

APPEALS PROCESS

1. The election rules contain new provisions on appeals. They build on the provisions that have applied in the past but contain much more detail than before and are intended to provide a comprehensive framework. The provisions relating to appeals relating to proctorial elections are set out in Clergy ER Rules 47 to 64. Similar rules apply in the House of Laity elections and can be found in CRR Rule 57 to 61 and Laity ER Rules 30 to 47.
2. The following appeals may be brought:
 - a. An appeal against inclusion or non-inclusion on the register of Convocation or lay electors; the appeal may be made by the person whose name is not included or by a person who objects to the inclusion of another person.
 - b. An appeal against a determination that a nomination is, or is not, valid; the appeal may be made only by an elector.
 - c. An appeal against the result of an election on the grounds that a candidate was not duly elected, was not qualified to be a candidate, or misrepresented a material fact; the appeal may be made by a candidate or elector or (in a proctorial election) by the Prolocutor of the Lower House of Convocation concerned or (in a House of Laity election) by the Chair of that House.
 - d. An appeal against the result of an election on the grounds that the conduct of the election was such as to affect the outcome; the appeal may be made by any of the persons referred to in paragraph (c) above.
 - e. An appeal against the result of an election on the grounds of an error in the register of electors which would or might be material to the result; the appeal may be made by any of the persons referred to in paragraph (c) above.
 - f. An appeal against the result of an election on the grounds that a vote which was disallowed should have been allowed or a vote which was allowed should have been disallowed and that the disallowance or allowance would or might be material to the result; the appeal may be made by any of the persons referred to in paragraph (c) above.
3. There are two appeals procedures, a fast-track procedure and a more lengthy one, with the applicable procedure depending on the matter to which the appeal relates.
4. The fast-track procedure is for appeals relating to the validity of a nomination and for appeals against the result of an election on the grounds that a candidate was not duly elected or not duly qualified to stand or that a vote should or should not have been allowed. Appeals under the fast-track procedure are determined by the Dean of the Arches and Auditor (or, if the Dean is unavailable, by one of the Vicars-General or the chancellor of the diocese). Fast-track appeals (other than ones against the result of an election) must be brought within two days of the decision to which they relate. A fast-track appeal is held quickly and decided summarily on the basis only of the papers submitted when bringing the appeal and any written explanation from the person who made the decision being appealed of the reasons for the decision.
5. The more lengthy procedure is for appeals relating to the inclusion of a person on a register of electors and for appeals against the result of an election on grounds of a misrepresentation of a material fact, the conduct of the election or an error in the register of electors. Appeals under this procedure are determined by a panel appointed by, in the case of an appeal relating to a proctorial election, the bishop's council and standing committee or, in the case of an appeal relating to an election to

the House of Laity, the Chair and Vice-Chair of that House. If either the Chair or Vice-Chair of the House of Laity is directly concerned in the appeal, the Standing Committee of that House must nominate a deputy in his or her place.

6. Appeals under the more lengthy procedure must be brought within 14 days of the declaration of the result of the election. The panel appointed to hear such an appeal must first conduct a preliminary assessment of the appeal, based only on the documents submitted when bringing the appeal, to determine if there are arguable grounds of appeal. If the panel thinks that there are, it must then consider the appeal in detail. For that purpose, it is entitled to hold a hearing, to invite written representations from the parties, and to require the production of any documents it thinks could be relevant.
7. There is also a procedure for a panel to decide to hear an appeal of the kind referred to in paragraph 6 if the appeal is brought out of time. The panel must be satisfied that there is a good reason why the appeal was not brought within the specified time period.
8. It is important to remember that, where an appeal is brought, any person who has been declared elected but whose election may be affected by the appeal is to be regarded for all purposes as a member of the General Synod until the appeal is determined.