

*SCHEDULE 2***Conduct of the ballot according to the principles of proportional representation****1. General**

This Schedule sets out the conduct of the ballot and the counting of votes according to the principles of proportional representation.

**2. Definitions**

In this Schedule:

“**continuing candidate**” means at any given time a candidate not already elected or not already excluded from the poll.

“**exhausted ballot-paper**” means a ballot-paper on which there is no indication of a next preference for a continuing candidate.

“**fraction**” includes a decimal fraction.

“**next preference**” means the first of the subsequent preferences marked on a ballot-paper which is not given to an elected or excluded candidate. However, if there is a repetition or omission in the consecutive numbering of preferences marked on a ballot-paper (other than a repetition or omission which makes the ballot-paper informal), only those preferences preceding the repetition or omission can be taken into account.

“**quota**” means the number of votes sufficient to elect a candidate.

“**surplus**”, at any given time, means:

- (a) except as provided in paragraph (b) the number of votes which a candidate has obtained at that time in excess of the quota, or
- (b) if the number of exhausted ballot-papers counted to a candidate at that time is greater than the quota the number of votes which the candidate has obtained at that time in excess of the number of those exhausted ballot-papers.

**3. Recording a vote**

- (1) Each voter shall vote by
  - (a) placing the number “1” in the square opposite the name of the candidate for whom the voter desires to give the voter’s first preference vote; and
  - (b) voting for additional candidates by placing consecutive numbers

beginning with the number “2” in the squares opposite the names of those additional candidates in the order of the voter’s preferences for them.

- (2) The number of candidates for whom a voter must vote shall be equal to the number of persons to be elected.
- (3) A voter may vote for as many additional candidates as the voter chooses provided the voter’s preferences are numbered consecutively.

#### **4. The initial scrutiny**

- (1) At the conclusion of the ballot the Returning Officer must, in the presence of the Secretary or the Secretary’s nominee and any scrutineers appointed by the candidates must:
  - (a) open the ballot-box and remove all ballot papers;
  - (b) count all ballot papers; or
  - (c) arrange for the ballot papers to be counted in the Returning Officer’s presence and under the Returning Officer’s supervision; and
  - (d) reject all informal ballot-papers.
- (2) A ballot-paper shall not be rejected as informal if:
  - (a) the voter has voted for not less than the number of candidates required by sub-paragraph 3 (3); and
  - (b) in the opinion of the Returning Officer, the order of the voter’s preferences is clear.
- (3) The returning officer shall record the total number of informal and informal ballot papers.

#### **5. Parcels of first preferences**

The ballot-papers are divided into parcels according to the names of the candidates for whom the first preferences on the ballot-papers are recorded.

#### **6. Quota**

The aggregate number of first preferences is divided by one more than the number of candidates to be elected. The quotient (disregarding any remainder), increased by one, becomes the quota.

#### **7. Election on first preferences**

- (1) A candidate who has, upon the first preferences being counted, a number of first preferences equal to or greater than the quota is elected.
- (2) If the number of first preferences obtained by the candidate is equal to the quota, all the ballot-papers on which first preferences are recorded for that candidate are set aside as finally dealt with.

## **8. Surplus on first count**

- (1) If the number of first preferences obtained by any candidate exceeds the quota, the surplus is transferred to the continuing candidates next in the order of voters' preferences, in accordance with the following directions:
  - (a) The ballot-papers on which first preferences are recorded for the elected candidate are re-examined, and the number of second preferences, or (in accordance with clause 14 of this Schedule) third or next consecutive preferences, recorded on them for each continuing candidate and the number of exhausted ballot-papers is counted.
  - (b) The surplus is divided by the total number of first preferences recorded for such elected candidate (excluding any exhausted ballot-papers). The transfer value is equal to the resulting fraction or the first 4 digits of the resulting decimal fraction or (if the fraction exceeds 1) to 1.
  - (c) The number of second or other preferences, ascertained in paragraph (a) as being recorded for each continuing candidate, is multiplied by the transfer value.
  - (d) The resulting number for each continuing candidate is added to the number of votes obtained by the candidate on the counting of first preferences.
  - (e) However, if as a result of the multiplication referred to in paragraph (c), any fraction results, so many of those fractions (taken in the order of their magnitude and beginning with the largest) as are necessary to ensure that the number of votes transferred equals the number of the elected candidate's surplus votes are treated as equal to 1, and the remaining fractions are ignored.
  - (f) If, as a result of the multiplication referred to in paragraph (c), 2 or more fractions are equal and one of them is to be treated as equal to 1, the fraction arising from the largest number of second or other preferences referred to in paragraph (a) is treated as the largest, and if the numbers of those preferences are equal, the fraction credited to the candidate with the highest number of votes at the last count or transfer at which the candidates with the equal number of preferences had an unequal number of votes is treated as the largest, and if those candidates have had an equal

number of votes at all preceding counts and transfers, the returning officer decides by lot which fraction is taken to be the largest.

- (g) From the ballot-papers on which a second or other preference is recorded for any continuing candidate, a number of ballot-papers equal to the number of votes directed by paragraph (d) to be credited to the candidate are selected at random, and these are to be placed in a separate parcel and transferred to the candidate.
- (h) All ballot-papers of the elected candidate not transferred under paragraph (g) (including any exhausted ballot-papers) are set aside as finally dealt with, being the ballot-papers by which the candidate is elected.
- (i) A transfer of votes under this clause is not made unless the surplus of the elected candidate, together with any other surpluses not transferred, exceeds the difference in numbers between the votes of the 2 continuing candidates lowest on the poll.
- (j) This clause is subject to clause 13 of this Schedule, and if at any time there is one remaining vacancy which can be filled under that clause, no further transfer under this clause can be made.

## **9. Surplus on transfer**

- (1) If by a transfer of a surplus on the count of first preferences or of a surplus under this clause the number of votes obtained by a candidate equals or exceeds the quota, the candidate is elected.
- (2) In that case, despite the fact that the candidate has reached the quota, the transfer is to be completed, and all the votes to which the candidate is entitled from the transfer are to be transferred to the candidate.
- (3) If by a transfer the number of votes obtained by a candidate equals the quota, the whole of the ballot-papers on which those votes are recorded are set aside as finally dealt with, being the ballot-papers by which the candidate is elected.
- (4) If by a transfer the number of votes obtained by a candidate exceeds the quota, the surplus is transferred to the continuing candidates next in the order of the voters' respective preferences in the following manner:
  - (a) The ballot-papers transferred to the elected candidate in the last transfer are re-examined, and the number of next consecutive preferences recorded for each continuing candidate on the papers and the number of exhausted ballot-papers are counted.
  - (b) The surplus is divided by the total number of ballot-papers transferred to the elected candidate in the last transfer (excluding any exhausted

ballot-papers). The transfer value is equal to the resulting fraction or the first 4 digits of the resulting decimal fraction or (if the fraction exceeds 1) to 1.

- (c) The surplus is transferred and the papers dealt with in a manner similar to that prescribed by clause 8 of this Schedule for the transfer of a surplus arising at the first count.
- (d) A transfer of votes under this subclause is not made unless the surplus of the elected candidate, together with any other surpluses not transferred, exceeds the difference in numbers between the votes of the 2 continuing candidates lowest on the poll.
- (e) This clause is subject to clause 13 of this Schedule, and if at any time there is one remaining vacancy which can be filled under that clause, no further transfer under this clause can be made.

#### **10. Transfer of surpluses**

- (1) If, on the counting of the first preferences or on any transfer, more than one candidate has a surplus, the largest of the surpluses is transferred, then the next largest, and so on.
- (2) However, if there is an untransferred surplus obtained at a previous count or transfer, that surplus is transferred before those caused by subsequent transfers.
- (3) If there are equal surpluses at the first count, the returning officer decides by lot which surplus is transferred first.
- (4) If there are equal surpluses at a later count or at a transfer, the surplus of the candidate who was the highest on the poll at the count or transfer at which the tied candidates last had an unequal number of votes is the first to be transferred. If those candidates have had an equal number of votes at all preceding counts or transfers, the returning officer decides by lot which candidate's surplus is the first to be transferred.

#### **11. Exclusion of lowest candidates**

- (1) If, after the first preferences have been counted and transfers of surpluses have been made, fewer than the number of candidates required to be elected have obtained the quota, the candidate lowest on the poll is excluded.
- (2) All the unexhausted votes obtained by that candidate are transferred in one transfer to the continuing candidates who, on the ballot-papers on which such votes are recorded, are next in the order of the voters' respective preferences.
- (3) Any exhausted ballot-papers are set aside as finally dealt with.
- (4) The same process of exclusion and transfer is repeated until all the candidates, except the

number required to be elected, have been excluded. At that point, the continuing candidates who have not already been elected are elected.

- (5) Whenever it becomes necessary to exclude a candidate and two or more candidates have the same number of votes and are lowest on the poll, the one who was lowest on the poll at the last count or transfer at which they had an unequal number of votes is first excluded.
- (6) If those candidates have had equal numbers of votes at all preceding counts or transfers, or there has been no preceding count, the returning officer decides by lot which candidate is first excluded.
- (7) This clause is subject to clause 13 of this Schedule, and if at any time there is one remaining vacancy which can be filled under that clause, no further exclusion under this clause can be made.

## **12. Effect of reaching quota while transfers are proceeding**

- (1) If by a transfer under clause 11 of this Schedule, the number of votes obtained by a candidate equals or exceeds the quota, the candidate is elected.
- (2) In that case, despite the fact that the candidate has reached the quota, the transfer is to be completed, and all the votes to which the candidate is entitled from the transfer are to be transferred to the candidate.
- (3) If by a transfer under clause 11 of this Schedule, the number of votes obtained by a candidate equals the quota, the whole of the ballot-papers on which those votes are recorded are set aside as finally dealt with, being the ballot-papers by which the candidate is elected.
- (4) If by a transfer under clause 11 of this Schedule, the number of votes obtained by a candidate exceeds the quota, the surplus is transferred to the continuing candidates next in the order of the voters' respective preferences in the manner set out in clause 9 (4) of this Schedule.

## **13. Election without reaching quota**

- (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled the continuing candidates are elected, even if they have not reached the quota.
- (2) When only one vacancy remains unfilled and the votes of one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate is elected.
- (3) When more than one vacancy remains unfilled and the votes of the candidate who (if all the vacancies were filled by the successive election of the continuing candidates with the

largest number of votes) would be the last to be elected exceed the total of any surplus not transferred plus the votes of all the continuing candidates with fewer votes than that candidate, that candidate and all the other continuing candidates who do not have fewer votes than that candidate are elected.

- (4) When only one vacancy remains unfilled, and there are only 2 continuing candidates, and those 2 candidates each have the same number of votes, and no surplus votes remain capable of transfer, one candidate is excluded in accordance with clause 11 (5) and (6) of this Schedule and the other is elected.

#### **14. Determining order of preference**

In determining which candidate is next in the order of the voter's preference, any candidates who have been declared elected or who have been excluded are not considered, and the order of the voter's preference is determined as if the names of those candidates had not been on the ballot-paper.

#### **15. Deciding by lot**

- (1) For the purposes of excluding a candidate by lot under clause 11 or 13 of this Schedule, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is excluded.
- (2) For the purpose of deciding by lot which candidate's surplus is first to be transferred under clause 10 of this Schedule, the names of the candidates who have equal surpluses are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed, one of the slips is drawn at random by the returning officer and the candidate whose name is on the drawn slip is the one whose surplus is the first to be transferred.
- (3) For the purposes of determining the largest fraction under clause 8 of this Schedule, the names of the candidates who have been credited with the equal fractions are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed, one of the slips is drawn at random by the returning officer and the candidate whose name is on the drawn slip is taken to have been credited with the largest fraction.

#### **16. Check counting**

- (1) A scrutineer may at any time during the counting of the votes, either before the commencement or after the completion of the transfer of the votes (whether original or transferred votes) of any candidate, request the returning officer to make a check count of the papers then comprised in the parcels of all or any candidates (but not of papers set aside as finally dealt with).

- (2) The returning officer is to make a check count immediately on receiving the request, unless the returning officer has already made a check count of the same votes.
- (3) The returning officer may also recount votes as often as the Returning Officer thinks necessary to establish accuracy.

**17. Records and returns of voting and transfers**

At each step of the proceedings the returning officer is to keep a record of the number of votes counted for each candidate, the transfer of surpluses, the exclusion of candidates and the transfer of their votes, and those which at some stage become exhausted votes.