

University of Edinburgh General Council Election Rules for Counting in STV-PR Elections when two or more vacancies are to be filled

These Election Rules have been adapted from the
Scottish Local Government Elections Order 2011.

This document contains only the Election Rules required to specify the counting procedure. Irrelevant Rules and irrelevant text have been deleted. References to “councillors” and to local authority “councils” have been changed to analogues relevant to General Council elections. The original numbering of the Rules has been retained, so these Election Rules start at Rule 43. The counts for these elections will be electronic but the counting process is described in these Election Rules in terms of handling ballot papers as this makes the procedure clearer and easier to follow.

Interpretation

In these Election Rules, unless the context otherwise requires—

“continuing candidate” means any candidate not deemed to be elected and not excluded from the list of candidates under rule 51;

“count” means all the operations involved in counting and crediting votes, including the ascertainment of the quota, the transfer of ballot papers and the exclusion of candidates;

“next available preference” means a preference which is the second or, as the case may be, subsequent preference in consecutive order for a continuing candidate (any preferences for any candidate who is deemed to be elected or is excluded from the list of candidates under rule 51 being ignored);

“non-transferable paper” means a ballot paper on which there is no next available preference;

“quota” has the meaning given in rule 47;

“stage of the count” means—

- (a) the determination of the number of votes for each candidate as first preference;
- (b) the transfer of transferable papers from a candidate deemed to be elected who has a surplus; or
- (c) the exclusion of a candidate at any given time;

“surplus” means the number of votes, if any, by which the total number of votes credited to a candidate deemed to be elected exceeds the quota;

“transfer value” means the value of a vote on a ballot paper calculated in accordance with rule 49;

“transferable paper” means a ballot paper on which a next available preference is given;

“unique identifying mark” means the mark (for example, a bar code, letter, number or numerical sequence) on a ballot paper which is unique to that ballot paper and which identifies that ballot paper as a ballot paper to be issued by the returning officer; and

“vote” (whether noun or verb) shall be construed accordingly.

The count

43.—(1) The returning officer shall—

(3) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall take all proper precautions for preventing any person from identifying the voter who cast the vote.

Rejected ballot papers

44.—(1) Any ballot paper—

- (a) which does not bear a unique printed ballot paper number;
- (b) on which a number standing alone is not placed so as to indicate a first preference for some 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 is written or marked by which the voter can be identified except the printed number; or
- (e) which is unmarked or void for uncertainty,

shall, subject to paragraph (2), be void and not counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a figure indicating a first or subsequent preference; or
- (c) by more than one mark,

shall not for such reason be deemed to be void by reason only of indicating a preference by the use of words (or any other mark) instead of figures, if in the opinion of the returning officer the word or mark clearly indicates a preference or preferences, and the way the paper is marked does not itself identify the voter and it is not shown that such voter can be identified by it.

(3) The returning officer shall mark as rejected any ballot paper which under this rule is not to be counted, and shall add to that mark that the rejection is objected to if any counting agent objects to the rejection.

(4) The returning officer shall report the number of ballot papers rejected.

Decisions on ballot papers

45. The decision of the returning officer, whether express or implied, on any question arising in respect of a ballot paper, the exclusion of a candidate or the transfer of votes shall be final.

First stage

46.—(1) The returning officer shall sort the valid ballot papers into parcels according to the candidates for whom first preference votes are given.

(2) The returning officer shall then—

- (a) count the number of ballot papers in each parcel;
- (b) credit the candidate receiving the first preference vote with one vote for each ballot paper; and
- (c) record those numbers.

(3) The returning officer shall also ascertain and record the total number of valid ballot papers.

The quota

47.—(1) The returning officer shall divide the total number of valid ballot papers by a number exceeding by one the number of members to be elected.

(2) The result of the division under paragraph (1) (ignoring any decimal places), increased by one, is the number of votes sufficient to secure the return of a candidate (in these rules referred to as the “quota”).

Election of members

48.—(1) Where, at any stage of the count, the number of votes for a candidate equals or exceeds the quota, the candidate is deemed to be elected.

(2) A candidate is returned as a member when declared to be elected in accordance with rule 56(a).

Transfer of surplus votes

49.—(1) Where, at the end of any stage of the count, the number of votes credited to any candidate exceeds the quota and, subject to rules 50 and 53, one or more vacancies remain to be filled, the returning officer shall sort the ballot papers received by that candidate into further parcels so that they are grouped—

- (a) according to the next available preference given on those papers; and
- (b) where no such preference is given, as a parcel of non-transferable papers.

(2) The returning officer shall, in accordance with this rule and rule 50, transfer each parcel of ballot papers referred to in paragraph (1)(a) to the continuing candidate for whom the next available preference is given on those papers and shall credit such continuing candidates with an additional number of votes calculated in accordance with paragraph (3).

(3) The vote on each ballot paper transferred under paragraph (2) shall have a value (“the transfer value”) calculated as follows—

A divided by B

Where

A = the value which is calculated by multiplying the surplus of the transferring candidate by the value of the ballot paper when received by that candidate; and

B = the total number of votes credited to that candidate,

the calculation being made to five decimal places (any remainder being ignored).

(4) For the purposes of paragraph (3)—

- (a) “transferring candidate” means the candidate from whom the ballot paper is being transferred; and
- (b) “the value of the ballot paper” means—
 - (i) for a ballot paper on which a first preference vote is given for the transferring candidate, one; and
 - (ii) in all other cases, the transfer value of the ballot paper when received by the transferring candidate.

Transfer of surplus votes – supplementary provisions

50.—(1) If, at the end of any stage of the count, the number of votes credited to two or more candidates exceeds the quota the returning officer shall—

- (a) first sort the ballot papers of the candidate with the highest surplus; and
- (b) then transfer the transferable papers of that candidate.

(2) If the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest number of votes at the end of the most recent preceding stage at which they had unequal numbers of votes shall be transferred first.

(3) If the numbers of votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide, by lot, which candidate's transferable papers are to be transferred first.

Exclusion of candidates

51.—(1) If, one or more vacancies remain to be filled and—

- (a) the returning officer has transferred all ballot papers which are required by rule 49 or this rule to be transferred; or
- (b) there are no ballot papers to be transferred under rule 49 or this rule,

the returning officer shall exclude from the election at that stage the candidate with the then lowest number of votes.

(2) The returning officer shall sort the ballot papers for the candidate excluded under paragraph (1) into parcels so that they are grouped—

- (a) according to the next available preference given on those papers; and
- (b) where no such preference is given, as a parcel of non-transferable papers.

(3) The returning officer shall, in accordance with this rule, transfer each parcel of ballot papers referred to in paragraph (2)(a) to the continuing candidate for whom the next available preference is given on those papers and shall credit such continuing candidates with an additional number of votes calculated in accordance with paragraph (4).

(4) The vote on each ballot paper transferred under paragraph (3) shall have a transfer value of one unless the vote was transferred to the excluded candidate in which case it shall have the same transfer value as when transferred to the candidate excluded under paragraph (1).

(5) This rule is subject to rule 53.

Exclusion of candidates – supplementary provisions

52.—(1) If, when a candidate has to be excluded under rule 51—

- (a) two or more candidates each have the same number of votes; and
- (b) no other candidate has fewer votes,

paragraph (2) applies.

(2) Where this paragraph applies—

- (a) regard shall be had to the total number of votes credited to those candidates at the end of the most recently preceding stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and
- (b) where the number of votes credited to those candidates was equal at all stages, the returning officer shall decide, by lot, which of those candidates is to be excluded.

Filling of last vacancies

53.—(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates are deemed to be elected.

(2) Where only one vacancy remains unfilled and the number of votes then credited to any one continuing candidate (“the highest continuing candidate”) is equal to or greater than the total number of votes then credited to all the other continuing candidates, the highest continuing candidate is deemed to be elected.

(3) Where the last vacancies can be filled under this rule, no further transfer shall be made.

Declaration of result

56. In a contested election, when the result of the poll has been ascertained, the returning officer shall—

- (a) declare to be elected the candidates who have been deemed to be elected as members;
- (b) give notice of the names of the candidates elected; and
- (c) give public notice of—
 - (i) the names of the candidates elected;
 - (ii) the number of votes credited to each candidate at each stage of the count;
 - (iii) the number of non-transferable votes at each stage of the count; and
 - (iv) the number of rejected ballot papers.

Sealing up of ballot papers

57.—(1) On the completion of the counting at a contested election the returning officer shall seal up in packets the ballot papers and a complete electronic copy of the information stored in the electronic counting system held in a device suitable for the purposes of its storage.

Delivery of documents

58. The returning officer shall then forward to the proper officer of the General Council the following documents:—

- (a) the packets of ballot papers in the returning officer’s possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of any verification of the ballot paper accounts;
- (c) the packets of the completed corresponding number lists;

endorsing on each packet a description of its contents and the date of the election to which they relate.

Retention of documents

60. The proper officer of the General Council shall retain amongst the records of the Council for one year—

- (a) all documents; and
- (b) all electronic copies of information made under rule 57(1)

relating to an election forwarded to such officer in pursuance of these rules by a returning officer, and at the expiry of that period shall, unless otherwise directed, cause them to be destroyed.