a person to whom section 121 of the Electoral Law Act (Northern Ireland) 1962 applies, and

(*c*) either—

(i) he is a local elector for the district of the council for which he is being nominated as a candidate; or

(ii) he has during the whole of the twelve months immediately preceding the day on which he is being nominated as a candidate occupied as owner or tenant any land in the district of the council, or resided in the district of the council; or

(*d*) his principal or only place of work during that twelve months has been in the district of the council.

6.—(1) The paper must be signed by two local electors of the district electoral area for which a person is being nominated as a candidate, and no more—by one as proposer and by the other as seconder. The places of residence of the proposer and seconder, and their numbers in the register, must also be inserted.

Instead of signing, the proposer or seconder may affix his mark, if it is witnessed by one person who shall append his signature and address.

(2) A local elector must not sign more nomination papers for the district electoral area than there are vacancies to be filled, and he must not sign a nomination paper for such district electoral area unless he is registered as a local elector in respect of a qualification therein.

7. Each candidate for election must deposit, or cause to be deposited, with the deputy returning officer at his principal office for the purpose of election not later than the latest time for the delivery of nomination papers on the nomination day, the sum of £15.00 (fifteen pounds) by way of election deposit as specified by section 60(3)(*b*) of the Electoral Law Act (Northern Ireland) 1962 as amended.

8. The nomination is not complete and valid unless it includes the consent of, or on behalf of the candidate to nomination. The appropriate form of consent embodied in the nomination paper must, therefore, be completed in every case.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 3

LOCAL ELECTION

[*Form of notice to Candidate as to validity or invalidity of nomination*]

ELECTION OF COUNCILLORS

NOTICE TO CANDIDATE AS TO VALIDITY OR INVALIDITY OF NOMINATON

District of .....

District Electoral Area .....

ELECTION OF DISTRICT COUNCILLORS FOR DISTRICT ELECTORAL AREA .....

To .....

.....

.....

.....

*I hereby give you notice that you stand validly nominated as a candidate for the above election.

*I hereby give you notice that the nomination paper/s lodged by you or on your behalf as a candidate for the above election has/have been determined to be invalid for the following reason(s):

[*Here insert reason(s) for determining nomination(s) to be invalid*]

.....

.....

.....

.....

.....

and that accordingly you do not stand validly nominated as a candidate for the said election.

.....
Deputy Returning Officer

Dated this.....day of.....1973

.....
Principal Office for the purpose of the Election

*Use whichever paragraph is appropriate.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 4

LOCAL ELECTION

[*Form of notice of statement of persons standing validly nominated*]

ELECTION OF COUNCILLORS

STATEMENT OF PERSONS STANDING VALIDLY NOMINATED

District of .....

District Electoral Area .....

The under-mentioned persons have been validly nominated

Persons standing validly nominated				*Proposed by*	*No. in Register of Electors*	*Seconded by*	*No. in Register of Electors*
Name (Surname first)	*Place of residence*	*Description*	*Qualification*				

.....
Deputy Returning Officer

Dated this.....day of.....1973

.....
Principal Office for the purpose of the Election

NOTE: This Form may be adapted as appropriate.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 5

LOCAL ELECTION

[*Form of notice to candidate where no poll is to be taken*]

ELECTION OF COUNCILLORS

NOTICE TO CANDIDATE WHERE NO POLL IS TO BE TAKEN

District of .....

District Electoral Area .....

To .....

.....

.....

.....

I hereby give you notice that as the number of candidates standing validly nominated for the above election is not greater than the number of vacancies I have declared you to be elected as a councillor for District Electoral Area ..... in the District Council of .....

.....

.....
Deputy Returning Officer

Dated this day of 1973.

.....
Principal Office for the purpose of the Election

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 6

LOCAL ELECTION

(Form of ballot paper for a local election)

FORM OF FRONT OF BALLOT PAPER

Counterfoil No. .....

Elector's Registration No. .....

District of .....

District Electoral Area .....

.....

The counterfoil is to have a number to correspond with that on the back of the ballot paper.

BALLOT PAPER

District Council of.....

District Electoral Area Number.....

Mark order of preference in space below	*Official mark*
	BLACK—CONSTRUCTION PARTY (Joseph Black of 5 Down Street—Engineer)
	BLUE—CONCERT PARTY (Veronica Blue of 9 Mourne View—Singer)
	BROWN—THIRD PARTY (Rupert Brown of 8 Magilligan Drive—Solicitor)
	GOLD—NON PARTY (John Gold of 29 Gilford Place—Driver)

Mark order of preference in space below	*Official mark*
	HAZEL—GARDEN PARTY (Horace Hazel of Glen Cottage—Nurseryman)
	LIME—THIRD PARTY (Harry Lime of 7 Gortin Mansions—Insurance Broker)
	PLUM—INDEPENDENT (Peter Plum of 3 Strangford Road—Greengrocer)
	ROSE—GARDEN PARTY (Ophelia Rose of 41 Devenish Drive—Florist)
	SILVER—CONSTRUCTION PARTY (Sterling Silver of 3 Mourne View—Architect)
	VIOLET—WORKING PARTY (Gentian Violet of 11 Moira Terrace—Dispenser)

BACK OF BALLOT PAPER

No. .....

DIRECTIONS AS TO PRINTING THE BALLOT PAPER

1. The ballot paper shall be printed on paper of the colour as directed by the Chief Electoral Officer in accordance with the provisions of Rule 22 of the Electoral Law (Local General Election 1973) Regulations (Northern Ireland) 1973.

2. Nothing is to be printed on the ballot paper except in accordance with these directions.

3. The following arrangements shall be observed in the printing of the ballot paper—

   (*a*) apart from the particulars as to the local election area to which the ballot paper relates and the instructions to "Mark Order of Preference in space below" no other word or words shall be printed on the face except the particulars of the candidates;

(*b*) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidate from one another and the vertical rule separating those particulars from the spaces on the left side of the paper where the single transferable vote is to be marked;

(*c*) the whole space between the particulars of the local election area and the bottom of the paper shall be equally divided between the candidates by the rules separating these particulars.

4. (*a*) The ballot paper shall contain the names, addresses, occupations and descriptions, if any, of the candidates standing nominated, as shown in their respective nomination paper, determined as being valid. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates bearing the same surname, in alphabetical order of their other names, or if their other names are the same, in the alphabetical order of their occupations;

(*b*) the surname of each candidate and the name of his political party, group, organization or other body, or if the candidate has described himself as "Independent" or "New Party", those words, shall be printed in large characters and his full name, address and occupation, if any, as appearing in his nomination paper, shall be printed in small characters;

(*c*) where the surnames of two or more candidates are the same there shall also be printed in large characters the other names of such candidates and so much of the descriptions of such candidates as appearing in their respective nomination papers, as will, in the opinion of the deputy returning officer, distinguish such candidates;

(*d*) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the deputy returning officer, is best for marking and counting;

(*e*) the ballot papers shall be numbered consecutively on the back and the front of the counterfoil attached to each ballot paper and shall bear the same number. The numbers on the ballot papers shall be printed in the smallest characters compatable with legibility and shall be printed on or about the centre of the paper.

5. The ballot papers shall be printed and made up in book form which—

(*a*) for ordinary ballot papers shall each contain, at the discretion of the deputy returning officer, one hundred papers of the same colour;

(*b*) for the tendered ballot papers shall each contain not more than twenty-five papers of the same colour;

(*c*) shall be so bound that at the close of the poll the counterfoils of the issued papers can be detached from those of the unused papers.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 7

LOCAL ELECTION

(Form of polling information card)

POLLING INFORMATION CARD

(FRONT OF CARD)

POLLING INFORMATION CARD

District of	
District Electoral Area	
	.....
Your Polling Station is	.....
.....	.....
.....	
Deputy Returning Officer	No. on Register .....

(BACK OF CARD)

LOCAL ELECTIONS NORTHERN IRELAND 1973

THIS POLLING INFORMATION CARD DOES NOT AUTHORISE ANY PERSON TO VOTE WHO IS PROHIBITED FROM VOTING NOR DOES IT ESTABLISH THE IDENTITY OF THE PERSON IN WHOSE POSSESSION IT MAY BE.

KEEP THIS CARD CAREFULLY FOR REFERENCE ON POLLING DAY.

IT WILL ASSIST YOU IN CLAIMING YOUR BALLOT PAPER AT YOUR POLLING STATION

POLLING DAY: WEDNESDAY 30th MAY 1973

HOURS OF POLL—FROM 8 A.M. TO 8 P.M.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 8

LOCAL ELECTION

(Form of notice of poll)

District of .....

District Electoral Area .....

NOTICE OF POLL

NOTICE IS HEREBY GIVEN:

1. That a poll for the election of ..... councillors for the above-mentioned District Electoral Area will be held on the ..... day of ..... 1973 between the hours of 8 a.m. and 8 p.m.

2. That the particulars of the candidates standing validly nominated are as shown below:

Name of Candidate (Surname first)	*Number in Register (if any)*	*Place of residence*	*Description*	*Name of Proposer (Surname first)*	*Proposer's Number in Register*	*Name of seconder (Surname first)*	*Seconder's Number in Register*

3. The polling stations in the District Electoral Area to be used for the election and the description of the persons entitled to vote thereat are as follows:

Ward	*Number of polling station*	*Situation of polling station*	*Description of voters entitled to vote at polling station*

Note to be added where appropriate to the table of polling stations:

"Attention is directed to the entry in the above list of polling stations marked*. The station therein named is ["additional to the stations set out in the polling station scheme approved on..... 1973"] or ["in substitution for station.....in the polling station scheme approved on.....1973"] and the addition or substitution has been approved by the Chief Electoral Officer for Northern Ireland."

4. That the poll will be taken by ballot in accordance with the principle of proportional representation, each elector having one transferable vote.

5. That special arrangements will on request be made by the presiding officer to mark the ballot paper of any person prevented from doing so personally by reason of total or partial blindness, defective vision, or illiteracy, or any other physical disability or of any religious belief.

.....
Deputy Returning Officer

Dated this ..... day of 1973

.....
Principal Office for the purpose of the Election

A DEPUTY RETURNING OFFICER MAY, IF HE WISHES, INCLUDE IN THE ONE NOTICE OF POLL PARTICULARS OF THE ELECTIONS FOR ALL THE DISTRICT ELECTORAL AREAS COMPRISED IN HIS DISTRICT COUNCIL BUT SEPARATE TABLES MUST BE USED FOR EACH SEPARATE DISTRICT ELECTORAL AREA.

*e.g. "All local electors in the register of electors for the following streets" or "local electors whose numbers in the register are .....".

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 14

LOCAL ELECTION

(*Form of Local Proxy list*)

District of .....

District Electoral Area .....

LOCAL PROXY LIST

Ward	*Number of elector in register of electors*	*Name of elector*	*Address of elector*	*Name of proxy*	*Address of proxy*

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 15

LOCAL ELECTION

(*Form of assisted voters list*)

District of .....

District Electoral Area .....

Ward .....

Polling Station ..... **Ballot Box Number**.....

Date of Poll.....

ASSISTED VOTERS LIST

**Voter's number in register of electors*	*Name of voter*	*Why voter was assisted*			
		Total or partial blindness or defective vision	*Illiteracy*	*Other physical disability (state what)*	*Religious belief*

.....

Presiding Officer

Dated this day of 19 .

*If the assisted voter is voting as proxy for a service elector enter in the first column the elector's number and in the second column the names of both elector and proxy, thus, "A.B. proxy for C.D."

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 16

LOCAL ELECTION

[*Form of certificate of employment as constable*]

District of .....

District Electoral Area .....

CERTIFICATE OF EMPLOYMENT AS CONSTABLE

I certify that* .....
who is numbered ..... in the register of electors for the above-mentioned District Electoral Area will or is likely to be prevented from voting at his alloted polling station at the election on
by reason of discharging his duty as a constable.

.....
(Rank)

Royal Ulster Constabulary District of.....

Dated this day of 1973.

(*Insert name, rank and police number).

NOTE: The person named above is entitled to vote at any polling station for District Electoral Area ..... on production and surrender of this certificate to the presiding officer.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 17

LOCAL ELECTION

[*Form of certificate of employment by Deputy Returning Officer*]

District of .....

District Electoral Area .....

CERTIFICATE OF EMPLOYMENT BY DEPUTY RETURNING OFFICER

I, the Deputy Returning Officer for the above election, hereby certify that ..... who is numbered ..... in the register of electors for that District Electoral Area is employed by me for the purposes of the election on ..... and that the circumstances of his employment are such as to prevent him from voting at his allotted polling station.

.....
Deputy Returning Officer

Dated this day of 1973.

.....
Principal Office for the purpose of the Election

NOTE: The person named above is entitled to vote at any polling station for District Electoral Area ..... on production and surrender of this certificate to the presiding officer.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 18

LOCAL ELECTION

[*Form of tendered votes list*]

District of .....

District Electoral Area .....

Ward .....

Polling Station ..... **Ballot Box No.** .....

Date of Poll.....

TENDERED VOTES LIST

* *Name of elector*	* *Number in Register of electors*

.....
Presiding Officer

Dated this day of 1973.

(*Where a voter as proxy for a service elector, enter in the first column the names of both proxy and elector, thus "AB proxy for CD", and in the second column the elector's number.)

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 19

LOCAL ELECTION

(*Form of declaration made by the polling agent*)

District of .....

District Electoral Area .....

Ward .....

Polling Station ..... **Ballot Box No.** .....

Date of Poll.....

DECLARATION TO BE MADE BY THE POLLING AGENT BEFORE A PERSON ARRESTED FOR AN ALLEGED OFFENCE OF PERSONATION IS REMOVED FROM THE POLLING STATION BY A CONSTABLE

I, ... of .....
appointed under Rule 29 of the Electoral Law (Local General Election 1973) Regulations (Northern Ireland) 1973 as polling agent for .....
a candidate at this election, do hereby declare that I have reasonable cause to believe that the person applying for a ballot paper in the name of ..... of ..... has by so applying committed an offence of personation as defined in paragraph 4 of the Ninth Schedule to the Electoral Law Act (Northern Ireland), 1962, and I undertake to substantiate this charge in a court of law.

.....
Polling Agent

Witness.....

.....
Presiding Officer

Date.....

NOTE: This declaration, together with the statement of persons taken into custody (Form L.E.24) should be placed in an envelope provided for the purpose and kept in safe custody by the presiding officer pending any proceedings.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 20

LOCAL ELECTION

[*Form of ballot paper account*]

District of .....

District Electoral Area .....

Polling District .....

Polling Station ..... **Ballot Box Number** .....

Date of Poll.....

BALLOT PAPER ACCOUNT

ORDINARY BALLOT PAPERS

Number of ballot papers entrusted to presiding officer		*Number of ballot papers issued and not returned as spoilt*	
Serial numbers		*Number of ballot papers not issued*	
From			
To		*Number of ballot papers issued but returned as spoilt*	
Colour		TOTAL	

TENDERED BALLOT PAPERS

Number of tendered ballot papers entrusted to presiding officer		*Number of tendered ballot papers issued and not returned as spoilt*	
Serial numbers		*Number of tendered ballot papers not issued*	
From			
To		*Number of tendered ballot papers issued but returned as spoilt*	
Colour		TOTAL	

.....
Presiding Officer

Date.....

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 21

PRESIDING OFFICER'S ENVELOPE NUMBER 1

LOCAL ELECTION

District of .....

District Electoral Area .....

Ward .....

Polling Station ..... **Ballot Box Number** .....

THE BALLOT PAPER ACCOUNT

Date..... .....

Presiding Officer

FORM L.E. 22

PRESIDING OFFICER'S ENVELOPE NUMBER 2

LOCAL ELECTION

District of .....

District Electoral Area .....

Ward .....

Polling Station ..... **Ballot Box Number** .....

COUNTERFOILS OF BALLOT PAPERS USED BOTH ORDINARY AND TENDERED

CERTIFICATES PRESENTED BY CONSTABLES AND EMPLOYEES OF THE DEPUTY RETURNING OFFICER

Date..... .....

Presiding Officer

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 23

PRESIDING OFFICER'S ENVELOPE NUMBER 3

LOCAL ELECTION

District of .....

District Electoral Area .....

Ward .....

Polling Station ..... **Ballot Box Number** .....

MARKED COPY OF THE REGISTER

UNUSED ORDINARY AND TENDERED BALLOT PAPERS

SPOILT BALLOT PAPERS

LIST OF TENDERED VOTES

LOCAL PROXY LIST

ASSISTED VOTERS LIST

DECLARATIONS OF SECRECY

Date .....

....
Presiding Officer

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 24

LOCAL ELECTION

(*Form of statement of persons taken into custody*)

District of .....

District Electoral Area .....

Ward .....

Polling Station ..... **Ballot Box Number** .....

Date of Poll.....

STATEMENT OF PERSONS TAKEN INTO CUSTODY

Name	*Address and occupation*	*Offence with which the person is charged*	*Name of officer by whom the person was charged. State under "Office" whether presiding officer, poll clerk, polling agent or constable*		*Additional particulars or observations of presiding officer*
			Name and address of officer	*Office*	

I hereby certify that the above information is correctly stated.

Dated this day of 19 .

.....

Presiding Officer

NOTE: This statement together with any relevent declaration of a polling agent should be placed in an envelope provided for the purpose and kept in safe custody by the presiding officer pending any proceedings.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 25

LOCAL ELECTION

(Form of statement—Number of ballot papers issued, etc.)

District of .....

District Electoral Area .....

Date of Poll .....

***STATEMENT SHOWING THE NUMBER OF BALLOT PAPERS ISSUED AND THE NUMBER OF PAPERS FOUND IN EACH BALLOT BOX**

Polling station	*Ballot box number*	*Number of ballot papers issued and not returned as spoilt as shown on ballot paper account or otherwise determined in accordance with the Local General Election Rules*	*Number of ballot papers found in ballot box*
1	2	3	4

TOTALS .....

I hereby certify that I have examined the ballot paper account furnished by the presiding officer in respect of each of the ballot boxes in the polling stations as shown above and have compared the number of papers issued with the number of papers found in the respective ballot boxes and that the result of this examination and comparison is as shown hereon.

.....

Deputy Returning Officer

Dated this day of 1973.

* Particulars of the contents of any reserved boxes are to be shown separately after the entries relating to the other boxes. Such particulars are to include a reference in the provision in Local General Election Rule 51 under which each box was reserved.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 26

LOCAL ELECTION

(Form of declaration of inability to read)

District of .....

District Electoral Area .....

Ward .....

Polling Station ..... **Ballot Box Number**.....

Date of Poll .....

DECLARATION BY VOTER OF INABILITY TO READ

I ..... of .....
being numbered ..... on the Register of Electors for the District Electoral Area ..... in the District of .....
do hereby declare that I am unable to read.

.....His mark

Date.....

I, the undersigned, being the presiding officer for Ballot Box number.....
at the Polling Station.....for District Electoral Area.....do hereby certify that the above declaration, having been first read to the above-mentioned....., was signed by him in my presence with his mark.

Signed.....
Presiding Officer

Date.....

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 27

LOCAL ELECTION

District of .....

District Electoral Area ....

STATUTORY DECLARATION OF SECRECY (ONE NAME)

I solemnly promise and declare that I will not do any thing forbidden by paragraph 27 of the Ninth Schedule to the Electoral Law Act (Northern Ireland) 1962, and I hereby acknowledge receipt of a copy of the said paragraph 27 which has been given to me at the time of making this declaration.

(Signature).....

(Address) .....

....

.....

The above declaration was made and subscribed before me this..... day of....., 1973, by the declarant, who at the time of making this declaration was given a copy of paragraph 27 of the Ninth Schedule to the Electoral Law Act (Northern Ireland) 1962.

(Signature) .....

(Description)*.....

*Deputy Returning Officer, Assistant Returning Officer or Justice of the Peace.

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 28

LOCAL ELECTION

PARAGRAPH 27 OF THE NINTH SCHEDULE TO THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962

COPY TO BE GIVEN TO EVERY PERSON BEFORE SIGNING A STATUTORY DECLARATION OF SECRECY

"27.—(1) Any person attending at or admitted to a polling station in any capacity at an election shall be guilty of an electoral offence if before the poll is closed he communicates to any other person any information as to—

(*a*) the name of any elector or proxy who has or has not applied for a ballot paper or voted at a polling station; or

(*b*) the number on the register of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or

(*c*) the official mark.

(2) Any person attending in any capacity at the count at any election shall be guilty of an electoral offence if he—

(*a*) ascertains or attempts to ascertain at the count the number on the back of any ballot paper; or

(*b*) at any time communicates any information obtained at the count as to the candidate for whom any vote is given on any particular ballot paper.

(3) A person shall be guilty of an electoral offence if he—

(*a*) interferes with or attempts to interfere with a voter when recording his vote; or

(*b*) otherwise obtains or attempts to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted; or

(*c*) communicates at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper issued to a voter at that station; or

(*d*) directly or indirectly induces a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted; or

(*e*) being a person permitted, on making a declaration of secrecy, to remain with a blind voter while the presiding officer records his vote, communicates at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number on the back of the ballot paper issued for use of that voter.

(4) Any person attending the proceedings in connection with the issue or receipt of ballot papers for persons voting by post shall be guilty of an electoral offence if he—

(*a*) communicates, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or

(*b*) except for some purpose authorised by law, communicates to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person; or

(*c*) except for some purpose authorised by law, attempts to ascertain at the proceedings in connection with the receipt of ballot papers the number on the back of any ballot paper; or

(*d*) attempts to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot or communicates any information with respect thereto obtained at those proceedings."

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 29

LOCAL ELECTION

(Form of declaration and attestation by person accompanying a blind or partially blind voter)

District of ....

District Electoral Area .....

Ward .....

Polling Station ..... **Ballot box number** .....

Date of Poll .....

FORM OF DECLARATION AND ATTESTATION MADE BY COMPANION OF BLIND VOTER

I ..... of .....

having been permitted to remain with .....

of .....

while the presiding officer records a vote in accordance with that person's instructions, hereby declare that I will not divulge to any person whomsoever the names of the candidates for or against whom the said vote is recorded.

Signature..... .....

Date ....

I, the undersigned, being the presiding officer for Ballot Box number.....

in the polling station situate at .....

hereby certify that the above declaration, having been first read to the above-named declarant, was signed by him in my presence.

.....

Presiding Officer

Date.....

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 30

LOCAL ELECTION

[*Form of declaration of result of Poll*]

District of .....

District Electoral Area .....

DECLARATION OF RESULT OF POLL

LOCAL GENERAL ELECTION

Date of Poll.....

Election of ..... **Councillors for the above-mentioned District Electoral Area** ..... **in the Year 1973**

I, the undersigned, being the Deputy Returning Officer at the poll for the election of councillors for the said District Electoral Area, held on the day of 1973, do hereby give notice that the result of the poll and of the transfer of votes is as follows:

Number of valid votes.....

Number of members to be elected.....

Quota (number of votes sufficient to secure the election of a candidate).....

Names of candidates	**FIRST COUNT**	**SECOND COUNT**		**THIRD COUNT**		**FOURTH COUNT**		**FIFTH COUNT**		**SIXTH COUNT**		*Names of candidates elected and the order of their election*
	Votes	*Transfer of*	*Result*	*Transfer of*	*Result*	*Transfer of*	*Result*	*Transfer of*	*Result*	*Transfer of*	*Result*	
Non-Transferable Papers												

And I do hereby declare the said councillors duly elected for the said District Electoral Area .....

Dated this day of 1973.

.....
Deputy Returning Officer

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 31

LOCAL ELECTION

[*Form of notice of result of elections*]

District of .....

District Electoral Area .....

LOCAL GENERAL ELECTION

NOTICE OF RESULT OF ELECTIONS

ELECTION OF COUNCILLORS FOR THE ABOVE-MENTIONED DISTRICT COUNCIL IN THE YEAR 1973

I, the undersigned, being the Deputy Returning Officer at the election of councillors for the said District Council, do hereby give notice that the persons whose names are entered in column 5 of the Statement hereunder have been declared duly elected as members of the District Council for the District Electoral Areas opposite to the names of which in column 1 the names of such candidates are entered.

District Electoral Area	*Names of candidates*		*Place of residence*	*Names of candidates elected*	*Order in which elected where there is a poll*
	Surname	*Other names*			
(1)	(2)	(3)	(4)	(5)	(6)

Dated this day of 1973.

.....
Deputy Returning Officer

ELECTORAL LAW ACTS (NORTHERN IRELAND) 1962-1971 AND ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972

ELECTORAL LAW (LOCAL GENERAL ELECTION 1973) REGULATIONS (N.I.) 1973

FORM L.E. 32

LOCAL ELECTION

FORM OF DIRECTIONS FOR THE GUIDANCE OF THE VOTER IN VOTING

1. Go FIRST to the presiding officer in charge of the ballot-box to which you have been allotted and give him your name, address and, if possible, your number on the Register of Electors, you will then be handed a ballot paper.

2. You should make sure that the ballot paper you have received from the presiding officer has the official mark stamped on it. *It is useless without it.*

3. Go into one of the voting compartments provided. Look at the ballot paper carefully and then record your vote by placing, in the spaces provided *at the left-hand side of the paper,* the numeral 1 opposite the name of the candidate of your first choice and then proceed if you wish by placing the numeral 2 opposite the name of the candidate of your second choice; and the numeral 3 opposite the name of the candidate of your third choice and so on.

4. In no circumstances write anything else on the ballot paper; if you do you destroy your vote.

5. To ensure that a ballot paper is a valid vote you must, at least, place the numeral 1 opposite the name of the candidate of your first choice. If you fail to place the numeral 1 on the ballot paper, or place the numeral 1 and some other numeral opposite the name of the same candidate, or place any mark or writing on the ballot paper by which you may be identified which is otherwise not authorised by the Electoral Law (Local General Election 1973) Regulations (Northern Ireland) 1973, your ballot paper will be invalid and your vote will not be counted.

6. If by accident you damage or spoil your paper or if you mark it in such a way that it may be rejected as spoilt, or if you place a wrong mark on it or mark it inadvertently in a wrong space, then take the paper back to the presiding officer, tell him what has happened and ask him for a fresh ballot paper.

7. When you have marked your paper fold it so that the front of the paper is inwards, hiding your voting recorded on the paper, and take it back to the table of the presiding officer from whom you got it.

Hold out the folded paper so that the presiding officer can see the stamped official mark showing through the back.

You will see on the table a ballot-box and you should then personally put your paper into the box.

8. You must neither take your ballot paper out of the polling station nor put any other paper into a ballot-box. If you do you will commit a serious offence and will be liable to heavy penalties.

9. When you have voted leave the polling station at once.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations set out the procedure governing the holding of local general elections to district councils in the year 1973 in accordance with the principle of proportional representation, each elector having one transferable vote.