Parliamentary Voting System and Constituencies Act 2011 (c. 1)
SCHEDULE 10 – The alternative vote system: further amendments
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S C H E D U L E S

SCHEDULE 10

THE ALTERNATIVE VOTE SYSTEM: FURTHER AMENDMENTS

PART 1

AMENDMENTS OF THE PARLIAMENTARY ELECTIONS RULES

7   For rule 49 (equality of votes), and the heading, there is substituted—

"Equality of votes: which candidate to be eliminated

49   (1) This rule applies to determine which candidate is eliminated under rule 45A(3) above in a case where—
            (a)   there are two or more candidates with fewer votes than the others but an equal number to each other, or
            (b)   there are three or more candidates, or remaining candidates, and they all have an equal number of votes to each other.

        The candidates with an equal number of votes to each other are referred to in this rule as "the tied candidates".

        (2) The candidate to be eliminated where there has been a previous elimination is—
            (a)   whichever of the tied candidates was allocated the fewer or fewest votes in accordance with voters' first preferences, or
            (b)   if that fails to resolve the tie, whichever of them had the fewer or fewest votes after the next stage of counting (if any),

        and so on.

        (3) Where there has been no previous elimination, or where there has been a previous elimination but the tie is not resolved under paragraph (2) above, the returning officer shall forthwith decide by lot which of the tied candidates is to be eliminated.

Equality of votes: which candidate to be elected

49A   (1) This rule applies to determine which candidate is elected under rule 45A above—
            (a)   in a case where there are only two remaining candidates and they have an equal number of votes, or
            (b)   in the case of an election with only two candidates who receive an equal number of votes.

        (2) Where paragraph (1)(a) applies, the candidate to be elected is—

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    (a)   whichever of the remaining candidates was allocated the more votes in accordance with voter's first preferences, or

    (b)   if that fails to resolve the tie, whichever of them had the more votes after the next stage of counting (if any),

and so on.

(3)   Where paragraph (1)(a) above applies but the tie is not resolved under paragraph (2) above, or where paragraph (1)(b) above applies, the returning officer shall forthwith decide by lot which of the two candidates is to be elected."