

REGULATION OF ELECTIONS ACT 1980

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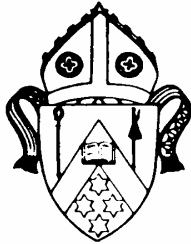
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REGULATION OF ELECTIONS (SYNOD VOTING) REGULATIONS 1992

NOTES



AN ACT

to consolidate and amend the Law for the Regulation of Elections by Synod.

Short Title

1. This Act may be cited as the **Regulation of Elections Act 1980**.

Repeal

2. The Regulation of Elections Act (Number 3 of 1888) as amended by any Act and the Act Number 2 of 1907 as amended by any Act are hereby repealed provided that all persons, things and circumstances appointed or created by or under those Acts or existing or continuing under those Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if those Acts had not been repealed.

Definition

3. In this Act “**Returning Officer**” means the Secretary of Synod or a person appointed by the Secretary to be his deputy for the time being for the purposes of this Act.

Elections ordered by Synod

4. Where it has been or shall be determined by any Act or Resolution of Synod that an Election of any person or persons shall be made by Synod the Election shall be conducted as hereinafter provided.

President to name day for elections

s. 5 amended by No. 1/1994

5. (i) The President in his Mandate convening Synod by notice sent to each member of Synod shall specify the elections to be made in the Session of Synod convened by his Mandate; and shall name a day (in this Act called “**polling day**”) not earlier than the third day of the Session; and a polling place for the Elections and hours (not earlier than ten o’clock in the forenoon nor later than ten o’clock in the afternoon) during which such polling place shall be open and subject to this Act the poll for the Elections shall take place on the day and in the polling place so named between the hours so named.
- (ii) The President in his Mandate convening Synod or by proclamation made in Synod not later than the second day of the Session-
 - (a) may name a further polling place or places for such Elections and
 - (b) in respect of each such further polling place shall prescribe hours on polling day being hours not earlier than ten o’clock in the forenoon and not later than ten o’clock in the afternoon between which voting papers may be issued and deposited pursuant to this Act at that place.

Polling Day if session shorter than 3 days

s. 5A inserted by No. 1/2007

- 5A. Despite anything to the contrary in section 5, if the President convenes a session of Synod for less than 3 days, the President shall name the last day of the session as the polling day for any elections to be held during that session.

Nominations of persons for election

6. Any ten members of Synod may unite in nominating in writing persons duly qualified for election to an office provided that every person nominated shall signify through one of his nominators duly authorised or in writing under his hand to be delivered to the Registrar of the Diocese with his nomination paper his assent thereunto.

Only one nomination paper for each candidate shall be received by the Registrar and no nomination shall be valid if the nomination paper contains the names of more than fifteen or less than ten such nominators.

Delivery of nomination

7. Every nomination so made and assented unto shall be delivered to the Registrar of the Diocese at least ten clear days (in the computation of which days Saturdays, Sundays and holidays shall be included) before the day named in the Mandate of the President for the assembling of Synod.

List of nominees to be sent to Synod members

s. 8 amended by No. 1/1994

8. The Registrar shall forthwith cause to be prepared lists of all persons so nominated and the offices to which they are nominated the names of the candidates in each list being in an order determined by lot under the supervision of the Returning Officer; the Returning Officer shall cause such lists to be printed and to be sent to each member of Synod. Provided that it shall be competent to Synod by resolution upon the first day of the Session to declare an Election urgent for which necessity has arisen after the issue of the President's Mandate convening Synod or of which notice shall not have been given in such Mandate in which case nominations for such Election made under the provisions of Section 6 not later than 6 pm on the 2nd day of the Session shall be sufficient notwithstanding that the provisions of this Section or Sections 7 and 9 of this Act have not been complied with.

Nomination to be exhibited

9. Every nomination shall be exhibited conspicuously in or about the place fixed for the meeting of Synod on the day of the assembling of Synod and shall continue to be so exhibited until the time of the closing of the Election.

Nominee may withdraw

s. 10 amended by No. 1/1994

10. If any person nominated shall express in writing to the Registrar of the Diocese or the Secretary of Synod not later than 6 pm on the 2nd day of the Session his unwillingness to stand for election his name shall be erased from the lists and his nomination cancelled by writing thereupon by the Registrar or Secretary.

Vacancies to be filled by the Archbishop in Council

11. If the number of persons nominated for election to a position or body be not more than the number of persons to be elected to that position or body the persons nominated shall be declared duly elected and any vacancy or vacancies then existing in that position or body shall be filled by a person or persons nominated by the Archbishop in Council.

Form of voting papers

12. If the number of persons nominated for a position or body exceeds the number of persons to be elected to that position or body the Returning Officer shall cause voting papers to be prepared in the form or to the effect of Schedule A, the names of the candidates appearing in the order in which they appear in the lists prepared pursuant to Section 8.

Regulations as to voting papers

13. On the day and in the polling place or if more than one in one only of the polling places named for the Election by the President and between the hours prescribed by or under this Act every member of Synod shall be entitled subject to this Act to receive in person from the Returning Officer voting papers for the several Elections and it shall be the duty of the Returning Officer before giving any voting paper to any member of Synod to initial the said voting paper and to keep a record of the name of every person to whom a voting paper has been issued and such person to whom a voting paper has been issued shall not be entitled to receive any other voting paper unless the voting paper already issued shall be returned to the Returning Officer in an unusable condition in which case the Returning Officer shall destroy the paper first issued and give a similar one in its stead.

Filling in and depositing voting papers

14. Every voter having received voting papers as aforesaid shall forthwith and without leaving the polling place at which he received them fill in the same in accordance with the provisions of this Act and deposit them in a ballot-box or ballot-boxes to be provided by the Returning Officer and leave forthwith.

Postal voting

15. Notwithstanding anything to the contrary contained in this Act any member of Synod may before the polling day make application in the form in Schedule B for a postal voting paper or papers enabling him to vote through the post instead of attending personally to tender his vote or votes at a place named for the Election.

Application for postal vote

16. On receiving from any member of Synod an application for a postal voting paper the Returning Officer having ascertained that the applicant is entitled to vote shall first initial and then deliver to the applicant or post to him at the postal address named in the application a postal voting paper or postal voting papers in the form of Schedule A with the addition "Postal Vote" together with a distinctive envelope addressed to the Returning Officer.

Postal voter not to vote personally

17. No member of Synod to whom a postal voting paper or voting papers for an Election has or have been sent shall be entitled to vote personally at that Election unless he previously gives up such postal voting paper or voting papers in blank form to the Returning Officer who shall thereupon cancel such postal voting paper or voting papers and retain it or them.

Where postal voting paper not received

18. If a member of Synod to whom a postal voting paper or voting papers appear to have been sent states that he has not received it or them and claims to vote personally he may do so on making and handing to the Returning Officer a statutory declaration that he has not received such postal voting paper or voting papers.

Receipt of postal votes

19. On receipt by the Returning Officer by post or otherwise of any postal voting paper he shall place the same in a locked ballot-box which shall not be opened until the close of the poll.

Method of voting

s. 20 inserted by No. 8/1991

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

Results of election

s. 21 inserted by No. 8/1991

21. (1) Except as provided in section 11, the results of an election under this Act shall be ascertained by the system, prescribed by regulations under this Act, of quota preferential proportional representation using the quota for that election determined under section 23.
- (2) A casual vacancy occurring after the poll in an election shall be filled, in accordance with the regulations, by recounting the valid voting papers and determining the results of the election as if to fill all positions but disregarding all preferences for the member whose position is vacant or for a candidate in the election who is no longer eligible for election or willing to serve.
 - (3) The recount for the purposes of filling a casual vacancy shall continue only until the vacancy is filled.
 - (4) Nothing in this section affects the continuation in office of a person elected in the election and whose office is not vacant.

Appointment of scrutineers

22. Two scrutineers may be appointed by vote of Synod previous to any Election being held on motion without notice or failing such appointment two scrutineers being members of Synod may be

appointed by the Secretary whose duty it shall be to assist the Returning Officer in taking the votes at the said Election.

Counting of votes

s. 23 inserted by No. 8/1991

23. As soon as convenient after the close of the poll, the Returning Officer shall, in the presence of scrutineers, count the number of valid voting papers 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 shall be the 'quota; for the purposes of the regulations.

Invalidity

s. 24 inserted by No. 8/1991

24. A voting paper is invalid if:
- (a) it has not been initialed by the Returning Officer, or
 - (b) the Returning Officer cannot determine for which candidate the first preference of the voter is recorded.

Results

s. 25 inserted by No. 8/1991

25. The Returning Officer shall report the results of an Election to the President and shall forthwith place in separate packets all valid and rejected voting papers and transmit the same to the Registrar who shall keep them secure until the conclusion of the next session of Synod at which an election is held to fill the offices to which the reported election relates.

Publication of Results

S. 25A inserted by Act No. 2/2010

- 25A. (1) The President must publish the results of an Election on receiving the report of the Returning Officer.
- (2) Except as otherwise provided in an Act, the term of a person elected in an Election commences on the day on which the President publishes the results of the Election.

Result sheet

s. 26 inserted by No. 8/1991

26. (1) The Returning Officer shall, within ten days of the report of the result, send to every candidate-
- (a) a full return, signed by the Returning Officer, showing the names of those elected, and
 - (b) a copy of the result sheet.
- (2) The result sheet shall be available for inspection at the Diocesan Registry for a period of six months after the date of the count.

Questions affecting the validity of any election

27. All questions affecting the validity of any Election or of any vote under this Act shall be referred to the Elections Committee appointed under the provisions of Act No. 2 of 1972 provided that no question as to the validity of an Election shall be raised after seven days subsequent to the publication by the President of the result thereof.

Elections Committee

s. 28 inserted by No. 8/1991

28. If upon a reference to the Elections Committee –
- (a) any voting papers counted by the Returning Officer are rejected as invalid, or
 - (b) any rejected voting papers are declared valid,
- the Elections Committee may direct the whole or any part of the voting papers to be recounted and the result of the election ascertained in accordance with the Regulations.

Vacancies filled by the Archbishop in Council

s. 29 inserted by No. 8/1991

29. If, following any election to which this Act relate there is a vacancy in the number of the elected members of the body to which persons were elected by that election and there are no other provisions for filling that vacancy, it may be filled by a person nominated by the Archbishop in Council.

Continuance in office till election of successors

30. (1) When any Act or Resolution of Synod directs that any

Election shall be held by Synod if such Election be not duly held the persons if any who immediately previous to the time for holding such Election held such office shall continue to hold the same until their successors have been duly appointed.

s. 30(2) inserted by No. 4/1985

- (2) Where by any Act of Synod it is provided that the term of office of a person elected by Synod shall be a number of years a year in which no ordinary session of Synod is held shall not be taken into account in determining when that term of office expires.

s. 30(3) inserted by No. 4/1985

- (3) Where in any Act of Synod it is provided that an elections shall be held at the first session of synod in a year it shall be deemed in the absence of an express direction to the contrary that the reference is and always has been to the first ordinary session of synod in a year.

Extra Sessional elections

31. (1) When any Act or Resolution of Synod directs that an Election by Synod may be made at a time when Synod is not in Session and occasion arises for such an Election to be made the President may instead of convening Synod for the purpose of the Election determine that a postal ballot shall be conducted and in that case shall by notice posted to each member of Synod specify-
- (a) the Election to be made;
 - (b) a day (hereinafter called “the closing day”), not earlier than two weeks after the day on which notice is posted, on or before which nominations for the Election may be delivered to the Registrar of the Diocese;
 - (c) a polling day, not earlier than three weeks after the closing day, and a polling place or places for the Elections.
- (2) The provisions of this Act for Elections specified by the President in his Mandate convening Synod shall so far as practicable apply to such Election save that-
- (a) upon receiving a nomination the Registrar shall display

it or a copy thereof prominently in the vicinity of the Diocesan Registry until the time of the closing of the Election;

- (b) a person nominated may in writing express to the Registrar not later than the closing day his unwillingness to stand for elections and his nomination shall thereupon be cancelled;
- (c) As soon as practicable after closing day the Registrar shall post to each member of Synod a voting paper for the Election in the form of Schedule A with the addition of “Postal Vote” together with a distinctive envelope addressed to the Returning Officer.

Regulations

s. 32 inserted by No.8/1991

32. (1) The Archbishop in Council may make regulations for the purposes of this Act.
- (2) Regulations under sub-section (1) may be made so as to-
- (a) confer a discretionary authority or impose a duty on the Registrar or Returning Officer; or
 - (b) make different provisions for different cases.
- (3) In the event that the Archbishop in Council makes any regulations under this section the Archbishop shall, at or about the time he issues a mandate for an election under this Act or a notice under section 31, cause reasonable steps to be taken to promulgate to members of Synod the general effect of such regulations.
- (4) On the first day of the ordinary session of the Synod next following the making of any regulations under this section a copy of the regulations shall be laid before Synod which may at that or any subsequent session thereafter by resolution of the whole Synod disallow the regulations provided that such action by Synod shall not invalidate nor affect anything done under the regulations before the disallowance.

Review of Act

s. 33 inserted by No. 8/1991

33. The Archbishop in Council shall review the operation of this Act at least once during each Synod and shall report on the review to that Synod.

SCHEDULES

Schedule A substituted by No. 8/1991

SCHEDULE A

Anglican Church of Australia

Diocese of Melbourne

VOTING PAPER

Election of (describe office or position to be filled)
(number).....vacancies are to be filled

Directions:

Votes will be counted according to the quota-preferential method of proportional representation prescribed by Regulations under the Regulation of Elections Act 1980. To record a valid vote you must indicate one of the candidates as your first preference by placing the number 1 beside the name of the candidate. You may indicate succeeding preferences by placing the numbers 2, 3, 4, 5 and so on beside other names, using each number only once. Voters are encouraged to show all their preferences, or at least as many as there are vacancies.

Numerical order of voter's preference:

Names of Candidates:

SCHEDULE B

SYNOD OF THE DIOCESE OF MELBOURNE
APPLICATION FOR A POSTAL BALLOT PAPER

I,
of
hereby declare:-

1. That I am a Clerical/ Lay* member of Synod of the Diocese of Melbourne and I do hereby apply for a Postal Ballot Paper (or Postal Ballot Papers) to enable me to vote by post at the next forthcoming Synod Election.

2. I request that the Postal Ballot Paper may be
*forwarded to me at
*delivered to me personally.

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

Witness-

Name.....
Address.....

* Strike out inapplicable words

Schedule C repealed by No. 8/1991

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REGULATION OF ELECTIONS (SYNOD VOTING) REGULATIONS 1992

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**REGULATION OF ELECTIONS (SYNOD VOTING)
REGULATIONS 1992³**

PART 1 – PRELIMINARY

Title

1. These Regulations may be cited as the Regulation of Elections (Synod Voting) Regulations 1992.

Commencement

2. These Regulations come into operation on the day on which the **Regulation of Elections (Amendment) Act 1991** comes into operation.

Definitions

3. (1) In these Regulations –
 “**continuing candidate**” in relation to a poll, means a candidate neither elected nor excluded;
 “**determine by lot**” means determine in accordance with regulation 5;
 “**next available preference**” means a second or subsequent preference recorded on a voting paper in consecutive numerical order for a continuing candidate;
 “**non-transferable paper**” means –
 (a) a voting paper on which no second or subsequent preference is recorded for a continuing candidate;
 or
 (b) a voting paper deemed by regulation 4 to be a non-transferable paper;
 “**parcel**” or “**sub-parcel**”, in relation to a candidate, means voting papers arranged under these Regulations on which is recorded –
 (a) a first preference for that candidate; or
 (b) a transferred vote for that candidate;
 “**periodic**”, in relation to a vacancy, means a vacancy occurring by effluxion of time;

“**original vote**”, in relation to a candidate, means a vote derived from a voting paper on which a first preference is recorded for that candidate;

“**stage**”, in relation to a count, means –

- (a) all the operations involved in the counting of the first preferences recorded for candidates;
- (b) all the operations involved in the transfer of the surplus of a candidate who is elected;
- (c) all the operations involved in the transfer of the votes of an excluded candidate;

“**surplus**”, at a stage of the count of a poll, in relation to a candidate, means the number of votes by which the total number of the votes, original and transferred, credited to the candidate exceeds the quota for that poll determined in accordance with section 23 of the Act;

“**the Act**” means the **Regulation of Elections Act 1980**;

“**transferable paper**” means a voting paper (other than a non-transferable 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 relation to a candidate, means a vote, or a proportion of a vote, derived from a voting paper in a sub-parcel of the candidate on which a second or subsequent preference is recorded for that candidate;

“**transfer value**”, in relation to a transferable paper, means the proportion of a vote given to the paper in accordance with regulations 6 and 10.

- (2) Words and expressions used in these Regulations and in the Act have the same respective meanings as in the Act.

Non-transferable paper

4. A voting paper shall be deemed to be a non-transferable paper at a stage of the count if –
 - (a) the names of 2 or more candidates (whether continuing or not) are marked with the same number and are next in order of preference at that stage;

- (b) the name of the candidate next in order of preference at that stage (whether continuing or not) is marked –
 - (i) by a number not following consecutively after some other number on the voting paper; or
 - (ii) by 2 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.

Determine by lot

5. Where, under these Regulations, a question relating to candidates is to be determined by lot –
- (a) the names of the candidates shall be written on similar slips of paper;
 - (b) the slips shall be folded so as to prevent identification;
 - (c) the slips shall be mixed and drawn at random;
 - (d) if the question concerns the exclusion of candidates, candidates shall be excluded in the order in which the names are drawn;
 - (e) if the question concerns the transfer of surpluses, surpluses of candidates shall be transferred in the order in which the names are drawn.

Crediting of transfer value

6. (1) Where, under these Regulations, transferable papers are transferred at a stage in the count, the continuing candidate to whom they are transferred shall be credited with the sum of the transfer values of the papers.
- (2) The transfer value of a transferable paper is the proportion of a vote ascertained by dividing (to 2 decimal places) the surplus of the candidate from whom the paper is being transferred by the total number of transferable papers being transferred to continuing candidates at that stage of the count.
- (3) The transfer value for the recipient of an original vote is 1.

PART 2 – DETERMINING RESULTS OF POLL

Sorting and counting

7. (1) When the valid voting papers have been counted in accordance with section 23 of the Act, the Returning Officer shall arrange them in parcels according to the first preferences recorded in accordance with section 20(a) of the Act for each candidate.
- (2) The Returning Officer shall count the number of voting papers in each parcel and shall credit to the each candidate a number of votes equal to the number of voting papers on which a first preference for that candidate has been recorded.

Candidates elected on first preferences

8. If -
- (a) a candidate's first preference votes are equal to or exceed the quota; and
 - (b) the number of such candidates does not exceed the number of vacancies to be filled –
- the candidate is elected

Surplus

9. (1) If, at the end of any stage of the count, a candidate (whether elected or a continuing candidate) has a surplus, the Returning Officer shall transfer the largest surplus in accordance with these Regulations.
- (2) If 2 or more candidates each have an equal surplus, the Returning Officer shall transfer the surplus of the candidate who was credited with the greatest number of votes at the earliest stage at which the votes credited to those candidates were unequal.
- (3) If the votes credited to such candidates were equal at all stages of the count, the Returning Officer shall determine by lot which surplus to transfer.
- (4) If –
- (a) one or more candidates have surpluses; and
 - (b) the total value of those surpluses does not exceed the

difference between the number of votes credited to the candidate or candidates with the lowest number of votes and the votes credited to the candidate with the next lowest number of votes –
the surplus or surpluses are not transferable.

Transfer of surplus

10. (1) If the surplus of a candidate arises only from original votes, the Returning Officer shall examine all the voting papers in the parcel of the candidate and –
- (a) shall ascertain the sum of the transfer values for the candidate of the transferable papers;
 - (b) shall arrange the transferable papers in sub-parcels according to the next available preferences for continuing candidates recorded on them; and
 - (c) shall make a separate sub-parcel of the non-transferable papers.
- (2) If the surplus of a candidate arises from original and transferred votes, or only from transferred votes, the Returning Officer shall examine all the papers in the sub-parcel last received by that candidate and –
- (a) shall ascertain the sum of the transfer values for the candidate of the transferable papers in that sub-parcel;
 - (b) shall arrange those transferable papers in further sub-parcels according to the next available preferences for continuing candidates recorded on them; and
 - (c) shall make a separate sub-parcel of the non-transferable papers
- (3) If the sum of the transfer values ascertained under sub-section (1) or (2) is greater than the surplus of the candidate, the Returning Officer –
- (a) shall transfer each of the transferable papers to the continuing candidate next indicated in the paper as the voter's next available preference;
 - (b) shall give a transfer value, or new transfer value, to each paper transferred, being a value ascertained in accordance with regulation 6; and

- (c) shall credit each such continuing candidate with the sum of the transfer values so given to the papers transferred to the continuing candidate.
- (4) If the sum of transferable values ascertained under sub-section (1) or (2) is equal to or less than the surplus, the Returning Officer –
- (a) shall transfer each of the transferable papers to the continuing candidate next indicated in the paper as the voter's next available preference; and
 - (b) shall credit each such continuing candidate with the sum of the transfer values that each such paper gave to the candidate whose surplus is being transferred; and
 - (c) shall set aside the non-transferable papers as not effective and shall record a total transfer value equal to the difference between the surplus and the sum of the transfer values of the transferable papers being transferred.

Candidate deemed to be elected after transfer of surplus

11. If -
- (a) after the transfer of a surplus, a continuing candidate has a number of votes that is equal to or greater than the quota for that poll determined in accordance with section 23 of the Act; and
 - (b) the number of such candidates does not exceed the number vacancies to be filled –
- that candidate is elected.

Exclusion of a candidate

12. (1) If, at the end of any stage of the count –
- (a) no candidate has a surplus, other than a surplus that is not transferable; and
 - (b) one or more vacancies remain to be filled –
- the Returning Officer shall exclude the candidate with the lowest number of votes.
- (2) If 2 or more candidates have the same lowest number of votes, the Returning Officer shall exclude the candidate who was

credited with the lowest value at the earliest stage of the count at which those candidates were credited with unequal numbers of votes or, if there was no such stage, the candidate chosen by the Returning Officer by lot.

Transfer of votes of excluded candidate

13. If a candidate is excluded, the Returning Officer -
- (a) shall re-arrange the voting papers in the candidate's parcel in sub-parcels according to their transfer value; and
 - (b) shall re-arrange each sub-parcel, starting with the sub-parcel of voting papers of the highest transfer value, to be re-arranged in sub-parcels according to the next available preference for continuing candidates; and
 - (c) shall credit each continuing candidate with a number of votes equal to the sum of the transfer values for the excluded candidate of the voting papers in that candidate's sub-parcel; and
 - (d) shall record the value of the non-transferable papers that are set aside.

Candidate elected after transfer of parcel from excluded candidate

14. If -
- (a) after the transfer of a parcel from an excluded candidate, the number of votes credited to a continuing candidate is equal to or greater than the quota for that poll determined in accordance with section 23 of the Act; and
 - (b) the number of such candidates does not exceed the number of vacancies to be filled -
that candidate is elected.

Conclusion of count

15. (1) If, at the end of any stage of the count, the number of candidates elected is equal to the number of vacancies to be filled, the count is concluded.
- (2) If, at any stage of the count, the number of continuing candidates is equal to the number of vacancies remaining unfilled, those candidates are elected.

- (3) if one vacancy remains unfilled and the number of votes credited to one continuing candidate exceeds the sum of total number of votes credited to the other continuing candidates and any surplus not transferred, that candidate is elected.

Partial recounts

16. (1) A candidate may, at the end of any stage of the count, request the Returning Officer to re-examine and re-count all or any of the voting papers dealt with during that stage of the count.
- (2) The Returning Officer shall forthwith re-examine and re-count those voting papers.
- (3) The Returning Officer, at the end of any stage of the count, may re-count papers one or more times if not satisfied as to the accuracy of any previous count.
- (4) The Returning Officer is not required to re-count the same papers more than once at any stage of the count.

Result sheet

17. When the counting of votes has been completed, the Returning Officer shall forthwith prepare a result sheet showing the result of the election, including -
- (a) a record of any transfer of votes;
 - (b) a record of the number of votes credited to each candidate after each transfer;
 - (c) the names of the persons elected.

PART 3 - PERIODIC AND CASUAL VACANCIES

Election to fill periodic and casual vacancies

18. (1) This regulation applies where an election is held to fill one or more periodic vacancies on a body and one or more casual vacancies on that body.
- (2) The Returning Officer shall conduct a count to determine the persons elected to fill the vacancies.
- (3) The Returning Officer shall conduct a further count to determine which of those persons would have been elected if the election had been for the periodic vacancies only.

- (4) For the purposes of the further count under sub-regulation (3), the candidates not elected as determined under sub-regulation (2) shall be excluded and their voting papers transferred to the next available preference.
- (5) The persons determined under the further count shall be deemed to be elected to fill the periodic vacancies and the remaining persons elected under sub-regulation (2) shall be deemed elected to fill the casual vacancies.
- (6) If the vacancies to be filled include a vacancy to be filled for a period that is less than a full term of office, the vacancies shall be filled in accordance with this regulation, the vacancies being filled in descending order of length of term.

PART 4 – CASUAL VACANCIES

Casual vacancies

19. (1) This regulation applies where a casual vacancy occurs and is to be filled before the next periodic election.
- (2) The Returning Officer shall ascertain which of the candidates for the last election who were not elected are eligible for election and willing to fill the vacancy.
- (3) In accordance with section 21(2) of the Act, the Returning Officer shall re-count the voting papers for the last election as if to fill all positions originally filled, passing over all preferences for the vacating member or members or for a candidate who is no longer eligible or willing to fill the vacancy but not excluding any continuing candidate elected in the first count.
- (4) The election of a candidate already elected shall not be disturbed despite the results of a re-count.

Further election

20. If, after re-counting the voting papers for the purpose of filling a casual vacancy, one or more casual vacancy remains unfilled and no other method of filling the vacancy is provided, the Archbishop in Council may at its discretion fill the vacancy or decide that an election shall be held in accordance with the Act.

PART 5 – WHERE CANDIDATES TO BE ELECTED BY CATEGORIES

Social Responsibilities Committee etc.

21. Where an election for persons, a minimum or maximum number of whom are required to be of a particular category, is to be held -
 - (a) each candidate elected shall fill a vacancy of the category to which he or she belongs;
 - (b) when the number of vacancies in a particular category have been filled, any remaining candidates of that category shall be excluded and the votes of each excluded candidate shall be transferred in accordance with regulation 13; and
 - (c) in all other respects, the election shall be conducted in accordance with these Regulations.

PART 6 – GENERAL SYNOD

General Synod representatives

22. (1) When an election for representatives to the General Synod is to be held, the number of clerical and the number of lay positions to be filled shall be the numbers notified to the Returning Officer by the Registrar of the Diocese as the likely numbers of representatives of the Diocese at the next meeting of the General Synod.
- (2) The Returning Officer shall conduct the count to fill 90% of the clerical positions and 90% of the lay positions.
- (3) As soon as possible after the Returning Officer receives advice from the Registrar of the number of clerical and lay representatives entitled to attend a session of General Synod, the Returning Officer shall ascertain whether any of the candidates deemed elected under sub-regulation (2) are unable to attend the session and whether any of the candidates not elected would be unable to attend the session, if elected.
- (4) The Returning Officer shall re-count the voting papers to elect the persons necessary to fill the vacancies (if any), the election of the persons elected under the first count not being

disturbed despite the results of the further count.

PART 7 – METHODS OF COUNTING

Method of counting

23. (1) The counting of votes may take place manually or with the assistance of a computer program certified by the Registrar of the Diocese as being consistent with these Regulations.
- (2) A computer program may be certified as consistent with these Regulations despite providing for determination by random number instead of by lot but any such provision shall be taken to be a provision for determination by lot.
- (3) If the counting or votes takes place with the assistance of a computer, the Returning Officer may, and if a candidate so requests, must, certify as to the accuracy of the manual input to the computer.

NOTES

1. The *Regulation of Elections Act 1980* was assented to on 9 October 1980 and came into operation on that day.
2. This reprint incorporates the amendments made to the *Regulation of Elections Act 1980* by the following Acts:

<u>Name</u>	<u>No.</u>	<u>Date of assent</u>	<u>Date of commencement</u>
<i>Regulation of Elections (Amendment) Act 1985</i>	4/1985	1 October 1985	1 October 1980 (deemed by section 4)
<i>Regulation of Elections (Amendment) Act 1991</i>	8/1991	18 October 1991	1 October 1992 (day appointed by Archbishop in Council on 20 August 1992)
<i>Regulation of Elections (Amendment) Act 1994</i>	1/1994	14 November 1994	1 January 1995
<i>Regulation of Elections (Polling Day) Act 2007</i>	1/2007	16 June 2007	16 June 2007
<i>Synod Election (Terms of Office) Act 2010</i>	2/2010	8 October 2010	8 October 2010

3. The *Regulation of Elections (Synod Voting) Regulations 1992* were made by the Archbishop in Council on 20 August 1992 and came into operation on 1 October 1992.