



ELECTION AND VOTING POLICY

**Adopted by NSW Netball Association Ltd Board Meeting on
18 January 2018**

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TABLE OF CONTENTS

	<i>Page</i>
1. Purpose of this Policy	3
2. Definitions	3
3. Returning Officer	4
4. Postal Voting For Business Listed For A General Meeting	4
5. Life Members.....	5
5.1 Election Notice	5
5.2 Process and Procedures for Election of Life Members	5
5.3 Voting Rights of Life Members	5
5.4 Life Membership Numbers.....	5
5.5 Registration of Life Members with Netball NSW	5
6. Election of Directors	6
6.1 Rules and Procedures.....	6
6.2 Voting System	7
7. Notice of Election of Directors	8
7.1 Election Notice	8
8. Scrutineers.....	9
8.1 Appointment.....	9
8.2 Rights and Obligations	9
8.3 Failure to Attend	9

1. PURPOSE OF THIS POLICY

This policy has been developed to clearly outline the procedures involved in the conduct of voting procedures in accordance with the Constitution, including the nomination and election for Directors and Life Members for Netball NSW via online or postal voting systems.

2. DEFINITIONS

In this policy, unless otherwise indicated, capitalised terms have the same meaning as in the NSW Netball Association Ltd Constitution.

'the Constitution' means the Constitution of the NSW Netball Association Limited as may be in force at such times.

'close of roll day' means the day on which the roll of voters for the ballot is closed.

'roll of voters' means any financial affiliated Association, Life Member and Director eligible to vote on that day is included in the roll of voters.

'financial affiliated Association' means an Association who, at 1 April has paid the appropriate affiliation fee for that calendar year (i.e. 1 April – 31 March following year).

'incompatible offices' refers to offices that cannot be held concurrently under the Constitution, e.g. a person cannot be an Association office bearer and a Board Director at the same time.

'nominator' means a person who nominates another person for office. The rules should specify whether a nominator or nominators are required to validate the nomination.

'nominee' means the person nominated for office.

'prescribed officer' means the office holder or employee within the organisation who is authorised by the Board of Directors to make available the register of affiliated Associations, Life Members and Directors to the Returning Officer.

'Returning Officer' means in relation to elections the person appointed under the Constitution to conduct the election.

3. RETURNING OFFICER

In accordance with clause 14.6 (b) of the Constitution a Returning Officer shall be appointed to undertake the requirements of the Company outlined in this policy and the Constitution in relation to elections.

Where Directors are to be elected Netball NSW will appoint a Returning Officer.

4. POSTAL VOTING FOR BUSINESS LISTED FOR GENERAL MEETINGS

A postal vote may be submitted by any Council Member in regards to any item listed on the Notice of the General Meeting.

An affiliated Association is entitled to two votes and shall record their votes as directed by the Returning Officer opposite the business item detailed within the Agenda for that meeting.

Two ballot papers for each business item in the one envelope will be forwarded to each Association. The Association shall then return the ballot papers to the Returning Officer in a sealed envelope marked "Ballot Paper" that has been provided for that purpose. The sealed envelope shall be enclosed in a separate envelope on which the Association Executive Member shall print and sign their name. The vote shall not be valid unless it complies with this rule and reaches the Returning Officer by 5.00pm on such date as fixed by the Returning Officer.

Such postal votes as received shall be included as part of the vote as taken either by show of hands or secret ballot.

Unless a secret ballot is demanded, the Chairperson will declare that a resolution has, on a show of hands and including such postal votes as received, been:

- carried, or
- carried unanimously or
- by a particular majority,
- or lost,

and an entry to that effect shall be recorded in the minutes of the meeting and will be conclusive evidence of the fact of the outcome of the vote taken, without recording the specific numbers of a vote.

Excluding items listed on the Notice of the General Meeting for which a postal vote may be cast, questions arising from the floor of a General Meeting must be decided by a majority of votes cast by the Delegates of Associations, Life Members and Directors, present at that meeting.

5. LIFE MEMBERS

5.1 Election Notice

The election notice will:

- (a) State that the election is being conducted by the Returning Officer; and
- (b) Fix the time and the date for the opening and closing of the ballot.

5.2 Process and Procedure for election of Life Members

- (a) Any person may be elected as a Life Member in recognition of not less than ten (10) years' outstanding service to the Association or to the old Association.
- (b) A candidate for election as a Life Member must be nominated by two (2) senior Association members with such nominations being received by the Chief Executive Officer by 31 October each year.
- (c) Election as a Life Member shall be conducted in accordance with Clause 4 of this policy. Following an affirmative vote, the Life Membership will be announced and presented at the Annual General Meeting.

5.3 Voting Rights of Life Members

A Life Member shall have the same rights as an Ordinary Member to attend Meetings. Each Life Member will have one vote to be taken in accordance with this policy.

5.4 Life Membership Numbers

The Board may at any time and from time to time fix the total number of persons who may be Life Members at any time and the maximum number of candidates for Life Membership who may be elected in any year.

5.5 Registration of Life Members with Netball NSW

All Netball NSW Life Members will be registered directly with Netball NSW.

6. ELECTION OF DIRECTORS

6.1 Rules and Procedures

- i) The election of Directors will be conducted on an annual basis in accordance with Clause 15.7 of the Constitution and this Policy.
- ii) Netball NSW shall engage the services of an external consultant who specializes in online voting procedures to assist with any ballot for the Election of Directors and President.
- iii) The Returning Officer shall prepare and circulate a notice calling for nominations.
- iv) A candidate for election as a Director must be nominated by 2 senior Association members with such nominations being received by the due date set by the Returning Officer.
- v) A nominee may nominate for the position of President and Director. Where a nomination is received for the position of President and Elected Director, the position of President shall be determined first.
- vi) The Returning Officer shall accept all nominations that satisfy the requirements of these rules. Where there is more than one nomination for any position, a ballot for that position shall be held.
- vii) At the close of nominations and upon receipt of the nominations from the Returning Officer the Netball NSW Chief Executive Officer will ratify the validity of the nominations received and advise the Returning Officer accordingly.
- viii) The ballot papers together with the biographical statement and a passport quality photo of each candidate will be distributed to each voting Association, Life Member and Director via an electronic process.
- ix) As soon as practicable after the closing time and date of the ballot the Returning Officer shall conduct the count of the votes.
- x) Where a ballot is held for the election of one candidate only the candidate with a simple majority of votes, that is, the highest number of votes in the count is elected.
- xi) Where a ballot is held for more than one candidate votes are counted in the same way as for the election of one candidate. Successful candidates are those who receive the highest number of votes.
- xii) If two or more candidates each receive the same number of votes for the remaining vacancy the Returning Officer shall decide by lot which candidate is to be elected.

- xiii) At the conclusion of the election the Returning Officer shall record the names of all candidates declared to be elected and the position to which they have been elected as advised by the Returning Officer and shall return the record to the Chief Executive Officer.
- xiv) The result of the ballot shall be declared at the Annual General Meeting. The declaration of the poll by the Returning Officer shall include the following information:
 - the number of voters eligible to vote;
 - the number of votes received;
 - the number of votes declared valid; and
 - results of the ballot.
- xv) This information shall be provided for each position for which there was an election.

6.2 Voting System

- i) The voting system will be by the first past the post system.
- ii) *An Associations voting entitlement*
An Association is entitled to two votes and shall record their votes, as directed by the Returning Officer opposite the name of the candidate of choice for that office. Two online ballot papers together with the biographical statement and a passport quality photo of each candidate will be available online for each Association. The Association shall then proceed to vote in accordance with the online instructions. The vote shall not be valid unless it complies with this rule and reaches the Returning Officer by the time and date as fixed by the Returning Officer.
- iii) *Election of one candidate only by Director or Life Member*
A Director or Life Member shall record their vote in accordance with the online instructions. The vote shall not be valid unless it complies with this rule and reaches the Returning Officer by time and date as fixed by the Returning Officer. A Council Member who is both a Director and a Life Member shall only be allowed one vote.
- iv) *Election of more than one candidate by Association*
An Association is entitled to two votes and shall record their votes by indicating this on the ballot in the square opposite the name of the candidates for whom they wish to vote. Two online ballot papers will be made available online for each Association. Votes must be recorded for the number of candidates to be elected. The Association shall then proceed to vote in accordance with the online instructions. The vote shall not be valid unless it complies with this rule and reaches the Returning Officer by time and date as fixed by the Returning Officer.
- v) *Election of more than one candidate by Director or Life Member*
A Director or Life Member shall record their vote by indicating this on the ballot in the square opposite the name of the candidates for whom they wish to vote. Votes must be recorded for the number of candidates to be elected. The Director or Life Member shall then proceed to vote in accordance with the online instructions. The vote shall not be valid unless it complies with this Rule and reaches the Returning Officer by time and date as fixed by the Returning Officer. A Council Member who is both a Director and a Life Member shall only be allowed one vote.

7. NOTICE OF ELECTION OF DIRECTORS

The Returning Officer shall cause an election notice to be published on the Netball NSW website and by electronic process I circulated to all Directors, Life Members and Associations eligible to participate in the election to the respective email address of each Director, Life Member and Association eligible to vote.

7.1 Election Notice

- i) The election notice will:
 - a) State that the election is being conducted by Netball NSW who will appoint a Returning Officer;
 - b) List the offices for which nominations are sought;
 - c) Invite nomination for election from all eligible persons;
 - d) Fix the time and date for the opening and closing of nominations;
 - e) Fix the time and date for the opening and closing of the ballot;
 - f) Specify the place where nomination forms may be obtained;
 - g) Specify the place where nominations must be lodged;
 - h) Specify the accepted method/s of lodgement;
 - i) Fix a time and date for withdrawal of nominations;
 - j) Specify other documentation required to be submitted with the nomination, including a biographical statement not exceeding ½ A4 page, a policy statement not exceeding 200 words together with a passport quality photograph of the candidate.

8. SCRUTINEERS

8.1 Appointment

- i) Each candidate may appoint, in writing, one person as scrutineer to represent the candidate's interests in the conduct of the ballot. A scrutineer shall not be a candidate for any position that is also included in a ballot in the election. The candidate may only appoint one scrutineer but may appoint a substitute scrutineer, the notice of which must be in writing.

8.2 Rights & Obligations

- i) A scrutineer may be present at any stage in the ballot. This includes:
 - a) Countersigning any seals or placing their own seal on any receptacle being used for the ballot.
 - b) Bringing to the attention of the Returning Officer any alleged irregularity in the issue of online ballot papers, the formality or informality of ballot papers and the counting of votes.
- ii) A scrutineer shall not:
 - a) Interrupt the scrutiny without lawful reason.
 - b) Disclose any knowledge acquired by him/her concerning the votes of any particular voter or voters.
 - c) Fail to carry out any lawful request by the Returning Officer.
 - d) Touch any ballot material.
 - e) Act in a manner which will interfere with the proper conduct of the election.

8.3 Failure to attend

- i) Failure of a scrutineer to attend any scheduled event will not delay any step in the election.