

Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013

Explanatory Report

Purpose

1. The purpose of this report is to explain the changes proposed to be made by the bill for the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013 (the “bill”) to improve the efficiency and transparency of the Synod election process in response to Synod resolution 29/11.

Recommendation

2. The Standing Committee recommends that the Synod pass the bill as an ordinance.

Background

3. By resolution 29/11 the Synod asked the Standing Committee to consider possible improvements to the efficiency and transparency of the Synod election process without changing the qualifications and composition of the various committees, councils and boards.

4. By resolution 34/12 the Synod again asked the Standing Committee to give due consideration to resolution 29/11.

5. At its meeting on 12 November 2012, the Standing Committee appointed a committee comprising Mr Doug Marr, Dr Laurie Scandrett and Mr John Chapman to undertake the work requested by the Synod in resolution 29/11.

6. Having considered various recommendations from the committee to improve the efficiency and transparency of the Synod election process, the Standing Committee requested that the bill be promoted to the Synod “by request of the Standing Committee” for this purpose.

Election of the “core” membership of the Standing Committee

7. Clause 3 of the bill proposes a change in the way that the members the Synod elect 8 lay persons and 4 ministers (the “core membership”) as members of the Standing Committee.

8. Presently, the core membership of the Standing Committee is elected by the Synod every 3 years before the first session of each Synod. If contested, notice of the election for the core membership must be sent to Synod members 5 weeks before the Synod session. The postal ballot for the election closes 4 weeks before the Synod session with the results declared shortly after that time.

9. In addition to the election of the core membership of the Standing Committee, the regional electors of each region elect 2 ministers and 4 lay persons from the region. If these regional elections are contested, the outcome is decided by ballot conducted during the Synod session.

10. It is currently possible for a suitably qualified person to be nominated for both the core and regional elections for Standing Committee membership. However if such a person is successfully elected as a core member, their nomination for the relevant regional election is deemed not to have been made.

11. It is considered that in light of the experience of this pre-Synod balloting process since its commencement in 1995, the point has been reached where any benefits in making provision for a pre-Synod ballot to elect the core membership of Standing Committee are outweighed by the inefficiencies that arise in doing so. Accordingly the bill provides that, if contested, the election of both core and regional members of the Standing Committee be undertaken by ballot conducted during the first session of each Synod.

12. Since 1995 there have only been 2 contested core elections. Both of these occurred in 1996 (the 1st Session of the 44th Synod) being contested elections for the core lay and core clergy positions. Since this time there have been no further contested core elections. However there have been 5 further contested regional elections which occurred in 1999, 2002, 2008 and 2011.

13. The current pre-Synod post ballot process is designed to accommodate the sequential election of the core and regional membership of the Standing Committee. However it is difficult to justify retaining the complexity and associated cost of a process that was used twice in 1996 but not at all since that time. Further, the retention of the pre-Synod ballot process to accommodate Standing Committee elections conducted every 3 years has the effect of extending the timeframe over which all other Synod elections must be conducted every year. Again, it is considered that for the sake of one election this is difficult to justify in light of the experience with pre-Synod ballots.

14. Clause 3 of the bill therefore amends the Standing Committee Ordinance 1897 to provide that –

- (a) Members of the Synod can be nominated for either the core or the relevant regional elections but not both. If a member of the Synod is nominated for both, the regional nomination is deemed to be invalid.
 - (b) If contested, ballots for core and regional Standing Committee elections are to be both held during the first session of each Synod.
15. As a consequence, the bill also removes from the Schedule to the Synod Elections Ordinance 2000 (the "Elections Ordinance") the provisions in rule 5.3 for conducting pre-Synod postal ballots (clause 2(2)(t)).
16. The proposed amendment made by clause 3(e) of the bill also enables rule 7.3 of the Elections Ordinance to be omitted entirely (clause 2(2)(aa)).

Regional elections

17. The bill makes various consequential or minor amendments to the process for electing or filling vacancies in respect to regional representation on the Standing Committee and the regional councils. These include amendments which enable elections arising upon the creation of a new region to be conducted during the next ordinary session of the Synod as an alternative to conducting a postal ballot (clauses 3(c) and 4) and to enable casual vacancies in the regional membership of the Standing Committee to be filled during a session of the Synod as an alternative to conducting a postal ballot (clause 3(f)).
18. The bill also preserves a mechanism for conducting postal ballots in these limited circumstances by reference to the form of the Elections Ordinance prior to its amendment by the bill (clauses 3(c), 3(f) and 4).

Other changes to the Synod election process

Election returns

19. It is proposed to insert a new Part 2A in the Elections Ordinance to formalise a process which is currently undertaken administratively, namely sending an election return to the boards, councils and committees which may have an office subject to an election at a forthcoming session of the Synod (clause 2(2)(e)). It is considered appropriate to formalise this process in order to facilitate the compilation of information to be included in an augmented notice of election sent to Synod members under rule 3.1 of the Elections Ordinance (see below).

Notice of election

20. It is proposed to include in the notice of election sent pursuant to rule 3.1(1) of the Elections Ordinance the following additional information (clause 2(2)(f)) –

- (a) For a person specified in the notice who is retiring from an office for which an election is to be conducted –
 - (i) the year in which the person was first elected to the office, and
 - (ii) the person's attendance record at meetings of the board, council or committee during the 12 month period to 30 June in the current year, and
 - (iii) an indication as to whether the person is not willing to be nominated (at present the notice of election can only indicate that a person is willing to be nominated).
- (b) A statement provided by the chairman, secretary or other responsible officer of the board, council or committee which has an office subject to an election as to the qualifications, skills and experience sought in any person elected. This statement must be no more than 35 words in length and must not endorse or otherwise identify as suitable for election to an office a specific person other than by reference to qualifications, skills and experience sought in any person elected.
- (c) A "nominated website address" at which a provisional notice of contested elections and notice of uncontested elections will be posted under amended forms of rules 3.2A and 4.1 of the Elections Ordinance (see below).

Nominations

21. It is proposed to remove the requirement that the occupation of an nominee be included in a nomination for an election (clauses 2(2)(g) and (h)).

Provisional notice of contested elections

22. It is proposed that if, by the nomination closing day, the number of persons nominated for an election exceeds the number of persons to be elected, the Secretaries, no later than 5 weeks before the commencement of the Synod session, are to post a notice at the nominated website address –

- (a) advising that the number of persons nominated for the election exceeds the number of persons to be elected, and

- (b) inviting the submission of a précis setting out the relevant qualifications, skills, experience and Christian ministry involvement of each nominee for the election.

23. This additional step in the Synod election process is included in a new rule 3.2A of the Elections Ordinance and enables two things to be achieved.

24. Firstly, the provisional notice of contested elections allows a précis of a nominee for an election to be prepared only where the election is or is likely to be contested. Currently significant time and effort is expended in preparing précis in circumstances where the election is ultimately uncontested. It is therefore proposed to amend rule 3.3 of the Elections Ordinance to make provision for a “précis closing day” which is 3 weeks before the first appointed day of the session (clauses 2(2)(j) and (k)).

25. Secondly, the provisional notice of contested elections enables nominations for a potentially contested election to be withdrawn by the précis closing day. In order to facilitate this, amendments are proposed to be made to rules 3.4 and 3.5 of the Elections Ordinance (clause 2(2)(l)).

Uncontested elections

26. It is proposed that if an election is uncontested a notice of such uncontested election be posted at the nominated website address (specified in the notice of elections) in addition to giving the notice of uncontested elections to the President to be declared during the first appointed day of the session (clauses 2(2)(o) and (p)).

Contested elections

27. In relation to a notice for contested elections generally, it is proposed to include, as additional information, the year in which the person seeking re-election to an office was first elected to that office. The purpose of this proposal is to ensure that Synod is aware of the length of time the person has continuously served on a board or committee so that this can be taken into account in deciding whether to re-elect the person (clause 2(2)(r)).

28. In addition, it is proposed that the notice for contested elections be accompanied by any statement provided by the chairman, secretary or other responsible officer of a board, council or committee which has an office subject to an election as to the qualifications, skills and experience sought in any person elected (clause 2(2)(s)).

Method of completing ballot papers

29. A number of amendments are proposed to be made to the method of completing ballot papers under rule 5.6 of the Elections Ordinance. In particular it is proposed to include a new rule 5.6(2) to enable the Returning Officer to treat a mark which is not a cross in the square opposite the name of a person as a cross if the Returning Officer considers the intention of the member to vote for the person is clear (clause 2(2)(v)).

Filling of casual vacancies

30. Under part 7 of the Synod Elections Ordinance, the Standing Committee may fill casual vacancies in an office to which the holder is elected by the Synod when the Synod is not in session. Consistent with the proposals relating to the election process at Synod itself, it is proposed that in relation to any casual vacancy being considered by the Standing Committee –

- (a) The chairman of the board, council or committee of which the office forms part is to be invited to provide the Standing Committee with a statement as to the qualifications, skills and experience sought in any person elected.
- (b) Any member of the Standing Committee who nominates a person for election to fill the vacancy must inform the Standing Committee of the relevant qualifications, skills, experience and Christian ministry involvement of the person (clause 2(2)(z)).

31. Currently, the obligation to consult about the qualifications, skills and experience sought in a person to be elected in order to fill a casual vacancy is limited to the chairman of a school council.

32. Currently, the default position for casual vacancies filled by the Standing Committee is that the person elected holds office until the first appointed day of the next ordinary session of the Synod. In the interests of efficiency, it is proposed that any person appointed by the Standing Committee to fill a casual vacancy should hold office until the day on which the person whose vacancy he or she fills would have retired had the vacancy not occurred (subject to the terms of any ordinance applying specifically to the office) (clause 2(2)(z)).

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

10 July 2013