

Report to COUNCIL

Electronic Voting

Portfolio Holder: Councillor Jabbar, Cabinet Member for Finance, Corporate Services and Sustainability

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Reason for Decision

The report outlines a change to the Constitution to enable electronic voting, and to clarify the procedure for use of electronic voting.

Recommendations

1. That the Constitution be updated to include the changes set out in paragraphs 3.2 and 3.3 of this report.

Electronic Voting

1 Background

- 1.1 The Council's Constitution sets out the way in which voting takes place at meetings of the Council or its committees. The Constitution currently provides for voting to take place by way of a show of hands or affirmation of the meeting if there is no dissent, unless a recorded vote is requested.
- 1.2 There is already a procedure in the Constitution for recording the way votes are cast, which involves each councillor declaring how they are voting. A recorded vote will be taken on the requisition of any member supported by five other Members. The results of a recorded vote will be set out in the minutes of the relevant meeting.
- 1.3 The Council Chamber in the JR Clynes Building has facilities to enable electronic voting to produce quick, accurate numbers of members voting for, against or abstaining on a motion. The system also records the way that each member casts their vote. Each Member has a desk unit which houses a microphone, LCD screen and buttons to vote for a motion, against a motion, or to abstain from voting.

2 Current Position

- 2.1 The Guide and Summary of the Constitution currently states:

"Decisions are made by a majority of the Members at meetings by a show of hands or by affirmation of the meeting if there is no dissent, unless a recorded vote is requested."
- 2.2 Paragraph 16 of the Council Procedure Rules in the Constitution currently states:

16. VOTING

16.1 Majority

Unless this Constitution or the law provides otherwise, any matter will be determined by a show of hands, and by a simple majority of those Members voting and present in the room at the time the question was put.

16.2 Chairman's Casting Vote

In the case of equality of votes, the Mayor shall have a second or casting vote.

16.3 Recorded Vote

If required by law or on the requisition of any member supported by five other Members who signify their support by show of hands before the voting on any question, the vote shall be recorded as to how each Member present and voting gave his/her vote. Immediately after any vote is taken at a budget meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the members who cast a vote for the decision or against the decision or who abstained from voting . " Budget decision

meeting “ means a meeting of the Council at which it makes a calculation under the Local Government Finance Act 1992 or issues a precept under Chapter 4 of Part 1 of that Act.

16.4 Individual Member Recorded Vote

Where, immediately after a vote is taken at a meeting of the Council, any Member so requires, the Minutes of Council will record whether that person cast his or her vote for the question or against the question, or whether he/she abstained from voting.

16.5 Voting on Appointments

16.5.1 Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person receiving the least number of votes of those present and voting shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

16.5.2 Where there are at any time two or more vacancies on the same body to be filled by the Council and more persons are nominated to fill those vacancies, each vacancy shall be dealt with separately in accordance with paragraph a) above.

3. Proposal

- 3.1 To ensure there is a consistent approach for the operation of electronic voting, it is recommended that the following procedure will be followed, and that this be included in the Constitution.

Procedure for Electronic Voting

- a. The Mayor/Chair will confirm that all are clear about the motion to be voted upon and declare when the vote is open.
- b. The vote will be open for 20 seconds and Members must cast their vote in this time, using the desk unit to buttons to vote whether they are for the motion/question/decision, against the motion/question/decision, or to abstain from voting.
- c. Members can change their vote while the vote is open. However, their vote cannot be altered once the vote has been closed.
- d. The Mayor/Chair will announce that the vote is closing and confirm the vote is closed after 20 seconds have passed.
- e. The outcome of the vote will be displayed on television screens in the Chamber. The clerk will check the number of votes cast does not exceed the number of Members in attendance and then the Mayor/Chair will announce the outcome of the vote.
- f. The vote will only take effect once the outcome is confirmed by the Mayor/Chair.
- g. Where a simple majority of those Members voting and present in the room at the time the question was put is required (i.e. there is no request for a recorded vote), the outcome of the individual electronic votes will not be published in Minutes, but will be displayed on the television screens in the Council Chamber so that those present can see how the majority decision was reached. A record of individual electronic votes will only be retained where a recorded vote has been requested.
- h. The Mayor/Chair may decide at any time to discontinue use of the electronic voting system if satisfied that it is not working correctly. If the Mayor/Chair considers that there has been any malfunction of the equipment or any incorrect use of it, s/he may require or allow the vote to be retaken, either electronically or by show of hands.
- i. If the vote is tied and the Mayor/Chair needs to make a casting vote, the casting vote shall be made verbally.

3.2 It is proposed to update the Guide and Summary of the Constitution as follows:

“Decisions are made by a majority of the Members at meetings by a show of hands, or by use of the Council’s electronic voting system if any, or by affirmation of the meeting if there is no dissent, unless a recorded vote is requested, in which case the Council’s electronic voting system may be used, or where an electronic system is not working correctly or unavailable, the Mayor/Chair will take the vote by roll call”.

3.3 It is proposed to update Paragraph 16 of the Council Procedure Rules in the Constitution with the procedure set out in 3.1 of this report, and to make the following changes:

16. VOTING

16.1 Majority

Unless this Constitution or the law provides otherwise, any matter will be determined by a show of hands, or by use of the Council’s electronic voting system if any, or by affirmation of the meeting if there is no dissent, and by a simple majority of those Members voting and present in the room at the time the question was put.

16.2 Procedure for Electronic Voting

- j. The Mayor/Chair will confirm that all are clear about the motion to be voted upon and declare when the vote is open.
- k. The vote will be open for 20 seconds and Members must cast their vote in this time, using the desk unit to buttons to vote whether they are for the motion/question/decision, against the motion/question/decision, or to abstain from voting.
- l. Members can change their vote while the vote is open. However, their vote cannot be altered once the vote has been closed.
- m. The Mayor/Chair will announce that the vote is closing and confirm the vote is closed after 20 seconds have passed.
- n. The outcome of the vote will be displayed on television screens in the Chamber. The clerk will check the number of votes cast does not exceed the number of Members in attendance and then the Mayor/Chair will announce the outcome of the vote.
- o. The vote will only take effect once the outcome is confirmed by the Mayor/Chair.
- p. Where a simple majority of those Members voting and present in the room at the time the question was put is required (i.e. there is no request for a recorded vote), the outcome of the individual electronic votes will not be published in Minutes, but will be displayed on the television screens in the Council Chamber so that those present can see how the majority decision was reached. A record of individual electronic votes will only be retained where a recorded vote has been requested.
- q. The Mayor/Chair may decide at any time to discontinue use of the electronic voting system if satisfied that it is not working correctly. If the Mayor/Chair considers that there has been any malfunction of the equipment or any incorrect use of it, s/he may require or allow the vote to be retaken, either electronically or by show of hands.
- r. If the vote is tied and the Mayor/Chair needs to make a casting vote, the casting vote shall be made verbally.

16.3 Chairman's Casting Vote

In the case of equality of votes, the Mayor shall have a second or casting vote.

16.4 Recorded Vote

If required by law or on the requisition of any member supported by five other Members who signify their support by show of hands before the voting on any question, the vote shall be recorded as to how each Member present and voting gave his/her vote. The procedure outlined in Paragraph 16.2 shall be followed for electronic voting, or where an electronic system is not working correctly or unavailable, the Mayor/Chair will take the vote by roll call. Where recorded votes are requested, the Minutes of the Council/Committee will record whether that person cast his or her vote for the question or against the question, or whether he/she abstained from voting.

16.5 Recorded Vote at Budget Council

Immediately after any vote is taken at a budget meeting of the Council, there must be recorded in the minutes of the proceedings of that meeting, the names of the members who cast a vote for the decision or against the decision or who abstained from voting . “ Budget decision meeting “ means a meeting of the Council at which it makes a calculation under the Local Government Finance Act 1992 or issues a precept under Chapter 4 of Part 1 of that Act. The Procedure outlined in Paragraph 16.2 and 16/4 shall be followed for recorded votes at the budget meeting of the Council.

16.6 Individual Member Recorded Vote

Where, immediately after a vote is taken at a meeting of the Council, any Member so requires, the Minutes of Council will record whether that person cast his or her vote for the question or against the question, or whether he/she abstained from voting.

16.7 Voting on Appointments

16.7.1 Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person receiving the least number of votes of those present and voting shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

16.7.2 Where there are at any time two or more vacancies on the same body to be filled by the Council and more persons are nominated to fill those vacancies, each vacancy shall be dealt with separately in accordance with paragraph a) above.

4 Options/Alternatives

4.1 To not introduce electronic voting.

5	Preferred Option
5.1	To introduce electronic voting to produce quick, accurate numbers of members voting for, against or abstaining on a motion, and in the case of recorded votes, to show how each member has cast their vote, rather than the Mayor/Chair having to take a roll call, which would take more time.
6	Consultation
6.1	None.
7	Financial Implications
7.1	None.
8	Legal Implications
8.1	The use of an electronic voting system will not deprive councillors from voting nor from requesting a recorded vote (names of Councillors are recorded against their vote). The Council's Constitution would be updated to reflect the use of the Electronic Voting system.
9	Procurement Implications
9.1	None.
10	Equality Impact, including implications for Children and Young People
10.1	No
11	Key Decision
11.1	No.
12	Key Decision Reference
12.1	N/A.
13	Background Papers
13.1	None.
14	Appendices
14.1	None.