

Single Transferable Vote - An appraisal

As the members are aware that the elections of the Institute to the Council and Regional Councils are held by following the system of proportional representation by means of a single transferable vote and in accordance with the Chartered Accountants (Election to the Council) Rules, 2006 read with Regulation 134 of the Chartered Accountants Regulations, 1988.

The term of the current (i.e. 24th) Council of the Institute is upto 11th February 2022 while the Regional Councils will be reconstituted soon after the Council (i.e. 25th) is reconstituted in accordance with the provisions of Section 9 of the Chartered Accountants Act, 1949.

Accordingly, the next elections to the Council and Regional Councils of the Institute will be held on 3rd and 4th December, 2021 at Agra, Ahmedabad, Bengaluru, Bhayandar, Bhilwara, Bhopal, Bhubaneswar, Chandigarh, Chinchwad, Chennai, Coimbatore, Delhi/New Delhi, Dombivali, Faridabad, Ghaziabad (including Indirapuram, Sahibabad and Vaishali), Gurugram, Guwahati, Hyderabad, Indore, Jaipur, Jodhpur, Kalyan, Kanpur, Kochi, Kolkata, Kota, Lucknow, Ludhiana, Meerut, Mira Road, Mumbai, Nagpur, Nashik, Navi Mumbai, Noida, Patna, Pune, Raipur, Rajkot, Ranchi, Surat, Thane, Udaipur, Vadodara, Vijayawada and Visakhapatnam and for one day on 4th December, 2021 at all other places where polling booths have been set up.

All Polling booths set up across the country will be functional from 8.00 am to 8.00 pm on each day of polling. A member can know his/her polling booth by visiting www.icaai.org under link Election-2021.

The members, especially the first time voters, would naturally be interested in knowing as to how the “single transferable vote” system, under which the elections are held, operates.

The broad details of the system are given below:

(1) Each voter has only one vote for election to the Council and one vote for election to the Regional Council. The voter, in order to cast his

vote, shall place on his ballot paper the number 1 (in Arabic numerals only) against the name of the candidate for whom he desires to vote, and may, in addition, place on his ballot paper the number 2, or numbers 2 and 3, or the numbers 2, 3 and 4 and so on opposite the name of other candidates in the order of his preference. A voter has as many preferences as the total number of candidates from that Regional constituency/Regional Council.

However, for the purpose of facilitating the process of election by avoiding fractions each valid vote is notionally considered to be of the value of 100 so that if a part of the vote has subsequently to be transferred from one candidate to another (next in the order of preference), it does not become necessary to resort to fractions, which would make the counting cumbersome.

(2) At the time of counting of votes, the covers containing the postal ballot papers are opened and the voting papers are separated. To these are added the voting papers taken out from the ballot boxes used at different polling booths. The ballot papers are, in the first place, examined and invalid papers are rejected and excluded from the process of counting. The total value of the valid votes is then calculated by multiplying the number of such votes by 100, as mentioned above. This total value is then divided by the number of vacancies increased by one, and the quotient increased by one gives the value that is required for any candidate to get elected. This figure is termed as the “quota”. Thus, if in a constituency, eight members are to be elected and there are 4,500 valid votes, the quota will be:

$$\frac{4,500 \times 100}{8 + 1} + 1 = 50,001$$

In other words, a candidate should get a value of 50,001 votes to get elected. The addition of one to the quotient is explained by the fact that if it is not done, there is a possibility that more candidates may get elected than the number of vacancies.

The first Count

(3) The valid votes are sorted out and divided into parcels according to the candidates for whom the

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first preference is marked on the respective votes. The value of the first preference votes received by each candidate is then worked out and the process is known as the first count.

(4) All the candidates, the value of whose votes is equal to or greater than the quota, are declared elected. The votes of the candidates who obtain exactly the quota are set aside as there is no question of transfer of any surplus from those votes.

Transfer of Surplus and Subsequent Counts

(5) Then starts the process of transfer of the surplus values of the votes of those candidates who have secured more than the quota at the first count. Their cases are taken one by one in the strict order of the value of their votes, the largest surplus being dealt with first. In case no candidate obtains the quota in the first count, exclusion of candidates is resorted to (see para 12).

(6) The votes of the candidate whose surplus is to be transferred are scrutinized and all those votes which are capable of being transferred (viz., on which the next preference is marked for a candidate, who has not already been elected, or if the next preference is marked for an elected candidate, the preference marked next to that and so on) are separated. The remaining votes which are not capable of further transfer are set aside and treated as exhausted.

(7.1) Before the votes are transferred to the candidates marked next in preference, a new value of each vote is worked out. This value is arrived at by dividing the total surplus of the candidate by the number of votes to be transferred, the remainder being ignored, subject to the condition that the new value does not exceed the original value at which the vote was received by the candidate whose surplus is being transferred (viz., 100 in the case first preference votes).

(7.2) Thus, if after the first count, a candidate has a surplus of 2,962 and there are 65 votes in his parcel which are capable of being transferred each vote will be transferred at the new value of $(2,962/65) 45$. The remainder of 37 [$2,962 - (65 \times 45 = 37)$] is treated as loss in value.

(8) The votes under transfer are then divided into parcels according to the candidates to whom they are to be transferred. The parcels of the transferred votes are also added as sub parcels to the parcels of original (viz., first preference) votes of the candidates

concerned. The total value of the votes going to particular candidate is obtained by multiplying the new value of each vote by the number of votes going to him and is added to the value of his original votes. The result of the transfer is then struck out and the candidates who obtain at this stage the "quota" are also declared as elected.

(9) This process of transfer of the surpluses of the elected candidates continues till the required number of candidates are elected or till all the surpluses have been dealt with.

(10) As already stated, the surpluses are transferred in the strict order of their value but all surpluses arising at an earlier count are disposed off before the surpluses arising out of subsequent counts are taken up.

(11) In the case of transfer of surplus of a candidate who was not elected at the first count but only as a result of transfer of some votes to him at a subsequent count, since the surplus arises out of the last sub-parcel of his votes, it is only the last sub-parcel that is scrutinised and the unexhausted votes contained therein which are capable of further transfer are revalued, in the manner stated in para 7.1 and 7.2 above, and then transferred to the candidates marked next in order of preference. If there is no vote in the last sub-parcel which is capable of further transfer, the whole of the surplus is treated as loss in value.

Exclusion of Candidates

(12) When there is no surplus left for transfer and the number of candidates elected is less than the number of seats, the exclusion of candidates is resorted to. The process of exclusion comprises the transfer of votes (both original and transferred) of the candidate to be excluded to the candidates marked next in order of preference and who have not already been elected or excluded.

(13) The candidate, the value of whose votes is lowest at the time of exclusion, is first excluded.

(14) The parcels and the sub-parcels of the votes of the candidates to be excluded are taken up one by one in the order in which they were received and the votes contained in each parcel and sub-parcel which are capable of further transfer are transferred to the candidates marked next in order of preference at the same value at which they were received by him. Each parcel and sub-parcel is dealt with separately. It is only after the parcel and all the sub-parcels have been duly transferred that count is completed.

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(15) If, as a result of transfer of votes of a parcel, or a sub-parcel, any other candidate secures the quota and is elected, the count in progress is completed but no further votes are transferred to the elected candidate from the subsequent sub-parcels. The following example would make it clear. Let us suppose that the votes of candidate “A” who is to be excluded consist of the original parcel and two sub-parcels subsequently transferred to him. Suppose as a result of the transfer of votes contained in the original parcel, another candidate “B” gets elected. Then the remaining two sub-parcels will be dealt with one by one but no vote therefrom will be transferred to candidate “B” and such of the votes as would have normally gone to “B” will now be straightaway transferred to the candidates marked next to “B” in the order of preference on the respective votes.

(16) The process of exclusion continues till the requisite number of candidates has been elected or the number of candidates left in the field (i.e., the continuing candidates) is equal to the number of vacancies still unfilled.

(17) If, as a result of any exclusion, another candidate gets the quota and is thus elected, no further exclusion is done till the surplus of the elected candidate has been transferred and it becomes necessary thereafter again to resort to exclusion. In other words, candidate is to be excluded only when there is no surplus to be transferred.

(18.1) If, at any time during the course of counting of votes, the number of candidates remaining in the field is reduced to the number vacancies not yet filled,

all those candidates are declared as elected without resorting to any further calculations.

(18.2) It, therefore, follows that a candidate may be elected even though he does not get the required quota.

(19) If at a particular time only one vacancy is unfilled and the value of votes (both original and transferred) of anyone continuing candidate at that time exceeds the total value of votes of all the other candidates left in to field, including the surplus of any candidate not yet transferred, that candidate is declared as elected.

(20) If, when there is more than one surplus to distribute, two or more surpluses are equal, or if at any time it becomes necessary to exclude a candidate and two or more candidates have the same values of votes and are lowest on the poll, regard shall be had to the original votes of each candidate, and the candidate for whom fewest original votes are recorded shall have his surplus first distributed, or shall be first excluded as the case may be. If the values of their original votes are equal, the Returning Officer shall decide by lot which candidate shall have surplus distributed or be excluded.

(21) When after counting of votes, a tie is found to exist between candidates, regard is given to the original votes and if the original votes are also equal, then the process of draw of lots is resorted to. In case of tie amongst more than two candidates, the candidate whose slip is picked up is excluded from the poll. If the tie is between two candidates, the candidate whose slip is picked remains in the poll or declared as successful, as the case may be.