

GUIDANCE NOTE ON VOTING IN APCMs AND ELECTION OF CHURCHWARDENS

On 2 September 2020 the Bishop of Leicester issued an Instrument under the Church Representation Rules ('CRRs') and the Churchwardens Measure 2001 providing for Annual Parochial Church Meetings ('APCMs') and meetings of parishioners to elect Churchwardens ('Meetings of Parishioners') to be held either exclusively by electronic means or by in-person meetings using electronic means to enable those who cannot be physically present to attend.

This note is intended to provide guidance on how to conduct voting at APCMs and Meetings of Parishioners held in these ways by using such platforms as Zoom, Microsoft Teams and GoToMeeting. It is intended to offer some practical advice to supplement the discretion of those who will be chairing these meetings who know their contexts well. This note assumes an awareness by PCCs of the National and Church of England guidance with regard to internal and external gatherings, social distancing, the use of places of worship and where appropriate guidance relating to specific lockdown areas and will only make passing reference to this.

As the Diocese has an area of lockdown, a different approach needs to be taken with those areas where gatherings of more than two people indoors is not generally permitted. A meeting held entirely by electronic means is currently the only option available.

The Bishop's Instrument is permissive and must also be seen in the context of the Bishop's Instrument dated 19 March 2020 which postponed the date by which APCMs and Meetings of Parishioners had to happen to 31st October 2020. It is therefore entirely acceptable currently for parishes not to have an APCM or a Meeting of Parishioners and to see how the situation in the area develops. Alternatively, parishes may decide there is a legal, pastoral or other need that requires these meetings to go ahead sooner than provided for by the Bishop of Leicester's Instrument.

The need for voting will primarily apply in the case of contested elections (albeit voting is required for the election of churchwardens even if there are only two candidates). For elections at the APCM, where there are simply enough candidates to fill the vacancies, those persons are deemed elected (CRRs M9(3)).

How to deal with voting at an APCM

i. Meetings held entirely in person

The CRRs already allow a variety of voting options for APCMs, the most common being voting by a show of hands. If it is possible to hold an APCM entirely in person, bearing in mind the restrictions on gatherings nationally as well as within the Leicester lockdown area, along with the requirements about social distancing, then this standard method of voting can continue to be used.

As a small aside, the APCM does not have to be held within the church building itself. Under CRR M2(3) an APCM has to simply be held at a place in the parish unless the PCC decides otherwise. Therefore, weather and numbers permitting, it would be possible to hold an APCM in the churchyard or other open space in the parish. Clearly the necessary risk assessments will need to be carried out beforehand but that is entirely permissible under the CRRs.

The Registry does not consider the option of using voting papers as is also permitted under the CRRs to be a method that should be used in the pandemic due to the inadvertent risk of transmitting Covid-19 via this route. The use of voting of papers only arises if one or more persons objects to a vote by a raising of hands. If a requirement for this method to be used arises, please make use of hand sanitiser and/or gloves.

ii. Meetings solely held by electronic means

Where an APCM is to be held entirely electronically, the initial point to consider is the means by which the APCM will be held. If it is to be held through Zoom or another equivalent online conferencing medium, then the features of that software should be looked at to see if it already has a mechanism for voting. For example, Zoom has a polling function that can be used. Microsoft Teams has similar functionality as does GoToMeeting. As there are a large number of online platforms that are used, it is not possible to outline the ability of them all to enable voting but the Registry would recommend that the platform that is used has some functionality in this regard.

Whilst it may also be possible to vote through confirming verbally an 'aye' for a particular candidate, this becomes unworkable if there are a large number of participants. It may however suit a smaller APCM.

A decision about how to undertake voting should be made by the Parochial Church Council in advance of the APCM and a trial run should be carried out to ensure the process works smoothly, particularly as the call is likely to have a large number of participants. The Chair of the meeting must use their discretion to ensure the voting process works smoothly and that all participants' votes are cast and counted. It is important to remember that even though this a new method of holding an APCM, any elections undertaken as part of them are subject to the appeal rules contained in Part 6 of the CRRs for those dissatisfied with the outcome. To that end, the taking of detailed minutes is important to ensure accurate voting numbers are noted down.

iii. Meetings held partially in person and partially by electronic means

This is a hybrid meeting where some people are able to attend wherever the meeting is to be held (subject to the relevant guidance on social distancing etc) but some wish to attend by electronic means. Determining if this type of meeting is required will necessitate canvassing those on the electoral roll to gauge levels of interest and it is recommended to encourage people to state how they will be attending, not least because of the need to ensure there is sufficient space wherever the physical meeting is to be held.

If such a meeting goes ahead, the chair of the meeting should make it clear at the outset how voting will be undertaken. Depending on the numbers of people attending by electronic means, it may still be possible to have voting by a show of hands. If, however, it is clear from the prior canvassing that a show of hands will not be possible due to concerns about ensuring accuracy of votes cast, it is recommended that a combination of raised hands and voting by polling on the online platform is used. Additional time will therefore need to be allocated to enable those casting their votes online to do so, and also for those votes to be counted and noted in the minutes. It is also recommended that a specific note is made of the numbers attending by electronic means and those who are physically present along with a note of the division of the votes cast physically and by electronic means.

How to deal with voting at a Meeting of Parishioners

Whilst the Meeting of Parishioners and APCM often run side by side, separate voting is still required for the election of churchwardens (assuming there is more than one candidate).

The Churchwardens Measure 2001 has no specific requirements about voting and thus the advice above can equally be applied to a Meeting of Parishioners as to an APCM.

Notwithstanding a Meeting of Parishioners being held entirely or partially by electronic means, the right of the minister of the parish to declare only one churchwarden is to be elected is retained.

If there are any questions arising out of the above note, please contact Lee Coley at registry@stoneking.co.uk