

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2011 No.**

The Crofting Commission (Elections)  
(Scotland) Regulations 2011

PART IV

COUNTING OF VOTES AND DECLARATION OF RESULT

**Equality of votes: which candidate to be eliminated**

**46.**—(1) This regulation applies to determine which candidate is eliminated under regulation 42 in a case where—

- (a) there are 2 or more candidates, or remaining candidates, with fewer votes than the others but an equal number to each other; or
- (b) there are 3 or more candidates, or remaining candidates, and they all have an equal number of votes to each other.

(2) The candidates with an equal number of votes to each other are referred to in this regulation as “the tied candidates”.

(3) 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 electors’ 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.

(4) Where there has been no previous elimination, or where there has been a previous elimination but the tie is not resolved under paragraph (3), the returning officer must decide by lot, as soon as reasonably practicable, which of the tied candidates is to be eliminated.