

The Wireless Institute of Australia

Regulation

Postal Ballot for the Election of Directors

(Amended November 2017)_

1. Power

Clause 14.1 (c) of the Constitution provides:

The Institute at any annual general meeting at which any Director retires may fill the vacated office by re-electing the Director or electing some other person to fill the vacancy. The Board may determine that the election of Directors be conducted by postal ballot with the result of the election to be announced at the annual general meeting. A postal ballot shall be conducted in accordance with the regulations made by the Board from time to time.

2. Purpose

The Board, having determined that the election of Directors be conducted by postal ballot with the result of the election to be announced at the annual general meeting, makes this regulation for the conduct of such postal ballots.

3. Returning Officer

The Board shall appoint a Returning Officer (who shall be a Member and who is ineligible to be a candidate in the election) not later than the 15th day of October in each year prior to holding the election, and who must conduct the election in accordance with the procedure set out in this Regulation.

4. Definitions

All words defined in the Constitution shall have the same meaning in this Regulation.

5. Returning Officer to Call for Nominations

- (a) The Returning Officer must give notice of the forthcoming election by publication in the last issue of the calendar year of Amateur Radio and call for nominations for Directors. The notice of election must provide that nominations are to reach the Returning Officer at the WIA national office no later than the 31st day of January in the year in which the election is to be held. The Returning Officer must treat mail received either by postal delivery or by clearance from the Post Office box by 4.30pm on the next business day as having been received in time, but the Returning Officer is not required to make more than one postal box clearance after 4.30pm on that next business day. For the avoidance of doubt, nominations received by facsimile or electronic means are not acceptable.

- (b) Every nomination for Director must be in writing and must be signed by the nominee giving the nominee's consent to nomination and signifying the nominee's candidature and be accompanied by the details referred to in paragraph 6 (b).
- (c) If the Board fails to appoint a Returning Officer in any year, the Secretary must act as Returning Officer and conduct the election without further appointment or direction than this provision.
- (d) The Returning Officer, has the discretion to conduct a ballot for the order of candidates on the ballot paper; and may allow each candidate one nominated representative to be in attendance at that ballot.
- (e) If any dispute arises out of the ballot order process, set out in paragraph (d) above, the Returning Officer will determine the dispute. The Returning Officer's decision is final and binding.

6. Conduct of Ballot

- (a) The Returning Officer must arrange for the preparation of ballot papers and ballot envelopes which together with details of candidates in accordance with paragraph 6 (b) must be posted not later than 7th March in the year of the election to every member entitled to vote at the address shown in the Register of Members.
Ballot papers and ballot envelopes shall be printed with the details in Clause (b) (i) of each candidate.
- (b) The details shall be provided by each candidate with the nomination as a Director and shall state:
 - (i) full legal name
 - (ii) age;
 - (iii) occupation;
 - (iv) membership number;
 - (v) callsign; and

such other biographical details or other information as the candidate wishes but in all not to exceed 250 words.

- (c) In the ballot for Directors the member must strike out the names of the candidate or candidates not voted for leaving on the ballot paper, unstruck out, the name or names of the candidates or candidate for whom the member does wish to vote. A member may vote for fewer candidates than there are to be elected, but must not vote for more than that number, or all the member's votes will be invalid.
- (d) It is the duty of the member to place the completed ballot paper in the ballot envelope addressed to the Returning Officer but otherwise unmarked. This envelope in turn must be placed in a further envelope also addressed to the Returning Officer but bearing the member's name, address and member number only.

- (e) Upon being satisfied that the person named in the envelope is entitled to vote, the Returning Officer must remove the interior envelope and place it in the ballot ensuring always that the envelope is unmarked and that the voter cannot be identified, placing the envelopes in an appropriately sealed container.
- (f) The ballot is to close on the 27th March, and all ballot papers must be posted or otherwise delivered to reach the Returning Officer at the WIA national office by that date. The Returning Officer is to treat mail received either by postal delivery or by clearance from the Post Office box by 4.30pm on the next business day as being received in time, but the Returning Officer is not required to make more than one postal box clearance after 4.30pm on that next business day following the closing of the ballot.
- (g) The Returning Officer shall be responsible for retaining full and verifiable records such that the number of ballot papers distributed to members can be reasonably reconciled with the number of ballot papers printed and the number of ballot papers retained.
- (h) If a candidate dies or withdraws from the ballot after ballot papers have been issued to members, then the ballot shall proceed and all votes for that candidate shall be disregarded.
- (i) If a candidate dies or withdraws from the ballot before ballot papers have been issued to members, the ballot must proceed with reprinted ballot papers deleting the name of the deceased or withdrawn candidate, unless the number of candidates remaining after withdrawal or death of a candidate is equal to or less than the number required to be elected, in which case the remaining candidates are to be declared elected unopposed.
- (j) Following the close of the ballot and prior to the Annual General Meeting the Returning Officer:
 - (i) must appoint two members (not being candidates in the election) who together with the Returning Officer are to count the votes cast; and
 - (ii) may appoint additional members to assist in counting and verifying the ballot papers.

If any dispute arises as to a member's entitlement to vote or as to the propriety of any vote the same is to be determined by the Returning Officer. The Returning Officer's decision does not bind any subsequent Inspecting Officer.

- (h) The Returning Officer, has the discretion to allow each candidate one representative to be present during the counting and verification of votes:
 - (i) representatives must not discuss, or otherwise disrupt the counting or verification of votes; and
 - (ii) any dispute must be determined by the Returning Officer. The Returning Officer's decision is final and binding, subject to paragraph 9.

- (iii) Any such representative appointed by a candidate must produce a written authorisation from the candidate setting out the name and address of the representative and be signed by both the candidate and the representative.

7. Declaration of Result

- (a) After the completion of counting the Returning Officer must make a written return of the result of the election, showing the number of votes cast for each candidate and must send a copy of the return to the President, the Secretary and to each candidate and must arrange publication of the result in Amateur Radio magazine and electronic news releases
- (b) The results of the election shall be announced by the Returning Officer as soon as practical after sending the written return in accordance with paragraph 7(a)
- (c) If more than one candidate receives the same number of votes, the Returning Officer must decide by lot in the presence of the two members appointed under paragraph 6 (j) which of the candidates is to be returned.

8. Positions Not Filled at an Election

- (a) If there are insufficient nominations for Director, the Returning Officer must declare the persons nominated to be elected unopposed.
- (b) The Board, following the declaration of the result of the election must make appointments to fill any position for which there were insufficient nominations, in accordance with the procedure set out in clause 12.5 of the Constitution, as though the unfilled positions were casual vacancies.
- (c) Where following an election a candidate dies or indicates to the President in writing that he or she does not intend to take office, the Board must fill the vacancy so created as a casual vacancy.

9. Enquiry Following Election

- (a) Within fourteen days of the declaration of a result any candidate may in writing ask the Board to conduct an enquiry into the election, stating precisely the reasons for seeking any enquiry, whereupon the Board, or in cases of urgency, the President acting alone may appoint an Inspecting Officer, not being the Returning Officer, to report to the Board on the conduct of the election.
- (b) The Inspecting Officer must be a person who was not a candidate in the election and preferably, who has previously held an office in the Institute. It is the duty of the Inspecting Officer to consider any complaints made and report forthwith in writing to the Board.

- (c) Upon receiving the report of the Inspecting Officer, the Board may:
- (i) Annul the result of the election and appoint another returning officer call new elections giving all necessary directions as to closing time for nominations, which closing time shall be not later than 42 days after the decision of the Board to annul the result of the election, and with the time for the posting of ballot papers and candidate information to be fixed by the Board but to be not later than 42 days from the call of nominations and with the time for the closing of the ballot to be fixed by the Board but to be not later than 30 days after the posting of the ballot papers, and the time for the declaration of the result to be fixed by the Board but to be not later than 21 days after the closing of the ballot;
 - (ii) alter the declaration of the result if satisfied that a clear error has been made: or
 - (iii) declare that notwithstanding any irregularities the result of the election has not been affected, and confirm the declaration of the result.
- (d) If new elections are called the Directors and President and Vice President shall remain in office until the Returning Officer appointed under clause 9(c) (i) has declared the result thereof.
- (e) Any Director whose position on the Board would or might be affected by the report of the Inspecting Officer is not to be counted in a quorum or be entitled to vote on any motion relating to the adoption of the Inspecting Officer's report, provided that, if the application of this rule would leave the meeting of the Board without the quorum prescribed in clause 18.2 of the Constitution, then all Directors may vote notwithstanding that their personal positions are so affected.