

## Dealing with doubtful ballot papers

Supporting the Northern Ireland  
Assembly elections

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# 1 Introduction

1.1 This booklet is designed to assist Deputy Returning Officers (DRO) in adjudicating doubtful ballot papers at the Northern Ireland Assembly elections.

1.2 One of the aims of this booklet is to help to ensure consistency of approach across the whole of Northern Ireland.

1.3 This booklet is based on the Electoral Commission's existing doubtful ballot paper guidance for other elections, and has been developed jointly by the Commission and the Chief Electoral Officer for Northern Ireland.

## Managing the adjudication at Northern Ireland Assembly elections

1.4 When undertaking the adjudication of doubtful ballot papers it is important to ensure that the process is carried out in full view of any counting and election agents present, as well as in the presence of any Commission representatives and accredited observers in attendance. This is a legal requirement and will also assist with providing transparency of decision making.

1.5 DROs should not wait until towards the end of the count before starting the adjudication process; this should be carried out regularly throughout the count in clear view of those entitled to be present.

1.6 Once any doubtful ballot papers have been dealt with, those deemed to be allowed must be included in the count. You are required by law to mark those ballot papers that have been rejected with the word 'rejected' and if a designated counting agent objects to a particular rejection, then the ballot paper must be marked 'rejection objected to'.<sup>1</sup>

1.7 A ballot paper can be accepted in part if there is a break in the numbered sequence or the same number is used to mark more than one subsequent preference. Those ballot papers should be marked 'accepted in part' with a note indicating which preferences can be counted.

1.8 A statement must be prepared showing the number of ballot papers rejected under each of the following headings:<sup>2</sup>

- want of official mark
- no first preference

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<sup>1</sup> Rule 44C(2), Schedule 1 of The Northern Ireland Assembly (Elections) Order 2001 (as amended) and Rule 46(2) Schedule 5 of The Electoral Law Act (Northern Ireland) 1962 (as amended)

<sup>2</sup> Rule 44C(3), Schedule 1 of The Northern Ireland Assembly (Elections) Order 2001 (as amended).

- more than one first preference
- writing or mark by which the voter could be identified
- unmarked or void for uncertainty

## 2 Principles of adjudication

2.1 Any doubtful ballot papers should be placed in a tray for the supervisor to take to the Deputy Returning Officer for adjudication. The whole of the ballot paper needs to be considered when adjudicating doubtful votes and the front of the ballot papers should be carefully checked for any marks, in case the voter has made any marks outside of the voting boxes.

2.2 The DRO may only reject a ballot paper on the following grounds:

- it does not contain an official mark
- those where a voter appears to have indicated more than one first preference
- those with broken numerical sequences or where the same order of preference appears to be indicated
- those where the voter's intention is uncertain
- it contains a mark or writing by which the voter can be identified

2.3 A ballot paper must not be rejected because the vote is:<sup>3</sup>

- not marked in the proper place
- marked other than by numbers
- marked by more than one mark

2.4 Therefore, the following ballot papers will need to be passed to the Deputy Returning Officer for adjudication.

- those that appear to have no official mark (not the unique identifying mark)
- those where a voter appears to have indicated more than one first preference
- those with broken numerical sequences or where the same order of preference appears to be indicated
- those with any writing or mark by which the voter may be identified
- those where there is no mark or uncertainty as to the vote

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<sup>3</sup> Rule 44C(1), Schedule 1 of The Northern Ireland Assembly (Elections) Order 2001 (as amended).

2.4 In addition, in order to help maintain the integrity of the election, the following ballot papers should be passed to the DRO for further consideration:

- any paper torn or damaged in any way
- any paper with anything unusual about it (for example, any paper that appears to have been altered, either with a clearly different writing instrument or with correction fluid).

2.5 In the case of ballot papers that appear to have been altered, DROs may consider packaging them separately in case of later challenge or investigation.

## Want of official mark

2.6 Absence of the official mark must lead to an automatic rejection. The DRO has no discretion.

2.7 However, where a stamping instrument has been used instead of a pre-printed official mark, a partial piercing or embossing of the ballot paper should not in itself result in a rejection. As long as it is clear that the ballot paper has been stamped by polling station staff, the fact that not all the pins have stamped through the ballot paper or that the perforation is not wholly on the paper is immaterial.

## Ballot papers with more than one first preference

2.8 You will need to make a judgment whether a voter has indicated more than one first preference on the ballot paper.

2.9 Additional marks should not lead to a rejection if it is clear that those marks were not intended as a vote. But if, for example, the ballot paper is marked 1, 1, 2, 3, 4, etc., it should be rejected as voting for more than one candidate.

## Ballot papers with broken numerical sequences or where the same order of preference appears to be indicated

2.10 If, for example, the ballot paper is marked 1, 2, 3, 5, 6, 7, etc. (i.e. there is no fourth preference indicated), the paper must be adjudicated as good for the first three preferences, after which the ballot paper becomes an exhausted ballot and non-transferable.<sup>4</sup> The same applies to a ballot paper marked 1, 2,

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<sup>4</sup> Rule 44G(4), Schedule 1 of The Northern Ireland Assembly (Elections) Order 2001 (as amended).

3, 4, 4, 5, 6, 7. Ballot papers such as these are referred to in this booklet as partially accepted.

## Writing or mark by which voter can be identified

2.11 There are two aspects to this:

- either any writing or mark on the ballot paper which, of itself, identifies the voter, or
- the voter can be identified by such writing or mark

2.12 It is important to bear in mind that the legislation states that the voter **can be**, not may be or might possibly be, identified (which does not include the ballot paper number and unique identifying mark on the back of the ballot paper).

## Writing or mark which, of itself, identifies the voter

2.13 A ballot paper should be rejected if:

- the electoral number of the voter written on the ballot paper unequivocally identifies the voter
- it may reasonably be held to bear the name (or signature) or unique address of the voter on its front.

## The voter can be indirectly identified by any writing or mark on the ballot paper

2.14 The DRO is not required to investigate the matter or require evidence to be produced to identify the writing or mark but, the DRO should consider any evidence that is given to them at the time.

2.15 Where there is doubt about the identity of the person who marked the ballot paper, DROs should allow rather than reject the ballot paper.

## Unmarked ballot papers

2.16 Unmarked ballot papers should be rejected.

2.17 A ballot paper marked by means other than a ballot pencil should not be rejected simply because of that.

2.18 Marks other than a number, however faint, may still be valid.

## Void for uncertainty

2.19 Establishing voter intention is crucial when determining doubtful ballot papers.

2.20 The key phrase in the Rules is: 'the ballot paper [...] shall not [...] be deemed to be void if [...], in the opinion of the Returning Officer, the word or mark clearly indicates a preference or preferences.'

2.21 Each ballot paper should be considered on its own merits and decisions should be taken on a case-by-case basis.

2.22 Ballot papers can be accepted in part if the first one or more preferences are clear but subsequent preferences are not. The preferences up to the point of uncertainty should be included in the count. (See 'Partially accepted ballot papers' below)

2.23 The key question a DRO should ask is whether the voter has, on the face of the paper, indicated a reasonably clear intention to indicate a preference for a candidate.

## Partially accepted ballot papers

2.24 A ballot paper can be partially accepted if some preferences are expressed validly, but not all. For example, if a voter marked their ballot paper 1,2,3,4,6 (i.e. no fifth preference) the ballot paper should be adjudicated as good for the first four preferences and thereafter becomes a non-transferable ballot paper.

2.25 If, for example, a voter marks their ballot paper 1,2,3,4,4,5,6,7 etc. (i.e. there are two fourth preferences indicated), the ballot paper shall be partially accepted and adjudicated as good for the first three preferences and therefore becomes a non-transferable ballot paper. The Deputy Returning Officer cannot be clear which candidate the fourth preference should be allocated to.

## Decisions on ballot papers

2.26 The decision of the DRO is final, but may be subject to review on an election petition

## 3 Summary

3.1 The principles to be applied are set out above. In practical terms, the general approach can be summarised as follows:

- always be clear and consistent
- take time to ensure that a considered decision is given in every case
- determine whether the intention of the voter clearly appears on the ballot paper. As part of this, DROs will need to:
  - consider the whole of the ballot paper
  - consider whether the way a ballot paper has been marked means that a vote for one candidate is clearly apparent



## 4 Examples

4.1 The examples provided here are based on previous case law or taken from the specific rules for the elections.

4.2 Ultimately, the decision on any particular ballot paper, including the question as to whether an intention to vote for a particular candidate appears, rests with the DRO.





### Case law references

4.3 Abbreviated case law references have been used throughout this booklet. The following table lists the full case law references.

<b>Abbreviation</b>	<b>Full reference</b>
Berwick-upon-Tweed case	Berwick-upon-Tweed case [1880] 3 O'M&H 178
Buckrose case	Buckrose case, Sykes v. McArthur [1886] 5 O'M&H 110
Cirencester case	Lawson v. Chester Master [1893]
Cornwell v. Marshall	Cornwell v. Marshall [1977] 75 LGR 676 DC
Eley v. Durant	Eley v. Durant [1900] 4SJ 430
Levers v. Morris	Levers v. Morris [1971] 3 All ER QBD
Richmond case	Richmond London, Election, Re [1976] Times, 6 August
Rowe v. Cox	Rowe v. Cox [2001] QBD, Case M/294/01
Ruffle v. Rogers	Ruffle v. Rogers [1982] QB 1220
South Newington case	South Newington case, Lewis v. Shepperdson [1948] 2 All ER 503
West Bromwich case	West Bromwich case, Hazel v. Viscount Lewisham [1911] 6 O'M&H 256
Woodward v. Sarsons	Woodward v. Sarsons [1875] LR10 CP 733

# Allowed votes

The following are suggested examples of allowed votes:

<b>Northern Ireland Assembly Election</b> <b><i>[insert name of constituency] constituency</i></b>		
<p>You can make as many or as few choices as you wish.</p> <p>Put the number 1 in the voting box next to your first choice.</p> <p>Put the number 2 in the voting box next to your second choice.</p> <p>Put the number 3 in the voting box next to your third choice. <b>And so on.</b></p>		
<b>ANDERSON Hans</b> 57 Easter Road, Anytown Rowan Party		<div style="border: 1px solid black; padding: 5px; display: inline-block;">XXXX</div>
<b>CRANSTON Helen</b> 912 Main Street, Anytown Beech Party		<div style="border: 1px solid black; padding: 5px; display: inline-block;">XXX</div>
<b>FLEMING Douglas Martin</b> 112 South Street, Anytown Independent		<div style="border: 1px solid black; padding: 5px; display: inline-block;"></div>
<b>HAMILTON Flora</b> 45 Hill Place, Anytown Willow Party		<div style="border: 1px solid black; padding: 5px; display: inline-block;">XX</div>
<b>KUMAR Kuldip</b> 3 Castle Wynd, Anytown Independent		<div style="border: 1px solid black; padding: 5px; display: inline-block;">X</div>
<b>MACDONALD Donald Alexander</b> 4 Elgin Avenue, Anytown Oak Party		<div style="border: 1px solid black; padding: 5px; display: inline-block;"></div>

Allow for Kumar, Hamilton, Cranston and Anderson as first, second third and fourth preference respectively. Assembly rule 44C(1)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow – 'X' is taken as first preference for Anderson. Assembly rule 44C(1)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



two

**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



one

**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent



**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



three

**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent



**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow for Cranston, Anderson, Hamilton and Kumar as first, second, third and fourth preference respectively. Assembly rule 44C(1)



## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent



**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent



**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Partially allow – allow for Anderson as a first preference and Cranston as a second preference only. Assembly rule 44C(1) and 44G(4)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party

☐

**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party

☒

**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

☐

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party

☐

**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

☐

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party

☐

Allow – tick is taken as first preference for Cranston. Assembly rule 44C(1)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow as first preference for Kumar. Assembly rule 44C(1)



## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party

3

☐

**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party

4

☐

**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

2

☐

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party

1

☐

**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

5

☐

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party

☐

Allow – marked elsewhere than in the proper place. Assembly rule 44C(1)



## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow for Cranston, Fleming and Kumar as first, second and third preference respectively. Assembly rule 44C(1) and 44G(4)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow for Cranston, Anderson, Kumar and Fleming as first, second, third and fourth preference respectively. Assembly rule 44C(1)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow – yes is taken as first preference for Fleming. Assembly rule 44C(1)



## Northern Ireland Assembly Election

*[insert name of constituency]* constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow for Kumar as first preference (provided there is no other candidate called Kumar). Assembly rule 44C(1)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow in Roman numerical order. Assembly rule 44C(1)

## Northern Ireland Assembly Election

*[insert name of constituency]* constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow for Hamilton, Kumar and Cranston as first, second and third preference respectively. Assembly rule 44C(1)



## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



5

**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



6

**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

2

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



1

**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

3

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Partially allow – allow for Hamilton, Fleming and Kumar as first, second and third preference respectively. Assembly rule 44C(1) and 44G(4)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



3

**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



1

**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

2

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



3

**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

3

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Partially allow – allow for Cranston and Fleming as first and second preference respectively. Assembly rule 44C(1) and 44G(4)



## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



4

**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



3

**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

2

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



x 1

**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

5

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Allow – marks are taken as first preference for Hamilton. Assembly rule 44C(1)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

~~ANDERSON~~ Hans  
57 Easter Road, Anytown  
Rowan Party

☐

~~CRANSTON~~ Helen  
912 Main Street, Anytown  
Beech Party

☐

~~FLEMING~~ Douglas Martin  
112 South Street, Anytown  
Independent

☐

~~HAMILTON~~ Flora  
45 Hill Place, Anytown  
Willow Party

☐

KUMAR Kuldip  
3 Castle Wynd, Anytown  
Independent

☐

~~MACDONALD~~ Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party

☐

Allow first preference for Kumar only. Assembly rule 44C(1) and *Levers v Morris*. See also Schofield's *Election Law*, Volume 5, Appendix E, E20 (Shaw & Sons, 2008 as updated by supplement issue no. 1).

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party







Allow for Fleming, Cranston and Kumar as first, second and third preference respectively. Assembly rule 44C(1)













# Rejected votes

The following are examples of rejected votes:

<b>Northern Ireland Assembly Election</b> <i>[insert name of constituency] constituency</i>		
<p>You can make as many or as few choices as you wish.            Put the number 1 in the voting box next to your first choice.            Put the number 2 in the voting box next to your second choice.            Put the number 3 in the voting box next to your third choice. <b>And so on.</b></p>		
<b>ANDERSON Hans</b> 57 Easter Road, Anytown Rowan Party		<div style="border: 1px solid black; padding: 5px; display: inline-block;">3</div>
<b>CRANSTON Helen</b> 912 Main Street, Anytown Beech Party		<div style="border: 1px solid black; padding: 5px; display: inline-block;">2</div>
<b>FLEMING Douglas Martin</b> 112 South Street, Anytown Independent		<div style="border: 1px solid black; padding: 5px; display: inline-block;">4</div>
<b>HAMILTON Flora</b> 45 Hill Place, Anytown Willow Party		<div style="border: 1px solid black; padding: 5px; display: inline-block;">6</div>
<b>KUMAR Kuldip</b> 3 Castle Wynd, Anytown Independent		<div style="border: 1px solid black; padding: 5px; display: inline-block;">5</div>
<b>MACDONALD Donald Alexander</b> 4 Elgin Avenue, Anytown Oak Party		<div style="border: 1px solid black; padding: 5px; display: inline-block;"></div>

Reject – No first preference. Assembly rule 44C(1)

<b>Northern Ireland Assembly Election</b> <b><i>[insert name of constituency] constituency</i></b>			
<p>You can make as many or as few choices as you wish.</p> <p>Put the number 1 in the voting box next to your first choice.</p> <p>Put the number 2 in the voting box next to your second choice.</p> <p>Put the number 3 in the voting box next to your third choice. <b>And so on.</b></p>			
<b>ANDERSON Hans</b> 57 Easter Road, Anytown Rowan Party	L. Smith		
<b>CRANSTON Helen</b> 912 Main Street, Anytown Beech Party			
<b>FLEMING Douglas Martin</b> 112 South Street, Anytown Independent			
<b>HAMILTON Flora</b> 45 Hill Place, Anytown Willow Party			
<b>KUMAR Kuldip</b> 3 Castle Wynd, Anytown Independent			
<b>MACDONALD Donald Alexander</b> 4 Elgin Avenue, Anytown Oak Party			

Reject - voter can be identified. Assembly rule 44C(1)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



4

**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



1

**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

1

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



2

**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

3

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Reject - more than one first preference. Assembly rule 44C(1)



## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Reject – void for uncertainty. Assembly rule 44C(1)(e)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party







**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party







Reject – void for uncertainty. Rule 44C(1)(e)



<b>Northern Ireland Assembly Election</b> <i>[insert name of constituency] constituency</i>		
<p>You can make as many or as few choices as you wish.</p> <p>Put the number 1 in the voting box next to your first choice.</p> <p>Put the number 2 in the voting box next to your second choice.</p> <p>Put the number 3 in the voting box next to your third choice. <b>And so on.</b></p>		
<b>ANDERSON</b> Hans 57 Easter Road, Anytown Rowan Party		<input type="checkbox"/>
<b>CRANSTON</b> Helen 912 Main Street, Anytown Beech Party		<input type="checkbox"/>
<b>FLEMING</b> Douglas Martin 112 South Street, Anytown Independent		<input type="checkbox"/>
<b>HAMILTON</b> Flora 45 Hill Place, Anytown Willow Party		<input type="checkbox"/>
<b>KUMAR</b> Kuldip 3 Castle Wynd, Anytown Independent		<input type="checkbox"/>
<b>MACDONALD</b> Donald Alexander 4 Elgin Avenue, Anytown Oak Party		<div> <div>None</div> <input checked="" type="checkbox"/> </div>

Reject – void for uncertainty. Assembly rule 44C(1)(e)

<b>Northern Ireland Assembly Election</b> <b><i>[insert name of constituency] constituency</i></b>		
<p>You can make as many or as few choices as you wish.            Put the number 1 in the voting box next to your first choice.            Put the number 2 in the voting box next to your second choice.            Put the number 3 in the voting box next to your third choice. <b>And so on.</b></p>		
<b>ANDERSON</b> Hans 57 Easter Road, Anytown Rowan Party		<input type="checkbox"/>
<b>CRANSTON</b> Helen 912 Main Street, Anytown Beech Party		<input type="checkbox"/>
<b>FLEMING</b> Douglas Martin 112 South Street, Anytown Independent		<input type="checkbox"/>
<b>HAMILTON</b> Flora 45 Hill Place, Anytown Willow Party		<input type="checkbox"/>
<b>KUMAR</b> Kuldip 3 Castle Wynd, Anytown Independent		<input type="checkbox"/>
<b>MACDONALD</b> Donald Alexander 4 Elgin Avenue, Anytown Oak Party		<input type="checkbox"/>

Reject – void for uncertainty. Assembly rule 44C(1)(e )

## Northern Ireland Assembly Election

*[insert name of constituency]* constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party

☐

**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party

☒

**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

☐

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party

☐

**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

☐

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party

☐

Reject –void for uncertainty. Assembly rule 44C(1)(e)



## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Reject – more than one first preference. Assembly rule 44C (1)(c)

## Northern Ireland Assembly Election

[insert name of constituency] constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party



**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party



**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party



**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party



Reject – no first preference and not marked otherwise by means of a figure.  
Assembly rule 44C(1)(c)

## Northern Ireland Assembly Election

*[insert name of constituency]* constituency

You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. **And so on.**

**ANDERSON** Hans  
57 Easter Road, Anytown  
Rowan Party

☐

**CRANSTON** Helen  
912 Main Street, Anytown  
Beech Party

☐

**FLEMING** Douglas Martin  
112 South Street, Anytown  
Independent

☐

**HAMILTON** Flora  
45 Hill Place, Anytown  
Willow Party

☐

**KUMAR** Kuldip  
3 Castle Wynd, Anytown  
Independent

☐

**MACDONALD** Donald Alexander  
4 Elgin Avenue, Anytown  
Oak Party

☐

Reject – unmarked. Assembly rule 44C (1)(e)

# Appendix - Legislation

## The election rules

The relevant rules in Schedule 1 of The Northern Ireland Assembly (Elections) Order 2001 (as amended)<sup>5</sup> are as follows:

### Rejected ballot papers

44C (1) Any ballot paper—

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

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

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

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

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

[...]

44G (4) Where a ballot paper is so marked that it is unclear to the returning officer at any stage of the count under rule 44F or 44H for which candidate the next preference is recorded, the returning officer shall treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper shall be

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<sup>5</sup> As amended by The Northern Ireland Assembly (Elections) (Amendment) Order 2009 and The Northern Ireland Assembly (Elections)(Amendment) Order 2010.

so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.