



Western Australian Network of
Alcohol & other Drug Agencies

BOARD OF DIRECTORS ELECTION RULES

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WANADA BOARD OF DIRECTORS ELECTION RULES

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WANADA BOARD OF DIRECTORS ELECTION RULES

In 2009 Western Australian Network of Alcohol and other Drug Agencies (WANADA) was guided by the WA Electoral Commission Standard Election Rules: Non-Parliamentary Postal Elections (January 2006) to develop its Board of Directors election rules and processes. In the development of WANADA's Board of Directors' Election Rules (2009) each item of the Standard Election Rules were considered to determine the relevance of its application to WANADA, taking into consideration WANADA's Constitution and the WA AOD sector context.

Upgrades of the WANADA's election rules have been to modernise without changing the intent of the approach.

1. Interpretation

In these rules, unless the contrary intention appears:

- **'Association'** means the *Western Australian Network of Alcohol and other Drug Agencies (WANADA)*
- **'Constitution'** refers to the Constitution of the Association
- **'Board'** means the Board of Directors of the Association
- **'Election Rules'** means the rules within this document that guide the election of Board of Directors and are referred to as election rules in the Association's Constitution
- **'Member'** means financial member of the Association as per the Constitution
- **'Returning Officer'**, in relation to an election, means the Returning Officer appointed for that election under rule 5.

Where the ordinary meaning or interpretation of a word in the election rules is not defined, this should be brought to the attention of the WANADA Chief Executive Officer.

The Returning Officer will interpret any election rules in doubt and determine all matters where the election rules or regulations are silent or conflict.

2. Eligibility of Electors

All electors must be eligible **voting** members of the Association as defined in WANADA's Constitution.

Before the close of nominations WANADA will provide the Returning Officer with a statement of the date up to which membership is recognised for election purposes.

3. Eligibility of Candidates

All candidates must be authorised representatives of eligible **voting** members of the Association as defined in the WANADA Constitution. Candidates must signify their willingness to accept the office if elected¹. As per WANADA's Constitution each candidate shall "prepare a written nomination for review by the membership, demonstrating how their corporate governance skills and experience, sector knowledge and links to other strategically relevant networks meet the needs of the Association"².

¹ Willingness to accept the office if elected - included in Book of WANADA Chapter 2: Governance.

² Nomination for election requirements - included in Book of WANADA Chapter 2: Governance.

4. Conduct of Election

The conduct of an election shall be as per WANADA's Constitution.

The Association will provide the following information to the Returning Officer conducting elections³:

- a) current Board members' names (all vacant position titles are Director)
- b) term of office (indicating if position is to be vacant due to expired term or being a casual appointment)
- c) number of eligible electors
- d) name, title and contact details of WANADA's representative with whom the Returning Officer is to liaise during the election period.

5. Administrative Appointments

- 5.1 A Returning Officer will be appointed verbally or in writing by the CEO.
- 5.2 The appointment of the Returning Officer shall be effective from the date of the Instrument of Appointment (5.1) until the declaration of the poll(s) for which that officer has been appointed.
- 5.3 The Returning Officer must complete a declaration of impartiality (see Book of WANADA Chapter 2: Governance).
- 5.4 Other officers may be appointed by the Returning Officer to assist in the conduct of the election. These officers must also complete declarations of impartiality.
- 5.5 The Association will be responsible for all costs, charges and expenses incurred in connection with the administration of the election.

6. Powers of Returning Officer

The Returning Officer may take such action and give such directions as are considered necessary for the conduct of an election:

- a) to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election; or
- b) to remedy any inconsistency or inadequacy that arises in the application of the rules of the Association.

7. Election Tribunal

In appointing the Returning Officer to conduct the election, the Association, guided by the current chairperson of the Association, shall perform the function of an Election Tribunal and shall deal with all disputes, complaints and charges of misconduct referred by the Returning Officer, and with any complaints and charges of misconduct which relate to, or are directly concerned with, the Returning Officer.

³ Information is included on Returning Officer Checklist in Book of WANADA Chapter 2: Governance.

8. Times for Nomination

- 8.1** The Returning Officer shall ensure the times and dates of the commencement and close of the period for lodging nominations of candidates for election comply with the requirements of the Constitution, having regard to:
- a) the date of expiration of the Directors' terms (as per the Constitution clauses 6.5 and 6.6 related to elected and appointed Director terms)
 - b) the time required to lodge nominations (eligible candidates receive no less than two (2) weeks' notice to nominate. This extended time to the Standard rules take into consideration potential access barriers experienced by regional candidates)
 - c) the time required to complete the election (eligible electors receive no less than two (2) weeks to complete and return the election form provided to the nominated Returning Officer. This extended time to the Standard rules take into consideration potential access barriers experienced by regional electors)
 - d) the provisions of the rules of the Association relating to the times and dates of the commencement and close of the period for lodging nominations in respect of the election (the election result is to be announced at the AGM).
- 8.2** The Returning Officer shall determine the place for lodging nominations of candidates for election. WANADA offers a returning officer email address.

9. Notice Inviting Nominations

- 9.1** The Returning Officer shall, not less than 14 days and not more than 21 days before the date of lodging nominations of candidates for an election for an office, cause to be published a public notice setting out⁴:
- a) the intention to hold an election
 - b) the name of the Association
 - c) the title of the office
 - d) the number of members to be elected
 - e) the form in which nominations are to be made and where those forms can be obtained
 - f) the place for lodging nominations
 - g) the times and dates of the commencement and close of the period for lodging nominations, which shall be a period of not less than 14 days (as per clause 8.1 b)
 - h) eligibility criteria for electors, candidates and nominators
 - i) the time and date of the ballot, if required
 - j) inviting nominations of persons eligible for election for the office under the rules of the Association to stand as candidates for election for the office.
- 9.2** The notice inviting nominations of candidates for election must be:
- a) in a publication of the Association (such as the WANADA FYI e-newsletter); and/or

⁴ Information is included in the Notice Inviting Nominations see Book of WANADA Chapter 2: Governance.

- b) circulated to all eligible electors electronically or by post.

10. Form of Nomination

10.1 Conditions for Nominations

- a) The candidate must be an eligible **voting** member of the Association.
- b) The candidate must nominate using the prescribed nomination form (see Book of WANADA Chapter 2: Governance).
- c) The candidate's willingness to accept the office if elected is required. If sending a nomination form electronically, scanned or other electronic signature will be accepted. If these options are not available receipt via email directly from candidate will assume willingness.
- d) The candidate must provide a candidate profile by the close of nominations, as specified under rule 10.2.

10.2 Candidate's profile:

- a) is to be in the English language and is not to contain more than 250 words (not counting the words needed to comply with rule 10.2 (d));
- b) is to be confined to the requirements as stated in the WANADA Constitution clause 5.1.4 and is not to contain information that the Returning Officer considers to be false, misleading or defamatory;
- c) is to be written, typed or printed on a single A4 page, or if it is delivered electronically, is to be capable of being printed on a single A4 page; and
- d) is to include the candidate's full name in the form in which he or she has asked for it to be included on the ballot paper, details of an address where he or she can be contacted, contact telephone numbers and/or email addresses.

10.3 Name on Ballot Paper

The nomination form shall include the candidate's name to be used on the ballot paper. The candidate must use the same name on the candidate profile. The name to be printed on the ballot paper will be the same as the name on the nomination form and candidate profile.

10.4 Rejection of Nomination

The Returning Officer may reject a nomination that does not conform to rule 10.1.

Before rejecting a nomination the Returning Officer may notify the person nominated and give the person the opportunity to remedy the defect, other than a defect relating to eligibility, within a specified period.

10.5 Withdrawal of Nomination

A candidate may, by notice signed by him or her, and addressed to and lodged with the Returning Officer before the time and date fixed for the expiry of the period for lodging nominations, withdraw his or her consent to the nomination. That person shall be deemed not to have nominated.

11. Candidates Elected Unopposed

Where, on the expiry of the period for lodging nominations, the number of eligible candidates does not exceed the number of offices to be filled, the Returning Officer shall declare those candidates to be elected unopposed to that office.

12. Insufficient Candidates

Where, on the expiry of the period for lodging the nominations of a candidate for election for an office, no nomination for that office has been received, the Returning Officer shall as soon as practicable after the expiry of that period, so advise the Association.

13. Death of a Candidate

- a) If a candidate dies before the declaration of nominations, he or she shall not be declared as a candidate and elections shall proceed.
- b) If a candidate dies between the declaration of nominations and the close of the poll, the following shall apply:
 - (i) If the public list has not been printed, the name shall be excluded from that list;
 - (ii) If the ballot papers have been printed but not sent, the name shall be excluded from the ballot paper and no redraw for ballot paper order shall be necessary; or
 - (iii) If the ballot papers have been sent, a notice shall be sent to alert electors that the candidate will be excluded from the count.

14. Commencement and Close of Ballot

Where the number of candidates exceeds the number of offices to be elected, the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot having regard to:

- a) the date of expiration of the term of office of the holder of the office
- b) the time required to return ballot papers electronically or by post (as per clause 8.1 c)
- c) the time required to complete the election
- d) the provisions of the rules of the Association relating to the times and dates of the commencement and close of the ballot in respect of the election.

15. Electoral Roll

- a) The electoral roll, which is a consolidated list of all the Association's eligible electors, must be certified by the Chief Executive Officer, or delegate, of the Association as containing correct names and addresses.
- b) The date for the close of roll shall be at the time and date of the closing of nominations unless otherwise specified in the rules (see rule 2).
- c) If an election is to be held, the Association shall provide the Returning Officer with a copy of the electoral roll for the election in the format specified by the Returning Officer, immediately following the closing of nominations.

- d) The Association shall provide the Returning Officer with the names and addresses of persons who, after the date of receipt by the Returning Officer of such rolls, have been omitted in error from the roll and shall add these to the roll referred to in rule 15 c.
- e) The Association shall provide the Returning Officer with the names of persons who, after the date of receipt by the Returning Officer of such roll, cease to be entitled to vote in the election and shall delete these from the roll referred to in rule 15 c.

16. Election Package

An election package sent electronically (or by post if electronic contact is not an option) to eligible electors shall contain⁵:

- a) a ballot paper
- b) any voting instructions
- c) the information required to be returned to the Returning Officer (either electronically or by post)
- d) candidate profiles (refer rule 10.2).

Any or all of these items may be presented as one attachment or stationery item.

17. Form of Ballot Paper

17.1 The initials of the Returning Officer, or the facsimile of those initials, should be pre-marked on the ballot paper⁶.

17.2 The order of names of candidates for election for an office that appear on the ballot paper for that election, shall be drawn by lot as directed by the Returning Officer, as soon as practicable following the close of the nominations.

17.3 The Returning Officer shall ensure the ballot paper includes information and instructions to the voter with respect to the following matters and substantially in accordance with the following:

- a) the title of the office to which the election relates;
- b) the names of the candidates as determined in accordance with rule 17.2;
- c) the time and date of the close of the ballot;
- d) instructions on how to mark the ballot paper in order to record a formal vote as per rule 20;
- e) Instructions to complete the declaration, providing:
 - (i) The full name of the elector
 - (ii) The name of the Association
 - (iii) The position they hold at the Association
 - (iv) If the ballot paper is lodged electronically the email address from the sender must be from the person named in the declaration and be a recognised

⁵ Information can be found in the Election Package see Book of WANADA Chapter 2: Governance.

⁶ Returning Officer initial is included on Ballot paper see Book of WANADA Chapter 2: Governance.

delegate (as per clause 5.6 of the Constitution) of an eligible elector. This will be taken as a "signature" declaration from the eligible elector

- (v) If the ballot paper is returned by post the completed ballot paper will be signed by the person named in the declaration and be a recognised delegate (as per clause 5.6 of the Constitution) of an eligible elector, placed in a sealed envelope addressed to the Returning Officer.
- f) the electronic or alternative postal address of the Returning Officer, as determined by the Returning Officer, for lodging the ballot paper.

18. Issue of Ballot Papers

As soon as practicable after the date determined under rule 14 for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, electronically or by post, the ballot paper and other ballot material to each person:

- a) whose name and address is on the roll referred to in rule 15 c);
- b) whose name and address is, under rule 15 d) added to the roll; and
- c) whose name and address has not, before the issue of the ballot paper, been deleted from the roll under rule 15 e).

19. Issue of Duplicate Ballot Paper or Ballot Paper Envelope

Where, on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper and other ballot material issued to a person whose name is on the electoral roll has not been received or has been lost, destroyed or spoilt, he or she shall issue to that person a further ballot paper and other ballot material.

20. How to Mark Ballot Paper

The First Past the Post counting method is used for election of the Association Board.

- a) If only one office is to be filled at the election, an elector is to mark the ballot paper by placing a tick (or other indicative mark) in the box opposite the name of the candidate whom the elector wishes to elect.
- b) If two or more offices are to be filled at the election, an elector is to mark the ballot paper by placing a tick (or other indicative mark) in the box opposite the name of each candidate whom the elector wishes to elect, but is not to place ticks in more boxes than the number of offices to be filled.

21. Receipt of Ballot Papers

21.1 Only formal ballot papers shall be considered in the election count:

- a) The Returning Officer is to be the sole and final judge of whether a ballot paper is formal or informal prior to the declaration of the result.
 - (i) The Returning Officer shall reject as informal a ballot paper that does not bear an eligible elector's declaration as per rule 17.3 e).
 - (ii) The Returning Officer shall reject as informal any ballot paper that is not marked in accordance with the instructions on the ballot paper and as per rule 20.

- (iii) The Returning Officer shall reject as informal a duplicate ballot paper, selecting the first received formal ballot paper.

22. The Count

- 22.1** Votes must be counted by the first past the post method.
- 22.2** As soon as practicable after the time of the close of the ballot the Returning Officer may take the received ballot papers to the place of count.
- 22.3** Where any ballot papers received are rejected under rule 21.1 the Returning Officer shall mark the ballot paper 'rejected' with the reason(s) for rejection and set it aside for safe keeping.
- 22.4** In the event of a tie the returning officer will conduct a draw for the winning candidate.
- 22.5** At any time before the declaration of the poll, the Returning Officer may, if he or she thinks fit, or of his/her own volition, re-count the ballot papers. The Returning Officer in conducting the re-count shall have the same powers as if the re-count was the count and may reverse any decision in relation to the scrutiny as to the allowance, admission, disallowance or rejection of any ballot paper.

23. Declaration of Result

- 23.1** Following the count the Returning Officer will prepare a report on the count process and election outcome.
- 23.2** The Returning Officer's report ⁷ shall include:
- a) declaration that the process taken to determine the election was in accordance with the Association's rules;
 - b) the number of ballot papers, (other than duplicate ballot papers) issued;
 - c) the number of duplicate ballot papers issued;
 - d) the number of ballot papers admitted as formal;
 - e) the number of ballot papers rejected as informal;
 - f) the names of the successful candidate(s); and
 - g) a signed declaration of their impartiality in respect of the election.
- 23.3** Declaration of the election results will be made at the Association's AGM.
- 23.4** Where it is not practicable for the Returning Officer to declare the result of the election the Association's Chief Executive Officer will declare the results of the election at the Association's AGM as per the report prepared by the Returning Officer.

24. Preservation and Custody of Election Material

On the completion of the counting of votes, the Returning Officer, in consultation with a representative of the Association, shall make provision for the preservation and custody of:

- a) all nomination papers;
- b) all ballot papers admitted as formal;

⁷ Information is included in Returning Officer report – See Book of WANADA Chapter 2: Governance.

- c) all ballot papers rejected as not complying with the rules or informal;
- d) all declarations relating to the ballot papers, whether formal or informal;
- e) all ballot material received after the close of the ballot;
- f) the marked electoral roll against which the declarations were checked; and
- g) all documents prepared in connection with the election,

which shall be placed in labelled containers, each endorsed with the name of the Association and the office to which the election relates. These shall be sealed, signed and dated by the Returning Officer and retained for a period of not less than one year after the date of the election.

25. Appeals Against Election Result

25.1 A candidate shall have a right of appeal up to seven (7) days after the declaration of the poll, on the grounds that the poll was not conducted in accordance with these rules.

25.2 In line with rule 7 the Association's Chief Executive Officer, guided by the current chairperson of the Association, shall make such enquiry into the matter as he or she considers appropriate.

After considering the results of the enquiry, the Chief Executive Officer, guided by the current chairperson of the Association, shall either:

- a) confirm the result of the election; or declare the election to have been invalid and direct that a fresh election be held following processes that are consistent with these rules.