



# NEWCASTLE DISTRICT BOWLING ASSOCIATION (ZONE 2) INC

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## NDBA ADVISORY COMMITTEE PAMPHLET NO.2

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### Voting Procedures for the Conduct of Board Elections

1. General Information

Clubs should specify in their Constitution, Company Articles or Co-operative Rules, how their Officers, Committees or Board of Directors, are to be elected. Nominations are generally called for in advance of the annual meeting and should be in the hands of the Secretary by a stated date, giving the Committee or Board of Directors a chance to check the candidates' eligibility. Nomination forms signed by the candidate should be used. Any full or life members may propose or second a nomination.

Voting

a. On the Voices

This is the most common method of voting, the members calling out "Aye" or "Nay" and the chairman judging the result by the volume of sound.

b. Show of Hands

Another common method of voting is by a show of hands with each voter present having one vote. If a chairman is doubtful about the count on a show of hands, he may immediately take another vote even though he has already declared the result of the vote. Any who failed to vote in the first instance may do so at the second vote.

c. Poll (Ballot)

It may be that after a vote by a show of hands is taken a poll may be demanded, that is a vote has to be recorded on paper. Neither the chairman nor the meeting can refuse the demand for a poll. Indeed, it could happen that a poll is the only way to find out or test the real feeling of a meeting and the chairman should so order it.

A poll may be demanded as soon as the show of hands is declared. Any person present who is qualified to vote may demand a poll and all personnel qualified to vote may then do so, even though they may have come late and thus did not vote earlier.

The chairman determines the details of the voting, that is the method of conducting the poll unless the Articles or Rules of the organisation are specific on this matter.

After the taking of the poll no further amendments can be brought forward.

Note: The Advisory Committee considers this to be the best method but the club own Constitution, Company Articles or Co-operative Rules must be taken into consideration bearing it in mind that at common law one person can demand a ballot if it is not stated otherwise in the club's Constitution, Company Articles or Co-operative Rules.

d. By Division

Any member who does not agree with the decision of the chairman may call for a division on the matter. Members wishing to record their votes separate into two groups, usually on either side of the chairman, for the purpose of counting of votes.

e. Vote of Chairman

A chairman has an original vote but at common law he has no casting vote. This right has to be written into the Constitution, Company Articles or Co-operative Rules to be exercised in the event of two candidates or motions receiving an equal number of votes. A wise practice is to use the casting vote against the proposal before the meeting so as to give further opportunity for discussion. In fact, the chairman may invite the meeting to discuss the matter further and take another vote before exercising his right to use the casting vote if he has one. Until the result of the poll is declared by the chairman a vote is not complete.

f. Method Voting

The Constitution, Articles or Rules of the club may prescribe a particular way of voting and may state that a motion requires more than a majority of votes to pass it. It is often provided that a motion must be passed by a majority of those present. A majority of those present does not necessarily mean a majority of those voting so that where a majority of those present is required, a motion may be defeated by a number of those present abstaining from voting. For example, if the Constitution, Company Articles or Co-operative Rules says that resolutions must be passed by a two-thirds majority and, of the 39 present at the meeting, 23 voted in favour and 16 against, the motion would be lost, because two-thirds of the meeting would be 26. If it is required that there must be a simple majority of those present and of the 39, eighteen voted in favour and 10 against, leaving 11 who did not vote, then the motion would be lost. Many club Articles or Rules state that there must be a majority of those present and voting.

The chairman must be careful at this stage too. At times he will state that he will not vote, but will only preside. If the rules state that there must be a majority of those present and the voting is 11 to 10, then if the chairman abstains from voting there is not a majority of those present. Unless a specific majority is prescribed as for example, "a majority of those present" a majority means the majority of those who choose to exercise their right and who are interested enough to help the meeting proceed smoothly.

g. Election of Officers

In the election of officers the constitutional requirements, Company Articles or Co-operative Rules, of the club must always be adhered to. If it is desired to vote by ballot before the meeting to allow the returning officer sufficient time to count the votes.

In voting by ballot there are two systems most commonly used. One is for the returning officer to be present at the clubhouse for certain periods of certain days, say from 5.00pm to 6.00pm from Monday to Sunday inclusive, on the week before the meeting is to be held. As members arrive they are checked off on a roll as in government and local government elections, and are handed a ballot paper on which to record their vote. The completed ballot paper is then placed in a sealed box.

The other system is for ballot papers to be posted to all members. These are marked according to the voter's wish, are placed in an envelope which is sealed and in turn placed in another envelope on which is recorded the member's name. This envelope is then either placed in the ballot box at the club when the member next visits it or is placed in another envelope and posted to the club.

A good method of voting is to place consecutive numbers opposite the name of the candidate in the member's order of preference. All candidates must be voted for irrespective of the number of positions to be filled. The method of counting the ballot papers is:

- (a) Where only one candidate is to be elected the candidate polling the highest number of No.1 votes is elected.
- (b) Where more than one candidate is to be elected all preferences indicated up to and including the number to be elected shall be regarded as of equal value and the candidates polling the highest number of votes for nominated positions to be filled, provided always that in the event of any candidate, having nominated for more than one office, being elected to a prior office his nomination(s) for later office(s) shall be cancelled and votes received by him for that office will not be counted.

The Club Rules, Company Articles or Co-operative Rules will often state that the ballot papers are to list the offices to be filled in a certain order. This is most necessary where a person nominates for more than one office.

*h. Declaration of Result of Vote*

Where there is only one nomination for an office that person must be declared elected by the chairman or his deputy. This should not be overlooked but often is at club annual meetings.

2. Clubs NSW Guideline for the Conduct of Board Elections

- (a) Read relevant pages of the Club NSW Director's Guide in conjunction with the Club's Constitution for more specific information to Chief Executive Officers and Returning Officers in the Conduct of Board Elections.

3. Proxy Votes

The Corporation Act gives a member of a Public Company the right to vote by Proxy. The Registered Clubs Act provides an exception to this and specifically prohibits Proxy Voting at meetings (including all Board Meetings of a Club).