

## **BYE-LAW 10**

### **RULES AND PROCEDURES FOR ELECTIONS**

Version 2

*Approved by National Scout Council on 3<sup>rd</sup> March 2016*

#### Section 1

##### **Timetable**

The proceedings at an election shall be conducted in accordance with the following timetable.

- Publication of notice of election – Not later than 8 weeks prior to day of close of poll
- Final day for delivery of nomination papers to Honorary Secretary – Not later than 6 weeks prior to day of close of poll
- Publication of notice of poll – Not later than 4 weeks prior to day of close of poll
- Publication of statement of nominated candidates - Not later than 2 weeks prior to day of close of poll

#### Section 2

##### **Notice of election**

The Honorary Secretary is to publish a notice of the election stating:

- (a) When the election is being held;
- (b) The number of members of the Council to be elected, or the post for which an election is being held;
- (c) The details of any nomination committee that has been established by the SAM, if any;
- (d) The site from where nomination papers may be downloaded;
- (e) The address for return of nomination papers and the date and time by which they must be received by the Honorary Secretary;
- (f) The date and time by which any notice of withdrawal must be received by the Honorary Secretary; and
- (h) The date and time of the close of the poll in the event of a contest.

This notice is to be communicated electronically to all members of SAM who are eligible to vote on the date of the notice.

### Section 3

#### **Nomination of candidates**

- (1) Each candidate must be nominated and seconded by a person who is eligible to attend the General Assembly.
- (2) A valid nomination to be on the appropriate form published by the Honorary Secretary.
- (3) The nomination paper must state any conflicts of interest and if the candidate has no such interests, the paper must include a statement to that effect.
- (4) The nomination paper must include a declaration made by the candidate that he or she is not prevented from being a member of the Council or from occupying the post to which he or she is seeking to be elected to.
- (5) The nomination paper must be signed and dated by the candidate, nominee and seconder.
- (6) The nomination paper must state the candidate's:
  - full name
  - contact address in full and contact telephone numbers
  - Group details (if applicable) and post for which candidate is contesting.
  - e-mail address
  - Photo (optional)
  - Personal profile (optional)

### Section 4

#### **Decisions as to the validity of nomination**

- (1) Where a nomination paper is received by the Honorary Secretary, the candidate is deemed to stand for election unless and until the Honorary Secretary -
  - (a) decides that the candidate is not eligible to stand;
  - (b) decides that the nomination paper is invalid;
  - (c) receives satisfactory proof that the candidate has died; or
  - (d) receives a written request by the candidate of their withdrawal from candidacy.
- (2) The Honorary Secretary is entitled to decide that a nomination paper is invalid only on one of the following grounds
  - (a) that the paper is not received on or before the final time and date for return of nomination papers, as

- specified in the notice of the election;
- (b) that the paper does not contain the candidate's particulars;
  - (c) that the paper does not contain a declaration of the interests of the candidate;
  - (d) that the paper does not include a declaration of eligibility"; or
  - (e) that the paper is not signed and dated by the candidate, proposer and seconder.
- (3) The Honorary Secretary is to examine each nomination paper as soon as is practicable after he or she has received it, and decide whether the candidate has been validly nominated.
  - (4) Where the Honorary Secretary decides that a nomination is invalid, the returning officer must endorse this on the nomination paper, stating the reasons for their decision.
  - (5) The Honorary Secretary is to send notice of the decision as to whether a nomination is valid or invalid to the candidate at the contact address given in the candidate's nomination paper.

## Section 5

### **Publication of nomination papers and statements by candidates**

- (1) The SAM is to make scans of the statements of the candidates and the nomination papers available on an electronic portal for inspection by members of the Association.
- (2) The Honorary Secretary may make arrangements as he deems fit for the candidates to present themselves, their ideas and vision to members of the Association or of the General Assembly, provided that arrangements are equitable and that the same opportunity is given to all candidates.

## Section 6

### **Method of election**

- (1) If the number of candidates remaining validly nominated for an election after any withdrawals under these Procedures is greater than the number of members to be elected to the Council or the vacant post, a poll is to be taken.
- (2) If the number of candidates remaining validly nominated for an election after any withdrawals under this Bye-Law is equal to, or less than, the number of members to be elected to the Council or the vacant post, those candidates are to be declared elected. However, any 5 Assembly members retain

the right to put forward a motion requesting a vote of confidence in any candidate prior to declaring him/her elected. The normal procedure will be adopted for the said motion.

## Section 7 **Notice of poll**

The Honorary Secretary is to publish a notice of the poll stating:

- (a) The name of the SAM,
- (b) The post/s for which the election is being held,
- (c) the number of members of the Council to be elected,
- (d) the names, contact address, and Group (if applicable) of the candidates standing for election, in alphabetical order by surname, and
- (e) website where scans of nomination forms can be accessed.

This notice is to be communicated electronically to all members of SAM who are eligible to vote on the date of the notice.

## Section 8 **Eligibility to vote**

The eligible voters are those members of the Association that are eligible to vote, in accordance with the Constitution, on the date of publication of the notice of election.

## Section 9 **Returning officer**

The Council shall appoint a person of good repute to act as a returning officer. The Council shall also appoint two members of the Assembly to act as his/her assistants. The returning officer may be a member of the General Assembly.

## Section 10 **The ballot paper**

- (1) The ballot of each voter is to consist of a ballot paper with the persons remaining validly nominated for an election after any withdrawals, and no others, inserted in the paper.
- (2) Every ballot paper must specify –
  - (a) the name of the SAM,
  - (b) the post for which the election is being held,
  - (c) the number of members of the Council to be elected,
  - (d) instructions on how to vote,
- (3) Each ballot paper must have features incorporated into it to

prevent it from being reproduced.

### Section 11 **Spoilt ballot papers**

1. If a voter has dealt with his or her ballot paper in such a manner that it cannot be accepted as a ballot paper (referred to a “spoilt ballot paper”), that voter may request the returning officer for a replacement ballot paper.
2. On receiving a request the returning officer will check the validity of the ballot paper.
3. The returning officer may not issue a replacement ballot paper for a spoilt ballot paper unless he or she is satisfied as to the voter’s identity.
4. The invalid papers will be retained and filed with all other ballot papers but clearly invalidated.

### Section 12 **Disqualified ballot papers**

1. A ballot paper shall not be taken to be duly returned unless the returning officer is satisfied that it has been received by the returning officer or placed in the ballot box/es provided before the close of the poll.
2. Where the returning officer is satisfied that paragraph (1) has been fulfilled, he or she is to put the put the ballot paper aside for counting after the close of the poll.
3. Where the returning officer is not satisfied that paragraph (1) has been fulfilled, he or she is to:
  - (a) mark the ballot paper “disqualified”,
  - (b) place the document or documents in a separate packet.

### Section 13 **Rejected ballot papers**

1. Any ballot paper
  - (a) which does not bear the features that have been incorporated into the other ballot papers to prevent them from being reproduced,
  - (b) on which the mark standing alone is not placed so as to indicate a preference for any candidate,
  - (c) on which anything is written or marked by which the voter can be identified, or
  - (d) which is unmarked or rejected because of uncertainty,

shall be rejected and not counted, but the ballot paper shall not be rejected by reason only of carrying the words “one”, “two”, “three” and so on, or any other mark instead of a figure if, in the opinion of the returning officer, the word or mark clearly indicates a preference or preferences.

2. The returning officer is to endorse the word “rejected” on any ballot paper which under this Section is not to be counted.
3. The returning officer is to draw up a statement showing the number of ballot papers rejected by him or her under each of the subparagraphs (a) to (d) of paragraph (1).

## Section 14

### **Arrangements for counting of the votes**

1. The returning officer must make arrangements to ensure the safety and security of the ballot papers and other documents.
2. As soon as is possible after the close of the poll, the returning officer is to seal the packets containing–
  - (a) the disqualified documents, together with the list of disqualified documents inside it,
  - (b) the list of spoilt ballot papers,
  - (c) the list of eligible voters, and
  - (d) the list of tendered ballot papers.
3. The returning officer is to make arrangements for counting the votes as soon as is practicable after the close of the poll.
4. The returning officer is to –
  - (a) count and record the number of ballot papers that have been returned, and
  - (b) count the votes according to the provisions in this section of the Bye-Laws.
5. The returning officer is to proceed continuously with counting the votes as far as is practicable.
6. The returning officer will take the ballot box/es and open them in the presence of his/her assistants.
7. The returning officer is to ascertain and record the number of valid ballot papers.
8. The returning officer turns over the ballot sheets and reads out the votes as appearing on each ballot sheets. Any rejected ballot sheets are put aside after having been endorsed by the returning officer and his or her assistants.
9. Assistants will record the votes as they are read out on tally sheets provided for the purpose.
10. When all ballot sheets are read out, the assistants will add up the



tally sheets and confer with each other and the returning officer to ensure that the amounts tally.

11. The returning officer will complete a form showing the final result whereby candidates are placed in order of the number of votes they have attracted.

## Section 15

### **Declaration of results**

1. In a contested election, when the result of the poll has been ascertained, the returning officer is to:
  - a. declare the candidates who are deemed to be elected under Section 14 as elected
  - b. give notice of the name of each candidate who he or she has declared elected
  - c. the number of preference votes for each candidate whether elected or not,
  - d. the order in which the successful candidates were elected, and
  - e. the number of rejected ballot papers under each of the headings in Section 13
2. In an uncontested election, the returning officer is to as soon as is practicable after final day for the delivery of notices of withdrawals by candidates from the election
  - a. declare the candidate or candidates remaining validly nominated to be elected,
  - b. give notice of the name of each candidate who he or she has declared elected to the Chief Scout and Chief Commissioner of the SAM, and
  - c. If election is not carried out during an Assembly meeting, the Secretary will give public notice of the name of each candidate who he or she has declared elected. However, any Assembly member retains the right to put forward a motion requesting a vote of confidence within 14 days from the date of notice. The normal procedure will be adopted for the said motion.

## Section 16

### **Sealing up and retention of documents relating to the poll**

1. On completion of the counting at a contested election, the returning officer is to seal up the following documents in separate packets
  - (a) the counted ballot papers,

- (b) the rejected ballot papers, and
  - (c) the statement of rejected ballot papers.
2. The returning officer must not open the sealed packets of –
  - (a) the disqualified documents, with the list of disqualified documents inside it,
  - (b) the list of spoilt ballot papers
  - (c) the list of eligible voters, and
  - (d) the list of tendered ballot papers.
3. The returning officer must endorse on each packet a description of:
  - (a) its contents,
  - (b) the date of the publication of notice of the election,
  - (c) the name of the SAM to which the election relates, and
  - (d) the post/s to which the election relates.
4. Once the documents relating to the poll have been sealed up and endorsed, the returning officer is to forward them to the Chief Scout and Chief Commissioner of the SAM.
5. The SAM is to retain the documents relating to an election that are forwarded to the Chief Scout and Chief Commissioner by the returning officer under this Bye-Law for one year, and then, unless otherwise directed, cause them to be destroyed.
6. With the exception of the documents listed in Section 17, the documents relating to an election that are held by the SAM shall be available for inspection by members of the SAM at all reasonable times.
7. A person may request a copy or extract from the documents relating to an election that are held by the SAM, and the SAM is to provide it, and may impose a reasonable charge for doing so.
8. The SAM may not allow the inspection of, or the opening of any sealed packet containing:
  - (a) any rejected ballot papers,
  - (b) any disqualified documents, or the list of disqualified documents,
  - (c) any counted ballot papers, or
  - (d) the list of eligible voters,by any person without the consent of the Chief Scout and Chief Commissioner of the SAM.
9. A person may apply to the Chief Scout and Chief Commissioner to inspect any of the documents listed in (1), and the Chief



Scout and Chief Commissioner may only consent to such inspection if it satisfied that it is necessary for the purpose of questioning an election pursuant to Section 17.

10. The Chief Scout and Chief Commissioner's consent may be on any terms or conditions that they think necessary, including conditions as to –
  - (a) persons,
  - (b) time,
  - (c) place and mode of inspection,
  - (d) production or opening,and the SAM must only make the documents available for inspection in accordance with those terms and conditions.

## Section 17

### **Application to question an election**

1. An application alleging a breach of this Bye-Law, including an electoral irregularity, may be made to the SAM.
2. An application should be made immediately as any member of the Association identifies such a breach.
3. An application may only be made to the SAM by:
  - (a) a person who voted at the election or who claimed to have had the right to vote, or
  - (b) a candidate, or a person claiming to have had a right to be elected at the election.
4. The application must:
  - (a) describe the alleged breach of this Bye-Law, or electoral irregularity, and
  - (b) be in such a form as the SAM may require.
5. The application must be presented in writing within 21 days of the declaration of the result of the election.
6. If the SAM requests further information from the applicant, then that person must provide it as soon as is reasonably practicable.
  - (a) The SAM shall delegate the determination of an application to a person or persons to be nominated for the purpose by the SAM.
  - (b) The determination by the person or persons nominated in accordance with this Bye-Law shall be binding on the SAM, the applicant and the eligible members including all the candidates for the election to which the application relates.

- (a) The SAM may prescribe Rules of procedure for the determination of an application including costs.

## Section 18

### **Secrecy**

1. The following persons –
  - (a) the returning officer,
  - (b) the returning officer's assistants,must maintain and aid in maintaining the secrecy of the voting and the counting of the votes, and must not, except for some purpose authorised by law, communicate to any person any information as to
  - (i) the name of any member of the SAM who has or has not been given a ballot paper or who has or has not voted,
  - (ii) the candidate(s) for whom any member has voted.
2. No person may obtain or attempt to obtain information as to the candidate(s) for whom a voter is about to vote or has voted, or communicate such information to any person at any time.
3. The returning officer is to make such arrangements as he or she thinks fit to ensure that the individuals who are affected by this provision are aware of the duties it imposes.

## Section 19

### **Prohibition of disclosure of vote**

No person who has voted at an election shall, in any legal or other proceedings to question the election, be required to state for whom he or she has voted.