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 STATUTORY INSTRUMENTS
 

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1977 No. 428

## NORTHERN IRELAND

**The Northern Ireland (Local Elections) Order 1977***Laid before Parliament in draft*

Made - - - 9th March 1977

Coming into Operation 16th March 1977

At the Court of Saint James, the 9th day of March 1977

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953(a), was pleased, by Letters Patent dated the 3rd day of February 1977, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Anne, being authorised thereto by the said Letters Patent, in exercise of the powers conferred by section 38(1)(a) of the Northern Ireland Constitution Act 1973(b), and of all other powers enabling Her Majesty in that behalf, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

*Citation, commencement and extent*

1.—(1) This Order may be cited as the Northern Ireland (Local Elections) Order 1977 and shall come into operation on the seventh day after the day on which it is made.

(2) This Order extends to Northern Ireland only.

*Interpretation*

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

(2) In this Order “the Act of 1962” means the Electoral Law Act (Northern Ireland) 1962(d) and “the Order of 1972” means the Electoral Law (Northern Ireland) Order 1972(e).

(3) In this Order expressions have the same meaning as in the Act of 1962.

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 (a) 1937 c. 16; 1943 c. 42; 2 & 3 Eliz. 2. c. 1.

(b) 1973 c. 36.

(c) 1954 c. 33 (N.I.).

(d) 1962 c. 14 (N.I.).

(e) S.I. 1972/1264 (N.I. 13)

*District electoral areas*

3.—(1) For the purposes of local elections, local government districts shall be divided into district electoral areas.

(2) Each local government district shall be divided into the district electoral areas specified opposite that district in column 2 of Schedule 1 and each of those areas shall comprise the wards specified opposite that area in columns 3 and 4 of that Schedule.

*Local elections*

4.—(1) At a local election any contested election in a district electoral area shall be according to the principle of proportional representation, each elector having one transferable vote.

(2) In this Article “transferable vote” means a vote—

- (a) capable of being given so as to indicate the voter’s preference for the candidates in order; and
- (b) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes or when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.

(3) In the application of the Act of 1962 to local elections—

- (a) in section 11(3) (as substituted by Article 3 of the Order of 1972) for the word “ward” there shall be substituted the words “district electoral area” and for the words from “under Rule 13” to “the said Rules” there shall be substituted the words “because of the death of any candidate or the poll in any polling station is adjourned,”;
- (b) in section 130 in the definitions of “current”, “election” and “local election” after the word “ward” there shall be inserted the words “or district electoral area”;
- (c) for Schedule 5 there shall be substituted the schedule set out in Schedule 2 to this Order;
- (d) Schedule 10, except Forms 2, 3, 4 and 5, shall not apply.

(4) Article 14 of the Order of 1972 shall not apply.

*Candidates at local elections*

5.—(1) Candidates at local elections shall be nominated and elected for district electoral areas and the number of councillors to be elected in a district electoral area to the district council of the district containing that area shall be the same as the number of wards contained in that area.

(2) A candidate at a local election shall not forfeit his deposit if the number of votes credited to him at any stage of the counting of the votes exceeds one-quarter of the quota needed to elect him and section 61(2) of the Act of 1962 shall have effect accordingly.

(3) Section 53 of the Act of 1962 (right to send election address post free) shall be extended and applied to candidates at contested local elections.

(4) In consequence of paragraph (1) of this Article, in section 1(1)(a) of the Local Government Act (Northern Ireland) 1972(a) as amended by Article 4(8) of the Order of 1972 for the words from “1971” to “Order 1972; and” there shall be substituted the words—

“1973; or

- (ia) elected for district electoral areas in the district in accordance with the provisions of the Northern Ireland (Local Elections) Order 1977; and”;

so however that nothing in this paragraph shall affect the tenure of office of any member of a district council elected before the local general elections to be held in the year 1977.

*Place and manner of voting as elector*

6.—(1) All persons voting as electors at local elections shall do so in person at the polling station allotted to them for the purpose of those elections except in so far as this Article makes exceptions for—

- (a) those registered as service electors;
- (b) those who have a service registration depending on marriage to, and residence outside the United Kingdom to be with, a person registered as a service elector;
- (c) those unable or likely to be unable to go in person to the polling station for one of the following reasons:—
- (i) the general nature of the occupation, service or employment of the person in question;
- (ii) the general nature of the occupation, service or employment of, and their resulting absence from their qualifying address to be with, their husband or wife;
- (iii) that person’s service as a member of any of Her Majesty’s reserve or auxiliary forces;
- (iv) the particular circumstances of that person’s employment on the date of the poll either as a constable or for a purpose connected with the election by the returning officer;
- (d) those unable or likely to be unable by reason either of blindness, any other physical incapacity or religious observance, to go in person to the polling station or, if able to go, to vote unaided.

(2) Section 67 (other than subsection (3) thereof) of and Schedule 7 to the Act of 1962 (voting by proxy) shall be extended and applied to—

- (a) a person who is not registered as a service elector but who either—
- (i) has made a service declaration in respect of a registration depending on marriage as described in paragraph (1)(b); or
- (ii) is as a married person unable or likely to be unable to go to the poll by reason of absence in the circumstances described in paragraph (1)(c)(ii); and

(b) any local elector who satisfies the electoral officer that in any six consecutive months he will or is likely to be at sea or out of the United Kingdom for a period or two or more periods together exceeding four weeks.

(3) Subject to paragraph (4) any of the persons mentioned in paragraph (1)(a) to (d) may vote by post if he applies to the returning officer not less than twelve days before the day of the poll to be treated as an absent voter and furnishes an address in the United Kingdom to which a ballot paper is to be sent for the purpose.

(4) A person shall not be entitled to vote by post—

- (a) in the case of a person mentioned in paragraph (1)(c) or (d), if there is in force an appointment of a proxy to vote for him; or
- (b) in the case of a person mentioned in paragraph (1)(a) or (b), if he applies to be treated as an absent voter on any ground other than his being qualified as a service elector.

#### *Limit on election expenses*

7.—(1) In section 42(1) of the Act of 1962 (as amended by Article 13(2)(c) of the Order of 1972) for the words from “, for a candidate at an election to the Council” there shall be substituted the words “and for a candidate at a local election is £45 together with an additional £0·01 for every elector (taken according to the number of electors in the register to be used at the election)”.

(2) In section 42(3) of the Act of 1962—

(a) after “of expenses” insert “(a) at a parliamentary election”;

(b) at the end add—

“and

(b) at a local election shall, for each of two joint candidates, be reduced by one-fourth or, if there are more than two joint candidates, by one-third.”.

#### *Filling of a casual vacancy*

8.—(1) Where a casual vacancy occurs in a district council a meeting of the council to choose a person to fill the vacancy shall be held not less than 14 days nor more than 42 days after the occurrence of the vacancy.

(2) The clerk to the council shall give every member of the council not less than 7 days’ written notice of the meeting which notice shall state as the first business of the meeting the choice of a person to fill the vacancy.

(3) Where a person chosen by the council is qualified to be a member of the council and is not objected to by any member of the council present at the meeting, that person shall be deemed for all purposes to have been duly elected a member of the council but otherwise the vacancy shall be filled in accordance with Article 9.

#### *Bye-election for the filling of a casual vacancy*

9.—(1) Where a meeting of a district council held under Article 8 fails to result in a person being deemed, under paragraph (3) of that Article, to be elected a member of the council, the vacancy shall be filled by a bye-election held in the district electoral area in which the vacancy has occurred.

- (2) Where at a bye-election under this Article—
- (a) no candidate stands validly nominated; or
- (b) the number of candidates validly nominated is equal to or less than the number of vacancies;
- then—
- (i) no poll shall be taken and the deputy returning officer shall declare any candidate so nominated to be elected; and
- (ii) any vacancy then unfilled shall be regarded as having occurred on the last day of a period of 12 months beginning with the day on which the vacancy is deemed under section 11(5) of the Act of 1962, as amended by Article 3 of the Order of 1972, to have occurred, or on the last day of a period of 24 months so beginning if the vacancy is not then filled, and subject to paragraph (3) shall then be filled in accordance with Article 8 and this Article.
- (3) When the day on which a vacancy is under paragraph (2) regarded as having occurred is less than 12 months from the election day in the local election year following the day on which the vacancy is deemed under section 11 of the Act of 1962 as amended by Article 3 of the Order of 1972 to have occurred the vacancy shall remain unfilled until that election day.

*N. E. Leigh,*  
Clerk of the Privy Council.

## SCHEDULE 1

Article 3(2)

District (1)	District Electoral Area (2)	Number of Wards (3)	Name of Wards (4)	
1. Londonderry	A	6	Banagher Claudy Eglinton	Prehen Enagh Faughan
	B	5	Caw Altnagelvin Ebrington	Clondermot Victoria
	C	5	Crevagh Creggan South Creggan Central	Beechwood Westland
	D	5	Brandywell Riverside St. Columb's Wells	The Diamond Waterloo
	E	6	Strand Rosemount Springtown	Pennyburn Shantallow Culmore

District (1)	District Electoral Area (2)	Number of Wards (3)	Name of Wards (4)	
2. Limavady	A	6	Greestel Walworth Glack	Magilligan Myroe Aghanloo
	B	5	The Highlands Feeny Dungiven	Upper Glenshane Forest
	C	4	Roeside Coolessan	Binevenagh Rathbrady
3. Coleraine	A	6	Kilrea Garvagh Agivey	Ringsend Castlerock Macosquin
	B	7	Dunluce Knockantern Ballywillin Strand	Portstewart Portrush Dhu Varren
	C	7	The Cuts Churchland Waterside Mount Sandel	Central University Cross Glebe
4. Ballymoney	A	4	Seacon Killoquin Lower	Killoquin Upper The Vow
	B	8	Benvardin Stranocum Dervock Ballyhoe and Corkey	Kilraghts Castlequarter Dunloy Clogh Mills
	C	4	Newhill Town Parks	Fairhill The Hills
5. Moyle	A	4	Glenariff Glanaan	Glendun Glenshesk
	B	8	Armoy Carnmoon Ballylough Bushmills	Dunseverick Ballintoy Moss-side Kinbane
	C	4	Dalriada Quay	Knocklayd Rathlin

District (1)	District Electoral Area (2)	Number of Wards (3)	Name of Wards (4)
6. Larne	A	4	Carnlough Glenarm Carncastle Ballyloran
	B	4	Island Magee Ballycarry Glynn Kilwaughter
	C	7	Harbour Blackcave Town Parks Gardenmore Central Craigy Hill Antiville
7. Ballymena	A	4	Glenravel Craigyarwarren Broughshane Slemish
	B	6	Dunminning Portglenone Cullybackey Ahoghill Grange Galgorm
	C	5	Kells Glenwhirry Ballee Harryville Ballykeel
	D	6	Waveney Castle Demesne Park Fair Green Dunclug Ballyloughan
8. Magherafelt	A	5	Swatragh Lower Glenshane Maghera Tobermore Draperstown
	B	5	Upperlands Valley Gulladuff Knockloughrim Bellaghy
	C	5	Castledawson Lecumpher Ballymaguigan Town Parks East Town Parks West
9. Cookstown	A	5	Dunamore Pomeroy Oaklands Sandholes Lissan
	B	6	Stewartstown Moneymore Coagh The Loop Ardboe Killycopy
	C	4	Old Town Newbuildings Tullagh Gortalowry

District (1)	District Electoral Area (2)	Number of Wards (3)	Name of Wards (4)
10. Strabane	A	5	Glenderg Castleberg Clare Newtownstewart Sion Mills
	B	5	Plumbridge Victoria Bridge Dunnamanagh Slievekirk Artigarvan
	C	5	Finn North West East South
11. Omagh	A	5	Trillick Dromore Drumquin Clanabogan Fairy Water
	B	4	Fintona Newtownsaville Beragh Sixmilecross
	C	7	Strule West Fairgreen Killyclogher Dergmoney East Drumragh
	D	4	Gortin Owenglen Drumnakilly Carrickmore
12. Fermanagh	A	4	Rosslea Newtownbutler Lisnaskea Derrylin
	B	4	Brookeborough Maguire's Bridge Tempo Lisbellaw
	C	4	Florencecourt and Kinawley Belcoo and Belmore Derrygonnelly Garrison
	D	4	Belleek and Boa Kesh, Ederny and Lack Irvinestown Ballinamallard
	E	4	Castlecoole Erne Rossorry Devenish



District (1)	District Electoral Area (2)	Number of Wards (3)	Name of Wards (4)
13. Dungannon	A	5	Fivemiletown Clogher Castlecaulfield Aughur Ballygawley
	B	5	Washing Bay Coalisland North Coalisland South Altmore Donaghmore
	C	5	Killyman Moy Caledon Benburb Aughnacloy
	D	5	Moygashel Drumglass Lisnahull Killymaddy Killymeal
14. Craigavon	A	5	The Birches Kinnegoe Aghagallon Belle Vue Woodville
	B	7	Breagh Hartfield Edgarstown Woodside Annagh Brownstown Tavanagh
	C	6	Kernan Bachelors Walk Court Killycomain Brownlow Taghnevan
	D	7	Bleary Waringstown Magheralin Mourneview Knocknashane Parklake Church
15. Armagh	A	4	Charlemont Loughgall Hockley Ballymartrim
	B	6	Laurelvale Tandragee Poyntz Pass Markethill Richhill Killeen
	C	5	Carrigatuke Keady Derrynoose Killylea Milford
	D	5	Lisanally The Mall Demesne Downs Lurgyvallen

District (1)	District Electoral Area (2)	Number of Wards (3)	Name of Wards (4)	
16. Newry and Mourne	A	5	Annalong Binnian Kilkeel	Cranfield Lisnacree
	B	4	Rostrevor Ballycrossan	Clonallan Seaview
	C	4	Spelga Rathfriland	Drumgath Donaghmore
	D	7	Fathom Tullyhappy Bessbrook Derrymore	Ballybot Daisy Hill Drumalane
	E	6	Forkhill Creggan Crossmaglen	Newtownhamilton Camlough Belleek
	F	4	Drumgullion Windsor Hill	St. Patrick's St. Mary's
17. Banbridge	A	7	Gilford Lawrencetown Loughbrickland Seapatrick	Edenderry Central Ballydown
	B	8	Annaclone Drumadonnell Garran Croob	Ballyoolymore Quilly Skeagh Dromore
18. Down	A	7	Saintfield Derryboy Killyleagh Crossgar	Kilmore Ballymaglave Market
	B	6	Strangford Ardglass Killough	Quoile Audley's Acre Cathedral
	C	7	Dundrum Castlewellan Tollymore Donard	Shimna Dunmore Seaforde

District (1)	District Electoral Area (2)	Number of Wards (3)	Name of Wards (4)	
19. Lisburn	A	4	Glenavy Tullyrusk	Magheragall Moira
	B	5	Maze Hillsborough Ballymacbrennan	Dromara Drumbo
	C	5	Blaris Hillhall Lagan Valley	Old Warren Knockmore
	D	5	Hilden Tonagh Lisnagarvey	Magheralave Lambeg
	E	4	Derryaghy Dunmurry	Seymour Hill Collin
20. Antrim	A	5	Toome Drumanaway Cranfield	Randalstown Tardree
	B	5	Parkgate Templepatrick Ballyrobin	Aldergrove Crumlin
	C	5	Balloo Massereene Parkhall	Stiles Ballycraigy
21. Newtownabbey	A	5	Mallusk Doagh Ballynure	Ballyeaston Ballyclare
	B	6	Whitehouse Whiteabbey Dunanney	Coole Bradan Hopefield
	C	5	Rostulla Cloughfern Monkstown	Jordanstown Carnmoney
	D	5	Mossgrove Mossley Ballyhenry	Glengormley Whitewell

District (1)	District Electoral Area (2)	Number of Wards (3)	Name of Wards (4)	
22. Carrickfergus	A	5	Lower Green- island Middle Green- island	Knockagh Woodburn Trooperslane
	B	5	Blackhead Whitehead Eden	Boneybefore Victoria
	C	5	Castle Clipperstown Northland	Sunnylands Love Lane
23. North Down	A	5	Groomsport Churchill Ballyholme	Ballymagee Bangor Harbour
	B	5	Conlig Whitehill Rathgael	Clandeboye Silverstream
	C	5	Bangor Castle Springhill Bryansburn	Princetown Crawfordsburn
	D	5	Craigavad Loughview Cultra	Holywood Demesne Holywood Priory
24. Ards	A	7	Portaferry Kircubbin Ballyhalbert Greyabbey	Carrowdore Donaghadee North Donaghadee South
	B	6	Loughries Movilla Glen	Scrabo Ulsterville Central
	C	4	Comber North Comber South	Ballygowan Killinchy

District (1)	District Electoral Area (2)	Number of Wards (3)	Name of Wards (4)	
25. Castlereagh	A	6	Carryduff Moneyreagh Four Winds	Beechill Newtownbreda Minnowburn
	B	8	Ballyhanwood Carrowreagh Dundonald Enler	Upper Braniel Gilnahirk Tullycarnet Lower Braniel
	C	5	Lisnasharragh Downshire Cregagh	Wynchurch Hillfoot
26. Belfast	A	7	Rosetta Ballynafeigh Ormeau Willowfield	Orangefield The Mount Ballymacarret
	B	7	Island Sydenham Bloomfield Shandon	Belmont Stormont Ballyhackamore
	C	6	Finaghy Upper Malone Stranmillis	Malone University Windsor
	D	6	Ladybrook Suffolk Andersonstown	Milltown St. James Whiterock
	E	6	Highfield Woodvale Ballygomartin	Legoniel Ardoyne Ballysillan
	F	6	Donegall St. George's Cromac	Clonard Grosvenor Falls
	G	6	North Howard New Lodge Central	Court Shankill Crumlin
	H	7	Cavehill Castleview Fortwilliam Grove	Bellevue Duncairn Cliftonville

Article 4(3)(c).

## SCHEDULE 2

SCHEDULE SUBSTITUTED FOR SCHEDULE 5 TO THE ELECTORAL LAW  
(NORTHERN IRELAND) ACT 1962  
LOCAL ELECTIONS RULES

PART I  
TIME-TABLE AND COMPUTATION OF TIME

1. *Time-table for local elections.* The proceedings at elections to district councils shall be conducted in accordance with the following table (in these Rules referred to as the Time-table):—

Proceeding (1)	Time fixed or allowed at	
	local general elections held in the year 1977 and each subsequent local election year (2)	elections for the filling of casual vacancies (3)
1. Publication of notice of election.	Not later than the last Wednesday in the month of April.	Not later than seven days before the nomination day.
2. Delivery of nomination papers and lodgment of deposit under section 60.	Subject to Rule 12, during the period between 10 am and 5 pm on the first Wednesday in the month of May.	Subject to Rule 12, during the period between 10 am and 5 pm on such day, not later than twenty-one days after the date of the occurrence of the vacancy, as the returning officer shall fix.
3. Delivery of notice of withdrawal of candidature.	Not later than 3 pm on the day next following the nomination day.	Not later than 3 pm on the day next following the nomination day.
4. The making of objections to nomination papers.	Within the time specified in paragraph (11) of Rule 11.	Within the time specified in paragraph (11) of Rule 11.
5. Notices to candidates: (a) of valid nomination; (b) of invalid nomination.	As soon as practicable after the expiration of the time allowed for withdrawal, and not in any event later than noon on the third day after the nomination day.	As soon as practicable after the expiration of the time allowed for withdrawal, and not in any event later than noon on the third day after the nomination day.
6. Publication of statement of candidates validly nominated.		
7. Notice of poll.	Not later than the Friday next preceding the polling day.	Not later than the fifth day before the polling day.
8. Polling	Between 8 am and 8 pm on the third Wednesday in the month of May.	Between 8 am and 8 pm on the fourteenth day after the nomination day.

2. *Computation of time.* In the computation of any period of time for the purposes of Rule 1, a Sunday or public holiday shall be disregarded and shall not be treated as a day for the purpose 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.

3. *Postponement of nominations and elections.* Where there is in force an order under Rule 2 of the Registration Rules postponing the date of publication of a register or part of a register, the Secretary of State may direct that for any day fixed by the Time-table for the nomination or election of candidates in any local election to which that register or part relates there shall be substituted such other day (not being later than three months after the day so fixed) as may be specified; and any such direction may contain such consequential provisions as may be necessary for giving effect to this Rule.

## PART II

### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

4. *Deputy Returning Officers.* In these Rules any reference to the returning officer in relation to any function which has been delegated to a deputy or assistant returning officer shall be construed as a reference to the deputy returning officer or an assistant returning officer for the relevant local government district.

5. *Publication of notices.* Any public notice required by these Rules to be given shall, unless the 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.

6. *Notice of the election.* The deputy returning officer shall, in accordance with the Time-table in Rule 1, give public notice of an election in the form numbered L.E.1 in the Appendix 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 each district electoral area in the local government electoral area concerned;
- (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 for the holding of the poll, if the election is contested;
- (g) the last day for the receipt of applications to vote by post.

7. *Nomination forms.* Nomination forms referred to in Rule 8 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 shall be supplied free of charge to any person applying therefor.

8. *Nomination and description of candidates.*—(1) Each candidate shall be nominated by means of a separate nomination paper in the form numbered L.E.2 in the Appendix.

(2) The nomination paper shall be subscribed by two persons as proposer and seconder, both such persons being registered in the register of local government electors for the district electoral area for which the candidate is being nominated.

(3) Where a nomination paper bears the signatures of more than the required number of persons as proposing and seconding the nomination of a candidate, the signature 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 nomination papers at the same election than there are vacancies to be filled in the district electoral area and, if he does, his signature shall be inoperative on any paper other than the first papers delivered up to the number of vacancies 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 papers.

(6) A person shall not be validly nominated unless the nomination paper is signed by him or on his behalf consenting to his nomination as a candidate for election in the district electoral area concerned.

9. *Description of candidate on nomination paper.*—(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.

10. *Receipt of nomination papers.*—(1) Each deputy returning officer shall on nomination day attend at the principal office, between 10 a.m. and 5 p.m., for the purpose of receiving nominations (in these Rules referred to as “the nomination period”) from or on behalf of candidates nominated for any district electoral area comprised in the local government electoral area for which he is deputy returning officer.

(2) The deputy returning officer shall also receive during the nomination period the deposit of £15 (required by section 60(3)(b) as amended by Article 10 of the Electoral Law (Northern Ireland) Order 1972) made by each candidate.

11. *Delivery and determination of validity of nomination papers and attendance at nomination.*—(1) Each nomination paper shall be delivered to the deputy 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.

(2) The deputy returning officer shall endorse on the first nomination paper received in respect of each candidate, and shall sign, a statement of the time of receipt thereof and of the due lodgment 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 deputy 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 deputy returning officer shall not be required to mark a second or any subsequent paper in respect of that candidate.

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

(a) it is in the form numbered L.E.2 in the Appendix;

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



(c) it is signed by or on behalf of the candidate consenting to his nomination; and  
(d) it is accompanied by the deposit in accordance with Rule 10,  
and otherwise shall determine the nomination paper to be invalid.

(6) Where the deputy 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 deputy 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 deputy 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 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 deputy returning officer shall take any such objection into consideration and shall give his decision thereon as soon as practicable.

12. *Abandonment of nomination proceedings in case of riot, etc.*—(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 are obstructed or interrupted by riot, open violence or any form of civil disorder or disobedience, the deputy returning officer may abandon the nomination proceedings for that day and he shall continue them on the next day (determined in accordance with Rule 2).

(2) If the returning 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 he shall continue or, as the case may be, commence them on the next day (determined in accordance with Rule 2).

(3) Where proceedings are abandoned by virtue of this Rule 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 are abandoned under this Rule, the returning officer shall make such amendment to the Time-table for the election in that district electoral area as he considers necessary.

13. *Withdrawal of candidature.* A candidate may withdraw his candidature by a notice of withdrawal signed by him and delivered in person by him, his election agent or his proposer to the deputy returning officer not later than 3 p.m. on the day next following the nomination period.

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

(2) The deputy returning officer shall, as soon as practicable after the period for withdrawals has elapsed, cause public notice (in the manner provided by Rule 5) to be given in the form numbered L.E.4 in the Appendix detailing the names and other particulars of each candidate then standing validly nominated for each separate district electoral area comprised in the local government electoral area.

(3) A certified copy of such published notices for each district electoral area shall be transmitted by the deputy returning officer to the returning officer.

15. *Death of a candidate.*—(1) Where before the latest time for the withdrawal of candidature under Rule 13 the deputy returning officer is given proof to his satisfaction that a candidate standing nominated for a district electoral area has died, he shall immediately give public notice to that effect and the candidature of the candidate shall be deemed to have been withdrawn.

(2) Where at any time after the latest time for the withdrawal of candidature under Rule 13 and before the commencement of the poll the deputy returning officer is given proof to his satisfaction that a candidate, standing nominated for election for a district electoral area, has died, the following provisions shall have effect in relation to the election for that district electoral area:—

- (a) if notice of the poll has been given, the deputy returning officer shall forthwith countermand the poll for that district electoral area;
- (b) all the proceedings for the election in that district electoral area shall be commenced afresh, but any surviving candidate or candidates standing nominated for the countermanded election at the time when the deputy returning officer became satisfied of the death of the candidate shall be deemed to have been nominated for the fresh election;
- (c) the deputy returning officer shall forthwith give public notice that all acts done in connection with the election (other than the nominations of the surviving candidates) are void and that a fresh election for that district electoral area will be held;
- (d) the deputy returning officer shall forthwith publish the notice of election in relation to the fresh election;
- (e) at the fresh election the earliest time for receiving nominations shall be 10 a.m. on the day next following the date of the publication of the said notice of election and the latest time for receiving nominations shall be 5 p.m. on the third day next following the said date;
- (f) the polling day at the fresh election shall be such day, being not more than fourteen days after the latest date for receiving nominations, as shall be fixed by the deputy returning officer, with the approval of the returning officer.

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

- (a) all votes cast at the election for that district electoral area shall be disregarded and the ballot papers destroyed;
- (b) the provisions of sub-paragraphs (a), (c), (d), (e) and (f) of paragraph 2 of this Rule shall apply to the election for the said district electoral area.

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

### PART III

#### UNCONTESTED ELECTIONS

16. *Declaration of result of election.* Where the number of candidates standing validly nominated is equal to or less than the number of members to be returned by that district electoral area, the statement referred to in Rule 14(2) shall also declare those candidates to have been elected.

### PART IV

#### CONTESTED ELECTIONS

17. *Poll to be taken by ballot.*—(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.

18. *Notice of the poll.* The deputy 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 district electoral area.

19. *Ballot papers.*—(1) The ballot of every voter shall consist of a ballot paper and the persons named in the notice 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 L.E.6 in the Appendix 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 notice;
- (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 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.

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

- (a) for ordinary ballot papers shall each contain, at the discretion of the deputy returning officer, either fifty or one hundred papers;
- (b) for tendered ballot papers shall each contain 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.

(5) It shall be the duty of the deputy 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.

20. *The official mark.*—(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 deputy returning officer to ensure—

(a) that the official mark is kept secret; and

(b) that any particular mark is not used in any individual district electoral area more often than once in any period of seven years.

21. *Poll cards.*—(1) Official poll cards in the form numbered L.E.7 in the Appendix shall be prepared by the deputy returning officer in respect of the electors registered in the district electoral area 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.

22. *Postal voting.*—(1) An application to be treated as an absent voter shall be—

(a) in form L.E.33 in the Appendix in the case where the application is made on the grounds of physical disability or religious observances;

(b) in form L.E.34 where the application is made on the grounds of occupational incapacity or employment on polling day.

(2) An application to be treated as an absent voter based on the ground of religious observances shall not be allowed by the deputy returning officer unless it is accompanied by a certificate signed by a Minister of the applicant’s religious denomination certifying the nature and times of the religious observances and that the applicant is bound to observe them.

(3) An application to be treated as an absent voter, based on the ground of physical incapacity, including blindness, shall be allowed by the deputy returning officer if the application is accompanied by a certificate signed by a registered medical practitioner certifying, or a declaration signed by a Christian Science practitioner stating, that the applicant is unable, or likely to be unable, by reason either of blindness or any other physical incapacity to go in person to the polling station or, if able to go, to vote unaided.

(4) The completed application form must be received by the deputy returning officer not later than 12 days before the day of the poll.

(5) The deputy returning officer on disallowing a person’s application to be treated as an absent voter shall notify the applicant of the fact.

(6) Where the deputy returning officer allows an application to be treated as an absent voter and the applicant gives an address in the United Kingdom to which a ballot paper may be sent the deputy returning officer shall place that person’s name on the postal voting list for the election.

23. *General provisions as to postal ballot papers.*—(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 deputy 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 deputy 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 deputy 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 deputy 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, also indicate the date and hour of commencement of the final issue.

(4) The deputy 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 paragraph (4) shall be conducted at the same place.

(6) The deputy 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 deputy 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 deputy 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 district electoral area 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 deputy 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 deputy 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.

24. *Declaration of secrecy.*—(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, the deputy returning officer 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 or deputy 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 a justice of the peace or the returning officer or deputy returning officer,

and a copy of paragraph 27 of Schedule 9 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.”.

25. *Proceedings on the issue and return of postal ballot papers.*—(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 L.E.35 in the Appendix (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 deputy 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 deputy 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 deputy 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 deputy 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 deputy 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 deputy 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 deputy returning officer on receiving and opening an envelope, other than a covering envelope, addressed to him as deputy 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 deputy 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 deputy 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.
- 26. Proceedings on the opening of the postal ballot boxes containing covering envelopes.—*(1) Before opening the postal ballot boxes the deputy 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 deputy 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 deputy 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 deputy 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 deputy returning officer on any question arising in respect 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 deputy 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 deputy returning officer shall immediately deal with such declaration and ballot paper in accordance with paragraphs (3) and (4).

(7) The deputy 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 deputy 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 deputy returning officer so that no further ballot papers can be inserted therein.

*27. Disposal by deputy returning officer of postal voting documents.—*(1) As soon as practicable after completing the issue of postal ballot papers, the deputy 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 deputy 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 deputy 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 deputy 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 deputy returning officer shall prepare a statement in the form numbered L.E.25 in the appendix setting out the number of postal ballot papers issued, and such other particulars as are required by that form.

(6) Where after the deputy 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 deputy returning officer shall retain all such envelopes unopened in a packet sealed by him.

(7) The deputy returning officer shall mark on each packet particulars of its contents, the date of the election to which they relate and the name of the district electoral area for which the election was held.

28. *Use of schools and public rooms.*—(1) The deputy 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 deputy 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.

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

(2) The deputy 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 deputy 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 deputy 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 compartments to be used by the electors allotted to any box shall be so fixed in relation to that box as to render it inconvenient for a voter after marking his ballot paper to place it in any ballot box other than that to which he is allotted.
30. *Appointment of presiding officers, poll clerks, etc.*—(1) The deputy returning officer shall for every polling station appoint a presiding officer for each ballot box therein provided, and in a multiple station may designate as senior presiding officer one of the presiding officers who 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 deputy returning officer.
- (2) The deputy returning officer shall appoint a poll clerk to assist each presiding officer.
- (3) The deputy returning officer shall appoint such clerks and other assistants as he considers necessary for the due conduct of the election.
- (4) The deputy returning officer shall 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 deputy 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 framed and approved under section 23 as amended by Schedule 2 to the Electoral Law (Northern Ireland) Order 1972 and Articles 2 and 5 of the Northern Ireland (Modification of Enactments—No. 1) Order 1973(a).
- (6) The deputy returning officer may, in the absence or incapacity of a presiding officer, or where in the opinion of the deputy 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 deputy returning officer, any functions of a presiding officer may be performed on his behalf by any person appointed under these Rules to assist him.

31. *Appointment of polling agents and counting agents, etc., and non-attendance of candidates and their election or other agents.*—(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 a counting agent 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) Only 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 deputy returning officer of the name and address of the counting agent appointed by him.

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

32. *Marking of register.* 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 deputy 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.

33. *Election equipment, etc.*—(1) The deputy returning officer shall provide at each polling station—

- (a) such furniture as he thinks necessary for the efficient conduct of the poll, 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 L.E.32 in the Appendix) which he shall cause to be conspicuously displayed—
  - (i) in every room in the polling station in which a ballot box is provided; and
  - (ii) in every compartment;
- (d) sufficient copies of such directions as will enable voters to proceed without difficulty to the ballot boxes to which they are allotted, which directions he shall cause to be conspicuously displayed;
- (e) for the presiding officer for each ballot box—
  - (i) such number of ballot papers as the deputy returning officer thinks adequate for the due conduct of the poll, 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 deputy returning officer thinks necessary for the due conduct of the poll.

(2) The deputy 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 the returning officer shall be made available to the deputy returning officer for an election held in the area of the district council.

(5) 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.

(6) A deputy 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 framed and approved under section 23 as amended by Schedule 2 to the Electoral Law (Northern Ireland) Order 1972 and Articles 2 and 5 of the Northern Ireland (Modification of Enactments—No. 1) Order 1973, shall be part of the election expenses of the deputy returning officer.

(7) The Chief Electoral Officer shall arrange for the issue on loan free of charge to the deputy returning officer on demand, of as many marking instruments as may be required for the purpose of the election.

34. *Opening of the poll.*—(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 time fixed by Rule 1 for the opening of the poll, and no person shall before that time be admitted to the polling station for the purpose of recording his vote.

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

- (a) the returning officer, the deputy returning officer or assistant of his;
- (b) any messengers sent by or on behalf of the returning officer or deputy 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 or deputy 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.

36. *Meaning of polling station.* 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.

37. *Maintenance of order in polling station.*—(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 deputy returning officer to remove him, and a person so removed shall not re-enter the polling station without the permission of the presiding officer.

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

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

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

(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 deputy 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 deputy returning officer and, where he considers it necessary, the deputy returning officer or, if he obtains the approval of the deputy 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;
- (b) references in these Rules to the close of the poll shall be construed accordingly; and
- (c) the deputy returning officer shall inform the returning officer of the adjournment.

(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.

39. *Voting procedure.*—(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 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.

40. *Spoilt ballot papers.*—(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 manner that it cannot conveniently be used as a ballot paper.

41. *Blind and other assisted voters.*—(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 names of the candidates for or against whom the said vote is recorded.

Signature.....  
Date.....

I, the undersigned, being the presiding officer for \_\_\_\_\_ ballot box 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.....

42. *Voting by constables and other persons on duty.*—(1) Where a constable is likely by reason of discharging his duty to be prevented from voting at an election at his allotted polling station—

- (a) the constable may, within the period of seven days before the day on which the poll is to be taken, apply to 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 L.E. 16 in the Appendix 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 is likely to be so prevented as aforesaid.

(2) Where an elector is employed by the deputy returning officer for any purpose connected with an election at which that elector is entitled to vote, and the circumstances of his employment are such as to prevent that elector from voting at his allotted polling station, the deputy returning officer may, and at the request of the elector shall, so certify in the form numbered L.E. 17 in the Appendix.

(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 district electoral area as his allotted polling station the presiding officer to whom it is presented shall permit him to vote and shall forthwith cancel the certificate and retain it for disposal at the close of the poll in accordance with Rule 46(5).

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

43. *Questions to be put to voters.*—(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 as an elector—

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

(ii) “Have you already voted on your own behalf either here or elsewhere in this or any other district electoral area 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 or any other district electoral area at this election?”;

(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.

44. *Tendered ballot papers.*—(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”) in the form numbered L.E.18 in the Appendix.

45. *Challenge of voter for personation.*—(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 L.E.19 in the Appendix 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.

*46. Procedure on the close of the poll.*—(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 deputy returning officer and any assistants of his;
- (b) any messengers sent by or on behalf of the returning officer or deputy returning officer;
- (c) the presiding officers and poll clerks for the ballot boxes in the station and any other polling station assistants appointed by the deputy returning officer;
- (d) the candidates and their election agents and polling agents;
- (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 L.E.20 in the Appendix (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 deputy returning officer for the conduct of the poll.

(6) Where any person has been taken into custody in a polling station the presiding officer who ordered the arrest shall complete a statement 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 deputy returning officer, and shall there deliver to the deputy returning officer or his assistant, or a messenger appointed for the purpose by the deputy 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 deputy returning officer shall make adequate arrangements for the safe custody of the ballot boxes and of all documents connected with the poll from the time of their delivery to him until the beginning of the count.

#### PART V

##### COUNTING OF THE VOTES AND RETURN OF PERSONS ELECTED

#### 47. *Definitions.* 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 deputy returning officer, indicate the same order of preference and are next in order of preference; or

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

(c) it is void for uncertainty;

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

“preference” shall be interpreted as follows:—

- (a) “first preference” means the figure “1” or any mark which, in the opinion of the deputy returning officer, clearly indicates a first preference;  
 “second preference” means the figure “2” or any mark which, in the opinion of the deputy returning officer, clearly indicates a second preference standing in succession to a first preference;  
 “third preference” means the figure “3” or any mark which, in the opinion of the deputy 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 deputy returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preference next in order on the ballot 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.

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

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

(2) No person other than—

- (a) the returning officer, the deputy returning officer, 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 deputy returning officer may admit;

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

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

50. *Preliminary proceedings.*—(1) Before proceeding to the count the deputy 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 deputy 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 deputy returning officer shall forthwith proceed to the count.

51. *Special provisions.*—(1) If during the proceedings under Rule 50 the deputy returning officer finds that any ballot box—

- (a) is missing; or
- (b) has been tampered with and the contents thereof wholly or partly abstracted, defaced or destroyed; or
- (c) has from any other cause suffered such damage that its contents are wholly or partly defaced or destroyed,

he shall 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 deputy returning officer shall, if possible, determine the number of ballot papers that could properly have been deposited in the box, by reference—

- (a) to the marked copy of the portion of the register relevant to that box; and
- (b) to the number of ballot papers remaining unused out of the number supplied to the presiding officer;

and if the number of papers found in the box is equal to or less than the number so determined, he shall inform the several election agents then present and, subject to Rule 53, shall admit the papers to the count.

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

- (a) a serial number not borne by any of the ballot papers supplied to the polling station; or
- (b) the same serial number as that borne by another paper found in the box; or
- (c) no serial number;

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

(4) If any such ballot papers as are referred to in paragraph (3)(a), (b) or (c) are found in the ballot box the deputy 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 deputy returning officer shall forthwith in the presence of the candidates or their election agents, cause each such ballot paper to be re-examined, and any papers to be abstracted which do not bear the official mark or which bear no serial number or a serial number not borne by any of the ballot papers supplied to that polling station; and if after such abstraction the number of ballot papers found in that box is 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 deputy 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 deputy returning officer, after ascertaining the number of ballot papers found in the other box or boxes brought from that station—

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

(b) is not satisfied that the discrepancy was so caused as aforesaid, he shall forthwith carry out the procedure provided in 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 deputy 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 deputy 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 the Northern Ireland (Local Elections) Order 1977(a) 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 district electoral area make such modifications to these Rules and give such directions as appear to him to be necessary or expedient.

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

(2) The deputy returning officer, while counting and recording the number of ballot papers, shall cause 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.

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(a) S.I. 1977/428(1977 I, p.1497).

(3) The deputy returning officer shall, so far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment and excluding (except so far as he and the candidates otherwise agree) the period between 11 p.m. and 9 a.m. on the following day.

(4) During the excluded time the deputy 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.

53. *Invalid ballot papers.*—(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which the figure 1 standing alone is not placed so as to indicate a first preference for some candidate; or
- (c) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or
- (d) on which anything (other than the printed number on the back) is written or marked by which the voter can be identified; or
- (e) which is void for uncertainty;

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

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

(3) The deputy 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 deputy 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.

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

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

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

55. *The quota.*—(1) The deputy 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”).

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

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

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

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

(8) The deputy returning officer, in carrying out such a transfer of a surplus, shall at each such stage enter on the election result sheet the value of the papers transferred to each continuing candidate.

(9) In carrying out a transfer under paragraph (6), the deputy 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 deputy 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 deputy returning officer shall reconcile from his result sheet the total of votes at that stage credited to all candidates, together with the total non-transferable vote, with the already determined total valid vote.

(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 deputy returning officer shall deem to be elected any candidate whose total vote, at that stage, then equals or is in excess of the declared quota.

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

(14) The deputy 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.

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

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

(3) The deputy 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 deputy 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 deputy returning officer shall record on the result sheet the total value of the papers transferred to each continuing candidate, adding such totals to the candidate's previously recorded total vote in each case, thus determining the new total vote for each continuing candidate at that stage.

(8) The deputy returning officer shall then record on the result sheet the value of the non-transferable papers and add such total to the previous non-transferable papers total.

(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 deputy 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 deputy 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.

58. *Transfer of votes.*—(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.

59. *Filling of last vacancies.*—(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.

60. *Recount.*—(1) The deputy returning officer on completion of each stage of the count shall, before proceeding with the next stage involved, inform all the candidates and their election agents then present of his intention, subject to a request for a recount, to proceed to the next stage.

(2) Before the deputy 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 deputy 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 deputy 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 deputy 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 deputy returning officer shall, where necessary, amend any results previously announced by him.

61. *Order of election of candidates.*—(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 earliest 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 deputy returning officer shall determine by lot the order in which such candidates shall be deemed to have been elected.

62. *Declaration of the result of the poll.* On the completion of the counting of the votes the deputy returning officer shall declare the result of the poll and the candidates deemed to be elected shall thereupon stand elected in the order ascertained in accordance with Rule 61.

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

64. *Return of persons elected.*—(1) The deputy returning officer for each district electoral area 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) The 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 L.E. 30 in the Appendix.

## PART VI

### DISPOSAL, PRODUCTION AND INSPECTION OF DOCUMENTS

65. *Disposal of documents, etc., by deputy returning officer.*—(1) On the completion of the count, the deputy 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 district electoral area for which that election was held.

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

- (a) the marked copy of the register used at 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 district electoral area for which the election was held.

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

66. *Orders for production of documents.*—(1) No person shall be permitted—

- (a) to inspect any rejected ballot papers;
- (b) to open any sealed packet of counterfoils and certificates presented under Rule 65;
- (c) to inspect any counted or uncounted or tendered ballot papers;

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

(2) An order shall not be made unless the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of election petition.

(3) An order may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the court may think expedient, but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted or uncounted or tendered ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved that his vote was given and that the vote has been declared by a competent court to be invalid.

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

(5) Where an order is made for the production by the Chief Electoral Officer or a deputy returning officer of any document in their possession relating to any specified election the production in compliance with the order by them or their agent of that document shall be conclusive evidence that the document relates to the specified election; and any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

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

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

## APPENDIX

## LOCAL ELECTION FORMS

*Form*

- L.E. 1 Notice of election.
- L.E. 2 Nomination form.
- L.E. 3 Notice to candidate as to validity or invalidity of nomination.
- L.E. 4 Statement of persons standing validly nominated.
- L.E. 5 Notice to candidate where no poll is to be taken.
- L.E. 6 Form of ballot paper.
- L.E. 7 Polling information card.
- L.E. 8 Notice of poll.
- L.E. 14 Local proxy list.
- L.E. 15 Assisted voters list.
- L.E. 16 Certificate of employment as constable.
- L.E. 17 Certificate of employment as deputy returning officer.
- L.E. 18 Tendered voters list.
- L.E. 19 Declaration to be made by the polling agent.
- L.E. 20 Ballot paper account.
- L.E. 21 Presiding Officer's envelope No. 1.
- L.E. 22 Presiding Officer's envelope No. 2.
- L.E. 23 Presiding Officer's envelope No. 3.
- L.E. 24 Statement of persons taken into custody.
- L.E. 25 Statement—number of ballot papers issued and found in each ballot box.
- L.E. 26 Declaration by voter of inability to read.
- L.E. 27 Statutory declaration of secrecy.
- L.E. 28 Paragraph 27 of Ninth Schedule to the Electoral Law Act (Northern Ireland) 1962.
- L.E. 29 Form of declaration and attestation made by companion of blind voter.
- L.E. 30 Form of declaration of result of poll.
- L.E. 31 Notice of result of elections.
- L.E. 32 Form of directions for guidance of voter in voting.
- L.E. 33 Form of application to be treated as an absent voter on grounds of physical disability or religious observances.
- L.E. 34 Form of application to be treated as an absent voter on grounds of nature of employment.
- L.E. 35 Form of declaration by a person voting by post.

Rule 6

FORM L.E. 1

LOCAL ELECTION

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

District of .....

District Electoral Area .....

NOTICE OF ELECTION OF DISTRICT COUNCILLORS

NOTICE IS HEREBY GIVEN THAT:

- 1. The day of election of councillors for the district electoral areas of the district council of ..... will be .....
- 2. The numbers of district councillors to be elected for each district electoral area, comprised in the district council, are as follows:

<i>District Electoral Area No.</i>	<i>Wards</i>	<i>Number to be elected</i>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

- 3. Each candidate for election for a district electoral area must be nominated in writing and must signify in writing his consent to his nomination. Forms of nomination and consent may be obtained on application to my principal office situate at ..... or at the subsidiary office/s of my Assistant Returning Officer/s situate at .....

Such forms must be completed in all respects and delivered in person by the candidate or his proposer or seconder to me at my principal office together with the deposit of £15 (fifteen pounds), between 10 a.m. and 5 p.m. on nomination day, which is \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

- 4. Any candidate nominated for election may, not later than 3 p.m. on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, withdraw his candidature by delivery in person by him or by his proposer or seconder at my principal office a notice in writing, signed by him, of such withdrawal.

5. If the number of candidates standing validly nominated for a district electoral area, after the expiration of the time fixed for withdrawals, still exceeds that of the number of persons to be elected a poll will be taken on \_\_\_\_\_, due notice of which shall be given.
6. The last day for the receipt of applications to vote by post is the day of \_\_\_\_\_ 19 \_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

.....  
Deputy Returning Officer

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

NOTE

1. Every person guilty of a corrupt or illegal practice will, on conviction, be liable to the penalties imposed by Part X of and the Ninth Schedule to the Electoral Law Act (Northern Ireland) 1962.
2. Every person having a claim against the Deputy Returning Officer for any debt incurred for the purposes of an election shall, within twenty-one days after the day on which public notice is given of the result of the election, send to the Deputy Returning Officer details of particulars in writing of such claim and the Deputy Returning Officer shall not be liable in respect of anything which is not duly stated in such particulars.

Rules 8, 11

**FORM L.E. 2****LOCAL ELECTION**

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

**District of**.....

**District Electoral Area** .....

**ELECTION OF DISTRICT COUNCILLORS FOR THE ABOVE  
DISTRICT ELECTORAL AREA ON DAY OF 19 .**

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

<i>Name of Candidate</i>		<i>Place of residence</i>	<i>Description</i>	<i>Qualification</i>
<i>Surname</i>	<i>Other names</i>			
1	2	3	4	5
<i>Number in Register of Electors (if any).....</i>				

Signature of Proposer.....	Signature of Secunder.....
Place of residence.....	Place of residence.....
Number in Register of Electors.....	Number in Register of Electors.....
<b>CONSENT OF CANDIDATE TO NOMINATION</b>	<b>CONSENT ON BEHALF OF A CANDIDATE WHO IS PREVENTED BY ILLNESS OR OTHER SUFFICIENT CAUSE FROM SIGNIFYING CONSENT</b>
I, .....	I, .....
of .....	of .....
HEREBY CONSENT TO MY NOMINATION as a candidate for election as a councillor for District Electoral Area ..... of the District of .....	being a local elector for District Electoral Area ..... of the District of ..... hereby on behalf of .....
..... Signature of Candidate	..... of .....
..... Date	CONSENT TO HIS NOMINATION AS A CANDIDATE for election as a councillor for District Electoral Area ..... and I hereby declare that I have been duly authorised by the said ..... of ..... to signify such consent.
	..... Signature
	..... Date

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

at ..... on the ..... day of ..... 19 .., together with  
a deposit of £15.

.....  
Deputy Returning Officer

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



[*Form of back of Nomination Paper*]

INSTRUCTIONS FOR FILLING UP NOMINATION PAPER

1. The surname of only one candidate for election must be inserted in column 1. The candidate's number, if any, in the register of electors must be inserted in the space provided at the bottom of columns 1 and 2.

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

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

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

If a candidate is eligible for nomination only on the qualification that his principal or only place of work during the twelve months immediately preceding the day on which he is nominated as a candidate has been in the district of the council for which he is being nominated, then he should ensure that full details of his profession, the name and address of the premises at which he works and on which his qualification is based are entered in column 5.

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

[*Insert particulars of current qualifications*]

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

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

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

7. Each candidate for election must deposit, or cause to be deposited, with the deputy returning officer at his principal office for the purpose of election not later than the latest time for the delivery of nomination papers on the nomination day, the sum of £15 (fifteen pounds) by way of election deposit as specified by section 60(3)(b) of the Electoral Law Act (Northern Ireland) 1962 as amended.

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

Rule 11

**FORM L.E. 3**

**LOCAL ELECTION**

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

**ELECTION OF COUNCILLORS**

**NOTICE TO CANDIDATE AS TO VALIDITY OR INVALIDITY OF NOMINATION**

**District of**.....

**District Electoral Area** .....

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

To .....  
.....  
.....  
.....

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

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

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

.....  
.....  
.....  
.....  
.....

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

.....  
**Deputy Returning Officer**

Dated this.....day of.....19.....

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

\*Use whichever paragraph is appropriate.

**FORM L.E. 4**

Rules 14, 16, 18

**LOCAL ELECTION***[Form of notice of statement of persons standing validly nominated]***ELECTION OF COUNCILLORS****STATEMENT OF PERSONS STANDING VALIDLY NOMINATED****District of**.....**District Electoral Area**.....**The under-mentioned persons have been validly nominated**

<i>Persons standing validly nominated</i>				<i>Proposed by</i>	<i>No. in Register of Electors</i>	<i>Seconded by</i>	<i>No. in Register of Electors</i>
<i>Name (Surname first)</i>	<i>Place of residence</i>	<i>Descrip- tion</i>	<i>Quali- fication</i>				

.....  
Deputy Returning Officer

Dated this.....day of.....19

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

NOTE: This form shall be adapted as required by Rules 16 and 18.

Rule 16

**FORM L.E. 5**

**LOCAL ELECTION**

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

**ELECTION OF COUNCILLORS**

**NOTICE TO CANDIDATE WHERE NO POLL IS TO BE TAKEN**

**District of**.....

**District Electoral Area** .....

**To** .....

.....

.....

.....

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

..... in the District Council of .....

.....

.....  
Deputy Returning Officer

Dated this..... day of..... 19.....

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

**FORM L.E. 6**

**Rule 19**

**LOCAL ELECTION**

*[Form of ballot paper for a local election]*

**FORM OF FRONT OF BALLOT PAPER**

<p>The counterfoil is to have a number to correspond with that on the back of the ballot paper.</p>	<p>.....</p>	<p>District Electoral Area.....</p>	<p>District of .....</p>	<p>Elector's Registration No. ....</p>	<p>Counterfoil No. ....</p>
-----------------------------------------------------------------------------------------------------	--------------	-------------------------------------	--------------------------	----------------------------------------	-----------------------------

**BALLOT PAPER**

**District Council of**.....

**District Electoral Area** .....

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

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

**BACK OF BALLOT PAPER**

No. ....

**DIRECTIONS AS TO PRINTING THE BALLOT PAPER**

1. The ballot paper shall be printed on paper of the colour required by paragraph (4) of Rule 19.
2. Nothing is to be printed on the ballot paper except in accordance with these directions.
3. The following arrangements shall be observed in the printing of the ballot paper—
  - (a) apart from the particulars as to the district electoral area to which the ballot paper relates and the instructions to “Mark order of preference in space below” no other word shall be printed on the face except the particulars of the candidates;
  - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidate from one another and the vertical rule separating those particulars from the spaces on the left side of the paper where the vote is to be marked;

- 
- (c) the whole space between the particulars of the district electoral area and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
4. (a) The ballot paper shall contain the names, addresses, occupations and descriptions, if any, of the candidates standing nominated, as shown in their respective nomination papers, determined as being valid. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates bearing the same surname, in alphabetical order of their other names, or if their other names are the same, in the alphabetical order of their occupations;
- (b) the surname of each candidate and the name of his political party, group, organization or other body, or if the candidate has described himself as "Independent" or "Non Party", those words, shall be printed in large characters and his full name, address and profession, if any, as appearing in his nomination paper, shall be printed in small characters;
- (c) where the surnames of two or more candidates are the same there shall also be printed in large characters the other names of such candidates and so much of the descriptions of such candidates as appearing in their respective nomination papers, as will, in the opinion of the deputy returning officer, distinguish such candidates;
- (d) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the deputy returning officer, is best for marking and counting;
- (e) the ballot papers shall be numbered consecutively on the back and the front of the counterfoil attached to each ballot paper shall bear the same number. The numbers on the ballot papers shall be printed in the smallest characters compatible with legibility and shall be printed on or about the centre of the paper.
5. The ballot papers shall be printed and made up in book form which—
- (a) for ordinary ballot papers shall each contain, at the discretion of the deputy returning officer, either fifty or one hundred papers of the same colour;
- (b) for the tendered ballot papers shall each contain twenty-five papers of the same colour;
- (c) shall be so bound that at the close of the poll the counterfoils of the issued papers can be detached from those of the unused papers.

Rule 21

**FORM L.E. 7****LOCAL ELECTION***[Form of poll card]***OFFICIAL POLL CARD***(Front of Card)*

District of ..... District Electoral Area ..... Your Polling Station is at ..... ..... Polling Day is ..... ..... Deputy Returning Officer (Address) ..... .....	..... ..... ..... No. on Register
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------

*(Back of Card)**Local Elections Northern Ireland*

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 have been granted a postal vote 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.



**FORM L.E. 8**

Rule 18

**LOCAL ELECTION***[Form of notice of poll]*

District of .....

District Electoral Area .....

**NOTICE OF POLL**

NOTICE IS HEREBY GIVEN:

1. That a poll for the election of ..... councillors for the above-mentioned District Electoral Area will be held on the ..... day of ..... 19.... between 8 a.m. and 8 p.m.
2. That the particulars of the candidates standing validly nominated are as shown below:

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

3. That the poll will be taken by ballot in accordance with the principle of proportional representation, each elector having one transferable vote.
4. That special arrangements will on request be made by the presiding officer to mark the ballot paper of any person prevented from doing so personally by reason of total or partial blindness, defective vision, or illiteracy, or any other physical disability or of any religious belief.

.....  
Deputy Returning Officer

Dated this..... day of ..... 19....

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

A DEPUTY RETURNING OFFICER MAY, IF HE WISHES, INCLUDE IN THE NOTICE OF POLL A TABLE OF POLLING STATIONS TO BE USED AT THE ELECTION.

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

Rules 32, 33

**FORM L.E. 14****LOCAL ELECTION***[Form of Local Proxy list]***District of** .....**District Electoral Area** .....**LOCAL PROXY LIST**

<i>Ward</i>	<i>Number of elector in register of electors</i>	<i>Name of elector</i>	<i>Address of elector</i>	<i>Name of proxy</i>	<i>Address of proxy</i>

**FORM L.E. 15**

Rule 41

**LOCAL ELECTION**

[Form of assisted voters list]

**District of** .....

**District Electoral Area** .....

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

**Date of Poll**.....

**ASSISTED VOTERS LIST**

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

.....  
**Presiding Officer**

Dated this                      day of                      19 .

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

Rule 42

FORM L.E. 16

LOCAL ELECTION

[Form of certificate of employment as constable]

District of.....

District Electoral Area.....

CERTIFICATE OF EMPLOYMENT AS CONSTABLE

I certify that\*.....  
who is numbered.....in the register of electors for the above-  
mentioned District Electoral Area 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.

.....  
(Rank).....

Royal Ulster Constabulary District of.....

Dated this                      day of                      19

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

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



Rule 44

**FORM L.E. 18****LOCAL ELECTION***[Form of tendered votes list]***District of**.....**District Electoral Area**.....**Polling Station**..... **Ballot Box No.**.....**Date of Poll**.....**TENDERED VOTES LIST**

<i>* Name of elector</i>	<i>* Number in Register of electors</i>

.....  
Presiding Officer

Dated this                      day of                      19 .

(\*Where a voter is proxy for a service elector, enter in the first column the names of both proxy and elector, thus "A.B. proxy for C.D.", and in the second column the elector's number.)

**FORM L.E. 19**

Rule 45

**LOCAL ELECTION**

*[Form of declaration made by the polling agent]*

**District of**.....

**District Electoral Area**.....

**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 of the Local Elections Rules 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 para-  
graph 4 of the Ninth Schedule to the Electoral Law Act (Northern Ireland),  
1962, and I undertake to substantiate this charge in a court of law.

.....  
Polling Agent

Witness.....

.....  
Presiding Officer

Date.....

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

Rule 46

## FORM L.E. 20

## LOCAL ELECTION

*[Form of ballot paper account]*

District of.....

District Electoral Area .....

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

Date of Poll.....

## BALLOT PAPER ACCOUNT

## ORDINARY BALLOT PAPERS

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

## TENDERED BALLOT PAPERS

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

Date.....

.....

Presiding Officer



**FORM L.E. 21**

**Rule 46**

**PRESIDING OFFICER'S ENVELOPE NUMBER 1**

**LOCAL ELECTION**

**District of**.....

**District Electoral Area** .....

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

**THE BALLOT PAPER ACCOUNT**

**Date**.....  
.....  
**Presiding Officer**

**FORM L.E. 22**

**Rule 46**

**PRESIDING OFFICER'S ENVELOPE NUMBER 2**

**LOCAL ELECTION**

**District of**.....

**District Electoral Area** .....

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

**COUNTERFOILS OF BALLOT PAPERS USED  
BOTH ORDINARY AND TENDERED**

**CERTIFICATES PRESENTED BY CONSTABLES  
AND EMPLOYEES OF THE DEPUTY  
RETURNING OFFICER**

**Date**.....  
.....  
**Presiding Officer**

Rule 46

**FORM L.E. 23**

**PRESIDING OFFICER'S ENVELOPE NUMBER 3**

**LOCAL ELECTION**

**District of**.....

**District Electoral Area** .....

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

**MARKED COPY OF THE REGISTER**

**UNUSED ORDINARY AND TENDERED BALLOT PAPERS**

**SPOILT BALLOT PAPERS**

**LIST OF TENDERED VOTES**

**LOCAL PROXY LIST**

**ASSISTED VOTERS LIST**

**DECLARATIONS OF SECRECY**

**Date**.....

.....  
**Presiding Officer**





FORM L.E. 26

Rule 41

LOCAL ELECTION

[Form of declaration of inability to read]

District of.....

District Electoral Area.....

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

Date of Poll.....

DECLARATION BY VOTER OF INABILITY TO READ

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

.....His mark

Date.....

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

Signed.....  
Presiding Officer

Date.....

Rule 24

FORM L.E. 27

LOCAL ELECTION

District of.....

District Electoral Area.....

STATUTORY DECLARATION OF SECRECY (ONE NAME)

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

(Signature) .....

(Address) .....

.....

.....

The above declaration was made and subscribed before me this..... day of....., 19 , by the declarant, who at the time of making this declaration was given a copy of paragraph 27 of the Ninth Schedule to the Electoral Law Act (Northern Ireland) 1962.

(Signature) .....

(Description)\* .....

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

**FORM L.E. 28**

Rule 24

**LOCAL ELECTION****PARAGRAPH 27 OF THE NINTH SCHEDULE TO THE ELECTORAL  
LAW ACT (NORTHERN IRELAND) 1962****COPY TO BE GIVEN TO EVERY PERSON BEFORE SIGNING A  
STATUTORY DECLARATION OF SECRECY**

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

- (a) the name of any elector or proxy who has or has not applied for a ballot paper or voted at a polling station; or
- (b) the number on the register of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (c) the official mark.

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

- (a) ascertains or attempts to ascertain at the count the number on the back of any ballot paper; or
- (b) at any time communicates any information obtained at the count as to the candidate for whom any vote is given on any particular ballot paper.

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

- (a) interferes with or attempts to interfere with a voter when recording his vote; or
- (b) otherwise obtains or attempts to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted; or
- (c) communicates at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper issued to a voter at that station; or
- (d) directly or indirectly induces a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted; or
- (e) being a person permitted, on making a declaration of secrecy, to remain with a blind voter while the presiding officer records his vote, communicates at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number on the back of the ballot paper issued for use of that voter.

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

- (a) communicates, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
- (b) except for some purpose authorised by law, communicates to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person; or
- (c) except for some purpose authorised by law, attempts to ascertain at the proceedings in connection with the receipt of ballot papers the number on the back of any ballot paper; or
- (d) attempts to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot or communicates any information with respect thereto obtained at those proceedings.”



**FORM L.E. 29  
LOCAL ELECTION**

Rule 41

*[Form of declaration and attestation by person accompanying a blind or partially blind voter]*

**District of**.....

**District Electoral Area**.....

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

**Date of Poll**.....

**FORM OF DECLARATION AND ATTESTATION MADE BY  
COMPANION OF BLIND VOTER**

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

**Signature** .....

**Date** .....

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

.....  
**Presiding Officer**

**Date**.....

Rules 62, 64

**FORM L.E. 30**

**LOCAL ELECTION**

*[Form of declaration of result of Poll]*

**District of** .....

**District Electoral Area** .....

**DECLARATION OF RESULT OF POLL**

**LOCAL ELECTION**

**Date of Poll** .....

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

I, the undersigned, being the Deputy Returning Officer at the poll for the election of councillors for the said District Electoral Area, held on the day of 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) .....

<i>Names of candidates</i>	<b>First Count</b>	<b>Second Count</b>		<b>Third Count</b>		<b>Fourth Count</b>		<b>Fifth Count</b>		<b>Sixth Count</b>		<i>Names of candidates elected and the order of their election</i>
	<i>Votes</i>	<i>Transfer of</i>	<i>Result</i>	<i>Transfer of</i>	<i>Result</i>	<i>Transfer of</i>	<i>Result</i>	<i>Transfer of</i>	<i>Result</i>	<i>Transfer of</i>	<i>Result</i>	
<i>Non-Transferable Papers</i>												

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

Dated this            day of            19   .

.....  
Deputy Returning Officer

## FORM L.E. 31

Rule 64

## LOCAL ELECTION

[Form of notice of result of elections]

District of .....

District Electoral Area .....

## LOCAL ELECTION

## NOTICE OF RESULT OF ELECTIONS

ELECTION OF COUNCILLORS FOR THE ABOVE-MENTIONED  
DISTRICT COUNCIL ON .....

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

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

Dated this            day of            19   .

.....  
Deputy Returning Officer

Rule 33

FORM L.E. 32

## LOCAL ELECTION

**FORM OF DIRECTIONS FOR THE GUIDANCE OF THE VOTER IN VOTING**

1. Go **FIRST** to the presiding officer in charge of the ballot-box to which you have been allotted and give him your name, address and, if possible, your number on the Register of Electors. You will then be handed a ballot paper.
2. You should make sure that the ballot paper you have received from the presiding officer has the official mark stamped on it. *It is useless without it.*
3. Go into one of the voting compartments provided. Look at the ballot paper carefully and then record your vote by placing, in the spaces provided *at the left-hand side of the paper*, the numeral 1 opposite the name of the candidate of your first choice and then proceed if you wish by placing the numeral 2 opposite the name of the candidate of your second choice; and the numeral 3 opposite the name of the candidate of your third choice and so on. You may indicate by figures as many or as few preferences as you wish.
4. In no circumstances write anything else on the ballot paper; if you do you destroy your vote.
5. To ensure that a ballot paper is a valid vote you must, at least, place the numeral 1 opposite the name of the candidate of your first choice. If you fail to place the numeral 1 on the ballot paper, or place the numeral 1 and some other numeral opposite the name of the same candidate, or place any mark or writing on the ballot paper by which you may be identified, your ballot paper will be invalid and your vote will not be counted.
6. If by accident you damage or spoil your paper or if you mark it in such a way that it may be rejected as spoilt, or if you place a wrong mark on it or mark it inadvertently in a wrong space, then take the paper back to the presiding officer, tell him what has happened and ask him for a fresh ballot paper.
7. When you have marked your paper fold it so that the front of the paper is inwards, hiding your voting recorded on the paper, and take it back to the table of the presiding officer from whom you got it.  
Hold out the folded paper so that the presiding officer can see the stamped official mark showing through the back.  
You will see on the table a ballot-box and you should then personally put your paper into the box.
8. You must neither take your ballot paper out of the polling station nor put any other paper into a ballot-box. If you do you will commit a serious offence and will be liable to heavy penalties.
9. When you have voted leave the polling station at once.

FORM L.E. 33

Rule 22

LOCAL ELECTION

[Form of application to be treated as an absent voter on grounds of physical disability or religious observances]

This form completed and certified must be received by the Deputy Returning Officer not later than .....

Part A

1. I, (surname) ..... (block letters) (other names) ..... am registered as an elector for (address in block letters) .....

2. \*I apply to be treated as an absent voter at the election to be held on (date)..... \*I have been appointed proxy (see Note 1) for (name) ..... (block letters) (as shown on proxy paper), who is registered as an elector for (qualifying address) ..... (block letters) .....

and I apply to vote by post as proxy for the election to be held on (date).....

\*Delete whichever is inapplicable. because I am likely to be unable to go in person to the polling station (or, where (a) applies, to vote unaided)— \*(a) by reason of blindness or other physical disability (see Note 2) \*(b) my being bound by the following religious observances (see Note 3) .....

\*Delete whichever is inapplicable.

Signature..... Date.....

Address in the United Kingdom (in block letters) to which the ballot paper is to be sent (if different from address given above) .....

*Part B**Medical Certificate*

I, a registered medical practitioner, certify that the statement at 2 (a) above is correct.

Signed .....

Registered Medical Practitioner

Address .....

.....

.....

Date.....

*Declaration*

I declare to the best of my knowledge and belief that the statement at 2 (a) above is correct.

Signed .....

Occupation .....

Address .....

.....

.....

Date.....

*Certificate by Minister of Religion*

I certify that the statement at 2 (b) above is correct.

Signature .....

(Minister of the elector's religious denomination)

Address .....

.....

.....

Date.....

*Notes*

1. A person may not vote as a proxy unless he is duly qualified as a proxy in accordance with the provisions of the Seventh Schedule to the Electoral Law Act (Northern Ireland) 1962 and his name has been entered on the proxy record by the electoral officer.

2. Where the application is made on the grounds of blindness or other physical disability it will be allowed by the deputy returning officer if the medical certificate is given by a registered medical practitioner or if the declaration is made by a Christian Science practitioner. It may be allowed if the declaration is made by anyone else.

3. Where the application is made on the grounds of religious observances the application must state the nature and times of the religious observances. The certificate must be completed by a minister of your religious denomination.

**FORM L.E. 34**

**LOCAL ELECTION**

*[Form of application to be treated as an absent voter on grounds of occupational incapacity]*

This form completed must be received by the Deputy Returning Officer not later than .....

1. I, (surname) .....  
(block letters)  
(other names) .....  
(block letters)  
am registered as an elector for (address in block letters)  
.....  
.....  
.....

2. \*I apply to be treated as an absent voter at the election to be held on (date).....  
\*I have been appointed proxy (see Note 1) for  
(name) .....  
(block letters)  
who is registered as an elector for (qualifying address) .....  
(block letters) .....  
.....  
and I apply to vote by post as proxy for the election to be held on (date).....;

\*Delete whichever is inapplicable.

\*(a) by reason of the general nature of my profession, service or employment  
.....  
(See Note 2)

\*(b) my service in one of Her Majesty's reserve or auxiliary forces  
.....  
(See Note 3)

\*(c) my employment on polling day—  
(i) as a constable  
(ii) by the Deputy Returning Officer in connection with the election  
in.....  
district electoral area

\*(d) my acting as Deputy Returning Officer for.....  
 (district electoral area)

\*Delete whichever is inapplicable.

Signature..... Date.....

Address in the United Kingdom to which ballot paper is to be sent  
 (if different from address given above)

(block letters) .....

.....  
 .....

*Notes*

1. A person may not vote as a proxy unless he is duly qualified as a proxy in accordance with the provisions of the Seventh Schedule to the Electoral Law Act (Northern Ireland) 1962 and his name has been entered on the proxy record by the electoral officer.

2. Where 2(a) applies the applicant should give full reasons for his application.

3. Where 2(b) applies the applicant should give the name of the reserve or auxiliary force concerned and full reasons for the application.



**FORM L.E. 35**

**LOCAL ELECTION**

*[Form of Declaration by a Person Voting by Post at a local election]  
(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 district electoral area.

(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 spaces 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 deputy 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 deputy returning officer and despatch the same by post without delay. Unless you return the ballot paper at once it may be received by the deputy 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 deputy 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 spoiled 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.

---

#### EXPLANATORY NOTE

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

This Order makes provision with respect to local elections in Northern Ireland.

Article 3 and Schedule 1 set out the electoral areas into which each local government district is divided and the wards which each district electoral area comprises.

Article 4 provides for the holding of local elections according to the principle of proportional representation on the basis of the single transferable vote and with Schedule 2 makes detailed provision for the conduct of elections.

Article 5 contains provisions relating to the nomination and election of candidates and permits candidates at contested elections to send election addresses post free.

Article 6 makes provision for proxies and postal voting. The right to vote by post is restricted to service voters and those unable to vote in person owing to physical disability, religious observance or the nature of their work.

Article 7 increases the limits at present laid down on candidates' expenses and Articles 8 and 9 make provision for the filling of casual vacancies.

Schedule 2, which replaces Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, contains the Local Elections Rules.



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