

**The Wireless Institute of Australia
Election Regulations**

Ballot for the Election of Directors

1. Power

Clause 14.1 of the Constitution provides:

Election of Directors shall be conducted before each annual general meeting by postal ballot or electronic means in accordance with the WIA Ballot regulations as amended by the Board from time to time.

2. Purpose

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

3. Returning Officer

The Board shall appoint a Returning Officer (who if a Member is ineligible to be a candidate in the election) not later than the 30th 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 date specified by the Returning Officer in December in the year in which the election is called. The Returning Officer must treat mail received either by postal delivery or by clearance from the Post Office box by 2.30pm on the closing day as having been received in time, but the Returning Officer is not required to make more than one postal box clearance after 2.30pm on that 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 an electronic ballot. The returning officer may elect to allow postal votes for members so nominating. The allowed time for electronic voting and postal voting shall be published on the WIA Web site and by email to members.
- (b) The details shall be provided by each candidate with the nomination as a Director and shall state:
 - (i) full legal name
 - (ii) place and date of birth;
 - (iii) occupation;
 - (iv) membership number;
 - (v) callsign;
 - (vi) Company Directors Identification Number; and

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

Incorrect or incomplete nomination forms will be rejected by the returning officer.

- (b) In the ballot for Directors the member must vote in accordance with the returning officers instructions. 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
- (c) The ballot is to close on the date published on the WIA web site by the returning officer.
- (d) The Returning Officer shall be responsible for retaining full and verifiable records such that the number of electronic votes or ballot papers distributed to members can be reasonably reconciled with the number of electronic votes or ballot papers printed and the number of electronic votes or ballot papers retained.
- (e) If a candidate dies or withdraws from the ballot after ballot has commenced, then the ballot shall proceed and all votes for that candidate shall be disregarded.
- (f) 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 electronic votes or ballot papers; and
 - (ii) may appoint additional members to assist in counting and verifying the electronic votes or 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.

- (g) 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, WIA Web site 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 or cannot 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 issue 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 issue 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.