

## **GENERAL SYNOD**

### **SINGLE TRANSFERABLE VOTE REGULATIONS 1990 to 2015**

**(Approved by the General Synod at the July 1990 group of sessions as amended by the Synod at the November 1998, February 2004 and July 2015 groups of sessions)**

Regulations for the conduct of elections by the method of the single transferable vote.

#### **1. DEFINITIONS:**

In these Regulations:

- (1) The expression ‘presiding officer’ means
  - (a) in elections to the Convocations the person designated by or pursuant to the Rules under Canons H 2 and H 3;
  - (b) in elections to the House of Laity of the General Synod the person designated by or pursuant to the Church Representation Rules;
  - (c) in elections conducted in accordance with the Standing Orders of the General Synod the Clerk to the General Synod;
  - (d) in elections to a diocesan synod the person appointed by the bishop;

- (e) in elections at an annual parochial church meeting the person appointed by that meeting;
  - (f) in any other election held in accordance with these regulations the person appointed by the person or body responsible for the holding of the election.
- (2) Words and expressions used which import the masculine gender include the feminine gender.
  - (3) The expression ‘continuing candidate’ means any candidate neither deemed elected nor excluded from the poll at any given time.
  - (4) The expression ‘first preference’ means the figure ‘1’ standing alone opposite the name of a candidate; ‘second preference’ means the figure ‘2’ standing alone opposite the name of a candidate in succession to the figure ‘1’; ‘third preference’ means the figure ‘3’ standing alone opposite the name of a candidate in succession to the figures ‘1’ ‘2’, and so on.
  - (5) The expression ‘next available preference’ means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, the preferences next in order on the voting paper for candidates already elected or excluded from the poll being ignored.
  - (6) The expression ‘transferable paper’ means a voting paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate.

- (7) The expression ‘non-transferable paper’ means a voting paper on which no second or subsequent preference is recorded for a continuing candidate: provided that a paper shall be deemed to have become a non-transferable paper whenever
- (a) the names of two or more candidates (whether continuing or not) are marked with the same number, and are next in order of preference; or
  - (b) the name of the candidate next in order of preference (whether continuing or not) is marked -
    - (i) by a number not following consecutively after some other number on the voting paper; or
    - (ii) by two or more numbers; or
  - (c) for any other reason it cannot be determined for which of the continuing candidates the next available preference of the voter is recorded.
- (8) The expression ‘original vote’ in regard to any candidate means a vote derived from a voting paper on which a first preference is recorded for that candidate.
- (9) The expression ‘transferred vote’ in regard to any candidate means a vote derived from a voting paper on which a second or subsequent preference is recorded for that candidate.

- (10) The expression ‘surplus’ means the number of votes by which the total number of the votes, original and transferred, credited to any candidate exceeds the quota.
- (11) The expression ‘stage’ means –
- (a) all the operations involved in the counting of the first preferences recorded for candidates; or
  - (b) all the operations involved in the transfer of the surplus of an elected candidate; or
  - (c) all the operations involved in the transfer of the votes of an excluded candidate.
- (12) The expression ‘determine by lot’ means determine in accordance with the following direction:

The names of the candidates concerned shall be written on similar slips of paper and the slips having been folded so as to prevent identification shall be mixed and drawn at random. The candidate or candidates, shall, in cases of exclusion be excluded in the order in which their names are drawn, and, in cases where surpluses are to be transferred, the surpluses shall be transferred in the order in which the names are drawn.

## **2. NOMINATIONS:**

- (1) Nomination papers shall contain -
- (a) the full name of the candidate;

- (b) any further description (including postal address) considered necessary by the presiding officer;
- (c) a declaration of the candidate's willingness to serve.

In an election to a Lower House of Convocation or to the House of Laity of the General Synod every nomination paper shall be in a form circulated to the presiding officer of each diocese by the Provincial Registrar for Elections or in a substantially similar form.

In an election to the House of Clergy or the House of Laity of a diocesan synod every nomination paper shall be in the form set out in section 6 of Appendix 1 of the Church Representation Rules or in a substantially similar form.

- (2) Where oral nominations are permitted, a nomination shall be in order provided that the candidate is described in such a way as to ensure that his identity is known to each voter and to the presiding officer and provided that there is in the opinion of the meeting sufficient evidence of his willingness to serve.
- (3) Where a presiding officer is notified of the death of a candidate, or a candidate signifies in writing to the presiding officer that he wishes to withdraw from the election, or a candidate is found by the presiding officer to be ineligible for election, the presiding officer shall immediately after sorting the voting papers cause the voting papers with a first preference for that candidate to be transferred to the second preference as if that were

the original vote unless it is a non-transferable paper in which case it shall be set aside.

### **3. VOTING PAPERS:**

- (1) In an election to be conducted by post, the voting paper shall consist of a paper containing a list of the candidates, described as in their respective nomination papers.

In an election to the Lower House of Convocation or to the House of Laity of the General Synod the voting paper shall be in a form circulated to the presiding officer of each diocese by the Provincial Registrar for Elections or in a substantially similar form.

In an election to the House of Clergy or the House of Laity of a diocesan synod the voting paper shall be in the form set out in section 7 of Appendix I of the Church Representation Rules or a substantially similar form.

- (2) In an election to be conducted at a meeting, or partly at a meeting and partly by postal voting, the voting paper shall consist of a paper containing a list of candidates, described in such a way as to ensure that the identity of each candidate is known to each voter and to the presiding officer.

### **4. METHOD OF VOTING:**

- (1) Each voter shall have one transferable vote.
- (2) A voter in recording his vote -

- (a) shall place on his voting paper the figure 1 opposite the name of the candidate for whom he votes; and
- (b) may in addition indicate the order of his choice or preference for as many other candidates as he pleases by placing against their respective names the figures 2, 3, 4, 5 and so on in consecutive numerical order.

**5. SPOILT VOTING PAPERS:**

A voter who has inadvertently dealt with his voting paper in such a manner that it cannot be conveniently used as a voting paper, may, on delivering to the presiding officer the voting paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another voting paper in the place of the voting paper so delivered up, and the spoilt paper shall be immediately cancelled.

**6. INVALID VOTING PAPERS:**

A voting paper shall be invalid if:

- (a) it is not signed by the voter on its reverse; or
- (b) the figure 1 standing alone indicating a first preference is not placed against any candidate; or
- (c) the figure 1 standing alone indicating a first preference is placed opposite the name of more than one candidate; or

- (d) the figure 1 indicating a first preference and some other figure are placed opposite the name of the same candidate; or
- (e) it cannot be determined for which candidate the first preference of the voter is recorded.

**7. SORTING AND COUNTING PAPERS:**

- (1) The presiding officer, after rejecting any voting papers that are invalid, shall cause the valid voting papers to be arranged in parcels according to the first preferences recorded thereon for each candidate.
- (2) The presiding officer shall 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 such candidate.

**8. THE QUOTA:**

The presiding officer shall add together the numbers of votes credited to all the candidates and then divide the sum by a number exceeding by one the number of vacancies to be filled, the division being continued to two decimal places. If the result is not exact the remainder after two decimal places shall be disregarded, and the result increased by 0.01. This number, being sufficient to ensure the election of a candidate, is herein called the 'quota'.

**9. CANDIDATE WITH QUOTA DEEMED TO BE ELECTED:**

Subject to regulation 13, if the value credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected, provided that the number of candidates deemed to be elected does not exceed the number of vacancies to be filled.

**10. SURPLUS TO BE TRANSFERRED:**

Subject to regulation 13 -

**(1) Value greater than quota: surplus transferred:**

If at the end of any stage of the count the value credited to one or more candidates is greater than the quota, the presiding officer shall, subject to the provisions of this Regulation, transfer the largest surplus. If two or more candidates each have an equal surplus, the presiding officer shall transfer the surplus of the candidate who was credited with the greatest value at the earliest stage at which the values credited to such candidates were unequal. If the values credited to such candidates were equal at all stages of the count, the presiding officer shall determine by lot which surplus he shall transfer.

**(2) Transfer of surplus deferred:**

If one or more candidates have surpluses, and the total value of such surpluses does not exceed the difference between the total value credited to the candidate with the lowest value and the value credited to the candidate with the next lowest value, the transfer of such surplus

or surpluses shall be deferred. If there is more than one candidate with the lowest value, the transfer of any surpluses shall not be deferred.

(3) **Surplus from original votes:**

If the value credited to a candidate whose surplus is to be transferred is a value which arises out of original votes only, the presiding 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, and shall make a separate sub-parcel of the non-transferable papers.

(4) **Surplus from transferred votes:**

If the value credited to a candidate whose surplus is to be transferred is a value which arises out of original and transferred votes, or of transferred votes only, the presiding officer shall examine all the papers contained in the sub-parcel last received by that candidate, and shall arrange the transferable papers therein in further sub-parcels according to the next available preferences for continuing candidates recorded thereon and shall make a separate sub-parcel of the non-transferable papers.

(5) **Ascertainment of values:**

In either of the cases referred to in paragraphs (3) and (4) in this Regulation the presiding officer shall ascertain the number of papers and their total value in

each sub-parcel of transferable papers and in the sub-  
parcel of non-transferable papers.

(6) **If surplus equal to or greater than total value of transferable papers:**

If the surplus is equal to or greater than the total value of the papers in the sub-parcels of transferable papers, the presiding officer shall transfer each paper in the sub-parcels of transferable papers to the continuing candidate indicated thereon as the voter's next available preference, each paper being transferred at the value at which it was received by the candidate whose surplus is being transferred. When the surplus is greater than the total value of the sub-parcels of transferable papers, the non-transferable papers shall be set aside as not effective, at a value which is equal to the difference between the surplus and the total value of the sub-parcels of transferable papers.

(7) **If surplus less than total value of transferable papers:**

If the surplus is less than the total value of the transferable papers, the presiding officer shall transfer each paper in each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voter's next available preference, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of transferable papers, such transfer value being calculated to two decimal places, any remainder thereafter being disregarded, save that the consequential loss of value shall be recorded.

(8) **Candidate deemed to be elected after transfer of a surplus:**

If, after the transfer of a surplus, the value credited to a continuing candidate is now equal to or greater than the quota, that candidate shall be deemed to be elected, provided that the number of candidates deemed to be elected does not exceed the number of vacancies to be filled.

**11. EXCLUSION OF A CANDIDATE:**

Subject to regulation 13 -

(1) **Candidate with lowest value excluded:**

If at the end of any stage of the count no candidate has a surplus other than a surplus whose transfer is deferred, and one or more vacancies remain unfilled, the presiding officer shall exclude the candidate credited with the lowest value.

(2) **Selection of candidate for exclusion:**

If when a candidate is to be excluded, two or more candidates are each credited with the same lowest value, the presiding officer shall exclude the candidate (of those two or more) who was credited with the lowest value at the earliest stage at which they were credited with unequal values.

If the relevant candidates were each credited with the same value at all stages of the count, the presiding

officer shall determine by lot which of these candidates to exclude.

(3) **Transfer of votes of excluded candidate:**

The papers of the excluded candidate shall be rearranged in parcels according to transfer value, and the parcel of papers of highest transfer value shall be first transferred.

The presiding officer shall cause the papers in the parcel to be arranged in sub-parcels according to next available preferences for continuing candidates, and shall credit such continuing candidates with the value of the papers received. Non-transferable papers shall be set aside, and their value recorded.

The parcels of papers of lower transfer values shall similarly be transferred in turn in descending order of transfer value.

(4) **Candidate deemed to be elected after transfer of parcel of papers from an excluded candidate:**

If after the transfer of a parcel of papers of any one transfer value from an excluded candidate, the value credited to a continuing candidate is now equal to or greater than the quota, that candidate shall be deemed to be elected, provided that the number of candidates deemed to be elected does not exceed the number of vacancies to be filled.

**12. PAPERS TRANSFERRED TO BE PLACED ON TOP OF PARCEL, OR SUB-PARCEL:**

Whenever any transfer is made under any of the preceding Regulations each sub-parcel of papers transferred shall be placed on top of the parcel or sub-parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a value ascertained in pursuance of these Regulations.

**13. CONSTRAINTS ON THE CHOICE MADE BY ELECTORS:**

(1) In this Regulation -

- (a) Rule 51 of the Church Representation Rules (Constraints in Elections) shall apply to elections conducted under these Regulations with the necessary modifications;
- (b) the following expressions shall have the following meanings -
  - (i) 'conformant result' means the election of the required number of candidates fulfilling all the constraints in force;
  - (ii) 'guarded candidate' means a candidate who has not yet been deemed elected but who must eventually be elected if a conformant result is to be achieved;
  - (iii) 'doomed candidate' means a candidate who has not yet been excluded but who must

eventually be excluded if a conformant result is to be achieved.

- (2) In the application of this Regulation the following Regulations shall apply with the modifications hereafter specified -
- (a) in Regulation 9, after the words “provided that” there shall be inserted the words “the candidate is not required to be classified as a doomed candidate and that”;
  - (b) in Regulation 10(1), after the words “one or more candidates” there shall be inserted the words “other than a doomed candidate”;
  - (c) in Regulation 10(2), after the words “next lowest value” there shall be inserted the words “ignoring for this purpose any guarded candidate”;
  - (d) Regulation 10(7), after the words “continuing candidate” there shall be inserted the words “other than a doomed candidate”;
  - (e) in Regulation 11(1), after the words “the candidate credited with the lowest value” there shall be inserted the words “other than a guarded candidate”.
  - (f) in Regulation 11(3), after the words “preferences for continuing candidates” there shall be inserted the words “other than a doomed candidate”.

- (3) If in an election it is a requirement that a specified number, or not more than a maximum number, or not less than a minimum number, of vacancies shall be filled by candidates of any named category, the presiding officer shall conduct the count subject to the appropriate constraints.
- (4) In an election to which Regulation 22 (casual vacancies) applies, any candidate who must not be excluded shall immediately be classified as guarded.
- (5) At the beginning of the first stage of the count, and whenever a candidate becomes deemed elected, or is chosen for exclusion, or becomes guarded or doomed, the presiding officer shall immediately ascertain whether any continuing candidate or candidates must be classified as a guarded candidate or as a doomed candidate in order to ensure that a conformant result is possible.
- (6) If the value credited to two or more candidates is, at the same time, equal to or greater than the quota, they shall be taken in order, largest first, in determining whether they should be deemed elected for the purposes of achieving a conformant result. If two or more candidates have equal values, the order shall be determined in the same way as for equal surpluses, as defined in Regulation 10(1).
- (7) Any candidate classified as a guarded candidate remains a continuing candidate, and shall be credited with the value of any papers transferable to him at any later stage of the count, until he has attained the quota.

- (8) At the end of each stage, if any candidate is classified as a doomed candidate, the next stage shall be the exclusion of that candidate in accordance with Regulations 11(3) and 11(4). If more than one candidate is classified as a doomed candidate, they shall be excluded together, treating their votes as if they had all been for one candidate.
- (9) At any time when the total number of candidates deemed elected together with the number of guarded candidates is equal to the number of vacancies to be filled, at that stage all guarded candidates shall be deemed elected in accordance with Regulation 14.

**14. LAST VACANCIES:**

- (1) If at the end of any stage of the count or following the transfer of a parcel of papers on the exclusion of a candidate the number of candidates deemed to be elected is equal to the number of vacancies to be filled, no further transfer shall be made.
  - (a) When the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall hereupon be deemed to be elected.
  - (b) When only one vacancy remains unfilled, and the value credited to some one continuing candidate exceeds the total of the values credited to the other continuing candidates, together with any surplus not transferred, that candidate shall thereupon be deemed to be elected.

- (c) When the last vacancies can be filled under this Regulation, no further transfer shall be made.

**15. RECORDING OF VALUES:**

The presiding officer shall record the total of the values credited to each candidate at the end of every stage of the count. Such record shall include: (1) the value of non-transferable papers not effective; and (2) the loss of value owing to the disregard of fractions; and may be in accordance with the form circulated to the presiding officer of each diocese by the Provincial Registrar for Elections for the purpose of an election to a Lower House of Convocation or to the House of Laity of the General Synod.

**16. RE-COUNTS:**

- (1) Any candidate or his authorised agent may, at the end of any stage of the count, request the presiding officer to re-examine and recount all or any of the papers dealt with during that stage of the count, and the presiding officer shall forthwith re-examine and re-count accordingly the papers indicated, making any alteration in the arrangement of the papers in the various parcels which may be necessary in consequence of any error discovered in the re-count; the presiding officer may also at his discretion re-count papers either once or more often in any case in which he is not satisfied as to the accuracy of any previous counting of the votes; provided that nothing herein shall make it obligatory on the presiding officer to re-count the same papers at any given stage more than once.

- (2) When an election or any stage of the election is recounted, either on appeal or at the request of the presiding officer or of a candidate, if the original count and the recount are identical at the point when a lot must be drawn to resolve a tie, the original lot shall be used to make the determination.

**17. FORM OF RESULT SHEET:**

- (1) The counting of the votes having been completed in accordance with these Regulations, the presiding officer shall forthwith prepare a result sheet showing the result of the election. The result sheet shall include a record of any transfer of votes made under these Regulations and of the total value of votes credited to each candidate after any such transfer, and of the names of the persons elected.
- (2) In an election to the Lower House of Convocation or to the House of Laity of the General Synod, operation of the Regulations shall be illustrated in a form prepared by the Provincial Registrar for Elections and circulated to the presiding officer of each diocese and the result sheet shall be in a form circulated to the presiding officer of each diocese by the Provincial Registrar for Elections or in a substantially similar form.

**18. DEPOSIT, INSPECTION AND DISPLAY OF RESULT SHEET:**

- (1) In respect of the under-mentioned elections, a copy of the result sheet, signed by the presiding officer, shall, as soon as possible, be deposited in the appropriate office indicated, and shall, for a period of six months after the

date of the count, be available during the customary office hours for inspection by those who were qualified to vote in the election concerned. The appropriate office shall be:

- (a) in elections of representatives from the dioceses to the Convocations and the House of Laity of the General Synod, the diocesan office;
- (b) in other elections to the Convocations or the House of Laity, the office of the Provincial Registrar for Elections;
- (c) in elections conducted in accordance with the Standing Orders of the General Synod, the General Synod office;
- (d) in elections to or by a diocesan synod, the diocesan office.

(2) [*Repealed*]

**19. NOTIFICATION OF RESULT TO CANDIDATES AND OTHERS:**

In an election to be conducted by post, the presiding officer shall, within ten days of the declaration of the result, send:

- (i) a full return, signed by him, showing the names and addresses of those elected, and
- (ii) a copy of the result sheet,

to every candidate and to the undermentioned persons:

- (a) in elections to an Upper House of Convocation, the Clerk to the General Synod and an election scrutineer appointed by the Business Committee;
- (b) [*Repealed*]
- (c) in elections to or by a diocesan synod, the secretary of that synod;
- (d) in elections to a deanery synod, the secretary of the deanery synod and the diocesan electoral registration officer.

For the relevant rules in the case of an election to a Lower House of Convocation, see rule 20(9) of the Clergy Representation Rules 1975 to 2014.

For the relevant rules in the case of an election to the House of Laity of the General Synod, see rule 39(11) of the Church Representation Rules.

## **20. PRESERVATION OF VOTING PAPERS:**

The presiding officer shall ensure that the valid voting papers received by him for the purposes of any election are preserved for a period of not less than six months beginning with the date of the count.

When the election is to an Upper House of Convocation, this period shall be extended to not less than two years.

This Regulation does not apply to—

(a) an election to a Lower House of Convocation, as to which see rule 20(11) of the Clergy Representation Rules 1975 to 2014, or

(b) an election to the House of Laity of the General Synod, as to which see rule 39(13) of the Church Representation Rules.

## **21. PROCEDURE ON APPEALS:**

(1) If upon an appeal -

(a) any voting papers counted by the presiding officer are rejected as invalid, or

(b) any rejected voting papers are declared valid, the person or body empowered to hear appeals, may direct the whole or any part of the voting papers to be recounted and the result of the election ascertained in accordance with these Regulations.

(2) If upon an appeal the decision of the presiding officer upon any operation is reversed, the operation in question and all operations subsequent thereto shall be void and the person or body empowered to hear appeals shall direct what operation is to be made in place of the operation in question, and shall cause the subsequent operations to be carried out and the result of the election to be ascertained in accordance with these Regulations.

## **22. CASUAL VACANCIES:**

- (1) Where a casual vacancy is to be filled by a fresh election the presiding officer shall conduct such election in accordance with these Regulations.
- (2) Where in an election conducted under these Regulations there is a requirement that a casual vacancy be filled by recounting the original voting papers or that it may be filled in that way and a decision to that effect has been taken by the appropriate body, the presiding officer shall conduct the election in accordance with the following paragraphs of this regulation.
- (3) Where the election is to be conducted by the voting papers of a general election, the number of persons to be elected shall be the same as in the general election, provided that no continuing candidate elected during the original count shall be excluded.
- (4) Where the election is to be conducted by the voting papers of an election other than the general election, the number of persons to be elected shall be calculated by adding together the number of persons previously elected using these voting papers who are still continuing as elected persons, and the number of casual vacancies to be filled, provided that no continuing candidate elected during the original count shall be excluded.
- (5) The presiding officer shall ask every candidate not elected in the previous election who is still qualified for election if he consents to serve.

- (6) If the number of candidates is the same or fewer than the places to be filled and he or they so consent he or they shall be elected to fill the casual vacancy.
- (7) If more candidates than the places to be filled so consent the votes validly cast in the preceding election shall be recounted from the beginning in accordance with these Regulations the presiding officer having first withdrawn those candidates who do not consent or are no longer eligible for election.
- (8) This Regulation does not apply (except for the purposes of Regulation 13(4)) to—
  - (a) an election to a Lower House of Convocation, as to which see rule 23(4) of the Clergy Representation Rules, or
  - (b) an election to the House of Laity of the General Synod, as to which see rule 48(6) of the Church Representation Rules.

**23. COUNT BY COMPUTER:**

- (1) Subject to paragraph (2) hereof, it shall be in order for the presiding officer to determine that a computer shall be used in the count of an election.
- (2) In such a count, the program to be used shall have been certified by the Electoral Reform Society as being consistent with these Regulations, subject to the following modifications, namely:

- (a) that determination by means of a random number, generated within the program, shall be substituted for determination by lot in Regulations 10(1) and 11(2); and
- (b) that in regulation 16 (Re-counts) paragraph (1) shall not apply and in place of that paragraph the provisions of subparagraph (c) hereof shall apply;
- (c) that the presiding officer may at his discretion, and shall at the request of any candidate or his authorised agent, verify the accuracy of the manual input into the computer, making any alteration to that input which may be necessary in consequence of any error discovered.

**24. EXTENT:**

These Regulations shall apply to any election in which one or more persons is or are to be elected.

**25. REVOCATIONS AND TRANSITIONAL PROVISIONS:**

- (1) The Proportional Representation Regulations 1981 are hereby revoked.
- (2) Where, at the date when these Regulations come into operation, nomination papers have already been issued in respect of an election, the Regulations which were in force at the commencement of the election shall continue to apply notwithstanding paragraph (1) of this Regulation and any appeal arising out of such election

shall be conducted in accordance with those Regulations.

**26. CITATION AND COMMENCEMENT:**

- (1) These Regulations may be cited as the Single Transferable Vote Regulations 1990 to 2004. [*Superseded:* the Single Transferable Vote (Amendment) Regulations 2015 provide for the regulations as amended by it to be cited as ‘the Single Transferable Vote Regulations 1990 to 2015’.]
- (2) These Regulations shall come into operation on the fourteenth day of February 2004.

## **APPENDIX I (NOT FORMING PART OF THE REGULATIONS)**

### **Elections which include Constraints on the choice made by electors.**

*The text of Regulations 9 to 11 when modified by Regulation 13 (Constraints on the choice made by electors) is as follows:*

#### **9. CANDIDATE WITH QUOTA DEEMED TO BE ELECTED:**

Subject to regulation 13, if the value credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected, provided that the candidate is not required to be classified as a doomed candidate and that the number of candidates deemed to be elected does not exceed the number of vacancies to be filled.

#### **10. SURPLUS TO BE TRANSFERRED:**

##### **(1) Value greater than quota: surplus transferred:**

If at the end of any stage of the count the value credited to one or more candidates other than a doomed candidate is greater than the quota, the presiding officer shall, subject to the provisions of this Regulation, transfer the largest surplus. If two or more candidates each have an equal surplus, the presiding officer shall transfer the surplus of the candidate who was credited with the greatest value at the earliest stage at which the values credited to such candidates were unequal. If the values credited to such candidates were equal at all

stages of the count, the presiding officer shall determine by lot which surplus he shall transfer.

(2) **Transfer of surplus deferred:**

If one or more candidates have surpluses, and the total value of such surpluses does not exceed the difference between the total value credited to the candidate with the lowest value and the value credited to the candidate with the next lowest value ignoring for this purpose any guarded candidate, the transfer of such surplus or surpluses shall be deferred. If there is more than one candidate with the lowest value, the transfer of any surpluses shall not be deferred.

(3) **Surplus from original votes:**

If the value credited to a candidate whose surplus is to be transferred is a value which arises out of original votes only, the presiding 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, and shall make a separate sub-parcel of the non-transferable papers.

(4) **Surplus from transferred votes:**

If the value credited to a candidate whose surplus is to be transferred is a value which arises out of original and transferred votes, or of transferred votes only, the presiding officer shall examine all the papers contained in the sub-parcel last received by that candidate, and shall arrange the transferable papers therein in further

sub-parcels according to the next available preferences for continuing candidates recorded thereon, and shall make a separate sub-parcel of the non-transferable papers.

(5) **Ascertainment of values:**

In either of the cases referred to in paragraphs (3) and (4) in this Regulation the presiding officer shall ascertain the number of papers and their total value in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(6) **If surplus equal to or greater than total value of transferable papers:**

If the surplus is equal to or greater than the total value of the papers in the sub-parcels of transferable papers, the presiding officer shall transfer each paper in the sub-parcels of transferable papers to the continuing candidate indicated thereon as the voter's next available preference, each paper being transferred at the value at which it was received by the candidate whose surplus is being transferred. When the surplus is greater than the total value of the sub-parcels of transferable papers, the non-transferable papers shall be set aside as not effective, at a value which is equal to the difference between the surplus and the total value of the sub-parcels of transferable papers.

(7) **If surplus less than total value of transferable papers:**

If the surplus is less than the total value of the transferable papers, the presiding officer shall transfer each paper in each sub-parcel of transferable papers to the continuing candidate other than a doomed candidate indicated thereon as the voter's next available preference, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of transferable papers, such transfer value being calculated to two decimal places, any remainder thereafter being disregarded, save that the consequential loss of value shall be recorded.

(8) **Candidate deemed to be elected after transfer of a surplus:**

If, after the transfer of a surplus, the value credited to a continuing candidate is now equal to or greater than the quota, that candidate shall be deemed to be elected, provided that the number of candidates deemed to be elected does not exceed the number of vacancies to be filled.

**11. EXCLUSION OF A CANDIDATE:**

(1) **Candidate with lowest value excluded:**

If at the end of any stage of the count no candidate has a surplus other than a surplus whose transfer is deferred, and one or more vacancies remain unfilled, the presiding officer shall exclude the candidate

credited with the lowest value other than a guarded candidate.

(2) **Selection of candidate for exclusion:**

If when a candidate is to be excluded, two or more candidates are each credited with the same lowest value, the presiding officer shall exclude the candidate (of those two or more) who was credited with the lowest value at the earliest stage at which they were credited with unequal values.

If the relevant candidates were each credited with the same value at all stages of the count, the presiding officer shall determine by lot which of these candidates to exclude.

(3) **Transfer of votes of excluded candidate:**

The papers of the excluded candidate shall be rearranged in parcels according to transfer value, and the parcel of papers of highest transfer value shall be first transferred.

The presiding officer shall cause the papers in the parcel to be arranged in sub-parcels according to next available preferences for continuing candidates other than a doomed candidate, and shall credit such continuing candidates with the value of the papers received. Non-transferable papers shall be set aside, and their value recorded.

The parcels of papers of lower transfer values shall similarly be transferred in turn in descending order of transfer value.

(4) **Candidate deemed to be elected after transfer of parcel of papers from an excluded candidate:**

If after the transfer of a parcel of papers of any one transfer value from an excluded candidate, the value credited to a continuing candidate is now equal to or greater than the quota, that candidate shall be deemed to be elected, provided that the number of candidates deemed to be elected does not exceed the number of vacancies to be filled.

## **APPENDIX II (NOT FORMING PART OF THE REGULATIONS)**

### **Notes on Constraints**

1. When constraints are required in an election they impinge on the expressed wishes of the voters. The inclusion of Regulation 13, which addresses the way in which constraints are to be considered, is not intended as an encouragement to their use.
2. Presiding officers are reminded of Church Representation Rule 51.

### **CONSTRAINTS IN ELECTIONS**

- (1) If in any election conducted in accordance with these rules it is a requirement that a given number or not less than a given number of places of those elected shall be filled by candidates of a named category, the presiding officer shall follow the procedure set out in paragraphs (2) to (4) of this rule.
- (2) The presiding officer shall examine the nomination papers to ascertain if the number of candidates nominated in any named category is less than or equal to the required given number.
- (3) If the number of candidates nominated in any named category is less than or equal to the required given number, those candidates shall be declared to be elected and their names shall not be included on the voting paper and thereafter the requirement

shall be disregarded and the election shall proceed with the number of seats to be filled being reduced by the number of persons declared elected.

- (4) The presiding officer shall circulate with the voting papers a separate notice giving the names of any who have been declared elected in accordance with paragraph (3) of this rule.
3. Because of the complexity involved in the counting of an election, using STV and when constraints are required, it is strongly advised that a computer program, certified in accordance with Regulation 23 (2), should be used.