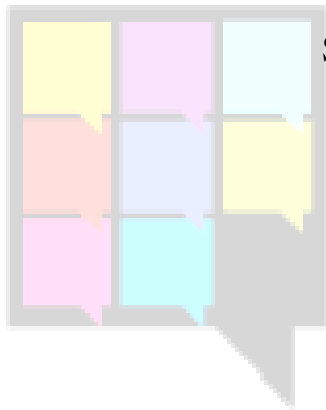


ELECTION REGULATIONS

OF THE

UNIVERSITY OF TECHNOLOGY, SYDNEY

STUDENTS' ASSOCIATION



UTS
STUDENTS'
ASSOCIATION

Adopted in principle by the Students' Representative Council 7 October 2003

Amended by the Students' Representative Council 20 August 2004

Amended by the Students' Representative Council 25 July 2006

Amended by the Students' Representative Council 21 August 2007

Amended by the Students' Representative Council 1 September 2008

Amended by the Students' Representative Council 22 September 2009

Amended by the Students' Representative Council 7 August 2014

ELECTION REGULATIONS

1. OBJECTS

The objects of this Regulation are to provide for:-

- 1.1 A method of election which conforms with the principles of fairness, participation and democracy;
- 1.2 Maximising the flow of information and ideas between the students and the candidates;
- 1.3 Maximising the opportunities for student participation and control in the Association;
- 1.4 Impartial administration by the Returning Officer; and
- 1.5 Administrative review of the actions of the Returning Officer by a neutral tribunal.

2. ADMINISTRATION OF ELECTIONS

2.1 Introduction

The election is to be administered by the Returning Officer.

2.2 Appointment and removal of returning Officer

The Returning Officer must be appointed by the SRC and may not be removed from office except by the SRC acting with and in accordance with a recommendation of the Election Tribunal.

2.3 Qualifications of Returning Officer

The Returning Officer must not otherwise be:

- 2.3.1 A member or employee of the SRC or Campus Committee;
- 2.3.2 A descendant, ancestor, sibling cousin, aunt, uncle, spouse, domestic partner of any sitting member of the SRC;
- 2.3.3 A candidate in the UTS Students' Association, UTS Union, Faculty Board, Academic Board or University Council Representative elections in the past five years; or
- 2.3.4 A candidate in any election comparable to those listed in 2.3.3 at any University in Australia in the past five years.

2.4 Deputies and assistants of the Returning Officer

The Returning Officer may be assisted by such deputies and assistants as the Returning Officer may authorise for the purpose.

2.5 Independence of Returning Officer

The Returning Officer is not subject to instruction by any member or employee of the SRC or a Campus Committee and the election must be

conducted in such manner as the Returning Officer may direct.

2.6 Review by Election Tribunal

The actions of the returning Officer are subject to review by the election Tribunal which may, subject to the rules herein provided with respect to the election Tribunal's procedures, affirm, revoke or vary any action or decision of the Returning Officer.

2.7 Automatic Funding

The Returning Officer is authorised to spend Association funds in relation to the election.

2.8 Payment of Returning Officer.

The Returning Officer is to be paid at a rate fixed by the SRC; the Returning Officers deputies and assistants are to be paid at a rate fixed by the President in consultation with the Returning Officer.

2.9 Any member of the Association may challenge the eligibility of the Returning Officer to hold that position under section 2.3. Any such challenge shall be heard by the election Tribunal within seven days of notice being given to the Secretary of the Association.

2.9.1 If the Election Tribunal rules that the Returning Officer is ineligible to hold that position, the SRC has no option but to remove and replace the Returning Officer pursuant to section 2.2.

3. TIMING

The Returning Officer is to observe the following intervals in conducting the election:

- The calling of nominations is to be followed by the close of nominations within 14 to 21 days
- The first day of election is to be between 25 to 31 days after the close of nominations
- The last day of election is to be 3 days after the first day of election
- The election issue of Vertigo is to precede the first day of election by 7 to 14 days.
- The postal votes must be despatched 7-21 days after the close of nominations but 13-21 days prior to the close of voting.

4. NOTICE OF ELECTION

The Returning Officer must announce the election by causing a notice of election to be published in an edition of Vertigo.

4.1 Contents of notice of election

The notice of election must:

- 4.1.1 List the offices to be filled, the number of persons to be elected to each office, and the qualifications for each office;
- 4.1.2 Specify the form of nomination; and
- 4.1.3 Fix a date, time and place at which nominations must reach the Returning Officer.

5. NOMINATIONS

5.1 Number of Candidates

A nomination may include 1 or more candidates.

5.2 Acceptance of Nominations

The Returning Officer must not accept a nomination unless:

- 5.2.1 It is in writing in the form specified in the notice of election or to the like effect; and
- 5.2.2 It is signed by the required number of members of the Association who have not signed any prior nomination;
- 5.2.3 Each candidate included in the nomination is eligible to vote for the relevant office and has signed a consent to be nominated;
- 5.2.4 It is received by the Returning Officer before the time fixed by the notice of election for the close of nominations; and
- 5.2.5 It clearly specifies the office for which each candidate is nominated.

5.3 Required number of signatures

The required number of signatures for a nomination is to be calculated to the formula: $N=n*3$, where;

- 5.3.1 N = the required number of signatures and n = the number of candidates included in the nomination.

5.4 Receipt of Nominations

The Returning Officer must cause nominations to be received at the Association office at each campus where more than 1000 members are enrolled.

5.5 Unopposed Candidates

If, at the close of nominations, the number of valid nominations is not greater than the number of persons to be elected to an office, the returning Officer must declare the nominees elected.

5.6 Opposed Candidates

If, at the close on nominations, the number of valid nominations is greater than the number of persons to be elected to an office, the Returning Officer must cause a ballot to be held.

5.7 Determination of Voting-paper Order

The Returning Officer is to determine by lot the order of the lists of candidates (including ungrouped lists of one candidate as per Section 2.1.1 of the Schedule) on the voting paper immediately after the close of nominations.

5.8 If a nomination is defective the Returning Officer must notify the defect to the first available candidate included in the nomination; defects in a nomination may be remedied within a period of 72 hours of the close of nominations or 24 hours of the notice of defect whichever is later.

5.9 Announcement of candidates

The Returning Officer must announce the candidates for each office by causing a list of candidates (including unopposed candidates) to be published in the election edition of Vertigo.

6. WITHDRAWAL OF NOMINATIONS

6.1 Voluntary withdrawal of nominations

A candidate may withdraw from the election by giving a written withdrawal to the Returning Officer before the ballot papers are printed.

6.2 Automatic withdrawal of candidates

A candidate elected to a preferred office is to be withdrawn automatically from any other election.

6.2.1 A candidate who nominates for more than one office may, before the commencement of a count, give the Returning Officer a written list of preferences among those offices.

6.2.2 A candidate who nominates for more than one office and does not, before commencement of the count, give the Returning Officer a written list of preferences among those offices must be elected to the office for which they are successful in the election which has the highest quota of votes.

6.3 Votes of withdrawn Candidates

At any election where some of the candidates are withdrawn the first stage of the count must be the exclusion of those candidates and the distribution of their votes according to the next available preferences shown on those votes.

7. LISTS

7.1 Formation of Lists

Candidates who have nominated and wish to be identified as a member of a list on voting papers shall inform the returning Officer of this in writing prior to the close of nominations. This correspondence must be signed by

all candidates who wish to be so grouped, and must indicate the name of the group.

7.2 Decision Making by Lists

A reference in this Regulation to an action or decision by a list is a reference to an action or decision by a majority of the candidates of the list at the time.

7.3 Similar List Names

The Returning Officer must refuse to accept a list name which is either identical with, or so similar as to be likely to be confused with, the name of a previously accepted list, without the written consent of the candidates in the previously accepted list.

8. PREPARATION OF VOTING PAPERS

8.1 Form of Voting paper

The name of every list and every candidate (including individual list candidates) must be printed on the voting paper in order determined by lot.

8.1.1 For each list candidate, the list name must be printed on the voting paper.

8.2 The Returning Officer shall ensure that each type of voting paper is printed on a different colour paper, that a fixed and publicly known number of each type of voting paper is produced, and that each voting paper of particular type has one number from a numerical sequence printed on the voting paper at the time of printing.

8.3 The Returning Officer shall cause a record to be kept of the issue of each voting paper. This record shall be available for reasonable scrutiny by candidates at the end of each voting period. During the counting of the votes, the Returning Officer shall balance the returned papers against those issued.

8.4 The Returning Officer is to cause every voting paper to be initialled by a person authorised for the purpose by the Returning Officer.

8.5 Where a voting paper is lost or destroyed, a duplicate may be issued by the Returning Officer on receipt of a request in writing from the votes.

9. PROPORTIONAL REPRESENTATION

The schedule to this Regulation form an integral part of this instrument; in cases of inconsistency between the body of Regulation and the schedule, the Schedule is to prevail.

10 METHODS OF VOTING

Every member of the Association must vote in person unless they know they

will be absent from the Campus for the time of the vote. Any member of the Association who is entitled to vote and who will be absent from campus during voting times may apply for a postal vote. The application for a postal vote must be in writing and must be sent to the Returning Officer before the close of nominations.

11. PERSONAL VOTING

11.1 A reference in this Regulation to an election day is a reference to a day which is not a Saturday, Sunday, Public Holiday or day on which the University is on vacation or engaged in an examination period.

11.2 The Returning Officer is to arrange for voting places at a prominent and accessible location in the Tower Building, Markets Campus, Building 10, Bon Marche, Building 6 and the Kuring-gai campus.

This provision does not apply to the election of the ATSI officer, should it be held separately to the general SRC elections. In this situation, a single voting place is to be arranged by the Returning Officer in a prominent and accessible location in the University.

11.3 Each voting place is to be open on each day when classes are conducted at the campus on an election day.

11.4 Every voting place is to be open on each election day for a period of 3 hours from 10:30am and, if evening classes are conducted at that campus on that day, for a period of 3 hours from 3:30pm.

11.5 On the first day of voting the Returning Officer or a person authorised for the purpose by the Returning Officer shall exhibit the ballot box as empty to any persons then present, and is then to seal the ballot box, leaving only one opening for the ballot papers.

11.5.1 If during the election day, it is necessary to use a new ballot box, the Returning Officer or a person authorised in for the purpose by the Returning Officer is to exhibit the ballot box as empty to any persons then present, and is then to seal the ballot box, leaving only one opening for the ballot papers.

11.6 At the close of each voting session the Returning Officer or a person authorised for the purpose by the Returning Officer is to seal the ballot paper opening and is then to exhibit the ballot box as sealed to any persons then present.

11.6.1 If, during the election day, it is necessary to use a new ballot box, the returning Officer or a person authorised for the purpose by the Returning Officer is to seal the ballot paper opening in the old ballot box and is then to exhibit the ballot box as sealed to any persons then present.

11.7 At the close of each voting session the Returning Officer or a person authorised in for the purpose by the Returning Officer is to invite any

members then present to vote, but a person who is not present at the voting place at the close of voting must not be permitted to vote.

12. POSTAL VOTING

12.1 The Returning Officer is to cause to be sent notice to all members of the Association that they may request a postal vote to be posted to their address by contacting the Returning Officer in writing, if they know they will absent from the Campus for the time of the vote. When possible, this notice should take the form of an email to all students eligible to vote, broadcast with the assistance of the University. This notice must be displayed on the Students' Association website.

12.2 Each voting paper is to be accompanied by:

12.2.1 An envelope addressed to the Returning Officer on which is to be printed a space for the member to put their name, student number, and signature.

12.2.2 An envelope marked 'voting paper';

12.2.3 A link to an electronic copy of the election issue of Vertigo;

12.2.4 The directions to voters; and

12.2.5 No other material of any kind.

12.3 The Directions to voters must:

12.3.1 Specify the date, time and place at which the completed voting papers must reach the Returning Officer;

12.3.2 Direct the voter to put their name, student number and signature on the envelope addressed to the Returning Officer; and

12.3.3 State the date, time and place at which count of votes will be conducted.

12.4 The Returning Officer or a person authorised for purpose is to receive all postal votes and place them in sealed ballot boxes until the close of voting.

13. PROVISIONAL VOTING

13.1 A person may cast a provisional vote if they claim to be entitled to vote and they:

13.1.1 Cannot be found on the roll of voters;

13.1.2 Are not enrolled at the campus where they claim to vote;

13.1.3 Are marked on roll of voters as having been sent a postal vote; or

13.1.4 Are marked on the roll of voters as already having voted.

13.2 Declaration by provisional Voters

The person must sign a declaration that they are eligible to vote on an envelope in the presence of the Returning Officer or a person authorised

for the purpose by the Returning Officer who must then sign the declaration as witness and add the date.

13.3 Acceptance of Provisional Votes

The person must then hand the voting papers, folded, to the person who issued them who, in the voter's presence, will seal the envelope and place it in the ballot box.

13.4. Determination of Provisional Votes

The Returning Officer must, at the count of votes, determine each provisional voter's entitlement or otherwise and accept or reject the vote as a valid vote.

14. SECURITY OF VOTES

14.1 The Returning Officer is to cause the sealed ballot boxes containing the votes to be held by University security until the close of voting.

14.2 The Returning Officer may adjourn the count from time to time and from place to place by notice fixed to the door of the counting place.

14.3 The Returning Officer is to cause the sealed ballot boxes containing the votes to be held by University security during any adjournment of the count until every election has been declared and, if the subject of complaint, determined by the Election Tribunal.

15. DECLARATION OF THE ELECTION

15.1 The Returning Officer must complete the count of each contested Election with reasonable despatch, and declare the candidate or candidates elected to each office.

15.2 Information to Members

The Returning Officer is to provide sufficient information as to the count, and the issue and return of voting papers, to enable a member of the Association to determine if there has been breach of the constitution or these Regulations in relation to the election.

15.3 Finality of Declaration

Unless, within 24 hours of the Returning Officer declaring an election, a voter in the election submits a complaint to the Election Tribunal, the declaration of the election is final and conclusive as to the result of the election.

16. CAMPAIGN FUNDING

16.1 The Association is to provide every candidate with paper and copying to the value of \$10.00, either on a Students' Association photocopier or commercial outlet where the Students' Association hold an account.

16.2 Policy Statements

Each candidate may submit a policy statement before the close of nominations; the maximum length in words is:

President	500 words
Treasurer / Secretary	500 words
Womens' Officer	350 words
Overseas Students' Officer	350 words
Campus Convenors	350 words
Editors of Vertigo	400 words
All other candidates	250 words

16.3 List Statements

A list may have a list statement not longer than the total of their individual entitlements; any surplus may be assigned to individual candidates by the list.

17. CAMPAIGN RULES

17.1 The following practices by members or employees of the Association, or their associates, are prohibited in relation to the Election:-

- (a) A person shall not:
- (i) Vote more than once in the same election; or record a vote he or she is not entitled to
 - (ii) Interfere with any ballot paper without the consent of an Electoral Officer
 - (iii) Hinder the Electoral Officer or any other person appointed to assist the electoral officer in the execution of his/her duties.

17.1.1 Improper influence, interference or obstruction

Improperly influencing, interfering with or obstructing the Returning Officer or a person authorised for any purpose by the Returning Officer in performing functions imposed by the Constitution or this Regulation;

17.1.2 Claiming to vote when not eligible

Claiming knowingly to vote in an election for which the claimant is not eligible to vote;

17.1.3 Using Association Funds

Using Association funds, facilities (excluding printing allowances), stationery, equipment or supplies other than those authorised by this Regulation;

17.1.4 Vertigo

Publishing election related comment or material in Vertigo or other official Association publications (other than candidates statements and voting instructions as provided and authorised by the Returning Officer;

17.1.5 Using Graffiti

Using graffiti of a permanent nature;

17.1.6 Overspending

Using funds, stationery, equipment or supplies to the value of more than \$100.00 per candidate or \$500 per list;

17.1.7 Misleading Statements

Making any misleading statement in oral or written form;

17.1.8 Representing Endorsements

Representing that they are officially endorsed by the SRC, any Campus committee, the University or the University Union;

17.1.9 Responsibility for Statements

Making any statement by way of leaflet, poster, sticker or graffiti or other means without first lodging a copy with the Returning Officer or Deputy Returning Officer and without stating the name and faculty of the member responsible for the statement;

17.1.10 Attempting prohibited practices

Attempting (even though ineffectively) to engage in any prohibited practice

17.1.11 Assisting prohibited practices

Assisting (even though ineffectively) any person to engage or attempt to engage in any prohibited practice.

17.1.12 Harassment

Using harassment or intimidation of any kind during the course of the Campaign – for the purpose of determining whether a candidate shall be warned, or disqualified after a third warning, the following acts are defined as harassment or intimidation:

- sexist, racist or homophobic insults and gestures at students, campaigners, polling clerks or returning officer.
- shouting, screaming or talking over campaigners, students, polling clerks or returning officer.
- physical assault or harassment such as, but not limited to, pushing, prodding, punching, pinching, physical following or slapping.

- all forms of communication may constitute harassment – this may include phone and e-mail communication, and approaching campaigners, students, polling clerks or returning officers too closely without their consent.

17.1.13 Inducement

Promising, offering, suggesting, giving or taking a valuable consideration, advantage, recompense, reward or benefit in order to induce any candidature, or withdrawal of candidature, or a vote, omission to vote or any support of, or opposition to, any candidate, or any promise of such a vote, omission, support or opposition.

17.2 Statutory Declarations

Every candidate and every officer of the Students' Association must, within 24 hours of the close of voting, submit a statutory declaration to the Returning Officer stating that they have not engaged in any practice prohibited by these Rules.

17.3 Complaints

17.3.1 Any member of the Association may make a complaint to the Returning Officer alleging that a person is guilty of engaging in a prohibited practice. The complaint must be in writing and state the facts and the grounds of objection as well as indicating which electoral Regulation may have been breached. A complaint shall ask for some specific remedial action to secure justice and equity, which may include the ordering of a new election or the conducting of a full recount of votes.

17.3.2 If, in the opinion of the Returning Officer, the Electoral Regulations may have been breached but no specific complaint has been lodged to cover the breach in question, she/he may institute an investigation.

17.4 Penalties for Breach

17.4.1 If, after hearing all sides, the Returning Officer is satisfied that any Candidate, team, individual, club, society or political grouping has infringed or has connived at the infringement of any of these regulations, she/he may do any of the following:

17.4.2 disqualify a candidate or group of candidates for the election in question.

17.4.3 Order a new election (subject to Section 17.4.1.)

17.4.4 Disqualify a candidate or group of candidates for any election held, in consequence of a new election having been ordered.

17.4.5 Order a re-count of votes.

17.4.6 Dismiss the matter.

17.4.7 Take such action and/or make any rulings as she/he deems fit, subject to these regulations.

17.4.8 The Returning Officer shall not order a new election if she/he is satisfied

that the result of the election would have been substantially the same if the breach complained of had not occurred.

17.5 Appeals to the Election Tribunal

Any member of the Association may lodge an objection or protest or complaint about the conduct of the Returning Officer with the Election Tribunal as per Section 18 of these Regulations.

17.6 Limited Campaigning Period

The period of election shall begin at 5pm, two weeks and one day before the first day of voting. No form of campaigning or promotion of any candidate or group, whether online or in person, is permitted before this period.

17.7 Closed Campus

All persons campaigning for any candidate or group in the campaigning period must be a currently-enrolled student of UTS, including students currently on an approved leave of absence. No other person may campaign or engage in the promotion of any candidate or group, whether online or in person.

18 ELECTION TRIBUNAL

18.1 The Election Tribunal comprises a chair and 2 members who must be appointed by the SRC before the close of nominations for the Annual Elections.

18.2 The Chair of the Election Tribunal must be a member of the academic staff of the University and a legal practitioner.

18.3 The 2 members of the election Tribunal must be members of the Association, not otherwise involved in the election (as candidate, nominator, deputy or assistant returning officer etc)

18.4 A meeting of the Election Tribunal for the exercise of its powers is constituted by the presence of 2 out of 3 members.

18.5 The Election Tribunal must deal only with complaints under the Regulation.

18.6 The chair of the Election Tribunal alone is to determine any question of law or any question of the interpretation of the Constitution of this Regulation.

18.7 The whole of the Election Tribunal is to determine, by majority, any question other than a question determinable by the chair alone.

18.8 The Election Tribunal must conduct its meetings and decision making in accordance with the principles of fairness and natural justice.

18.9 Every complaint must be submitted to the Secretary of the SRC who must

immediately forward them to the chair of the Election Tribunal.

18.10 The chair of the election Tribunal may dismiss the complaint as frivolous or vexatious without hearing the complainant.

18.11 If a complaint is not dismissed as frivolous or vexatious the Election Tribunal must, within 14 days, given an opportunity to be heard to:-

18.11.1 The Complainant;

18.11.2 The respondent;

18.11.3 Any other person it deems necessary or desirable to hear.

18.12 The Election Tribunal may accept the complaint and

(i) dismiss the Returning Officer and any or all Deputy Returning Officer or election assistants/polling clerks;

(ii) appoint a new Returning Officer for the remainder of the election in question or for any new election;

(iii) Vary or overturn any decision of the returning Officer made under Section 17.4.1. of these Regulations;

(iv) Remove any person from office within the Association;

(v) Disqualify any person from voting or nominating as a candidate in any election for a period of not more than 3 years.

18.13 The SRC is to hear and determine any appeal made in writing against a decision of the election Tribunal within 7 days of the decision being made.

18.14 In hearing and determining an appeal, the SRC is subject to the same rules, mutatis mutandis, as the Election Tribunal.

SCHEDULE 1

1. CONDUCT OF ELECTIONS

Application

This Schedule applies to every election by the Students' Association.

2. METHOD OF VOTING

A voter is required to record their vote for one candidate and no more, but is permitted to record a vote for as many candidates as they please, so as to indicate the candidates for whom they vote and the order of preference among them.

Ticket Votes

In elections where there is more than one position available (that is the Council General Reps. and Campus Committees) –

(i) candidates who have indicated that they wish to be identified as members on voting papers, shall be grouped together in the order they indicate. All other candidates are to be treated as lists of one.

(ii) The voting paper is to provide an option for a voter to record a preference for a list and such a voting paper is to be treated as if the voter had voted according to the ticket submitted, prior to the opening of voting, by the list. In these cases, the voting paper is to carry the following instructions to voters:

(a) You may vote for a list of candidates, or for candidates individually.

If you vote for a list, place the number 1 next to the list you wish to vote for first. You may if you wish place the numbers 2, 3 and so on to indicate further preferences for other lists.

If you vote for candidates individually, place the number 1 next to the candidate you wish to vote for first. You may if you wish place the numbers 2, 3 and so on to indicate further preferences for individual candidates.

(iii) Preferences for above the line votes for tickets will be

distributed to the group's candidates in the order in which the candidates appear on the ballot paper. Further preferences may be distributed to other group's candidates if the voter expresses further preferences for those groups "above the line".

Interpretation of votes

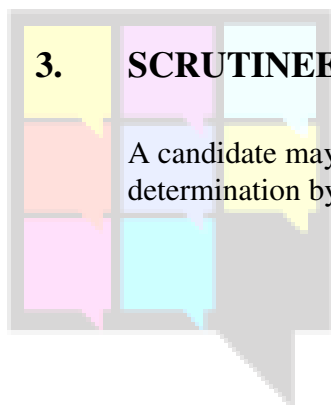
In interpreting a voting paper the Returning Officer must, as far as practicable, apply the clear intention of the voter.

If a second or subsequent preference has been recorded on a voting paper for more than one candidate, the voting paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the voting paper; or:

If there is a break in the order of preferences, the voting paper shall be treated as if the later preference had not been recorded on the voting paper.

3. SCRUTINEERS

A candidate may, by written notice, appoint a scrutineer to be present at any determination by lot and any counting of votes.



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SCHEDULE 2

PROPORTIONAL REPRESENTATION WITH THE SINGLE TRANSFERABLE VOTE METHOD OF COUNTING VOTES WHERE MORE THAN ONE POSITION IS TO BE FILLED:

1. The number of first choices recorded for each candidate shall be counted.
2. The aggregate number of such first choices shall be divided by one more than the number of candidates required to be elected and the quotient increased by one, disregarding any remainder, shall be the quota, and (except as hereinafter provided in Rule No. 9) no candidate shall be elected until he or she obtains a number of votes equal to or greater than the quota.
3. Any candidate who has, upon the first choices being counted, a number of such votes equal to or greater than the quota shall be declared elected.
4. Where the number of such votes obtained by anyone candidate is equal to the quota, the proportion of votes in excess of the quota shall be transferred to the other candidates not yet declared elected, next in order of the voters' preferences, in the following manner:-
 - (a) All the voting papers on which a first choice is recorded for the elected candidate shall be re-examined, and the number of second choices, or third or next consecutive choices recorded for each unelected candidate thereon shall be counted.
 - (b) The surplus of the elected candidate shall be divided by the total number of votes obtained by him or her on the counting of the first choice and the resulting fraction shall be the transfer value.
 - (c) The number of second or other choices ascertained in Rule 1., to be recorded for each unelected candidate, shall be multiplied by the transfer value.
 - (d) The resulting number shall be credited to each unelected candidate, and added to the number of votes obtained by her or him on the counting of the first choices.
5. (a) Where, on the counting of the first choices, or on any transfer, more than one candidate has a surplus, the largest surplus shall be first dealt with. If then, more than one candidate has a surplus, the then largest surplus shall be first dealt with, and so on; provided that, if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be first dealt with.
 - (b) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer which they last had an unequal number of

votes shall be first dealt with, and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be first dealt with.

6. (a) Where the number of votes obtained by a candidate is raised up to, or above, the quota by a transfer as aforesaid, he or she shall thereupon be declared elected; and in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to her or him, but no votes of any other candidate shall be transferred to her or him.

(b) Where the number of votes obtained by a candidate is raised up to, but no above, the quota by a transfer as aforesaid, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.

(c) Where the number of votes obtained by a candidate is raised above the quota by a transfer as aforesaid, his or her surplus shall be transferred to the candidates next in order of the voters' respective preferences, in the following manner:-

(i) The voting papers on which are recorded the votes obtained by the elected candidate in the last transfer shall be re-examined, and the number of third or, in the case provided for in Rule 11, next consecutive choices recorded for each unelected candidate thereon counted.

(ii) The surplus of the elected candidate shall be divided by the total number of voting papers mentioned in paragraph (i) and the resulting fraction shall be the transfer value.

(iii) The number of second, or other, choices, ascertained in paragraph (i) to be recorded for each unelected candidate shall be multiplied by the last mentioned transfer value.

(iv) The resulting number shall be credited to each unelected candidate, and added to the number of votes previously obtained by her or him.

7. (a) Where, after the first choices have been counted, and all surpluses (if any) have been transferred as herein before directed, no candidate or less than the number of candidates required to be elected, has or have obtained the quota, the candidate who is the lowest on the pool shall be excluded, and all votes obtained by her or him shall be transferred to the candidates next in the order of the voters' respective preferences, in the same manner as is directed in Rule 5.

(b) The votes obtained by such excluded candidate as first choices shall be first transferred, the transfer value of each vote in this case being 1.

(c) The other votes of such excluded candidates shall then be dealt with in the order of the transfers in which, and at the transfer value at which he or she obtained them.

(d) Each of the transfers which takes place under the two previous clauses of this Rule

shall be deemed for all purposes to be a separate transfer

8. (a) Where the number of votes obtained by a candidate is raised up to or above the quota by any such transfer as aforesaid, he or she shall thereupon be declared as elected; and in such case, notwithstanding the fact that he or she may have reached the quota, such transfer shall be completed, and all the votes to which he or she is entitled therefrom be transferred to him or her, but no other votes shall be transferred to her or him.

(b) Where the number of votes obtained by a candidate is raised up to, but not above, the quota, by any such transfer as aforesaid, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.

(c) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, his or her surplus shall be transferred to the candidate next in the order of the voters' respective preferences in the same manner as directed in Rule 6, Clause (c); provided that such surplus shall not be dealt with until all the votes of the excluded candidates have been transferred.

(d) Where any surplus exists, it shall be dealt with before any other candidate is excluded.

9. The same process of excluding the candidate lowest on the poll and transferring to other candidates her or his votes, shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the un-excluded candidates who have not already been so declared, shall then be declared elected.

10. Where at any time it becomes necessary to exclude a candidate and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate shall be first excluded.

11. In determining what candidate is next in the order of the voters' preferences, any candidates who have been declared elected shall not be considered, and the order of the voters' preferences shall be determined as if the names of such candidates had not been on the voting paper.

12. Votes shall be counted to the nearest hundredth part of a vote only, and transfer value calculated to the third decimal place only.