

Chapter 3:

Society Elections

3.1 The Council

3.1.1 Form of the elections

- a) Elected Council Members shall be elected by a ballot of all members eligible to vote (see below). STV shall be used for all Society elections. The result of the ballot will be reported to the following AGM. Those elected shall take office at the close of that AGM, save in the case of an appointment made in accordance with Article 27.2 (Appointment of Council Members), 27.3 or 27.4 (Casual vacancies).
- b) The Chief Executive or such other person appointed by the Chief Executive shall be the Returning Officer.
- c) The election shall be conducted by an independent organisation appointed by the Chief Executive, that specialises in conducting elections. The election shall be conducted in accordance with these rules and any supplementary instructions issued by the Returning Officer. The organisation appointed shall appoint an Elections Supervisor who will liaise with the Returning Officer.

3.1.2 Timetable for elections

- a) Not less than four months before an Annual General Meeting in a year in which elections are to be held, the Returning Officer will circulate to the Council and the Elections Panel ('the Panel') a plan for the conduct of the election, including a timetable. The Returning Officer shall take into consideration any comments received before finalising the arrangements.
- b) On the day of the opening of nominations, the Returning Officer shall invite all members of the Society to nominate themselves as candidates, and in doing so, will provide members with a description of the duties of a Company Director, a nomination form, a copy of the Society's Election Byelaws, and an outline of the timetable for the election. The election will not, however, be invalid if subsequently reasonable changes in the timetable are made.

3.1.3 Qualification for voting

- a) Members whose membership subscriptions are in arrears shall not be entitled to vote unless their subscriptions are brought up-to-date before the fourth working day before the issue of ballot papers.
- b) The Society will not admit new members to the Society between the fourth working day before the issue of ballot papers and the close of the poll.
- c) Two clear working days before the date for the issue of ballot papers, the Returning Officer shall prepare a final electoral roll of all the members entitled to vote and send a copy to the Elections Supervisor.

3.1.4 Qualification for standing for election

- a) Only those who are fully paid-up members of the Society at the close of nominations shall

be eligible to stand as candidates.

- b) Candidates for election must not be disqualified from acting as a Company Director at the close of nominations.
- c) Candidates for election must not be employed by the Society or have been employed by the Society at any time in the 3 years immediately prior to the close of nominations.
- d) Candidates for election must ensure that they are able and willing to observe the Society's Articles and Byelaws, which shall be available to download from the Society's website or made available in hard copy on request.

3.1.5 Nomination of candidates

- a) Members wishing to stand for election shall nominate themselves using the nomination form which shall be sent to all members.
- b) The nomination form shall include a declaration as follows: "I, (name) wish to stand as a candidate for election to the Society's Council for the year and I undertake to comply with the Society's Election Byelaws currently in force. I confirm my support for the aims of the Society and if elected, intend to serve for the full term of office."

3.1.6 Design of the ballot paper

- a) The Society shall use an STV ballot paper as recommended by the ERS STV 97 rules or their variant. The ballot papers shall be marked with serial numbers. Other aspects of the design of the ballot paper shall be as recommended by the Elections Supervisor.
- b) Candidates' names shall be listed in random order. The randomisation of the order shall be done by the Returning Officer in the presence of independent witnesses selected by the Returning Officer. The Panel and candidates will be informed of the time at which this will be done and will be invited to observe.

3.1.7 Candidates' statements and election-related materials

- a) In all statements and election-related materials, candidates must conform to a spirit of reasonable, albeit robust, assertion and debate.
- b) Candidates may submit a written statement in a standard format to be determined by the Returning Officer. Statements can be submitted in hard copy or digitally and must be typed (the Society's staff will assist where necessary). Statements will be sent to members in hard copy and/or may be made available in such electronic format and via such electronic means as the Returning Officer shall determine.
- c) Statements and election-related materials circulated or published by the Society and by candidates or on behalf of candidates shall not contain direct or indirect personal criticisms of members of the Society or its staff. Nor shall they make libellous assertions about any person.

3.1.8 The ordering of candidates' statements

Candidates' statements will be listed in the reverse of the order on the ballot paper. However, an alphabetic index will be provided.

3.1.9 The issue of ballot papers

- a) In the mailing of ballot papers, appropriate safeguards will be used to ensure that each eligible elector receives one and only one ballot paper.

- b) The Elections Supervisor (or an appointed delegate) shall directly supervise the mailing and handling of all ballot papers.
- c) The serial numbers of the ballot papers issued shall be noted and checked against the number of eligible voters. If any discrepancies should arise, all reasonable steps shall be taken to remedy any errors and the Elections Supervisor shall consult the Returning Officer who will inform the Panel.
- d) A printed list shall be produced of the eligible members to whom ballot papers are sent.
- e) Unused ballot papers shall be stored securely and shall not be issued other than with the permission of the Returning Officer.
- f) The following documents shall be sent to eligible members with the ballot papers:
 - a set of candidates' statements;
 - a declaration of identity form;
 - a ballot envelope, overprinted to identify it as a ballot envelope;
 - a reply-paid outer envelope for the return of the ballot paper and declaration of identity;
 - a unique PIN (Personal Identification Number) to enable them to vote electronically as an alternative to the return of a postal ballot.
- g) Although other materials relating to the work of the Society may be included in the same mailing, the Returning Officer will endeavour to ensure that the number of enclosures is kept to a minimum in order to reduce the risk of members overlooking the essential election material.
- h) After the close of the poll, the Election Supervisor shall retain a record of how members voted and shall release it only if required to do so by a resolution passed within one year of the count by a two-thirds majority at a General Meeting, in order to facilitate an inquiry into an alleged irregularity or irregularities in the conduct of an election.

3.1.10 Procedure for the receipt and recording of ballots

- a) The times at which envelopes with postal votes are opened shall be at the discretion of the Election Supervisor and may not be on the same day as the count.
- b) Outer envelopes shall be opened and the voter's name, as shown on the Declaration of Identity, shall be cross referenced with the list of members eligible to vote and recorded accordingly.
- c) The Declarations of Identity will be checked and, if valid, separated from the inner ballot paper envelopes and stored separately.
- d) The inner envelopes will then be opened and the ballot papers removed and counted.
- e) Ballot papers will be declared invalid if:
 - they are not accompanied by a valid and signed declaration of identity;
 - the ballot paper is a copy of an original ballot paper;
 - the serial number of the ballot paper has been detached;
 - the ballot paper has been cancelled due to a duplicate ballot paper being issued to the member;
 - the entries on the ballot paper, in the opinion of the Returning Officer after consultation with witnesses to the count, do not make the intentions of the voter clear (although if

some preferences are clear, the Returning Officer will accept preferences up to the point at which doubt arises).

- f) If more than one vote (using the same PIN) is received, the last vote to have been received will be declared valid and will be counted. All preceding votes received using the same PIN – whether by post or electronically – will be declared invalid.

3.1.11 The count

- a) The election will be counted using the Single Transferrable Vote method as specified under the ERS STV 97 rules or their variant. Whether it is counted manually or by computer will be at the discretion of the Returning Officer unless the Returning Officer, following consultation with the Elections Panel, decides to issue an instruction on the matter.
- b) Candidates and Members of the Elections Panel shall be invited to observe the count. At the count they will be given an opportunity to examine ballot papers and declarations of identity received and to check the accuracy of the recording of sampled ballots. If any candidate is unable to attend, such a candidate may appoint another member of the Society as a delegate provided that the Returning Officer is given prior notice.

3.1.12 Procedures for members who claim not to have received ballot papers

The Elections Supervisor shall report to the Returning Officer if more than one postal ballot is received from any member and only the second vote received shall be counted.

3.1.13 Complaints and objections

- a) Complaints concerning the conduct of elections and/or against decisions of the Returning Officer shall be made in the first instance to the Returning Officer who shall respond to the complainant as soon as is reasonably possible. If the complainant is not satisfied with the response, the matter will be formally referred immediately to the Elections Panel by the Returning Officer unless the complainant intimates that she or he does not wish this to be done. The Returning Officer shall report all complaints received to the Elections Panel, whether or not they have been formally referred to the Panel.
- b) When a complaint is referred to the Elections Panel, the individual(s) against whom the complaint is made will be given the text of the complaint and told the identity of the complainant unless the Panel accepts that there are over-riding reasons to protect the identity of the complainant. Where anonymity is requested, the Panel will receive the complaint in confidence but will only act on it if it accepts there are valid grounds for anonymity.
- c) Should the Elections Panel find that a candidate has not observed the Election Byelaws, the Panel may take one or more of the following actions:
 - (i) issue a warning to the candidate;
 - (ii) report the matter to a General Meeting of the Society;
 - (iii) recommend that the candidate, if elected, should be asked to resign from the Council;
 - (iv) recommend that the Council terminates the membership of the candidate under the provisions of the Byelaws.
- d) Unless overriding reasons of confidentiality have been accepted, copies of the Elections Panel's response on individual complaints formally referred to it shall be given to the complainant and to the individual(s) complained about.

3.1.14 Notification of the result and Election Panel report

- a) At the conclusion of the count and declaration of the result, the Returning Officer shall send a certified copy of the list of candidates elected, together with details of the counts involved, to the Chair of the Council and the Chief Executive (if not the Returning Officer), who shall inform candidates as soon as possible.
- b) The Elections Panel shall, within one year of the declaration of results, submit a report to the Council on all complaints referred to it during the election and any other matters which it believes should be brought to the attention of the Council. If no complaints were referred to the Elections Panel during the election, it may decide not to submit a report.

3.1.15 Disposal of ballot papers and other documents

The Elections Supervisor shall retain possession of all documents relating to the election for a period of 36 months from the date of the count and the declaration of the result and shall then cause them to be destroyed.

3.2 Officers of the Council

3.2.1 Officer roles

The Council of the Society shall, following the annual general meeting, meet to elect four of its members as the Officers of the Society, namely:

- Chair
- Vice-Chair – Management
- Deputy Chair – Campaigns and Research
- Treasurer

The Officers shall be elected in the above order.

3.2.2 Chair

- a) Until the election of the Chair has been completed, the meeting shall be chaired by:
 - the Chair or Vice-Chair or a Deputy Chair or the Treasurer of the Council during the previous year (in that order of preference) will preside, provided that person is a member of the Council and not a candidate, proposer or seconder for the election of the Chair, or;
 - if no Officers of the previous Council are so eligible, the Chief Executive will preside while members choose a member of the Council who is not a candidate, proposer or seconder for the election of the Chair;
 - in the event of the meeting not being able to choose a Chair for the start of the meeting, the Chief Executive shall, with the agreement of the Council, chair the meeting until the Chair of the Society has been elected.
- b) Upon election, the new Chair shall take the chair (unless elected while absent in which case the Vice-Chair, when elected, shall take the chair).
- c) The Chair of the meeting shall have the same rights to question candidates and to vote as other members of the Council.

3.2.3 Nominations

Candidates may nominate themselves or be nominated in their absence. In the latter case, however, the candidate must have given the Chief Executive written notice of willingness to accept nomination before the meeting. Any such candidate may also appoint, by notifying the Chief Executive in writing, another member of Council to speak and answer questions on behalf of that candidate.

3.2.4 If there is more than one candidate

Should there be more than one candidate for a post, each candidate will be invited to speak for up to 2 minutes in support of their candidature and 3 minutes will be allowed for members of Council to question the candidate. Neither questions nor answers should be longer than 30 seconds. The Chair of the meeting, however, may propose changes in these times should the time available and the number of candidates make it desirable. When a candidate is speaking to the meeting or answering questions, other candidates should leave the room.

3.2.5 The vote

Voting shall be by secret ballot using the Alternative Vote. In the event of a tie, the result shall be decided by drawing lots.

3.2.6 Proxy votes

If a Council member is not able to be present at the meeting, that person may appoint another member of the Council as a proxy by giving the Chief Executive written notice before the start of the meeting. In appointing a proxy a member may give instructions on how each vote should be used (e.g. members to be supported, should they be candidates, in order of preference) in the election of some or all positions.

3.3 The Elections Panel

In all respects other than those set out below, the byelaws for the election of the Elections Panel will be as those for Council elections.

3.3.1 Membership and election

- a) Membership of the Elections Panel will consist of 3 members of the Society elected by members. The elections will be held by STV and these ballot papers will be circulated with the ballot papers for the Council elections.
- b) The Council of the Society shall assume the responsibilities of the Elections Panel for the election of the Panel itself.

3.3.2 Qualification for standing for election

Members of the Society will not be eligible to stand for election to, or to serve on, the Panel or to propose or second members in elections to the Panel if they are:

- Members of Council
- Members of staff
- Candidates in other Society elections
- Proposers or seconders of candidates in other Society elections.

3.3.3 Co-option

If there are not enough candidates nominated for election to the Elections Panel, the Council shall co-opt to fill the vacant places. Those who are co-opted must still qualify under regulation 3.3.2. Council should give special consideration to any real or perceived conflicts of interest and/or loyalties when considering co-options to the Elections Panel.

3.3.4 Term of office

a) Save as provided in Byelaw 3.3.4 b), members of the Panel will serve for a period of 4 years and will retire immediately following:

- receipt by Council of the Panel's final Elections Panel report on the previous Council election (and completion of any discussions thereon); or
- (if earlier) the nine month anniversary of the publication of the results of the previous Council election;

whereupon the newly elected Elections Panel shall take office.

Serving members of the Panel will be eligible to stand for re-election.

b) If a majority of members of the Elections Panel certify to the Council that a member of the Elections Panel has not participated in its proceedings over a reasonable period of time, the Council shall invite that member of the Panel to provide an explanation. After considering the explanation (if any) or if the member does not provide an explanation, the Council may, by a two-thirds majority of those Council members present and voting, remove the member from the Panel.

c) In the event of a casual vacancy on the Elections Panel more than four months before the next election, the vacancy will be filled as soon as possible by recounting the original papers from the previous ballot of the members, in accordance with the Byelaws. Any of the original candidates who are at the time of the recount ineligible or unwilling to serve, shall be excluded before the commencement of the recount, but no continuing candidate elected during the original count or any previous recount shall be excluded.