

Quick reference guide to questionable and spoilt ballot papers

1	ASTLEY	
2	EASTON	
3	GOSS	

Any ballot paper which does not bear the official mark (i.e. the perforation) shall be void and not counted - Rule 47(1(a)) Sch, 1 RPA 1983 and a ballot paper which is blank shall be void and not counted - Rule 47(1(d)) Sch, 1 RPA 1983.

1	ASTLEY	
2	EASTON	☺
3	GOSS	

A ballot paper marked with a single "smiley" has been accepted by the courts as valid - assuming that it passes the various tests in Rule 47 (2) Sch, 1 RPA 1983. This is because it is not possible to identify the voter.

1	ASTLEY	
2	EASTON X	
3	GOSS	

A vote should not be rejected because it is "elsewhere than in the proper place"- Rule 47(2(a)) Sch, 1 RPA 1983.

1	ASTLEY	X ^x
2	EASTON	
3	GOSS	

A vote should not be rejected because it is "by more than one mark" - Rule 47 (2(c)) Sch, 1 RPA 1983. In this case the voter has indicated a clear vote for Astley.

1	ASTLEY	
2	EASTON	
3	GOSS	1

A vote should not be rejected because it is "otherwise than by means of a cross"- Rule 47(2(b)) Sch, 1 RPA 1983.

1	ASTLEY	X
2	EASTON	
3	GOSS	X

A clear change of mind and correction, by the voter is valid - their intention is clear.

1	ASTLEY	X
2	EASTON	
3	GOSS	X

A ballot paper which gives votes to more candidates than there are vacancies shall be void and not counted.- Rule 47(1(b)) Sch, 1 RPA 1983.

1	ASTLEY	1
2	EASTON	2
3	GOSS	3

This vote should be voided for uncertainty under Rule 47 (1(b)) Sch 1 RPA 1983. It may be premature voting under STV or one of the judges from the Eurovision Song Contest awarding three points to the winner.

1	ASTLEY	Yes
2	EASTON	No
3	GOSS	No

A vote should not be rejected because it is "otherwise than by means of a cross"- Rule 47(2(b)) Sch, 1 RPA 1983. The voter has indicated a clear preference for Astley.

1	ASTLEY	
2	EASTON	
3	^{10 New Road} GOSS	X

If it is not possible to identify the individual voter the vote should be allowed for example if there was more than one person registered at that address or it was a tower block of flats.

1	ASTLEY	
2	EASTON	
3	GOSS <small>he's the one for me</small>	

The court (Ruffle v Rogers 1982) has made it clear that a vote was not to be rejected simply because a voter might be identified by handwriting. It must be shown that they CAN be identified not that they might be. Thus the above vote should be allowed unless the handwriting or comments made are sufficiently distinct.

1	ASTLEY	X
2	EASTON	
3	GOSS	

A cross which extends beyond the boundary of a candidate's space is usually taken as a valid vote for the person in whose space the intersection occurs. This is not defined in the legislation but has been agreed in case law e.g. The Winchester Election Petition in 1997.

1	^{Morgan} ASTLEY	X
2	EASTON	
3	GOSS	

This should be allowed for Astley unless the surname written could only be one person.

1	ASTLEY	
2	EASTON	X
3	GOSS	

This should be rejected as the intersection is exactly on the line and so the voter's intention is unclear.

1	ASTLEY ^{AB1296}	X
2	EASTON	
3	GOSS	

1	ASTLEY	
2	EASTON	
3	GOSS	

Any ballot paper which has writing on it by which the elector can be identified - other than the official number on the reverse shall be void and not counted - Rule 47(1(c)) Sch. 1 RPA 1983. The above vote should be rejected as the voter can be identified by their number on the electoral register.

The Courts (Winchester Election Petition 1997) have ruled that this should be rejected as "void for uncertainty" because it is a cancellation of the paper, rather than a vote for Easton.

NB. All references refer to Schedule 1 of the Representation of the People Act, 1983.