

## **THE ELECTIONS AND GENERAL SYNOD REPRESENTATION STATUTE 2010**

### **1. SHORT TITLE**

The Short Title of this Statute shall be **"THE ELECTIONS AND GENERAL SYNOD REPRESENTATION STATUTE 2010"**.

### **PART I - ELECTIONS**

### **2. APPLICATION**

- 2.1 Subject to any express requirements of any other applicable legislation, Part I of this Statute governs any election by the Synod where:
- 2.1.1 no other process is specified;
  - 2.1.2 this Statute is stated to apply; or
  - 2.1.3 this Diocese is authorised to determine the process or procedure for that election.
- 2.2 Nothing in the Standing Orders of the Synod relating to elections will apply to any election conducted under this Statute. Nothing in this Statute applies to the election of a Bishop under the Canons or to any election under the Standing Orders of the Synod.

### **3. SYNOD TO FIX CLOSE OF NOMINATIONS AND ELECTIONS**

On the first day of any Session of Synod during which an election is required to be held, Synod will, by Motion without notice, fix the date(s) and time(s) during that Session at which:

- 3.1 nominations will close; and
- 3.2 elections will be held, being a reasonable time after nominations close.

### **4. NOMINATIONS**

#### ***Information for Voters***

- 4.1 Prior to any Session of Synod during which an election is required to be held, the Diocesan Secretary will work with the current holders of any position for which vacancies will exist to prepare a brief statement setting out details of any particular skills, experience or other attributes that they consider would be beneficial or desirable for any person filling those vacancies to have, as well as any other matters that may assist the Synod in nominating and voting for candidates to fill those vacancies.
- 4.2 A reasonable time prior to nominations closing, the Diocesan Secretary will announce and display in printed form within the building in which the Synod is sitting:
- 4.2.1 the positions for which vacancies exist;
  - 4.2.2 the number of vacancies for each position;
  - 4.2.3 how many of those vacancies are able to be filled by laity and by clergy;
  - 4.2.4 details of any other statutory or Canonical qualifications or restrictions relating to candidates, proposers, seconders or voters for those positions;
  - 4.2.5 the statement under clause 4.1; and
  - 4.2.6 any other information that will assist the Synod in nominating candidates to fill those vacancies.

#### ***Nominations***

- 4.3 The Diocesan Secretary will prepare, and make available to members of the Synod a reasonable time prior to nominations closing, a nomination form for each position for which vacancies exist, which seeks biographical information on the candidate, their relevant skills and experience, and such other information as the Diocesan Secretary considers (after consulting the Diocesan Council and having regard to any statement under clause 4.1) is relevant to the particular position and will assist members of Synod in voting.
- 4.4 Each nomination of a candidate for a position for which vacancies exist must be proposed by a member of the Synod who is eligible to vote for the candidate, and seconded by another such member. If both clergy and laity are eligible to vote for candidates, the proposer and seconder must be from different Orders.
- 4.5 All nominations must be made on the prescribed nomination form, which is:
- 4.5.1 signed by the proposer and seconder of the candidate;

- 4.5.2 signed by the candidate, consenting to being nominated for that position; and
- 4.5.3 handed to the Diocesan Secretary prior to nominations closing.
- 4.6 As soon as possible after nominations have closed, the Diocesan Secretary will display in printed form within the building in which the Synod is sitting all valid nomination forms which have been received prior to nominations closing.
- 4.7 If no nominations for a position for which vacancies exist are received by the close of nominations, or if fewer nominations are received than there are vacancies, then Synod may by Motion without notice extend the date and time for that particular position to a later date and time but which is a reasonable period prior to the date and time for elections to be held.
- 4.8 Any candidate may withdraw their consent to being nominated for any position and will be excluded from further inclusion in elections for that position.

## **5. ELECTIONS**

- 5.1 Elections will be an Order of the Day on the date and at the time fixed by Synod.
- 5.2 An election for each position will be held if any nominations are received for that position. No candidate will be declared elected to any position other than as the result of an election under this clause 5 or as provided for in clause 6.5.
- 5.3 Separate elections may be held for each position, or an election may be held for two or more positions simultaneously.
- 5.4 Synod will appoint, by Motion without notice, at least 3 but no more than 6 members of each of the Orders of laity and clergy, who need not be eligible to vote but must not be candidates, proposers or seconders, to act as scrutineers and assist the Diocesan Secretary in conducting the elections.
- 5.5 Before ballot papers are distributed, the President will ensure that all candidates (whether or not a particular candidate is then present) are briefly introduced to the Synod.

### ***Ballot Papers***

- 5.6 The Diocesan Secretary will prepare ballot papers (of different colours for each Order eligible to vote) for all elections to be conducted under this Statute.
- 5.7 Each ballot paper will:
  - 5.7.1 list, in alphabetical order by surname, the candidates for each position for which voters of that Order may vote;
  - 5.7.2 state the maximum number of vacancies for which voters of that Order may elect candidates to fill; and
  - 5.7.3 explain how to complete the ballot paper in accordance with this Statute.
- 5.8 A ballot paper may show the candidates for one or more positions, provided the ballot paper clearly differentiates between the candidates for each position and states the number of vacancies for each position. Where a ballot paper shows the candidates for more than one position, that ballot paper will be treated as if it were a separate ballot paper for each such position, and the outcome or validity of the ballot paper as to one position will not affect the outcome or validity of the ballot paper as to any other position(s) shown on the same ballot paper.

### ***Voting***

- 5.9 Every election will be conducted by secret ballot, by those members of the Synod who are eligible to vote for the candidates for positions in that election. Candidates may vote in the election if they are otherwise eligible to vote.
- 5.10 Members must vote by striking out the name of every candidate for whom the member does not wish to vote, leaving only the name(s) of any candidate(s) for whom the voter wishes to vote, being no more than the number of vacancies for which voters of that Order may elect candidates to fill. If a member wishes to vote for none of the candidates (or to vote against all of the candidates), the member should strike out all of the candidates' names.
- 5.11 A member who spoils any part of a ballot paper will be issued with a fresh ballot paper upon return of the spoiled ballot paper.

### **Counting and Validity of Votes**

- 5.12 After allowing sufficient time for voting, the Diocesan Secretary and the scrutineers will collect the ballot papers and withdraw to count them. Provided that a quorum remains, the conduct of Synod business shall not be delayed or invalidated because of the absence of all or any of the scrutineers in the course of their duties.
- 5.13 The Diocesan Secretary must reject as invalid any ballot paper which:
- 5.13.1 does not (whether or not it strictly complies with clause 5.10) clearly indicate either:
- (a) the names of the candidate(s) for whom the voter wishes to vote, being no more than the number of vacancies for which voters of that Order may elect candidates to fill; or
  - (b) that the voter does not wish to vote for any of the candidates (or wishes to vote against all of the candidates); or
- 5.13.2 purports to vote for more candidates than there are vacancies or for more candidates than the number of vacancies for which voters of that Order may elect candidates to fill.

## **6. OUTCOME OF ELECTIONS**

- 6.1 The Diocesan Secretary will certify to the President in writing the number of:
- 6.1.1 valid votes cast for each candidate;
  - 6.1.2 valid ballot papers returned in total;
  - 6.1.3 invalid ballot papers returned in total;
- by the voters of each Order in each election for each position.
- 6.2 Except as otherwise provided in the Constitution, Canons or any applicable Statute:
- 6.2.1 to be eligible to be elected to a position, a candidate must have received, in an election for that position:
- (a) a vote on a majority of the valid ballot papers returned by the voters in each Order present and voting; and
  - (b) the vote of the Diocesan Bishop.
- 6.2.2 candidates who meet the requirements of clause 6.2.1 will then be ranked according to the aggregate votes received, and vacancies for each position will be filled in descending order until all vacancies for each position have been filled or no candidates who meet the requirements of clause 6.2.1 remain, whichever occurs first. If unfilled vacancies remain and two or more candidates who meet the requirements of clause 6.2.1 receive the same aggregate votes, the candidate(s) to be elected will be determined by ballot conducted by the President drawn from those candidates.
- 6.3 The Diocesan Secretary will advise the President, and the President will declare to the Synod, which candidates have been elected to any positions and, where applicable, what further action under clauses 6.4-6.5 is required. The President's declaration under this clause will be conclusive proof of the validity of the outcome of the election, subject only to the dispute process in clause 7.

### **Further Elections**

- 6.4 Subject to clause 6.5, if after any election there are both:
- 6.4.1 unfilled vacancies for any position; and
  - 6.4.2 unsuccessful candidates for that position;
- then the President will:
- 6.4.3 exclude from further consideration:
- (a) the unsuccessful candidate(s) for that position who received the lowest aggregate votes from the lay voters; and
  - (b) the unsuccessful candidate(s) for that position who received the lowest aggregate votes from the clerical voters; and
- 6.4.4 if any candidates remain, conduct a further election under clause 5 to fill the remaining vacancies for that position. Any such further election will be an Order of the Day as determined by the President.

### ***Unfilled Vacancies***

- 6.5 If there are unfilled vacancies for any position and:
- 6.5.1 after applying clause 6.4 or due to insufficient nominations for that position, there are no remaining candidates for that position; or
  - 6.5.2 three elections have been conducted;
- the remaining unfilled vacancies will be filled by Diocesan Council at its next meeting, in accordance with its own voting procedure. Diocesan Council may appoint any person who is qualified for that position and has consented to being appointed. Any appointment under this clause shall be deemed to be the result of an election pursuant to this Statute.

## **7. DISPUTED ELECTIONS**

- 7.1 Any objection to the validity of an election under this Statute must be made in writing, signed by at least five eligible voters in that election, stating the ground(s) of any such objection, and be handed to the Diocesan Secretary within ten days of the declaration of such election. The Diocesan Secretary will report such objection to the next meeting of the Diocesan Council, which shall finally determine the status of any disputed election and declare the election of any candidate valid or invalid (in which latter case Diocesan Council may fill any resulting vacancies as if clause 6.5 applied).
- 7.2 A candidate who is initially declared elected under this Statute but whose election is disputed, shall be treated for all purposes as validly elected unless and until that election is subsequently declared invalid. Any such invalidity will not invalidate any otherwise legitimate action taken in reliance on that candidate having initially been declared elected.

## **8. VARIATIONS IN PROCEDURES**

The Synod may, on Motion without notice, authorise any departure from clauses 3-6 (other than clauses 5.9 and 6.2) if the Chancellor first advises the Synod that the proposed departure is likely to improve the efficiency and conduct of the election without being likely to cause any disproportionate unfairness or other inconvenience.

## **PART II – GENERAL SYNOD REPRESENTATION**

## **9. GENERAL SYNOD REPRESENTATION**

- 9.1 For the purposes of Title B, Canon I, clauses 1.1.2 and 1.1.10(d), the Diocese adopts the procedures in Part I of this Statute for the election of its lay and clerical representatives to General Synod, subject always to the Constitution and Canons.
- 9.2 Any elected representative to General Synod may, by writing addressed to the Bishop, resign, and upon the receipt by the Bishop of that resignation, the seat of that representative shall become vacant.
- 9.3 When the seat of any elected representative to General Synod becomes vacant by death, resignation, or the declaration of any tribunal acting under the authority of the General Synod, Diocesan Council shall appoint, as a replacement representative to fill that vacancy, a person who is from the same Order as that vacating representative and is eligible under Title B, Canon I for election as a representative to General Synod.
- 9.4 If an elected representative to General Synod is unable to attend any meeting of the General Synod:
- 9.4.1 that representative must immediately inform the Bishop in writing of that unavailability; and
  - 9.4.2 the Bishop shall, in consultation with the Diocesan Council, appoint a person who is from the same Order as that representative and is eligible under Title B, Canon I for election as a representative to General Synod, to attend such meeting in place of that representative.
- 9.5 The Diocesan Secretary shall inform the General Secretary in writing of any change in the Diocese's General Synod representatives.

## MISCELLANEOUS

### 10. REPEALS AND AMENDMENTS

- 10.1 The Statute known as the "Statute to amend the General Synod Representation Statute, 1929" and references as Statute #11 is repealed.
- 10.2 The Standing Committee Statute 2001 is amended by:
  - 10.2.1 inserting the words "in accordance with the Elections and General Synod Representation Statute 2010" after the words "each Session of Synod" in clause 3(a);
  - 10.2.2 deleting clauses 3(d), 3(e) and 4-16;
  - 10.2.3 inserting the words "who shall serve as a member of Diocesan Council until the next Session of Synod," before the proviso to clause 19; and
  - 10.2.4 deleting the words "the General Synod Representation Statute 1929 (as amended)" in clause 32.2(c) and replacing them with the words "the Elections and General Synod Representation Statute 2010".
- 10.3 The Stipends and Pensions Committee Statute 1994 is amended by inserting the words "in accordance with the Elections and General Synod Representation Statute 2010" after the words "by the Diocesan Synod" in clause 3(c).
- 10.4 The Licensed Ministry Statute 1999 is amended by inserting the words "in accordance with the Elections and General Synod Representation Statute 2010" after the words "shall elect" in clause 2.1.1.