# 1975 No. 22

# NORTHERN IRELAND

## The Northern Ireland Constitutional Convention (Election) Order 1975

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| *Made* - - - | 11*th January* 1975 |
| *Laid before Parliament* | 17*th January* 1975 |
| *Coming into Operation* | 7*th February* 1975 |

In exercise of the powers conferred on me by sections 2(5) and 3 of the Northern Ireland Assembly Act 1973(**a**), as applied, respectively, by paragraphs 5(*c*) and 6 of Schedule 2 to the Northern Ireland Act 1974(**b**), I hereby make the following Order:—

*Citation, commencement and extent*

**1.**—(1) This Order may be cited as the Northern Ireland Constitutional Convention (Election) Order 1975 and shall come into operation on 7th February 1975.

(2) This Order, except Article 4, extends to Northern Ireland only.

*Interpretation*

**2.**—(1) In this Order—

"the Chief Electoral Officer" means the Chief Electoral Officer for Northern Ireland, appointed under section 14(**c**) of the principal Act;

"the Convention" means the Convention to be held under section 2 of the Northern Ireland Act 1974;

"the election" means the election of the Convention;

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

(2) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to Article 1, paragraph (1) of this Article and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

*Application of principal Act*

**3.** Parts IV to VII and IX to XI of, and rule 26 of Schedule 3 and Schedules 7 to 9 to the principal Act shall apply to the election and to persons entitled to vote and voting at the election in like manner as they apply respectively to a parliamentary election and to persons entitled to vote and voting at such an election but with the adaptations specified in Schedule 1.

(**a**) 1973 c. 17. (**b**) 1974 c. 28. (**c**) *See* S.I. 1972/1264 (N.I. 13).
(**d**) 1962 c. 14 (N.I.). (**e**) 1954 c. 33 (N.I.).

*Effect etc. of disqualification for membership of the Convention*

**4.**—(1) Sections 6 and 7 of the House of Commons Disqualification Act 1957**(a)** (disqualification) shall apply to the Convention with the modifications and exceptions specified in this Article.

(2) Subsections (1) and (2) of section 6 shall apply as if the following subsections were substituted therefor:—

"(1) Subject to any order made under the following provisions of this section by the Convention held under section 2 of the Northern Ireland Act 1974—

(*a*) if any person disqualified by section 10 of this Act or by section 3 of the Northern Ireland Assembly Act as applied to the convention by paragraph 6 of Schedule 2 to the Northern Ireland Act 1974 for membership of the Convention, is elected a member of the Convention, his election shall be void;

(*b*) if any person being a member of the Convention becomes disqualified as aforesaid, his seat shall be vacated.

(2) If, in a case falling or alleged to fall within the foregoing subsection it appears to the Convention that the grounds of disqualification which subsisted or arose at the material time have been removed and that it is otherwise proper to do so, the Convention may by order direct that any such disqualification incurred on those grounds shall be disregarded for the purposes of this section.

Provided that no such order shall affect the proceedings on any election petition or any determination of an election court and this subsection shall have effect subject to the provisions of section 77(5) of the Electoral Law Act (Northern Ireland) 1962 (action to be taken following determination by an election court) as adapted by Article 3 of and Schedule 1 to the Northern Ireland Constitutional Convention (Election) Order 1975.".

(3) Subsection (3) of the said section 6 shall be omitted.

(4) Section 7 of the said Act of 1957 shall apply to the Convention as it applies to the United Kingdom House of Commons as if any reference to that House were a reference to the Convention and any reference to that Act were a reference to that Act as it applies to the Convention by virtue of paragraph 6 of Schedule 2 to the Northern Ireland Act 1974 and as if in subsection (4) paragraphs (*a*) and (*b*) and in paragraph (*c*) the words "if that constituency is in Northern Ireland" were omitted.

*Chief Electoral Officer*

**5.** The Chief Electoral Officer shall be the returning officer for each constituency.

*Deputy and Assistant Returning Officers*

**6.**—(1) The Chief Electoral Officer shall not, under section 14A**(b)** of the principal Act, delegate functions conferred on him regarding the furnishing of

(a) 1957 c. 20. (b) *See* S.I. 1972/1264 (N.I. 13).

accounts and returns to the Secretary of State or conferred on him by section 57(4) of the principal Act and shall not delegate to an assistant returning officer any of the following functions:—

(*a*) the receipt of nominations and deposits and withdrawal of nominations and sending of notices to candidates concerning nomination;

(*b*) publishing the statement of candidates validly nominated and notice of poll;

(*c*) publishing the summary of the return regarding candidates' expenses;

(*d*) publishing the result of the poll in the constituency.

(2) In the principal Act and this Order, unless the context otherwise requires, any reference to the returning officer or a person acting as returning officer shall, in relation to any functions delegated to a deputy returning officer or an assistant returning officer, be construed as a reference respectively to the deputy returning officer or an assistant returning officer for the relevant constituency.

*Polling station scheme for the election*

**7.** The Chief Electoral Officer shall prepare a polling station scheme designating the polling stations to be used at the election and the polling stations so designated shall, subject to section 65(6) of the principal Act, be the polling stations to be used at the election.

*Postal voting at the election*

**8.** A person entitled to vote at the election may, if he complies with Rule 22 in Schedule 2, vote by post.

*Conduct of the election*

**9.**—(1) The election shall be conducted in accordance with the timetable and Rules contained in Schedule 2.

(2) The forms contained in Schedule 3 shall be used at the election for the purposes for which they are expressed to be applicable and the returning officer may make any adaptation in any form which may be necessary for its use in particular circumstances.

*Election following a void election*

**10.**—(1) Where in accordance with the provisions of section 77(6) of the principal Act the Chairman of the Convention notifies the Secretary of State that the election in a constituency was void the Secretary of State shall within a period of 18 days from the date he receives such notification inform the Chief Electoral Officer that such election was void and, subject to paragraph (2), a new election in that constituency shall then be conducted in accordance with the provisions of this Order.

(2) For the purposes of an election held under paragraph (1) the timetable contained in Schedule 4 shall be substituted for the timetable contained in Schedule 2.

*Merlyn Rees,*
One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office.
11th January 1975.

Article 3

## SCHEDULE 1

### ADAPTATIONS OF PRINCIPAL ACT IN ITS APPLICATION TO THE ELECTION TO THE CONVENTION

*General adaptations of references*

1. For any such reference in the principal Act as is specified in column 1 of the Table set out below there shall be substituted the reference specified in column 2.

TABLE

| Reference | Substituted reference |
|---|---|
| an election | the election |
| a parliamentary candidate | a candidate at the election |
| a parliamentary election | the election |
| a parliamentary election court | a Convention election court |
| a parliamentary election petition | a Convention election petition |
| a parliamentary general election | the election |
| a parliamentary elector | an elector for the election |

*Specific adaptations*

2. The following specific adaptations shall be made in the principal Act:—

| Provision | Adaptation |
|---|---|
| Section 22 | In subsection (2), after the words "charged on and paid out of the Consolidated Fund" there shall be added the words "of the United Kingdom".<br>In subsection (4) for the word "prescribe" there shall be substituted the word "determine". |
| Section 28(6) | For the word "initiated" there shall be substituted the word "held". |
| Section 29(8) | For the words "Rules 38, 42 and 44 of the Parliamentary Elections Rules" there shall be substituted the words "Rules 39, 43 and 45 in Schedule 2 to the Northern Ireland Constitutional Convention (Election) Order 1975". |
| Section 41(6) | For the words "2 and 3 in the Tenth Schedule" there shall be substituted the words "C8 and C9 in Schedule 3 to the Northern Ireland Constitutional Convention (Election) Order 1975". |
| Section 46(1) | For the words "4 in the Tenth Schedule" there shall be substituted the words "C10 in Schedule 3 to the Northern Ireland Constitutional Convention (Election) Order 1975". |
| Section 47(1) and (2) | In subsections (1) and (2) for the words "5 in the Tenth Schedule" there shall be substituted the words "C11 in Schedule 3 to the Northern Ireland Constitutional Convention (Election) Order 1975". |
| Section 48(1) and (2) | In subsection (1) for the words "or vote in the House of Commons as a member" there shall be substituted the words "as a Convention member"; in subsection (2) for the words "or votes in the House of Commons" there shall be substituted the words "as a Convention member" and the words "or votes" where they last appear shall be omitted. |
| Section 57(1) and (3) | In subsection (1) for the words "Parliamentary Elections Rules" there shall be substituted the words "The Northern Ireland Act 1974 and the Northern Ireland Constitutional Convention (Election) Order 1975"; subsection (3) shall not apply. |

| Provision | Adaptation |
|---|---|
| Section 60 | For the words "this section" in subsection (1) there shall be substituted the words "section 2(4) of the Northern Ireland Assembly Act 1973 as applied by paragraph 5 of Schedule 2 to the Northern Ireland Act 1974"; subsection (3) shall not apply. |
| Section 61 | In subsection (1)(*a*) for the words "Parliamentary Elections Rules" there shall be substituted the words "Rules contained in Schedule 2 to the Northern Ireland Constitutional Convention (Election) Order 1975"; subsection (2) shall not apply; in subsection (3) for the words from "a candidate" to "member" there shall be substituted the words "the candidate's name or signature has been entered in the records of the Convention indicating his attendance at the Convention" and for the words from "until" to "taken" there shall be substituted the words "until such entry has been made"; in subsection (4) for the words "take the oath" there shall be substituted the words "attend the Convention" and the word "respectively" shall be omitted; in subsection (5)(*a*) for the words "until the next following dissolution of Parliament" there shall be substituted the words "until 6 months after the final dissolution of the Convention in accordance with paragraph 15 of Schedule 2 to the Northern Ireland Act 1974"; and in subsection (8)(*b*) the words "and paid into the Exchequer" shall be omitted. |
| Section 65 | Subsections (1) to (5) shall not apply. |
| Section 66 | Shall not apply. |
| Section 67 | Subsection (3) shall not apply. |
| Section 74(1) | For the word "Parliament" there shall be substituted the words "the Convention". |
| Section 77 | In subsection (1) after the words "member" (wherever it occurs) and "person" there shall be inserted respectively the words "or members" and "or persons"; after the word "was" where it occurs for the first, third and fourth times there shall be inserted the words "or were"; in subsections (1) to (5) for the word "Speaker" there shall be substituted the words "the Chairman"; in subsections (3) and (5) for the words "House of Commons" there shall be substituted the word "Convention"; and in subsection (5) for the words "their Journals" there shall be substituted the words "the records of the Convention" and the words "or for issuing a writ for a new election" shall be omitted. After subsection (5) there shall be added "(6) Where the election court determines that the election in any constituency was void the Chairman as soon as possible after the receipt of the certificate and any report of the election court shall send written notification of the determination to the Secretary of State.". |
| Section 83 | In subsection (3) for the word "Speaker" there shall be substituted the word "Chairman". |
| Section 88 | For the word "Speaker" there shall be substituted the word "Chairman". |
| Section 90 | In subsections (1)(*a*) and (2) for the words "House of Commons" there shall be substituted the word "Convention" and in subsection (2) for the word "Speaker" there shall be substituted the word "Chairman". |
| Section 95 | In subsection (2) for the words "House of Commons" there shall be substituted the word "Convention" and for the word "Parliament" there shall be substituted the word "Convention". |

| Provision | Adaptation |
|---|---|
| Section 96 | In subsection (3) for the words "House of Commons" there shall be substituted the word "Convention". |
| Section 110 | In subsection (1) for the words "Rule 44 of the Parliamentary Elections Rules" there shall be substituted the words "Rule 45 in Schedule 2 to the Northern Ireland Constitutional Convention (Election) Order 1975". |
| Section 122 | In subsections (1) and (2) for the word "Assembly" there shall be substituted the word "Convention". |
| Section 126 | Shall not apply. |
| Section 128 | Shall not apply. |
| Section 130 | In subsection (1)—<br>(*a*) the following definitions shall be inserted at the appropriate places in alphabetical order—<br>"Chairman" means the Chairman of the Convention;<br>"Convention" means the Convention to be held under section 2 of the Northern Ireland Act 1974;<br>"Convention election court" means a court constituted in accordance with section 72 for the trial of a petition relating to the election;<br>"the election" and "an elector for the election" mean respectively an election in a constituency of members to serve in the Convention and a person entitled to vote at a Convention election;<br>(*b*) for the definition of "constituency" there shall be substituted the following definition—<br>"constituency" means a constituency specified in the Schedule to the Northern Ireland Assembly Act Act 1973;<br>(*c*) the definitions of "postal voting area" and "Speaker" shall be omitted.<br>In subsection (3), in paragraph (*a*), for the word "Parliament" there shall be substituted the words "the Convention" and for the words from "writ for" onwards there shall be substituted the words "notice of the election" and in subsection (5) paragraphs (*a*) and (*b*) and in paragraph (*c*) the words to "local election" shall be omitted. |
| Schedule 8 | For any reference to the House of Commons or Parliament there shall be substituted a reference to the Convention and in addition the following specific adaptations shall be made—<br>for paragraph 2(1) there shall be substituted the following paragraph—<br>"2(1) The place of trial of a petition relating to the election shall be within its constituency or the area of a district council which wholly or partly contains the constituency;";<br>in paragraph 3(2) the words "out of moneys provided by the Parliament of the United Kingdom" shall be omitted;<br>in paragraph 5, in sub-paragraph (3)(*a*) for the words "the Clerk of the Parliaments" there shall be substituted "such officer of the Convention as the Secretary of State may specify" and in sub-paragraph (3)(*b*) for the word "Speaker" there shall be substituted the word "Chairman";<br>in paragraph 11(6) for the words from "Parliamentary" to "may be" there shall be substituted the words "Rules contained in Schedule 2 to the Northern Ireland Constitutional Convention (Election) Order 1975". |

Article 9(1)

## SCHEDULE 2

### ELECTION RULES

### PART I

### TIME-TABLE AND COMPUTATION OF TIME

*Time-table*

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

| | Proceeding (1) | Time fixed or allowed at the Election (2) |
|---|---|---|
| 1 | Publication of notice of election | Not later than 26 days before the day of the poll. |
| 2 | Delivery of nomination papers and candidates' statements and lodgment of deposits under section 60 of the principal Act as applied by this Order | Subject to Rule 12, the period between 10 a.m. and 1 p.m. on the sixteenth day before the day of the poll and between 10 a.m. and 5 p.m. on the fifteenth day before the day of the poll. |
| 3 | Delivery of notice of withdrawal of candidature | Within the period allowed for proceeding 2 above. |
| 4 | The making of objections to nomination papers | Within the time specified in Rule 11(11). |
| 5 | Notice to candidates—<br>(*a*) of valid nomination;<br>(*b*) of invalid nomination | As soon as practicable after the expiration of the time allowed by Rule 11(11) for the making of objections to nomination papers. |
| 6 | Publication of statement of candidates validly nominated | As soon as practicable after the close of time allowed for proceeding 4 above. |
| 7 | Lodgment with returning officer of application to vote by post | Not later than 12 days before the day of the poll. |
| 8 | Notice of poll | Not later than 5 days before the day of the poll. |
| 9 | Poll | Between the hours of 8 a.m. and 8 p.m. on the day appointed by Order by the Secretary of State under paragraph 3 of Schedule 2 to the Northern Ireland Act 1974. |

*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

### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

*Publication of notices*

3. Any public notice required by these Rules to be given shall, unless these Rules otherwise provide, be given by means of—

(*a*) advertisement in one or more than one newspaper circulating in the 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 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 the election*

4. The returning officer shall, in accordance with the timetable in Rule 1, give public notice of the election in the form numbered C1 in Schedule 3 which shall state—

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

(*b*) the number of members to be returned for the constituency;

(*c*) the dates, times and place for receiving nominations;

(*d*) the amount of the deposit;

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

(*f*) the date and the period of time fixed for the holding of the poll, if the election is contested;

(*g*) the last day for the receipt of applications to vote by post.

*Nomination forms*

5. Nomination forms and copies of forms of candidates' statements referred to in Rule 9 shall be available at the principal and, if any, the subsidiary offices from 9.30 a.m. to 5 p.m. on Mondays to Fridays inclusive between the date of the publication of the notice of election and up to 4.30 p.m. on the last day fixed for receiving nominations and such nomination papers and forms of statements shall be supplied free of charge to any person applying therefor but it shall not be necessary for a nomination or such statements to be on a form obtained or supplied under this Rule.

*Nomination and description of candidates*

6.—(1) Each candidate shall be nominated by means of a separate nomination paper in the form numbered C2 in Schedule 3.

(2) The nomination paper shall be subscribed by two persons as proposer and seconder and by eight other persons as assenting to the nomination (all such persons being registered in the current register).

(3) Where a nomination paper bears the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

(4) The number in the register of each person subscribing the nomination paper shall be stated in the paper.

(5) No person shall subscribe more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered but a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.

*Description of candidate on nomination paper*

7.—(1) A nomination paper may, subject to paragraph (2), include a description of the candidate.

(2) The description shall not exceed six words in length.

*Consent to nomination*

8.—(1) A person shall, subject to paragraph (2), not be validly nominated unless his consent to nomination, given in writing on or within one month before the nomination day and attested by one witness, is delivered at the principal office within the nomination period as defined in Rule 10.

(2) If the returning officer is satisfied that, owing to the absence of a person from Northern Ireland, it has not been reasonably practicable for his consent in writing to be given as aforesaid, a telegram consenting to his nomination and purporting to have been sent by him shall for the purpose of this Rule be deemed to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent shall not be required.

*Statement by candidate*

9. A candidate's consent given under Rule 8 shall contain a statement—

(*a*) that he is aware of the provisions of the House of Commons Disqualification Act 1957 as they apply to the Convention; and

(*b*) that to the best of his knowledge and belief he is not disqualified by those provisions or otherwise for membership of the Convention.

*Attendance of returning officer to receive nominations and deposits*

10.—(1) The returning officer shall attend at the principal office between 10 a.m. and 1 p.m. on the first day of nomination and between 10 a.m. and 5 p.m. on the second day of nomination (in these Rules referred to as "the nomination period") for the purpose of receiving nominations from or on behalf of candidates nominated for the constituency.

(2) The returning officer shall also receive during the nomination period the deposit of £150 (required by section 2(4) of the Northern Ireland Assembly Act 1973 as applied by paragraph 5 of Schedule 2 to the Northern Ireland Act 1974 to be made by or on behalf of each candidate).

*Delivery and determination of validity of nomination papers and attendance at nomination*

11.—(1) Each nomination paper shall be delivered to the returning officer at the principal office during the nomination period by the candidate himself, or his proposer or seconder, or his election agent if the election agent's name and address have been previously given to the returning officer as required by section 34 of the Electoral Law Act (Northern Ireland) 1962.

(2) The 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 lodgment of the candidate's statement under Rule 9 and of the candidate's deposit and shall annex to that paper a second or any subsequent paper in the order in which it is received but shall not be required to endorse any such second or subsequent paper.

(3) The returning officer shall as soon as practicable examine and 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 returning officer shall not be required to mark a second or any subsequent paper in respect of that candidate.

(4) Where the returning officer determines 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 paragraph (3) 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.

(5) The returning officer shall for the purpose of paragraph (3) determine a nomination paper to be valid if—

(*a*) it is in the form numbered C2 in Schedule 3;

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

(*c*) it is accompanied by the candidate's consent, statement and deposit in accordance with Rules 8 to 10;

and otherwise shall determine the nomination paper to be invalid.

(6) Where the returning officer determines a nomination paper to be valid his decision shall be final and, subject to paragraph (8), shall not be questioned in any proceedings.

(7) Every person in respect of whom a nomination paper has under this Rule been determined to be valid and whose candidature is not withdrawn under Rule 13 shall stand validly nominated as a candidate.

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

(9) Except for the purpose of assisting the returning officer, no person shall be entitled to attend the proceedings during the time for delivery of nomination papers or for making objections thereto, unless he is a person nominated as a candidate or is the election agent, proposer or seconder of such a person or, where such a person intends to be his own election agent, another person designated by such person.

(10) Where more than one nomination paper is delivered in respect of any candidate, the persons entitled to attend as his proposer and seconder shall be those only who have, as such, subscribed such one of the papers as the candidate may designate or, in default of such designation, the paper first received (whether marked under paragraph (3) or not).

(11) Any person lawfully present at the nomination proceedings may, at any time before the returning officer determines the validity of a nomination paper but not later than one hour after the expiration of the nomination period inspect that nomination paper or the candidate's statement and object to the validity of the nomination paper on the ground that it ought to be determined to be invalid under paragraph (5), and the returning officer shall take any such objection into consideration and shall give his decision thereon as soon as practicable.

*Abandonment of nomination proceedings in case of riot, etc.*

12.—(1) Where any proceedings for or in connection with the nomination of candidates at the election mentioned in items 2 to 4 of the time-table set out in Rule 1 (in this Rule referred to as "the nomination proceedings") are on any day obstructed or interrupted by riot, open violence or any form of civil disorder or disobedience, the returning officer may abandon the nomination proceedings for that day; and if that day is the second day for the nomination proceedings, he shall continue them on the next day (determined in accordance with Rule 2) as if it were the said second day and that day shall be treated for the purposes of these Rules as being the said second day (subject however to any further application of this paragraph in the event of any such obstruction or interruption on that day).

(2) If the Chief Electoral Officer is satisfied (whether or not they have commenced) that the nomination proceedings on any day are likely to be obstructed or interrupted as specified in paragraph (1) at or in the general vicinity of the nomination place, he may abandon the nomination proceedings for that day; and if that day is the second day for the nomination proceedings, he shall continue or, as the case may be, commence them on the next day (determined in accordance with Rule 2) as if it were the said second day and that day shall be treated for the purposes of these Rules as being the said second day (subject however to any further application of this paragraph in the event of his being satisfied as aforesaid in relation thereto).

(3) Where proceedings are abandoned by virtue of paragraph (1) or, after they have commenced, paragraph (2) nothing may be done after they are continued if the time for doing it had passed at the time of the abandonment, nor shall anything done before the abandonment be invalidated by reason thereof.

(4) Where the nomination proceedings on any day are abandoned under this Rule, the Chief Electoral Officer shall make such amendment to the timetable for the election in that constituency as he considers necessary.

*Withdrawal of candidate*

13.—(1) A candidate may withdraw his candidature by notice of withdrawal signed by him and authenticated by one witness and delivered to the returning officer at the principal office within the nomination period.

(2) Where a candidate is out of Northern Ireland, a notice of withdrawal signed by his proposer and accompanied by a written declaration, also so signed, of the candidate's absence from Northern Ireland shall have the same effect as a notice under paragraph (1), but where, upon the examination of all the nomination papers received in respect of a candidate, more than one valid nomination paper is found to have been so received a notice of withdrawal under this paragraph, in respect of that candidate, shall be effective if, and only if—

(*a*) that notice and the accompanying declaration are signed by all the proposers except any who is and is stated in the declaration to be out of Northern Ireland; or

(*b*) it is accompanied, in addition to the said declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on behalf of the candidate during the candidate's absence from Northern Ireland.

*Publication of statement of candidates nominated*

14.—(1) As soon as practicable after the determination of the validity of all the nomination papers, the returning officer shall prepare and publish a statement setting out separately—

(*a*) the candidates who stand validly nominated;

(*b*) the persons who having been validly nominated have withdrawn their candidatures.

(2) The statement shall with respect to such candidates and persons set out—

(*a*) their surnames arranged in alphabetical order, and, as between two or more candidates bearing the same surname, in the alphabetical order of their other names;

(*b*) the address and description, if any, of each as shown in his nomination paper, or where there is more than one nomination paper, in that paper marked valid by the returning officer under Rule 11, and the names of the person subscribing such paper.

(3) Where the number of candidates standing validly nominated for a constituency is greater than the number of members to be returned by that constituency, the statement shall also include a notice of the poll in accordance with Rule 18 and a poll shall be taken in accordance with Part IV.

*Death of a candidate*

15.—(1) Where during the nomination period the returning officer is given proof to his satisfaction that a candidate standing nominated 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) Subject to paragraph (3), where, at any time after the close of the nomination period and before the close of the poll, the returning officer is given proof to his satisfaction that a candidate standing nominated for election in the constituency has died, the following provisions shall have effect in relation to the election for that constituency:—

(*a*) the returning officer shall give public notice to that effect;

(*b*) votes given for that candidate shall not be counted; and

(*c*) the preferences shown for that candidate shall be ignored and subsequent preferences for other candidates shall be taken to be one figure lower than that shown on the ballot paper, so that a second such preference will then become a first preference, a third a second and so on.

(3) Where candidates in a constituency have been declared elected under Rule 16, the death of one of those candidates, proof of which to the satisfaction of the returning officer is received by the returning officer after the declaration, shall not affect the declaration and that candidate shall be deemed to have vacated his seat on the day following that on which the poll would have been held if there had been an election in that constituency.

(4) The death of a candidate, proof of which to the satisfaction of the returning officer has not been received by the returning officer before the close of the poll, shall not affect the election or the counting of the votes and if that candidate is elected he shall be deemed to have vacated his seat on the day following the day of the poll.

## PART III
## UNCONTESTED ELECTIONS

*Declaration of result of election*

16. Where the number of candidates standing validly nominated for a constituency is equal to or less than the number of members to be returned by that constituency, the statement referred to in Rule 14(1) and (2) shall also declare those candidates to have been elected.

## PART IV
## CONTESTED ELECTIONS

*Poll to be taken by ballot*

17.—(1) The votes at the poll shall be given by secret ballot.

(2) The votes given to each candidate shall be counted and the result of the poll shall be determined in accordance with Part V.

*Notice of the poll*

18.—(1) The returning officer shall in the statement of candidates standing validly nominated include a notice of the poll, stating the day on which and the hours during which the poll will be taken and the number of members to be returned for the constituency.

(2) The returning officer shall also give public notice (which may be combined with the above-mentioned statement) of the situation of each polling station and the description of voters entitled to vote thereat and of the mode in which voters are to vote.

*Ballot papers*

19.—(1) The ballot of every voter shall consist of a ballot paper and the persons named in the statement published under Rule 14 as standing validly nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the form numbered C3 in Schedule 3 and shall be printed in accordance with the directions therein, and—

(*a*) shall contain the names and other particulars of the candidates standing validly nominated, as shown in the above-mentioned statement;

(*b*) shall be capable of being folded up;

(*c*) shall have a serial number printed on the back; and

(*d*) shall have attached a counterfoil having the same serial number printed on the face.

(3) The order of the names in the ballot paper shall be the same as in the above-mentioned statement.

(4) The colour of the ordinary ballot papers shall be white and the colour of the tendered ballot papers issued in accordance with Rule 44 shall be pink.

(5) All ballot papers shall be made up in books which—

(*a*) for ordinary ballot papers shall each contain, at the discretion of the returning officer, either fifty or one hundred papers;

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

(*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.

(6) It shall be the duty of the returning officer to make arrangements for the printing for the election of such number of ballot papers of each appropriate colour as he thinks adequate, the ballot papers of each colour to be numbered consecutively.

*The official mark*

20.—(1) Every ballot paper shall at the time of issue be marked with an 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 returning officer shall provide a sufficient number of marking instruments.

(2) The official mark to be used on postal ballot papers (in these Rules referred to as the "postal voting mark") shall be different from that to be used for ballot papers issued to electors voting in person.

(3) It shall be the duty of the returning officer to ensure that the official mark is kept secret.

*Poll cards*

21.—(1) Official poll cards in the form numbered C4 in Schedule 3 shall be prepared by the returning officer in respect of the electors registered in the constituency and shall be issued by post to those electors (and, in addition, where an elector has appointed a proxy, to that proxy) as soon as practicable after notice of poll:

Provided that an official poll card need not be sent to any person as an elector if he is placed on the postal voting list for the election, or to any person as a proxy if his application to vote as such by post is allowed for the election.

(2) An elector's official poll card shall be sent to his qualifying address, a proxy's to his address as shown in the list of proxies.

*Postal voting list*

22.—(1) A voter may vote by post if he—

(*a*) obtains from the returning officer and completes and has duly certified an application in the form numbered C17 in Schedule 3 and returns it to the returning officer to reach him not later than 12 days before the day of the poll; and

(*b*) gives in the said application an address in the United Kingdom to which a ballot paper may be sent.

(2) Where the returning officer receives an application duly made under paragraph (1) by a person entitled to vote at the election and that person gives an address in the United Kingdom to which a ballot paper may be sent, the returning officer shall place that person's name on the postal voting list for the election.

*General provisions as to postal ballot papers*

23.—(1) No person other than—

(*a*) the returning officer, his deputy, his assistants and his clerks;

(*b*) the candidates;

(*c*) the election agents or persons appointed by those agents;

(*d*) such other persons as the returning officer may admit,

shall, subject to paragraph (2), be present at the proceedings on the issue of postal ballot papers or the opening of the postal voters ballot boxes (in these Rules referred to as "postal ballot boxes") and of the envelopes therein contained.

(2) Where by reason of the number of postal voters the returning officer decides that the issue of the ballot papers or the opening of the envelopes containing ballot papers is to be carried out in two or more batches simultaneously, the returning officer shall authorise the election agent of each candidate to appoint one additional person to be present with or on behalf of the election agent at each such issue or opening.

(3) The returning officer shall—

(*a*) give to the election agent of each candidate reasonable notice of the time and place at which the issue of postal ballot papers will commence and of the number of persons who may be appointed to be present thereat; and

(*b*) where he intends to issue those papers on more than one day, shall also indicate the date and hour of commencement of the final issue.

(4) The returning officer may if he thinks fit (and taking due precautions for the safe-keeping of the marked copy of the postal voting list, the unused ballot papers and the counterfoils of those issued) adjourn from day to day the proceedings on any day other than that of the final issue of postal ballot papers and the intimation at the time of such adjournment of the date and hour of resumption shall be sufficient notice to all persons concerned.

(5) All proceedings under paragraphs (3) and (4) shall be conducted at the same place.

(6) The returning officer shall ensure that postal ballot papers are issued not later than such time as will enable them to be marked and returned to him before the close of the poll.

(7) The time fixed for the commencement of the issue of postal ballot papers may, if the returning officer thinks fit, be earlier than the latest time for the receipt of applications to vote by post; but the time of the final issue of postal ballot papers shall be so fixed as to ensure that the postal voting list is complete and that postal ballot papers are issued to all electors entitled thereto.

(8) The returning officer shall provide at the principal office a sufficient number of postal ballot boxes constructed in accordance with Rule 29(3)(*a*) and such boxes shall have the words "Postal Ballot Box" and the name of the constituency for which the boxes are to be used marked on them.

(9) As soon as the first issue of postal ballot papers has been completed the boxes shall be exhibited empty to, and shall be locked and sealed in the presence of, the election or other agents of the candidates and any such agent so requiring may also affix his seal.

(10) The returning officer shall give to the election agent of each candidate not less than twenty-four hours' notice in writing of—

(*a*) the time and place at which the postal ballot boxes and the envelopes therein contained will be opened; and

(*b*) the number of persons who may be appointed to be present thereat.

(11) The returning officer shall make provision for the safe custody of every postal ballot box.

(12) No proceedings under this Rule or Rule 25 or 26 shall be invalidated by reason of the non-attendance of any candidate, agent or other person appointed to be present at the proceedings if any notice required by this Rule has been given.

*Declaration of secrecy*

24.—(1) Every person attending the proceedings at either the issue or receipt of postal ballot papers shall before being admitted to the proceedings make a declaration of secrecy.

(2) Before the opening of the poll a declaration of secrecy shall be made by—

(*a*) the returning officer and persons appointed by him as deputy and assistant returning officers;

(*b*) every officer or clerk 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 returning officer to attend at the poll or the count.

(3) Notwithstanding anything in paragraph (2), 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 returning officer to attend,

need not make the declaration of secrecy 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.

(4) Any messenger sent by or on behalf of the returning officer shall before entering a polling station or being admitted to a count make a declaration of secrecy.

(5) The declaration of secrecy shall be made and signed—

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

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

(*c*) by every other person in the presence of and countersigned by either a justice of the peace or the returning officer or deputy returning officer,

and a copy of paragraph 27 of Schedule 9 to the principal Act shall be given to the declarant by the person taking the declaration.

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

> "I solemnly promise and declare that I will not do anything forbidden by paragraph 27 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 and I hereby acknowledge receipt of a copy of that paragraph which has been given to me at the time of making this declaration.".

*Proceedings on the issue and return of postal ballot papers*

25.—(1) The ballot papers to be sent to postal voters shall be marked with the postal voting mark as provided by Rule 20 but in other respects shall be the same as those to be issued to electors voting in person.

(2) A printed declaration in the form numbered C5 in Schedule 3 (in these Rules referred to as a "voter's declaration") shall be sent with each postal ballot paper and shall have printed on the back thereof the instructions to the voter set out in that form and shall be marked with the postal voting mark.

(3) The returning officer shall cause—

(*a*) the serial number and the particulars of each elector as shown in the postal voting list to be called out;

(*b*) each such serial number to be marked on the counterfoil of a ballot paper;

(*c*) a mark to be placed in a copy of the postal voting list against the number of the elector to denote that a ballot paper has been issued to him, but without identifying the ballot paper.

(4) The returning officer shall for each postal voter place in an envelope addressed to the voter at the address recorded in the postal voting list—

(*a*) the ballot paper duly marked in accordance with paragraph (1);

(*b*) the form of voter's declaration duly marked in accordance with paragraph (2);

(*c*) an envelope addressed to the returning officer (in these Rules referred to as the "covering envelope");

(*d*) a smaller envelope marked "Ballot Paper Envelope",

and shall effectually close the first-mentioned envelope.

(5) If the returning officer is satisfied that two or more entries in the postal voting list relate to the same person he shall not issue more than one ballot paper in respect of such entries.

(6) The returning officer shall count all envelopes addressed to postal voters and forthwith deliver the envelopes to the nearest head post office or such other office as may be arranged by him with the head postmaster; and the returning officer shall obtain from the postmaster a duly stamped receipt stating the number of envelopes so delivered.

(7) As and when the covering envelopes are received from postal voters the returning officer shall place them unopened in one of the boxes which have been locked and sealed under Rule 23(9) and one such box shall be kept available for that purpose until the close of the poll but not later.

(8) If the returning officer on receiving and opening an envelope, other than a covering envelope, addressed to him as returning officer, finds therein any documents appropriate to a covering envelope, he shall, without examining such documents,—

(*a*) effectually close the envelope so received;

(*b*) endorse thereon and sign a statement that it has been closed with its contents intact;

(*c*) place the closed envelope in a ballot box in accordance with paragraph (7); and

(*d*) treat such envelope for all purposes as a covering envelope.

(9) The returning officer may, at any time before the close of the poll, open the postal ballot boxes other than that kept available under paragraph (7) and that box shall be opened as soon as may be after the close of the poll and before the beginning of the count, and in relation to that box the same procedure, as nearly as may be, shall be followed as in relation to the other ballot boxes under these Rules.

(10) At the hour fixed for the close of the poll the returning officer shall in the presence of the election or other agents of the candidates either—

(*a*) seal any postal ballot box then remaining open for the insertion of covering envelopes so that no further such envelopes can be inserted therein; or

(*b*) forthwith open such box and extract and deal with the contents in accordance with Rule 26.

*Proceedings on the opening of the postal ballot boxes containing covering envelopes*

26.—(1) Before opening the postal ballot boxes the returning officer shall exhibit to any candidates or agents then present the boxes duly locked and sealed and shall then—

(*a*) open the ballot boxes in succession and remove the contents from each;

(*b*) close and lock and seal each empty ballot box and permit it to be sealed by any election or other agent so requiring; and

(*c*) count and note the number of covering envelopes removed from the ballot boxes.

(2) The covering envelopes removed from each ballot box shall each be opened separately and, where any such envelope is found to contain one voter's declaration and one ballot paper envelope or one such declaration and one ballot paper and only such declaration and envelope or only such declaration and ballot paper as the case may be, such contents shall be dealt with as provided in the succeeding paragraphs of this Rule but, subject to paragraph (6), in every other case the envelope and its contents shall be set aside and disregarded.

(3) If on complying with paragraph (2)—

(*a*) the returning officer is satisfied that the voter's declaration has been duly signed and authenticated and bears the postal voting mark he shall—

(i) place the declaration in a receptacle specially provided for accepted declarations; and

(ii) open the ballot paper envelope and if it contains one ballot paper, and only such ballot paper, place it, or where the ballot paper is not enclosed in an envelope place that paper, in a ballot box which has been locked and sealed under paragraph (1) and if a ballot paper envelope does not contain a ballot paper mark the envelope "empty";

(*b*) the returning officer is not satisfied that the voter's declaration has been duly signed and authenticated or if the said declaration does not bear the postal voting mark, he shall endorse on the declaration the words "vote rejected" and shall attach thereto the ballot paper envelope unopened or if there is no such envelope, place the ballot paper in a ballot paper envelope and effectually close it and attach it to the declaration.

(4) Where the returning officer proposes to reject a voter's declaration, he shall permit it to be examined by the election or other agents then present, and, if any such agent objects to the proposed rejection, shall add to the endorsement the words "rejection objected to".

(5) The decision of the returning officer an any question arising in repect of a voter's declaration shall be final, but shall be subject to review on an election petition.

(6) If, in any covering envelope opened under paragraph (2), there is found only a ballot paper envelope, the returning officer shall open the ballot paper envelope and, if one voter's declaration and one ballot paper and only such declaration and ballot paper are found therein, the returning officer shall immediately deal with such declaration and ballot paper in accordance with paragraphs (3) and (4).

(7) The returning officer shall take due precautions to ensure the secrecy of the ballot with regard to any ballot paper not enclosed in, or removed from, a ballot paper envelope.

(8) All documents set aside and disregarded under paragraph (2) shall be endorsed with the word "rejected" and all such documents and all rejected declarations with the attached envelopes shall be kept by the returning officer separate from all other documents.

(9) As soon as the contents of any postal ballot box have been dealt with in accordance with the preceding paragraphs of this Rule, the ballot box in which the ballot papers have under paragraph (3)(*a*) been placed shall be sealed by the returning officer so that no further ballot papers can be inserted therein.

*Disposal by returning officer of postal voting documents*

27.—(1) As soon as practicable after completing the issue of postal ballot papers, the returning officer shall in the presence of the several election or other agents make

up in separate packets, sealed with his own seal and with that of any such agent so requiring, the marked copy of the postal voting list and the counterfoils of the ballot papers issued.

(2) Notwithstanding paragraph (1), where any further issue of postal ballot papers is to be made, the returning officer may for that purpose open the packet containing the copy of the postal voting list, and, on the completion of such further issue, that copy and the counterfoils of the ballot papers so issued shall be dealt with in accordance with paragraph (1).

(3) The returning officer shall make up in separate packets (to be sealed by him)—

(*a*) the voters' declarations which accompanied the accepted ballot papers;

(*b*) any rejected voters' declarations, with any envelopes thereto attached;

(*c*) any rejected ballot papers, with any envelopes thereto attached;

(*d*) any ballot paper envelopes marked "empty" under Rule 26(3); and

(*e*) all documents marked "rejected" under Rule 26(8).

(4) The returning officer shall make up, unopened, in separate packets (to be sealed by him)—

(*a*) any covering envelopes received by him after the close of the poll;

(*b*) any envelopes addressed to postal voters and returned as undelivered.

(5) The returning officer shall transmit to the Clerk of the Crown together with the documents referred to in Rule 66—

(*a*) any such packets as are referred to in this Rule; and

(*b*) a statement in the form numbered C6 in Schedule 3 setting out the number of postal ballot papers issued, and such other particulars as are required by that form.

(6) Where after the returning officer has complied with paragraph (5) any envelopes sent to postal voters are returned as undelivered, or any covering envelopes are received by him, the returning officer shall retain all such envelopes unopened and shall subsequently transmit them in a sealed packet to the Clerk of the Crown.

(7) Before transmitting any packet referred to in this Rule to the Clerk of the Crown, the returning officer shall mark thereon particulars of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.

*Use of schools and public rooms*

28.—(1) The returning officer 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 out of moneys appropriated for the purpose, 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 returning officer shall make good any damage to, and defray any expense incurred by the persons having control over, any such room as aforesaid by reason of its being used under paragraph (1).

(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*

29.—(1) The returning officer shall make adequate provision for the heating, lighting and cleaning of each polling station.

(2) The returning officer shall provide at each polling station a sufficient number of ballot boxes, one or more than one of which may be provided in any room in the polling station 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 that 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 it is to be used.

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

(5) The returning officer shall provide at each polling station such number of 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 compartment 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.

*Appointment of presiding officers, poll clerks, etc.*

30.—(1) The 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 in addition to his functions as presiding officer 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 returning officer.

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

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

(4) The returning officer shall not employ in any capacity for the purposes of the election a person who has been employed by or on behalf of a candidate in or about the election.

(5) The returning officer shall, on the due performance of the duties for which they were appointed, pay to persons appointed under this Rule remuneration in accordance with the scale determined under section 22 of the principal Act.

(6) The returning officer may, in the absence or incapacity of a presiding officer, or where in the opinion of the 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 these Rules in like manner as if he had been appointed a presiding officer.

(7) Subject to any direction of the returning officer, any functions of a presiding officer may be performed on his behalf by any person appointed under these Rules to assist him.

*Appointment of polling agents and counting agents, etc., and non-attendance of candidates and their election or other agents*

31.—(1) The election agent of each candidate 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 on his behalf.

(2) The 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) One counting agent may be appointed on behalf of a candidate.

(4) Each election agent shall, not later than the time of the opening of the poll, give written notice to the presiding officer at each polling station (or in a multiple station, the senior presiding officer) of the name and address of every polling agent appointed by him to attend at that station.

(5) Each election agent shall, not later than two days before the polling day, give written notice to the 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 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 returning officer who shall in the case of a polling agent forthwith give particulars of such notice to the presiding officer at the appropriate polling station or, in a multiple station, to the senior 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 candidates 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.

*Marking of register*

32. In the copy of the current register to be used at the election in connection with the issue of postal or other ballot papers, the returning officer shall before the polling day—

(*a*) mark the letter "A" against the name of every elector entered on the postal voting list;

(*b*) mark the letters "PS" against the name of every elector registered by virtue of a service qualification who has appointed a proxy; and

(*c*) mark the letters "PC" against the name of every other elector who has appointed a proxy.

*Election equipment, etc.*

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

(*a*) such furniture as he thinks necessary for the efficient conduct of the poll, having regard 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 C7 in Schedule 3) 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 returning officer thinks adequate for the due conduct of the poll, a record being 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 list of proxies as relates to such part of the register as aforesaid;

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

(vi) such stationery and other materials as the returning officer thinks necessary for the due conduct of the poll.

(2) The returning officer shall provide such furniture, stationery and other materials as he thinks necessary for the counting of the votes.

(3) In paragraphs (4) to (7) "election equipment" means ballot boxes, compartments and such furniture as is referred to in paragraph (1)(*a*) or (2) and such other of the materials and things referred to in paragraphs (1) and (2) as are capable of being used at a subsequent election.

(4) All election equipment held by a district council shall be made available to the returning officer for any election held in the area of that district council.

(5) The Secretary of State shall provide any election equipment which is necessary in addition to or for the replacement of any such election equipment as is referred to in paragraph (4).

(6) It shall be the duty of the returning officer to ensure that all election equipment provided by him is fit for use and in good order.

(7) A returning officer may make such arrangements as he thinks fit for the repair of election equipment; and any expenditure incurred in pursuance of such arrangements, in accordance with the scale determined under section 22 of the principal Act, shall be part of the election expenses of the returning officer.

(8) The Chief Electoral Officer shall arrange with Her Majesty's Stationery Office for the issue on loan free of charge to the returning officer on demand, of as many marking instruments as may be required for the purpose of the election.

*Opening of the poll*

34.—(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 and shall then lock that 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 by Rule 1 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.

*Admission to polling station*

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

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

(*b*) any messengers sent by or on behalf of the returning officer;

(*c*) the presiding officers and poll clerks for the ballot boxes in the station;

(*d*) the candidates and their election agents and polling agents;

(*e*) a person admitted under Rule 41(3);

(*f*) constables and members of Her Majesty's forces on duty;

(*g*) a person permitted by the returning officer to observe the conduct of the poll.

(2) Subject to Rule 42, 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.

*Meaning of polling station*

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

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

(*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*

37.—(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 or member of Her Majesty's forces on duty in or near that station or by any other person authorised in writing by the 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 otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

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

38.—(1) Where the proceedings at any polling station are obstructed or interrupted or voters are prevented from coming to the polling station by riot, open violence or any form of civil disobedience, the returning officer or the presiding officer may adjourn the proceedings to the next following day and, where the presiding officer does so, shall forthwith inform the returning officer and, where he considers it necessary, the returning officer or, if he obtains the approval of the returning officer, the presiding officer, may further adjourn the proceedings until the obstruction or interruption has ceased.

(2) Where, under paragraph (1), 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*) references in these Rules to the close of the poll shall be construed accordingly.

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

*Voting procedure*

39.—(1) Subject to Rules 43 to 45, 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 their initials and the address of himself and of the elector who has appointed him as a proxy;

and immediately before delivery—

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

(ii) the number of the elector shall be marked on the counterfoil;

(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; and

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

(2) A presiding officer shall not issue a ballot paper—

(*a*) to a person claiming to vote in person where the entry in the register relating to that person is marked with the letter "A";

(*b*) to any person other than the duly appointed proxy claiming to vote in person where the relevant entry in the register is marked with the letters "PC".

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

(4) The voter, on receiving the ballot paper, shall, subject to Rule 41, 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 by placing on the ballot paper the figure 1 opposite the name of the candidate for whom he votes and in addition, if he so wishes, by placing the figure 2 opposite the name of the candidate of his second choice, the figure 3 opposite the candidate of his third choice and so on in the order of his preference;

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

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

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

(5) 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*

40.—(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 "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 mannner that it cannot conveniently be used as a ballot paper.

*Blind and other assisted voters*

41.—(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 of 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 a list of assisted voters (in these Rules referred to as the "assisted voters list") the name and particulars of the voter;

(*c*) comply with Rule 39(1)(i) to (v);

(*d*) deliver a 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*) deposit the 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 name of the candidates for or against whom the said vote is recorded.

Signature.....

Date.....

I, the undersigned, being the presiding officer for ballot box 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*

42.—(1) Where a constable will be, or 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 an officer of the Royal Ulster Constabulary not below the rank of chief inspector for a certificate to that effect; and

(*b*) the officer shall in the form numbered C12 in Schedule 3 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 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 polling station, the returning officer may, and at the request of the elector shall, so certify in the form numbered C13 in Schedule 3.

(3) Where a constable or other elector presents a certificate issued respectively under paragraph (1) or (2) above at any polling station for the same constituency 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 Rule 46(5).

(4) This Rule shall not apply to a voter when acting as proxy.

*Questions to be put to voters*

43.—(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 than one of the following questions as may be appropriate, that is to say—

(*a*) to a person applying at the election as an elector—

(i) "Are you the person registered in the register of electors for this constituency 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 in this constituency or any other constituency at this election?";

(*b*) to a person applying at the election as proxy—

(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 list of proxies 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 in this constituency or any other constituency at this election?";

(iii) "Are you the husband [*or* wife], parent, grandparent, brother [*or* sister], child or grandchild of CD?" and if that question is not answered in the affirmative, then

(iv) "Have you at this election already voted on behalf of more than one person of whom you are not the husband [*or* wife], parent, grandparent, brother [*or* sister], child or grandchild?".

(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 authorised by this Rule, no inquiry shall be made as to the right of any person to vote.

*Tendered ballot papers*

44.—(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 43;

that other person shall be entitled to receive, mark and place in the ballot box, in like manner as another voter, 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 (to be known as the "tendered votes list").

*Challenge of voter for personation*

45.—(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 43, 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 list of proxies, 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 form numbered C14 in Schedule 3 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 questions put to him under Rule 43.

(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 the close of the poll*

46.—(1) At the time fixed for the close of the poll, the presiding officer shall take steps to ensure that no further voters are admitted to a room within a polling station containing a ballot box but any voter 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 time aforesaid and after the voters referred to in paragraph (1) have had an opportunity of voting cause the polling station to be cleared of all persons other than—

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

(*b*) any messengers sent by or on behalf of the 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 returning officer;

(*d*) the candidates and their election agents and polling agents;

(*e*) constables and members of Her Majesty's forces on duty;

(*f*) a person admitted to the polling station under Rule 35(1)(*g*);

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 form numbered C15 in Schedule 3 (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 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 42;

(*c*) the marked copy of the register, all ordinary and tendered ballot papers unused, all spoilt ballot papers, the list of tendered votes and of proxies, the assisted voters list, and all declarations of secrecy made under Rules 24 and 41;

and shall place in a separate parcel the marking instrument, and the unused residue of the equipment provided by the 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 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 complied with, shall proceed to the place where the votes are to be counted, or such other place as may be designated by the returning officer, and shall there deliver to the returning officer or his deputy, or a messenger appointed for the purpose by the returning officer, the ballot box or boxes together with the sealed packets and parcel 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 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.

## PART V

## COUNTING OF THE VOTES AND RETURN OF PERSONS ELECTED

*Definitions*

47. 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 names 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, but 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 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 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 returning officer, clearly indicates a first preference;

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

(*b*) "next available preference" means a preference which, in the opinion of the returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preference next in order on the ballot paper 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; 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.

*Place and time for the counting of the votes*

48.—(1) The returning officer shall appoint a place within the constituency or convenient to the constituency as the place at which he will count the votes and shall, at the place so appointed, provide suitable accommodation and all furniture and equipment necessary for counting the votes in accordance with these Rules.

(2) The counting of the votes shall begin at 9 a.m. on the day following that on which the poll is held.

*Attendance at the counting of the votes*

49.—(1) Not less than six days before the polling day, the returning officer shall give to the election agent of each candidate notice in writing of the time and place at which he will begin to count the votes.

(2) No person other than—

(*a*) the returning officer, his deputy, his assistants and his clerks;

(*b*) the candidates;

(*c*) the election agents;

(*d*) the counting agents;

(*e*) constables and members of Her Majesty's forces on duty;

(*f*) such other persons as the returning officer may admit;

may be present at the counting of the votes, but a person admitted under sub-paragraph (*f*) shall not be permitted in any way to participate in the proceedings.

(3) The 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) Where the Chief Electoral Officer has delegated the functions in relation to the counting of the votes in a constituency to a deputy returning officer, that deputy returning officer shall not less than six days before the polling day, inform the Chief Electoral Officer of the place at which he proposes to conduct the count.

*Preliminary proceedings*

50.—(1) Before proceeding to the count the returning officer shall, in the presence of the several counting agents, ascertain in accordance with the following provisions of this Rule the total number of ballot papers to be admitted to the count:—

(*a*) the postal ballot boxes shall be opened and the number of ballot papers therein contained shall be counted and recorded;

(*b*) every ballot box other than a postal ballot box shall be opened, and—

(i) the ballot papers shall be extracted;

(ii) any ballot papers found therein which bear the postal voting mark shall be rejected;

(iii) all tendered ballot papers shall be set aside until the completion of the count;

(iv) the remaining ballot papers found therein shall be counted and their total number shall be compared with that shown in the ballot paper account as having been issued by the presiding officer for deposit in that ballot box.

(2) During the conduct of proceedings in accordance with paragraph (1) the returning officer may, in his discretion—

(*a*) conduct a scrutiny of the ballot papers for the purpose of discovering any papers liable to be rejected; and

(*b*) conduct a preliminary sorting of the ballot papers.

(3) If, when paragraph (1) has been complied with, the number of ballot papers in each of the ballot boxes (other than the postal ballot boxes) is the same as that shown in the respective ballot paper account the returning officer shall forthwith proceed to the count.

*Special provisions*

51.—(1) If during the proceedings under Rule 50 the 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 declare the poll void for the polling station at which the said ballot box was used.

(2) If for any reason the ballot paper account for any ballot box is destroyed or not immediately available the 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 53, shall admit the papers to the count.

(3) If for any reason it is not possible to comply with paragraph (2) the 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 returning officer shall admit to the count the papers so found.

(4) If any such ballot papers as are referred to in paragraph (3)(*a*), (*b*) or (*c*) are found in the ballot box the returning officer shall declare the poll void for the polling station at which the said box was used.

(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 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 equal to or less than the number so shown or determined shall admit the papers to the count.

(6) If, after examination and abstraction of ballot papers as referred to in paragraph (5) the number of ballot papers 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 returning officer shall declare the poll void for the polling station at which the said box was used.

(7) 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 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 paragraphs (5) and (6).

(8) If the number of ballot papers found in any ballot box is less than the number of papers shown in the relevant ballot paper account, the returning officer shall inform the several election agents then present of the deficiency but shall admit those ballot papers to the count.

(9) Where, pursuant to this Rule, the returning officer declares a poll void the Chief Electoral Officer shall—

(*a*) order another poll to be held for electors allocated to the polling station used for the poll declared void; and

(*b*) give such directions for the destruction of the ballot papers and other documents used at the void poll as he considers necessary to ensure the secrecy of the ballot.

(10) Where, in accordance with paragraph (9), a new poll is held the provisions of this Order shall apply in like manner as they apply to the poll which was declared void provided that the Chief Electoral Officer may for the purpose of the new poll and of the count for the election in that constituency make such modifications to these Rules and give such directions as appear to him to be necessary or expedient.

*Conduct of the counting of the votes*

52.—(1) The 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 returning officer, while counting and recording the number of ballot papers, shall cause those 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 papers.

(3) The 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 p.m. and 9 a.m. on the following day.

(4) During the excluded time the returning officer shall place the ballot boxes and documents relating to the election under his seal and the seals of such of the counting agents as desire to affix their seals and shall take due precautions for the security of the said boxes and documents.

*Invalid ballot papers*

53.—(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 returning officer, clearly indicates a preference or preferences.

(2) The returning officer shall endorse "Rejected" on any ballot paper which under this Rule is not to be counted and if an election agent objects to his decision shall add to the endorsement the words "rejection objected to".

(3) The returning officer shall prepare a statement showing the number of ballot papers rejected by him under each of sub-paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) of paragraph (1) and shall, on request, allow any candidate or agent of a candidate to copy such statement.

(4) The decision of the returning officer on any question arising in respect of a ballot paper shall be final but shall be subject to review on an election petition.

*First stage*

54.—(1) After any action necessary under the provisions of Rule 51 has been taken, the 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 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.

(3) The number of first preference votes for each candidate shall then be recorded on the result sheet.

*The quota*

55.—(1) The returning officer shall then divide the number of valid papers by a number exceeding by one the number of members to be elected.

(2) The result, increased by one, of the division under paragraph (1) (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these Rules referred to as "the quota").

*Transfer of surplus*

56.—(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 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 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 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—

(*a*) at any stage of the count two or more of the candidates have surpluses, the largest surplus shall be transferred first;

(*b*) 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 transferred first; and

(*c*) the votes credited to two or more candidates were equal at all stages of the count, the returning officer shall determine by lot which surplus is to be transferred first.

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

(*a*) at a calculated value equal to the total of the surplus divided by the number of transferable papers, the calculation 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) 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 returning officer, in carrying out such a transfer of a surplus, shall at each such stage enter on the election result sheet the value of the papers transferred to each continuing candidate.

(9) In carrying out a transfer under paragraph (6), the returning officer 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.

(10) The returning officer shall also—

(*a*) enter on the result sheet as non-transferable votes the difference between the surplus and the total value of the transferred papers; and

(*b*) add that difference to the recorded total of the previous non-transferable vote.

(11) At each stage of the count when a transfer of a surplus has been effected the 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.

(12) When at any stage the transfer of a surplus has been effected and the procedures required by paragraphs (8) to (11) have been completed, the 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.

(13) The transfer of a surplus constitutes a further stage in the count.

(14) The returning officer shall, subject to paragraph (15), proceed to transfer surpluses until no surplus remains to be transferred.

(15) 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*

57.—(1) If, after completion of the transfer of surpluses in accordance with Rule 56, one or more vacancies remain to be filled, the returning officer shall exclude from the election at that stage of the count the candidate then credited with the lowest vote.

(2) Where a candidate is excluded in accordance with paragraph (1), the returning officer shall then arrange the papers attributed at that stage to that candidate in sub-parcels according to their transfer value.

(3) The returning officer shall then examine the sub-parcel of papers with the highest transfer value and transfer the papers in it, examine the sub-parcel with the next highest transfer value and transfer those papers and so deal with each sub-parcel.

(4) The papers in each sub-parcel shall be sorted and transferred at the value at which they were received in accordance with the next available preference expressed on the papers for the continuing candidates, passing over preferences for candidates who at such a stage have either been deemed to be elected or have been excluded.

(5) Any papers on which no next available preferences have been expressed shall be then set aside as non-transferable papers.

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

(7) When the procedures required by paragraphs (1) to (5) have been completed and all sub-parcels of papers of an excluded candidate have been transferred, the 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.

(8) The 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.

(9) 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.

(10) 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 returning officer shall in one operation exclude such two or more candidates.

(11) 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—

(*a*) 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

(*b*) where the numbers of votes credited to those candidates were equal at all stages, the returning officer shall determine by lot which candidate shall be excluded.

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

*Transfer of votes*

58.—(1) Where the transfer of votes is made under Rule 56 or 57 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 Rule 56 before any other candidate is excluded.

*Filling of last vacancies*

59.—(1) Where 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 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) Where the last vacancies can be filled under this Rule, no further transfer of votes shall be made.

*Recount*

60.—(1) The 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.

(2) Before the returning officer so proceeds, any candidate or his election agent may request that a recount be undertaken of the immediate preceding stage.

(3) If a request is made under paragraph (2), the returning officer shall then proceed to carry out the recount of the immediate preceding stage, but, if no such request is made, he shall proceed with the next subsequent stage of the count.

(4) The returning officer may also, if he thinks fit, recount papers either once or more often if he is not satisfied as to the accuracy of any stage.

(5) Nothing in this Rule shall require the returning officer to recount the same parcel or sub-parcel more than once.

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

*Order of election of candidates*

61.—(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 Rule 56(15).

(2) 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.

(3) 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 earlist stage of the count at which they had an unequal number of votes and the surplus of the candidate credited with the greatest number of votes at that stage shall be deemed to be the largest.

(4) Where the numbers of votes credited to two or more candidates were equal at all counts, the 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*

62. On the completion of the counting of the votes the 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 61.

*Decisions of the returning officer*

63. The decision of the returning officer, whether expressed or implied by his acts, on any question which arises in relation to the exclusion of any candidate under Rule 57 or to any ballot paper or transfer of votes shall be final, but may be reviewed on an election petition.

*Return of persons elected*

64.—(1) The returning officer for each constituency shall give public notice of the names 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.

(2) Where the Chief Electoral Officer has delegated the functions under this Rule in relation to any constituency to a deputy returning officer, that deputy returning officer shall send a copy of the said notice, together with any other information which may be required, to the Chief Electoral Officer.

(3) The notice under paragraph (1) relating to a contested election shall be in the form numbered C16 in Schedule 3.

(4) The returning officer shall return to the Clerk of the Crown the names of the persons elected in each constituency.

(5) The Clerk of the Crown shall from the return made to him under paragraph (4) enter in a book to be kept by him the names of those persons.

(6) The book kept by the Clerk of the Crown under paragraph (5) shall be open to public inspection at reasonable times and any person may, on payment of a reasonable fee, take copies from the book.

*Election report by Chief Electoral Officer*

65.—(1) The Chief Electorial Officer shall as soon as practicable after receipt of the returns of the elections for each constituency, prepare and publish a report of the results of the election.

(2) Such report shall include the detailed election results for each constituency together with details of election expenses and any other matter which the Chief Electorial Officer may consider to be relevant and appropriate.

## PART VI

### DISPOSAL, PRODUCTION AND INSPECTION OF DOCUMENTS AND RETURNS TO THE SECRETARY OF STATE

*Disposal of documents, etc., by returning officer*

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

(*a*) the counted ballot papers;

(*b*) the rejected ballot papers;

(*c*) the counterfoils of all ordinary ballot papers used, with any certificates presented under Rule 42;

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

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 name of the constituency for which that election was held.

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

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

(*b*) the ballot paper accounts;

(*c*) the lists of tendered votes;

(*d*) the assisted voters lists;

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

(*f*) all declarations of secrecy;

(*g*) the list of proxies; and

(*h*) 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 name of the constituency for which that election was held.

(3) The returning officer shall then transmit both those parcels to the Clerk of the Crown, either by delivering them by himself or by his agent or by sending them by post; but if he sends them by post—

(*a*) he shall send a letter to the Clerk of the Crown by the same post, specifying the number and description of the documents so sent;

(*b*) a copy of the receipt given to him by the postmaster or deputy postmaster shall be signed by him for retention by the postmaster or deputy postmaster.

(4) The Clerk of the Crown shall on receiving the documents give a receipt to the person delivering them, and shall register them in his books specifying the date and time of receipt.

(5) Any receipt to be given for the documents shall show the date and time of their receipt.

*Orders for production of documents*

67.—(1) An order—

(*a*) for the inspection or production of any rejected ballot papers; or

(*b*) for the opening of a sealed packet of counterfoils and certificates presented under Rule 42; or

(*c*) for the inspection of any tendered or counted or uncounted ballot papers; or

(*d*) for the inspection of covering envelopes received by the returning officer after the close of the poll and of voters' declarations,

in the custody of the Clerk of the Crown may be made—

(i) by the Convention; or

(ii) if 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 an election petition, by the High Court or a county court.

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted or uncounted ballot papers in the said custody may be made by a Convention election court.

(3) An order under this Rule may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the Convention or court making the order may think expedient, but in making and carrying into effect an order for the opening of a sealed 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 Clerk of the Crown of any document in his possession relating to any specified election, the production in compliance with the order by him or his 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 elector whose vote was given by a ballot paper therein was the person to whose name in the register at the time of the election there was affixed the same number as the number written on the counterfoil.

(6) Save as provided by this Rule, no person shall be allowed to inspect any rejected or counted or uncounted ballot papers in the possession of the Clerk of the Crown or to open any sealed packets of counterfoils and certificates.

*Retention and public inspection of documents*

68.—(1) The Clerk of the Crown shall retain for a year all documents relating to an election forwarded to him by the returning officer in pursuance of these Rules and then, unless otherwise directed by order of the Convention or the High Court, shall cause them to be destroyed.

(2) The said documents, except ballot papers, counterfoils, certificates presented under Rule 42, covering envelopes received by the returning officer after the close of the poll and voters' declarations, shall be open to public inspection at such time and subject to such conditions as may be determined by the Clerk of the Crown with the consent of the Chairman of the Convention.

(3) The Clerk of the Crown shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as may be approved by the Treasury.

*Returns to be made by returning officer to the Secretary of State*

69. Within twenty-eight days after the declaration of the result of the election the Chief Electoral Officer shall furnish to the Secretary of State—

(*a*) particulars of the number of service and other electors respectively entitled to vote by proxies whose appointments were valid for the purposes of the election; and

(*b*) a copy of the notice of the result of a contested election published under Rule 64 or, where the election was uncontested, a copy of the statement of the result of the election published under Rule 16;

(*c*) a copy of the statement referred to in Rule 27(5)(*b*);

(*d*) a copy of the statement specified in Rule 66(2)(*e*).

## SCHEDULE 3

### FORMS

### FORM C 1

*Form of notice of election to be used in election to the Northern Ireland Convention* Schedule 2 Rule 4

Constituency of .....

1. An election is to be held for (*state number*) members for this constituency to serve in the Northern Ireland Convention.

2. Nomination papers may be delivered by the candidate or his proposer or seconder to the returning officer at ..... (which is his principal office for the purposes of the election) between 10 a.m. and 1 p.m. on ..... or between 10 a.m. and 5 p.m. on .....

3. Forms of nomination papers may be obtained at the above address [or at the subsidiary office[s]] situated at

4. £150 must be deposited with the returning officer by or on behalf of each candidate within the period specified in paragraph 2.

5. The returning officer will at the request of an elector prepare a nomination paper for signature.

6. A candidature may be withdrawn at any time before 5 p.m. on .....

7. If the election is contested, the poll will take place on .....

8. Applications to vote by post must reach the deputy returning officer for the constituency in which the elector is registered by ..... The form on which application must be made can be obtained from any deputy returning officer.

Signed.....
Returning Officer

day of

NOTE

1. The attention of candidates and electors is drawn to the rules for completing nomination papers and other provisions relating to nominations contained in Schedule 2 to the Northern Ireland Constitutional Convention (Election) Order 1975.

2. A person guilty of a corrupt or illegal practice will, on conviction, be liable to the penalties imposed by Part X of and Schedule 9 to the Electoral Law Act (Northern Ireland) 1962.

3. Every person having a claim against the returning officer for any debt incurred by or on behalf of the returning officer for the purposes of the election shall, within twenty-one days after the day on which public notice is given of the result of the election, send to the returning officer detailed particulars in writing of such claim and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

FORM C 2

Schedule 2
Rule 6(1)

*Form of nomination paper for election to the Northern Ireland Convention*

ELECTION OF A MEMBER to serve in the Northern Ireland Convention

for the ..... constituency.

We, the undersigned, being electors for the said constituency, do hereby nominate the undermentioned person as a candidate at the said election.

| Candidate's Surname | Other Names in full | Home Address in full | Description (if any) |
|---|---|---|---|
| | | | |

| Signature | Electoral Number (See note 3) |
|---|---|
| Proposer ..... | ..... |
| Seconder ..... | ..... |
| We, the undersigned, being electors for the said constituency, do hereby assent to the foregoing nomination. | |
| 1. ..... | ..... |
| 2. ..... | ..... |
| 3. ..... | ..... |
| 4. ..... | ..... |
| 5. ..... | ..... |
| 6. ..... | ..... |
| 7. ..... | ..... |
| 8. ..... | ..... |

Received by the returning officer at .....m. on the..... day of.....19..... together with the candidate's declaration and a deposit of £150.
(Signed) .....

NOTE

1. The attention of candidates and electors is drawn to the rules for completing nomination papers and other provisions relating to nomination contained in Schedule 2 to the Northern Ireland Constitutional Convention (Election) Order 1975.

2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

3. A person's electoral number is his number in the register to be used at the election (including the distinguishing number of the district and ward in which he is registered).

4. An elector may not subscribe more than one nomination paper for the election.

FORM C 3

Schedule 2
Rule 19(2)

*Form of ballot paper for election to the Northern Ireland Convention*

*(FRONT OF BALLOT PAPER)*

COUNTERFOIL No.

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

ELECTOR'S REGISTRATION No.

| *Mark order of preference in space below* | |
|---|---|
| | BLACK—CONSTRUCTION PARTY<br>(James Black of 5 Down Street, Bangor, Co. Down—Engineer) |
| | BLUE—CONCERT PARTY<br>(Joan Blue of 9 Mourne View, Donaghadee, Co. Down—Singer) |
| | BROWN—THIRD PARTY<br>(Rupert Brown of 8 Magilligan Drive, Portaferry, Co. Down—Solicitor) |
| | GOLD—NON-PARTY<br>(John Gold of 29 Gilford Place, Millisle, Co. Down—Driver) |
| | HAZEL—GARDEN PARTY<br>(Maurice Hazel of Glen Cottage, Banbridge, Co. Down—Nurseryman) |
| | LIME—THIRD PARTY<br>(Henry Lime of 7 Gortin Mansions, Dromara, Co. Down—Insurance Broker) |
| | PLUM—INDEPENDENT<br>(Robert Plum of 3 Strangford Road, Killinchy, Co. Down—Greengrocer) |
| | ROSE—GARDEN PARTY<br>(Ruth Rose of 41 Devenish Drive, Ballynahinch, Co. Down—Florist) |
| | SILVER—CONSTRUCTION PARTY<br>(Anthony Silver of 3 Mourne View, Bangor, Co. Down—Architect) |
| | WHITE—WORKING PARTY<br>(Frank White of 11 Moira Terrace, Newry, Co. Down—Dispenser) |

*(BACK OF BALLOT PAPER)*

No.

ELECTION FOR THE CONSTITUENCY OF

*Directions as to Printing the Ballot Paper*

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

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

(*a*) apart from 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 candidates from one another and the vertical rule separating those particulars from the spaces on the left side of the paper where the order of preference is to be marked;

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

3. (*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. 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 "Non-Party", such description shall be printed in large characters and his full name, address and description, 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 appearing in their respective nomination papers, as will, in the opinion of the 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 returning officer, is best for marking and counting;

(*e*) the ballot papers shall be numbered consecutively and the back of the ballot paper and the front of the counterfoil attached to it 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.

FORM C 4

Schedule 2
Rule 21

*Form of poll card*

*(FRONT OF CARD)*

OFFICIAL POLL CARD

| | |
|---|---|
| Election to Northern Ireland Convention 1975 | |
| Constituency of..... | |
| Your Polling Station is at ..... | |
| ..... | ..... |
| Polling Day is..... | ..... |
| Hours of Poll—from 8 a.m. to 8 p.m. | ..... |
| ..... Returning Officer (Address) | No. on Register |

*(BACK OF CARD)*

Hours of Poll—From 8.00 a.m. to 8.00 p.m.

This Poll 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.

Unless you are eligible to vote by post and wish to do so, keep this card carefully for reference on polling day; it will assist you in claiming your ballot paper at your polling station.

Mark your vote on the ballot paper by placing in the space provided at the left-hand side of the paper the figure 1 opposite the name of the candidate for whom you wish to vote and, if you wish, the figure 2 opposite the name of the candidate of your second choice and so on in the order of your preference.

Schedule 2
Rule 25(2)

FORM C5

*Form of Declaration by a Person Voting by Post at an Election to the Northern Ireland Convention*

(*Front of voter's declaration*)

I declare that I am the person to whom the envelope which I have produced and shown to the witness whose attestation appears below was addressed by the returning officer.

I have given my vote on the ballot paper in the sealed envelope enclosed herewith, which contains nothing but the said ballot paper. I have shown the said sealed envelope to the witness.

I declare that I have given no other vote on my own behalf at this election in this or any other constituency.

(Signed) .....
Elector.

ATTESTATION BY WITNESS

I certify that this declaration was signed in my presence by the elector who has permitted me to examine the particulars on the envelope received by him and has shown me the sealed envelope stated in his declaration to contain the ballot paper.

I further declare that the said elector is personally known to me and to the best of my knowledge and belief is the person described by the particulars on the envelope received by him.

(Signed) .....
Witness.

Address of Witness .....

.....

(*Back of voter's declaration*)

INSTRUCTIONS TO THE VOTER

1. You should place the figure 1 opposite the name of the candidate for whom you wish to vote and in addition you may, if you wish, place the figure 2 opposite the name of the candidate of your second choice, the figure 3 opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.

2. The figure or figures should be placed in the space provided at the left-hand side of the paper opposite the name of the candidate for whom you intend it.

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

4. Immediately after voting you must place the marked ballot paper in the enclosed small envelope on which are printed the words "Ballot paper envelope" and fasten it up.

5. Then take the envelope addressed to you by the returning officer together with the sealed ballot paper envelope and the voter's declaration to the witness and sign the declaration in his presence. He should then attest your signature on the declaration.

6. Enclose the signed and witnessed declaration and the sealed ballot paper envelope in the larger enclosed envelope addressed to the returning officer and despatch the same by post without delay. Unless you return the ballot paper at once it may be received by the returning officer too late to be counted.

7. If you receive more than one ballot paper it must be remembered that you can vote only once on your own behalf at this election.

8. If you lose or destroy the stamped addressed envelope provided for the return of your vote you may use another envelope but any such envelope should be addressed and marked as nearly as possible in the same way as the printed envelope provided.

9. In no circumstances should you share your return envelope with another voter nor share his. If more than one voter's declaration or more than one ballot paper are received together in one covering envelope, the whole contents of the envelope will be disregarded by the returning officer and your vote will be lost.

10. If you inadvertently spoil your postal ballot paper, you can apply to the deputy returning officer for another one. With your application you must return (in a fresh envelope) the spoilt ballot paper, the declaration of identity and the two envelopes sent to you with your ballot paper. Remember that there is little time available if a fresh postal ballot paper is to be issued to you for completion and return before the close of the poll.

Schedule 2
Rule 27(5)

FORM C 6

*Form of statement of the number of postal ballot papers issued*

STATEMENT OF THE NUMBER OF POSTAL BALLOT PAPERS ISSUED

..... constituency

..... 19.....

| Postal voting documents issued and returned | Number | Disposal of postal voting documents returned before the close of poll | Number |
|---|---|---|---|
| 1. Total number of ballot papers issued. | | 1. Number of covering envelopes received by the returning officer before the close of the poll. | |
| 2. Number of covering envelopes received by the returning officer *before* the close of the poll. | | 2. Number of ballot papers returned by postal voters which were included in the count. | |
| 3. Number of covering envelopes received by the returning officer *after* the close of the poll. | | 3. Number of cases in which any postal voting documents were marked "empty", "vote rejected" or "rejected" in pursuance of Rule 26 in Schedule 2 to the Northern Ireland Constitutional Convention (Election) Order 1975. | |
| 4. Number of covering envelopes which were returned as undelivered. | | | |
| 5. Number of covering envelopes which have not been received by the returning officer at the date of this statement. | | | |

.....
Returning Officer.

Dated this day of 19 .

Note: In each column the figure entered against the first item should equal the sum of the figures entered against the remaining items in the column.

Schedule 2
Rule 33
(1)(c)

FORM C 7

**Form of directions for the guidance of voters in voting at elections to the Northern Ireland Convention*

*This form is to be printed in bold characters

1. 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.

2. Go into one of the compartments provided; look at the ballot paper carefully and in the space provided at the left-hand side of the paper place the figure 1 opposite the name of the candidate for whom you wish to vote and, if you wish, the figure 2 opposite the name of the candidate of your second choice, the figure 3 opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.

3. Under no circumstances write anything else on the paper; if you do you may destroy your vote. If by accident you damage your paper, or if you mark it in such a way that it may be rejected as spoilt, or if you mark it in the wrong place, take the paper back to the presiding officer, tell him what has happened and ask him for a fresh paper.

4. When you have marked your paper fold it so that the front of the paper is inwards, hiding your vote, 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. Put the paper into the box.

5. You must not take your ballot paper out of the polling station nor put any other paper into the ballot box. If you do you will commit a serious offence and will be liable to heavy penalties.

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

FORM C 8 Schedule 1

*Form of return of expenses required by section* 41 *of the Electorial Law Act* (*Northern Ireland*) 1962 *as applied by the Northern Ireland Constitutional Convention* (*Election*) *Order* 1975 *to be authorised by an election agent*

Election in the ..... constituency.

Date of publication of notice of election .....

The expenses incurred at the above election in support of .....

....., a candidate thereat, by .....

..... (*insert name of person or association or body of persons incurring the expenses*) being expenses required by section 41 of the Electoral Law Act (Northern Ireland) 1962, as applied by the Northern Ireland Constitutional Convention (Election) Order 1975, to be authorised by the election agent, amounted to £.....

The written authority of the election agent is annexed hereto.

Signature .....

Date .....

FORM C 9 Schedule 1

*Form of declaration as to expenses required by section* 41 *of the Electoral Law Act* (*Northern Ireland*) 1962 *as applied by the Northern Ireland Constitutional Convention* (*Election*) *Order* 1975 *to be authorised by an election agent*

Election in the ..... constituency.

Date of publication of notice of election .....

I hereby declare that—

1. I am the person [*or* a director, general manager, secretary or other like officer of the association or body of persons] named as incurring expenses in the accompanying return, marked ..... of expenses required by section 41 of the Electoral Law Act (Northern Ireland) 1962, as applied by the Northern Ireland Constitutional Convention (Election) Order 1975, to be authorised by an election agent.

2. To the best of my knowledge and belief the said return is complete and correct.

3. The matters for which the expenses referred to in the said return were incurred were as follows .....
.....
.....

Signature of declarant .....

Office held by declarant .....
(in the case of an association or body of persons.)

Date.....

Schedule 1

FORM C 10

*Form of return of expenses required by section* 46 *of the Electoral Law Act (Northern Ireland)* 1962 *as applied by the Northern Ireland Constitutional Convention (Election) Order* 1975

Election in the ..... constituency.

Date of publication of notice of election .....

Name of candidate .....

1. I am the election agent of the person named above as a candidate at this election [am the person named above as a candidate at this election and was my own election agent].

(*Where there has been a change of election agent suitable variations may be introduced here and elsewhere in the return.*)

2. I hereby make the following return of the candidate's [my] election expenses at this election.

*Receipts*

(*Include all money, securities or equivalent of money received in respect of expenses incurred on account of or in connection with or incidental to the above election.*)

Received of the above-named candidate (*or, if the candidate is his own election agent,* paid by me) ... ... ... ... ... £

Received of (*set out separately the name and description of each person, club, society or association and the amount received from him or them*) ... ... ... ... ... ... ... ... ... £

*Expenditure*

NOTE.—*The return shall deal under a separate heading or sub-heading with any expenses included therein as respects which a return is required by section* 46.

Candidate's personal expenses—

paid by him [by me as candidate] ... ... ... ... ... £

paid by me [by me acting as my election agent] ... ... ... £

Received by me for my services as election agent (*omit if candidate is his own election agent*) ... ... ... ... ... ... £

Paid to *as sub-agent of the polling district of ... ... ... £

Paid to *†as polling agent ... ... ... ... ... ... £

Paid to *†as clerk [messenger] for days' services ... ... £

Paid to the following persons in respect of goods supplied or work and labour done—

to *† (*set out the nature of the goods supplied or work and labour done thus:—*

[printing], [advertising], [stationery]) ... ... ... £

Paid to *†as a speaker at a public meeting at

on 19 , as remuneration [expenses] ... £

Paid for the hire of rooms—

for holding public meetings—

paid to *†for hire of (*identify the rooms by naming or describing them*) ... ... ... ... ... ... ... ... £

for committee rooms—

paid to *†for hire of (*identify the rooms by naming or describing them*) ... ... ... ... ... ... ... ... £

Paid for hire of vehicles ... ... ... ... ... ... £

Paid for postage ... ... ... ... ... ... ... ... £

Paid for telegrams ... ... ... ... ... ... ... £

Paid for miscellaneous matters—
to *†(*set out the reasons for the payment*) ... ... ... ... £

In addition to the above I am aware (*unless the candidate is his own election agent add as election agent for the above-named candidate*) of the following disputed and unpaid claims—

Disputed claims—
by *for (*set out the goods, work and labour, or other matter on the ground of which the claim is based*) ... ... ... £

Unpaid claims allowed by the court to be paid after the proper time or in respect of which application has been or is about to be made to the court (*state in each case whether the High Court or some other court*)—

by *for (*set out the goods, work and labour, or other matter on the ground of which the claim is due*) ... ... ... ... ... £

Signature of person making return .....

*Set out separately the name and description of each person with the amount paid to or claimed by him.

†These particulars may be set out in a separate list annexed to and referred to in the account thus, e.g., "Paid to polling agents as per annexed list £.....".

Schedule 1

FORM C 11

*Form of declaration as to expenses required by section 47 of the Electoral Law Act (Northern Ireland) 1962 as applied by the Northern Ireland Constitutional Convention (Election) Order 1975*

Election in the ..... constituency.

Date of publication of notice of election .....

Name of candidate .....

I hereby declare as follows:—

1. I am the person named above as a candidate at this election [and was my own election agent] *or* I was at this election the election agent of the person named above as a candidate.

2. I have examined the return of election expenses [about to be] transmitted by my election agent [by me] to the returning officer, of which a copy is now shown to me and marked , and to the best of my knowledge and belief it is a complete and correct return as required by law.

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent [by me], except as otherwise stated in relation to my [the candidate's] personal expenses.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of declarant .....

Signed and declared by the above-named declarant on the day of , before me,

(Signed) .....

Justice of the Peace for.....

(NOTE.—*Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.*)

Schedule2
Rule 42
(1) (*b*)

FORM C 12

*Form of certificate for constable*

CERTIFICATE FOR CONSTABLE

Constituency of .....

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

.....
(Being Chief Inspector or above)

Royal Ulster Constabulary District of .....

Dated this day of

(**Insert name, rank and police number.*)

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

Schedule 2
Rule 42(2)

FORM C 13

*Form of certificate of employment by returning officer*

CERTIFICATE OF EMPLOYMENT BY RETURNING OFFICER

Constituency of .....

I, a returning officer for the above election, hereby certify that .....
who is numbered..... in the register of electors for the constituency named above 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.

.....
Returning Officer

Dated this day of

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

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

FORM C 14

Schedule 2
Rule 45(3)

*Form of declaration made by the polling agent*

CONSTITUENCY OF .....

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 31 in Schedule 2 to the Northern Ireland Constitutional Convention (Election) Order 1975 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 Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 as applied by the said Order, 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 should be placed in an envelope and kept in safe custody by the presiding officer pending any proceedings.

Schedule 2
Rule 46(4)

FORM C 15

*Form of ballot paper account*

BALLOT PAPER ACCOUNT

CONSTITUENCY .....

WARD .....

POLLING STATION..... BALLOT BOX NO.....

DATE OF POLL .....

*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* | | *Number of ballot papers issued but returned as spoilt* | |
| *To* | | | |
| *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* | | *Number of tendered ballot papers issued but returned as spoilt* | |
| *To* | | | |
| *Colour* | | TOTAL | |

.....
Presiding Officer

Date.....

FORM C 16

Schedule 2
Rule 64(3)

*Form of declaration of result of Poll*

DECLARATION OF RESULT OF POLL

Constituency of .....

DATE OF POLL .....

I, the undersigned, being the Returning Officer at the poll for the election of [ ] members held on the ..... day of .....19..., 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 Members duly elected for the said Constituency.

Dated this day of 19 .

.....
Returning Officer

Schedule 2
Rule 22(1)

FORM C 17

*Form of application to vote by post*

APPLICATION TO VOTE BY POST

This Form, completed and certified, must be posted to reach the appropriate Deputy Returning Officer not later than

.....

PART A

I, .....
Surname (Block letters)

.....
Other Names (Block letters)

am registered as an elector at the following address:

.....
(Block letters in full)

Where the address is in a rural area state the townland .....

Please state ward and number on register .....

.....

*I apply to vote by post at the Election to be held on .....

*I apply to vote by post as proxy for the elector named below .....

.....
(Block letters)

**Please delete whichever is inapplicable.*

(*The applicant must indicate below his full postal address in the United Kingdom to which the Ballot Paper is to be sent.*)

Address .....
(Block letters)

.....

Signature (or mark)..... Date .....

TO BE COMPLETED ONLY WHERE APPLICANT IS THE APPOINTED PROXY FOR A QUALIFIED REGISTERED SERVICE ELECTOR

Name of Service Elector .....

Qualifying address on Register .....

Ward .....

Electoral Number on Register .....

*SEE NOTES OVERLEAF*

PART B

CERTIFICATION I certify that the above applicant, who has satisfied me as to his identity, has signed (or marked) the application in my presence.

Signature .....

Address .....

.....

Qualification
(*See Note* 1 *below*) .....

Telephone Number .....

Date .....

NOTES

1. The applicant must sign Part A in the presence of—
a Justice of the Peace; or
a Minister of Religion; or
a Member of Parliament of the United Kingdom; or
an established Civil Servant (specify Department); or
an officer employed by a local authority (specify authority); or
a teacher or lecturer (specify school, college or institution of further education); or
a Commissioned Officer in Her Majesty's Forces; or
a member of a police force (sergeant or above),

and the person witnessing the signature must complete Part B.

2. This application when completed and certified must be returned by post in the envelope provided to the office of the Deputy Returning Officer so as to reach his office NOT LATER THAN 12 days (excluding Sundays and public holidays) before the date of the poll.

3. Applicants who have moved from the address at which they are registered should submit their applications to the Deputy Returning Officer for the District in which they are registered.

4. This application cannot be allowed if the applicant is not included in the Register of Electors as a voter entitled to vote at an Assembly election in Northern Ireland.

5. Postal ballot papers can be issued only to qualified applicants with an address in the United Kingdom.

Article 10

## SCHEDULE 4

TIME-TABLE FOR ELECTION FOLLOWING A VOID ELECTION

| Proceeding | Time fixed or allowed |
|---|---|
| 1. Publication of notice of election | Within 2 days after the day on which the Chief Electoral Officer is informed of the void election by the Secretary of State. |
| 2. Delivery of nomination papers | Subject to Rule 12 the period between 10.00 a.m. and 5.00 p.m. on the twelfth day after the day on which the Chief Electoral Officer is informed of the void election by the Secretary of State. |
| 3. Delivery of withdrawal of candidature | Within the period allowed for proceeding 2 above. |
| 4. The making of objections to nomination papers | Within the time specified in Rule 11(11). |
| 5. Notice to candidates—<br>(*a*) of valid nomination;<br>(*b*) of invalid nomination | As soon as practicable after the expiration of the time allowed by Rule 11(11) for the making of objections to nomination papers. |
| 6. Publication of statement of candidates validly nominated | At the close of time allowed for proceeding 4 above or as soon thereafter as any objections are disposed of. |
| 7. Notice of poll | Not later than 5 days before the day of the poll. |
| 8. Poll | Between the hours of 8.00 a.m. and 8.00 p.m. on the fifteenth day after nomination day. |

## EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order makes provision with respect to the election to the Northern Ireland Constitutional Convention, which is to be held under section 2 of the Northern Ireland Act 1974. The election is to be conducted in accordance with the Rules in Schedule 2. Rules 54 to 61 in that Schedule specify the method of counting and transferring votes. The Order applies (subject to the adaptations in Schedule 1) specified provisions of the Electoral Law Act (Northern Ireland) 1962 to the election and applies, with certain modifications, sections 6 and 7 of the House of Commons Disqualification Act 1957 in relation to the Convention. Provision is made for persons who are entitled to vote and who wish to vote by post to do so.

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