

# COUNT REQUIREMENTS AND COMMENTARY ON COUNT RULES

## UPDATE NO. 4 DATED 2 OCTOBER, 2001

### STV count rules excluding ‘deposit’ and ‘election expenses’ provisions


#### 1. Introduction

In line with the RFT document and following the recent High Court decision on the unconstitutionality of deposits at Dáil elections, a separate set of count rules must be applied at those elections that do not include provision for recouping election expenses to candidates. The count rules affected are detailed below. As discussed with Mr Janson, it would be preferable if, for every STV-election type, the type of count rules to be applied (viz. those with election expenses recoupment provisions and those without) could be specified in the election profile.

#### 2. Mandatory surplus distribution

##### 2.1 Rule

In cases where a “filling of last seat(s)” shortcut does not apply, the distribution of the only or the largest available surplus is mandatory if it - or, where there is more than one surplus, the sum of the surpluses - could possibly do either of the following:-

- Elect a continuing candidate. This condition is satisfied if the (sum of the) surplus(es) and the s of the highest continuing candidate equals or exceeds the quota;
- Save the lowest candidate from exclusion. This condition is satisfied if the (sum of the) surplus(es), together with the sum of the votes of the lowest continuing candidate, is equal to or greater than the number of votes credited to the second lowest continuing candidate.

## **2.2 Next Steps section of Statement**

Where there is one surplus only available for distribution and it meets one or both of these conditions, the Statement should include the following:-

“AN Other’s surplus of X votes will be distributed in the next count because it can

- ☐ elect a continuing candidate
- ☐ save the lowest candidate from exclusion”

[List the condition(s) which is/are fulfilled.]

Where more than one surplus is available for distribution and the largest available surplus meets one or both of these conditions, the Statement should include the following:-

“AN Other’s surplus of X votes will be distributed in the next count because it is the largest available surplus and can:

- ☐ elect a continuing candidate
- ☐ save the lowest candidate from exclusion”

[List the condition(s) which is/are fulfilled.]

In cases where there is more than one surplus available for distribution and the largest available surplus meets neither condition, if the sum of the available surpluses meets either or both conditions, the Statement should include the following:-

“AN Other’s surplus of X votes will be distributed in the next count because it is the largest available surplus and can, in combination with the other surplus(es):

- ☐ elect a continuing candidate
- ☐ save the lowest candidate from exclusion”

[List the condition(s) which is/are fulfilled.]

## **3. Surplus distribution prohibited**

### **3.1 Rule**

The distribution of the only or the largest available surplus is prohibited if

- a “filling of last seat(s)” shortcut applies, or



- neither the distribution of the only or the largest available surplus (or, where there is more than one surplus, the sum of the surpluses) can possibly do either of the following:
  - ❑ Elect a continuing candidate;
  - ❑ Save the lowest candidate from exclusion.

### **3.2 Next Steps section of Statement**

Where distribution of the surplus(es) available is prohibited and a “filling of last seat(s)” shortcut does not arise, the Statement should include the following:-

“The available surplus(es) will not be distributed at this stage because it/they cannot materially affect the progress of the count, either by electing a continuing candidate or by saving the lowest candidate from exclusion”.



The Statement should then proceed with the material on exclusion of the lowest candidate(s) and distribution of his/her their votes.

## **4. Exclusion of two or more lowest candidates together**

### **4.1 Rule**

A candidate exclusion arises where the following applies:

- there is no surplus for distribution, OR
- the distribution of the available surplus(es) is prohibited because such distribution cannot materially affect the progress of the count, AND
- no filling of last seat(s) shortcut arises.



Where a candidate exclusion arises, the lowest candidate at least must be excluded. However, a candidate or candidates with zero votes should never be excluded on his/her/their own. Thus, at a minimum, all candidates with zero votes and the lowest candidate with any votes must be excluded together in one operation. In what follows, the “lowest candidate” means all candidates with zero votes and the lowest candidate with any votes.

Where the total of the votes of the two or more lowest candidates together with any surplus(es) not transferred is less than the number of voter credited to the next highest

candidate, such two or more lowest candidates should be excluded together in one operation.  
In cases where more than one set of the two or more lowest candidates fulfils this condition at the same time, the largest number of lowest candidates should be excluded together.

## **4.2 Logic**

The logic for checking whether more than the lowest candidate must be excluded together in one operation is set out below. In this logic, N represents each integer between (but excluding) two and X, which represents the number of candidates who, if excluded together, would equate the number of remaining candidates to the number of unfilled seats.

### **Lowest Candidate Only**

- 1.1 Check whether, if lowest candidate only is excluded, the number of continuing candidates equals the number of unfilled seats. If yes, exclude the lowest candidate only, deem the continuing candidates elected and conclude the count. If no, go to 2.1.

*Proceed with the logic only if the number of continuing candidates exceeds the number of unfilled seats by more than one.*

### **Two Lowest Candidates**

- 2.1 Check whether, if the two lowest candidates are excluded together, the number of continuing candidates equals the number of unfilled seats. If yes, go to 2.2. If no, go to 2.5.
- 2.2 Check whether the sum of the votes of the two lowest candidates plus any available surplus(es) is less than the votes of third lowest candidate. If yes, go to 2.3. If no, go to 2.4.
- 2.3 Exclude the two lowest candidates together, deem the continuing candidates elected to fill the remaining seats and conclude the count.
- 2.4 Exclude the lowest candidate and distribute his/her votes.

- 2.5 Check whether the sum of the votes of the two lowest candidates plus any available surplus(es) is less than votes of third lowest candidate. If yes, note that this is a case where the “excluding candidates together” rule applies. If yes or no, go to N.1.

*If proceeding with the logic, repeat the process below for each of the N lowest candidates and for X lowest candidates, having noted if the excluding candidates together rule applies to the two lowest candidates.*

#### **N Lowest Candidates (starting with the three lowest candidates)**

- N.1 Check whether the sum of the votes of the N lowest candidates plus any available surplus(es) is less than the votes of next lowest candidate. If yes, note that this is a case where the “excluding candidates together” rule applies. If no or yes, repeat process for next higher N integer.

*As we repeat the process for each of the N lowest candidates we know if the excluding candidates together rule applies to the two and/or each of the preceding N number of lowest candidates.*

#### **X Lowest Candidates**

*As we apply the logic for X lowest candidates we know if the excluding candidates together rule applies to the two and/or each of the N number of lowest candidates.*

- X.1 Check whether the votes of the n lowest candidates plus any available surplus(es) are less than votes of next lowest candidate. If yes, exclude the X lowest candidates together, deem the continuing candidates elected to fill the unfilled seats and conclude the count. If no, go to X.2.
- X.2 If any cases have been noted where the exclude candidates together rule applies to two or any N number of lowest candidates, exclude the highest number of such candidates and distribute their votes.

- X.3 If no cases have been noted where the exclude candidates together rule applies to two or any N or X number of lowest candidates, exclude the lowest candidate only and exclude his/her votes.

#### **4.3 Next Steps section of Statement**

In the case of a multiple exclusion, the Statement should state:

“The [No.] lowest candidates will now be excluded together because the sum of their votes, together with any surplus not distributed, is less than the number of votes credited to the next lowest candidate.”

