

THE ELECTIONS AND REFERENDUMS CODE

section III.9.1. of the Federal Code of the Talossan Republic

up to date as of Calondâ Güscht, 2007/xxviii/IV

Section 1: Responsible Officials

1. The Secretary of State shall be responsible for carrying out the provisions of this Act.
2. The Secretary of State may appoint other officials to assist him or her in his duties.

Section 2: Electoral Procedure

1. This section shall apply equally to elections to Parlamînt, for the Presidency and to referendums.
 - a. In this Act, the phrase "ballot paper" shall be taken to mean a physical ballot paper, the visual interface of an online voting system, or any other means which the Secretary of State might design under the provisions of this section. "Electors" shall signify all citizens of the Republic eligible to vote.
2. Subject to the provisions of this Act, the Secretary of State shall for each vote establish a voting system which enables all citizens willing and eligible to vote to do so. The Secretary shall not be liable for citizens being unable to vote due to unforeseeable circumstances.
 - a. This system may involve online voting, paper ballots, or any other method of recording votes consistent with this Act and with the Constitution. If the election is to be conducted electronically, the Secretary of State will also devise and publish a non-electronic method of voting to ensure the rights of citizens who lack such access.
 - b. Every method of voting used shall be anonymous, whereby each voter's identity is recorded as having voted, but it is not possible to connect any voter with any particular vote.
3. The voting period for all votes shall be fourteen days, beginning once the ballot paper has been made available to all electors. The Secretary of State may, if in the circumstances it seems expedient to the creation of fairer elections, extend the deadline for voting.
4. The ballot paper shall be designed as provided elsewhere in this Act. It may also contain other impartial information, including instructions on how to cast a valid vote. The Secretary of State shall not publish any information that can reasonably be seen to create an advantage for any party to the vote.
5. The Secretary of State shall maintain a list of electors, with their electronic and postal details attached, and shall communicate the ballot paper and voting instructions to the electors once the ballot paper is available, as well as making this information publicly available on the National WebSpace. The Secretary of State shall issue two reminders with the same information to voters, the first no later than seven days before the deadline for voting, and the second no later than three days before the deadline for voting.
6. All vote totals and count details, except those which might undermine the secrecy of the ballot, shall be published by the Secretary of State after the election is completed, to ensure the transparency of the system. No details of votes or counts shall be published before the

election is completed.

7. All people who are or become citizens of the Talossan Republic during the voting period, and are of at least fourteen years of age, are eligible to vote in any election covered by this Code.
8. A citizen may petition the High Cort for a judicial review of an election if he/she feels that his/her rights under the constitution and law of the Republic have been violated. On receipt of such a petition a judge of the High Cort shall conduct an inquiry into the charges and shall present his/her finding no later than one week after the receipt of the petition. In the event that the charges are upheld by the examining judge, the Cort may order that:
 - a. there be a recount of the ballots by a person or persons independent of the Office of the Secretary of State, and that the result of this recount shall be certified as the official result of the election
 - b. that the election be declared void and a new election held under the procedures outlined in this Act.

Section 3: Elections for the President of the Republic

1. The Secretary of State shall call for nominations for President of the Republic, twenty-eight days before that office is due to become vacant.
2. Nominations for President shall be communicated to the Secretary of State, no more than seven days after the opening of nominations. The Secretary of State may, if in the circumstances it seems expedient to the creation of fairer elections, extend the deadline for nomination.
3. Upon the day following the close of nominations, the Secretary of State shall make the ballot paper available to all electors as outlined in the subsequent sections of this Section and in Section 7.
4. At the close of the voting period, the Secretary of State shall count the votes in accordance with Section 7 of this Act. Unless the election is void, the Secretary shall then declare the successful candidate to be President of the Republic.

Section 4: Elections for the Houses of Parliament

1. All provisions of this Section shall apply equally to elections to fill vacancies in the Chamber of Deputies and in the Senäts, and the term "the House" shall apply to that house in which a vacancy or vacancies are to be filled.
2. The Secretary of State shall call for nominations for members of the House to be elected, no earlier than twenty-eight days before the dissolution of that House.
3. Nominations shall be received for candidates in the election as provided in Sections 6 and 7 of this Act, no more than seven days after the opening of nominations. The Secretary of State may, if in the circumstances it seems expedient to the creation of fairer elections, extend the deadline for nomination.
4. Upon the day following the close of nominations, the Secretary of State shall make the ballot paper available to all electors as outlined in the subsequent sections of this Section and in Sections 6 and 7.
5. At the close of the voting period, the Secretary of State shall count the votes in accordance

with Sections 6 and 7 of this Act. Unless the election is void, the Secretary shall announce the successful candidates and provide the list of successful candidates to the President to be officially summoned as Deputies or Senators.

6. Where Parliament has increased the number of seats constituting one or both of its Houses, none of these new seats shall be filled until the next election where all seats are to be filled.
7. A seat in either House of Parliament shall become vacant under the following circumstances:
 - a. If a member offers his or her resignation to the Chair of that House, or renounces their citizenship in the Republic, the Chair shall announce that the seat has become vacant.
 - b. If a member goes absent without notifying the Chair of the House for more than two months, the Chair shall announce a Warning to that member in the Chamber. If the member does not reappear within a week of the Warning being posted, the Chair shall announce that the seat has become vacant.

Section 5: Referendums

1. When a matter is submitted to the electors as provided in the Constitution or other legislation, the Secretary of State shall announce a referendum specifying the matter to be submitted to the electors and make the ballot paper available to all electors as soon as possible.
2. In the case of an amendment of the Constitution, or for the resolution of a legislative deadlock, the question for the referendum shall be as follows: "Do you support the passing into law of [name and designation of bill]?"
3. Subject to s.2 of Section 2 of this Act, the ballot paper shall present the question to be decided, followed by three options of equal prominence, labelled "për", "contrâ" and "austenéu".
4. The Secretary of State shall officially announce the result of the referendum as soon as possible after the close of the voting period. If more 'për' votes have been received than 'contrâ' votes, then the referendum shall be deemed to have passed; otherwise, it shall be deemed to have failed.

Section 6. The Single Transferable Vote (Meek-Droop) Voting System for the Chamber of Deputies

PART ONE. GENERAL PROVISIONS FOR CHAMBER ELECTIONS

1. Citizens of the Talossan Republic may stand for the Chamber of Deputies either as individuals or as part of a list.
2. Any individual citizen of the Talossan Republic who wishes to stand for the Chamber of Deputies shall supply a statement, no longer than fifty words, of the candidate's aims and objectives to the Secretary of State no later than seven days after the dissolution of the Chamber.
3. Any party which wishes to stand a list of candidates for elections to the Chamber of

Deputies shall present to the Secretary of State:

- (a) a list of candidates, as well as
- (b) a statement, no longer than fifty words, of the party's aims and objectives

to the Secretary of State no more than seven days after the dissolution of the Chamber.

4. The Secretary of State may, if in the circumstances it seems expedient to the creation of fairer elections, extend the deadline for nomination.
5. Upon the receipt of the nomination, if the candidate (or all the candidates on a list) is qualified to sit in the Chamber, and the candidate or list's statement is in order, the Secretary of State shall confirm to the candidate or list that their nomination has been accepted. Otherwise, the Secretary may ask the candidate or list to alter their statement, or a list to revise its candidates.
6. Upon the close of nominations, the Secretary shall publish the name of every candidate who has been nominated, individually or on a list, along with their list affiliation (if any) and all the fifty-word statements of lists or individual candidates.

PART TWO. COUNTING VOTES FOR THE CHAMBER OF DEPUTIES

1. The ballot papers for an election for seats in the Chamber of Deputies shall be prepared as follows:
 - (a) the names of all the candidates shall be placed in random order according to surname, and followed by their list affiliation, if any. Candidates without a list affiliation shall be listed as "Independent".
 - (b) each ballot paper shall have an "abstain" option listed last on the ballot paper after the names of all the candidates; and
 - (c) the ballot paper shall enable the voter to EITHER:
 - i. indicate the "abstain" option, OR:
 - ii. indicate a FIRST preference for one and only one candidate, AND to indicate second, third and subsequent preferences for all or some of the remaining candidates, if they so desire.
2. A ballot which contains no clear FIRST preference will be invalid entirely. Any preferences expressed after the "abstain" option has been marked shall be invalid. If a

preference number is repeated, or skipped out, then all preferences including and after the repeated or skipped out number shall be invalid. A ballot which contains both valid and invalid preferences shall be counted as if it only contained the valid preferences.

3. If more than half of the ballots indicate the "abstain" option, then the election shall be void and the Secretary shall restart the election by calling for fresh nominations.
4. If the election is not void, then the successful candidates shall be determined by the Meek method of single transferable vote, using a dynamic fractional Droop quota. Unless otherwise agreed by the Secretary of State and the Minister of Technology, the Secretary of State will count the votes using the programme "OpenSTV", available from stv.sourceforge.net.
5. The Government shall take all reasonable measures to ensure that
 - (a) the Secretary of State is trained and competent in the use of the election software before the election process commences;
 - (b) the Secretary of State is able to prepare and publish a ballot paper as described in section 1 above.

PART THREE: METHOD OF FILLING VACANCIES IN THE CHAMBER

Where a seat becomes vacant, a by-election for that seat shall be held, using the same rules for election as those for Senators and President of the Republic, as set out in Section 7 of this Act. Upon the close of the by-election, the Secretary of State shall inform the Tuischac'h in writing of the successful candidate. If the by-election is void, then the seat shall remain empty until the next general election of the Chamber.

Section 7. The Preferential Voting System for the Presidency and for the Senäts

PART ONE. GENERAL PROVISIONS

1. Nominations for the Presidency or the Senäts shall be submitted as provided in Sections 3 and 4 of this Constitution. Upon the receipt of the nomination, if the nominee is qualified for the office for which they have been nominated, the Secretary of State shall confirm to the candidate that their nomination has been accepted.
2. Upon the close of nomination, the Secretary shall publish the name of each candidate, their party affiliation (if any), and, in the case of a Senäts election, the province in which they seek to be elected.

PART TWO. COUNTING VOTES FOR PRESIDENTIAL AND SENÄTS ELECTIONS

1. In this Section, unless the contrary intention appears-
 - a. "quota" means the number of votes sufficient to elect a candidate at an election, being the first whole number which is greater than half of the total number of votes received;
 - b. "second preference recorded for a candidate" means the recording on a ballot-paper of the number "2" in the square opposite the name of a person whose name appears on the ballot paper as a candidate;
2. The ballot paper for a Senäts or Presidential election shall be prepared as follows:
 - a. the names of the candidates, in the form of the candidate's surname followed by his or her initials, shall appear on the ballot paper in a random order;
 - b. each ballot paper shall have an "abstain" option listed last on the ballot paper after the names of all the candidates; and
 - c. a box shall appear to the left of each name and the "abstain" option in which electors will fill out their preferences.
3. Each voter shall then place a number in the box next to the name of each candidate they wish to vote for in order of preference, with "1" being the first preference, "2" being the second preference and so on. If the elector does not wish to vote for any candidate, they shall place a number "1" in the box next to the "abstain" option, and their vote shall not be counted towards any candidate, and shall not be used in determining the quota. Any preferences expressed after the "abstain" option shall be of no effect.
 - a. If more than half of the ballots for the Presidency indicate the "abstain" option, then that election shall be void and the Secretary shall restart the election by calling for fresh nominations.
 - b. If more than half of the ballots for the Senatorial election in any province indicate the "abstain" option, then that election shall be void and the Secretary shall call for a by-election in that province or provinces.
4. To determine the successful candidate, the number of first preferences recorded for each candidate shall first be counted.
5. A candidate who has, after the first preferences have been counted, a number of such preferences equal to or greater than the quota shall be declared elected.
 - a. Where after the first preferences have been counted no candidate has obtained the quota, the candidate who, at that time, has the least number of first preference votes transferred to him/her as provided by this Chapter, shall be excluded, and all the votes obtained by him/her shall be transferred to the candidates next in order of the electors' respective preferences.
 - b. The ballot-papers obtained by an excluded candidate which indicate no further valid preferences shall be declared "exhausted", and set aside as finally dealt with.
6. The process of excluding the candidate who has polled the next lowest number of votes at the election and transferring to other candidates his/her votes shall be repeated until the total number of exhausted votes is greater than the amount of votes required to enable all unexcluded candidates to reach a quota. The candidate with the most votes shall then be declared elected.

7. Where at any time it becomes necessary to exclude a candidate, and 2 or more candidates having the same number of votes, have at that time, the least number of first preference votes transferred to them as provided by this Chapter, then whichever of those candidates was recorded as having the lowest number of votes at the last count or transfer at which they had an unequal number of votes shall be first excluded. If those candidates have had an equal number of votes at all preceding counts or transfers, the Secretary of State shall decide which of those candidates shall be first excluded.
8. In determining which candidate is next in the order of an elector's preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the elector's preference shall be determined as if the names of those candidates had not been on the ballot-paper.
9. Where on a transfer it is found that on any ballot-paper to be transferred there is no candidate opposite whose name a number is placed, other than a candidate whose name has already been either declared elected or excluded, those ballot-papers and their votes shall be set aside as exhausted.

PART THREE: METHOD OF FILLING VACANCIES IN THE SENÄTS

1. Where a seat becomes vacant between elections for all seats in the Senäts, the candidate to fill the vacancy shall be chosen in accordance with this Part, and the Secretary of State shall inform the Mençéi in writing of the successful candidate.
2. In this Part:
 - a. "consenting candidate" means a person who unsuccessfully stood for election to the Senäts at the relevant election and who nominates him/herself for the vacant seat;
 - b. "the relevant election" is the last election held in which electors voted to fill the seat;
 - c. "the vacating member" is the member whose seat in the Senäts has become vacant; and
 - d. "the vacant seat" means the seat of the vacating member.
3. The Secretary of State shall call for nominations from consenting candidates. Any consenting candidate shall nominate him/herself to the Secretary of State no more than seven days after the call for nominations. The Secretary of State may, if in the circumstances it seems expedient to the creation of fairer elections, extend the deadline for nomination.
4. If there is only one consenting candidate, the Secretary of State shall immediately declare the candidate to be duly elected as a member of the Senäts to fill the vacant seat.
5. If there are 2 or more consenting candidates, the Secretary of State shall, within 7 days after the date fixed for the receipt of nominations, recount the completed ballot-papers counted at the relevant election for the member whose seat has become vacant, and so determine, which of the consenting candidates is to be elected to fill the vacant seat. The count shall proceed by the same rules as for an election for the whole Senäts.
6. Where a seat becomes vacant and the vacating member was himself elected under the provisions of this Chapter, the Secretary of State shall, for the purpose of filling the vacancy, examine the ballot-papers that, at the relevant election, were counted for the member in whose place the vacating member was elected (including voting-papers representing votes transferred to the last-mentioned member); and the count shall otherwise proceed according

to s. 5 of this chapter.

7. Where no consenting candidate exists, the Secretary shall call a by-election for that seat alone.