

RSPCA BYELAW VII**ELECTION TO THE COUNCIL (OTHER THAN REGIONAL REPRESENTATIVES)
PURSUANT TO RSPCA RULE VI**

- (1)** *Returning Officer*
- (a) At least seven months before the date of the Society's Annual General meeting, the Council shall appoint the Returning Officer for the election. The person appointed as Returning Officer may be an employee of the Society, but may not be a member of the Council. If the Returning Officer ceases to be able to act for any reason, the Council shall appoint a new Returning Officer to act in his or her place.
- (b) The Returning Officer shall be responsible for the conduct of the election, subject to and in accordance with the provisions of the Society's Rules and these byelaws, and shall exercise the functions conferred upon him or her.
- (c) The Returning Officer may arrange for the Independent Scrutineers or any other person to carry out on his or her behalf such administrative functions connected with the election as he or she considers appropriate.
- (d) The Returning Officer shall ensure that arrangements made with the Independent Scrutineers for the counting of votes shall be approved by the [Chief Executive](#) of the Society.
- (2)** *Independent Scrutineers*
- (a) At least seven months before the date of the Society's Annual General Meeting, the Council shall appoint the Independent Scrutineers for the election.
- (b) As well as carrying out other functions set out in these byelaws, and any functions carried out on behalf of the Returning Officer, the Independent Scrutineers shall be responsible for:
- (i) receiving nominations for election;
 - (ii) despatching the voting papers and election material to the Society's members;
 - (iii) receiving and scrutinising the completed voting papers and the votes cast or recorded electronically in the ballot; and
 - (iv) reporting the result of the ballot in writing to the Returning Officer.
- (3)** *Eligibility of members of the Society*
- (a) Eligibility to be a candidate for election to the Council
- (i) Subject to paragraph (ii), a member shall be eligible to be a candidate for election to the Council if he or she has been a life or annual member of the Society for not less than five consecutive years immediately prior to the last date for nominations, and has been duly nominated.
 - (ii) No person shall be eligible for election to the Council if:
 - (a) he or she is seventy-five years old or older on the last date for nominations;
 - (b) he or she is or has been engaged under a contract of employment with the Society or a Branch of the Society within the three years immediately prior to the last date for nominations; or
 - (c) he or she is a voluntary worker who at any time within the three years immediately prior to the last date for nominations has received (other than by way of reimbursement of authorised expenses) payment for their work on behalf of a Branch of the Society.
- (b) Eligibility to nominate a candidate for election
- (i) A member shall be eligible to nominate a candidate for election as a proposer, seconder or other nominator if he or she is:
 - (a) a life member of the Society; or
 - (b) an annual member of the Society having not less than three months' period of membership immediately prior to the last date for nominations.
- (c) Eligibility to vote in the election
- (i) A member shall be entitled to vote in the election if he or she is:
 - (a) a life member of the Society; or
 - (b) an annual member of the Society having not less than three months' period of membership immediately prior to the last date for return of votes.

- (ii) The Returning Officer shall compile a list of names and addresses of members entitled to vote in the election and shall send the list in an agreed format to the Independent Scrutineers at least fourteen days before the date that papers are forwarded to members under RSPCA Rule XX.2(b).

(d) The Society's membership database

In determining the eligibility of any member for the purposes of the election, the Society's membership database shall be deemed to provide conclusive evidence of that member's membership record.

(4) Last date for nominations

- (a) The Returning Officer shall determine a date ("the last date for nominations") which shall be at least sixty clear days before the last date for return of votes, by which nominations for election must be received by the Independent Scrutineers in the election.
- (b) Any nomination which is received after the last date for nominations shall be invalid.

(5) Notice of election

- (a) At least sixty days before the last date for nominations, the Returning Officer shall give notice of the election.
- (b) The notice of election shall be published on the Society's website and in the Society's members' magazine, and shall be in such form as the Returning Officer determines.

(6) Nominations

- (a) Nominations for election shall:
 - (i) be made in writing on a nomination form approved by the Council and obtainable from the Returning Officer;
 - (ii) provide such information as indicated to be mandatory on the nomination form; and
 - (iii) be sent to the Independent Scrutineers by post, or by facsimile transmission, to be received not later than the last date for nominations.
- (b) Each nomination form must be signed by the proposer, seconder and ten other members who are each eligible to nominate a candidate for election under byelaw VII.3(b).
- (c) Nominations will remain confidential to the Returning Officer until after nominations have closed.
- (d) Each nomination form shall be signed by the candidate to whom it relates, who in doing so shall confirm that:
 - (i) the information contained in the form is correct;
 - (ii) he or she consents to being nominated for election; and
 - (iii) he or she is willing to serve on the Council, if elected.
- (e) The Independent Scrutineers shall reject any nomination or purported nomination which:
 - (i) is received after the last date for nominations;
 - (ii) is not on a nomination form which is in the form approved by the Council;
 - (iii) appears to them to be invalid on the grounds that the person nominated is not eligible to be a candidate for election by virtue of byelaw VII.3(a);
 - (iv) does not provide such information as indicated to be mandatory on the nomination form;
 - (v) appears to them to be invalid on the grounds that it does not bear the signatures of the proposer, seconder and ten other members of the Society who are each eligible to nominate a candidate for election under byelaw VII.3(b); or
 - (vi) is not signed by the candidate to which it relates.
- (f) A nomination may be withdrawn at any time before the last date for nominations by a written notification signed by the candidate and addressed to the Returning Officer.
- (g) The Returning Officer shall send a report to the [FGPP](#)¹ concerning the steps taken to verify information supplied by the candidates on their nomination forms.
- (h) The Returning Officer shall publish the list of candidates on the Society's website on the date voting papers are despatched to members entitled to vote in the election.

¹ Approved by Council 1 July 2009, minute 09/132

(7) *Election statements by candidates*

- (a) No later than the last date for nominations, a candidate for election shall supply an election statement to the Independent Scrutineers, in such form as specified on the nomination form and not exceeding nine hundred words in length. [An election statement must not contain any material referring to any other candidate.](#)²
- (b) Subject to the following provisions of this byelaw, any election statement shall be reproduced and circulated by the Returning Officer as part of the election material circulated to members entitled to vote in the election.
- (c) This byelaw shall not require the Returning Officer to circulate any election statement which is of greater length than nine hundred words, and in the event that an election statement is submitted which is greater in length than nine hundred words the election statement circulated shall end at the last complete sentence which is within the specified length.
- (d) The Returning Officer shall not be required to circulate an election statement which he or she considers to be defamatory or otherwise unlawful, or factually misleading and may either edit the election statement before circulating it or decide not to circulate it.
- (e) Any question as to the format or presentation of an election statement when it is circulated shall be decided conclusively by the Returning Officer.
- (f) Every candidate who supplies an election statement shall be deemed to have agreed:
- (i) that the decision of the Returning Officer not to issue the whole or any part of it is final; and
 - (ii) to indemnify the Returning Officer and the Society against any liability to any third party which arises by reason of issuing the statement.

(8) *Photographs*

A candidate for election may supply to the Independent Scrutineers, not later than the last date for nominations, a passport-sized photograph of himself or herself taken within the last twelve months.

(9) *Last dates for despatch of voting papers and return of votes*

- (a) Last date for despatch of voting papers
- (i) Subject to paragraph (ii), the Returning Officer shall determine a date ("the last date for despatch of voting papers") by which a voting paper and election material must be sent to each member entitled to vote in the election.
 - (ii) The last date for despatch of voting papers and election material shall not be [earlier than the date that papers are forwarded to members under RSPCA Rule XX.2\(b\) nor](#) later than twenty-eight clear days before the Society's Annual General Meeting.³
- (b) Last date for return of votes
- (i) Subject to paragraph (ii), the Returning Officer shall determine a date ("the last date for return of votes") by which completed voting papers and electronic votes must be received by the Independent Scrutineers in the election.
 - (ii) The last date for return of votes must be within twenty-eight days of the date that voting papers were despatched.

(10) *Conduct of the ballot*

- (a) If more than five candidates have been nominated by the last date for nominations, the Returning Officer shall, not earlier than the date that papers are forwarded to members under RSPCA Rule XX.2(b) and not later than the last date for despatch of voting papers, send a voting paper and election material to each member entitled to vote in the election.
- (b) The voting paper and the election material shall together include the following:
- (i) the name and address of each candidate;
 - (ii) the names of each candidate's proposer, seconder and ten nominators;
 - (iii) copies of the particulars supplied by the candidates;
 - (iv) instructions on how members may register their votes;

² Approved by Council 12 December 2007, minute 07/161(a)

³ Deleted to comply with resolution passed at the AGM 30 June 2007, AGM minute 07/96a3(1); noted by Council 4 July 2007, minute 07/96a(3)(1)

- (v) the address of the Independent Scrutineers to which a completed voting paper should be returned;
- (vi) the last date for the return of votes; and
- (vii) subject to the provisions of byelaws VII.7 and VII.8, copies of the election statements supplied by the candidates in the specified form and any photographs supplied by the candidates in the specified size.

(11) *Postal voting*

A member entitled to vote in the election who wishes to vote by post shall:

- (a) record his or her vote on the voting paper in accordance with the instructions on how to complete the voting paper; and
- (b) return it, without making any distinguishing mark on the return envelope, to the Independent Scrutineers by the last date for return of votes.

(12) *Duplicate voting papers*

The Independent Scrutineers may, on being satisfied by a request from a member entitled to vote in the election that the original voting paper sent to him or her has been lost, destroyed or damaged, send a duplicate voting paper to that member.

(13) *Electronic voting*

- (a) A member entitled to vote in the election who wishes to vote electronically shall do so on the website voting facility:
 - (i) in accordance with the arrangements for electronic voting approved by the Independent Scrutineers; and
 - (ii) by the last date for return of votes.
- (b) The Independent Scrutineers may take such steps as they consider appropriate to satisfy themselves that a vote cast electronically is valid.

(14) *Prohibition against double voting*

- (a) A member who has returned a voting paper in an election shall not vote electronically in that election, and a member who has voted electronically in an election shall not return a voting paper in that election.
- (b) If a member votes both by returning a voting paper and by casting an electronic vote, the Independent Scrutineers shall take into account only the first vote received.

(15) *Scrutiny of votes*

- (a) The Independent Scrutineers shall reject any voting paper which:
 - (i) is ambiguous;
 - (ii) has not been completed in accordance with the circulated instructions;
 - (iii) is spoiled or mutilated in such a manner that no clear voting intention may be discerned; or
 - (iv) has been received by the Independent Scrutineers after the last date for return of votes.
- (b) The Independent Scrutineers shall reject any purported electronic vote which:
 - (i) is ambiguous;
 - (ii) has not been registered in accordance with the arrangements for electronic voting approved by the Independent Scrutineers; or
 - (iii) has been received by the Independent Scrutineers after the last date for return of votes.
- (c) The Independent Scrutineers shall report the result of the ballot to the Returning Officer in writing, giving the following information:
 - (i) the total number of voting papers despatched;
 - (ii) the total number of voting papers and electronic votes received by the last date for return of votes;
 - (iii) the total number of voting papers and electronic votes which were rejected and the reasons for rejection; and
 - (iv) the total number of valid votes recorded for each candidate.

- (d) The Independent Scrutineers shall keep securely the voting papers and records of electronic votes for a period of three months from the date of their report on the result of the ballot, following which in the absence of any challenge, they may be destroyed.

(16) *Election*

- (a) The five candidates with the highest number of valid votes shall be elected.
 (b) In the event that the five candidates with the highest number of valid votes cannot be ascertained due to an equality of votes, the Independent Scrutineers shall determine the result between the tied candidates by the drawing of lots.

(17) *Death, disqualification or resignation of candidate*

- (a) If notification of the death or disqualification of a candidate is received by the Returning Officer after the last date for nominations but before any voting papers have been circulated to the members, the procedure to be adopted shall be as follows:
 (i) if more than five candidates remain, the name of the deceased or disqualified candidate shall be removed from the voting paper and the election shall proceed in all respects as if he or she had never been nominated;
 (ii) if five or fewer candidates remain, the deceased or disqualified candidate shall be treated in all respects as if he or she had never been nominated and the election shall be determined immediately under RSPCA Rule VI.5 without any vote having been taken.
 (b) If notification of the death or disqualification of a candidate is received by the Returning Officer after voting papers have been circulated to the members, but before the conclusion of the election, the procedure to be adopted shall be as follows:
 (i) if more than five candidates remain, the election shall continue and the votes recorded for the deceased or disqualified candidate shall be disregarded;
 (ii) if five or fewer candidates remain, the election shall be determined immediately under Society Rule VI.5. The deceased or disqualified candidate shall be treated in all respects as if he or she had not been nominated.
 (c) If a candidate who has been elected dies or resigns following the election, but before taking up office, this shall be treated as if a casual vacancy has arisen in respect of the office he or she would have filled.

(18) *Declaration of result*

- (a) The Returning Officer shall, upon receipt of the Independent Scrutineers' report on the result of the ballot, inform the candidates and the Council of the result.
 (b) The Returning Officer shall publish the result of the ballot on the Society's website as soon as all the candidates have been informed.
 (c) The result of the ballot shall be announced at the Society's Annual General Meeting.

(19) *General*

In these byelaws:

- (a) any requirement for any nomination, vote or other material to be received by the Independent Scrutineers by a date fixed by the Returning Officer or calculated in accordance with these byelaws shall be construed as a requirement that it shall be received by not later than 3.00pm on that date.
 (b) in computing a period expressed as a period of clear days, no account shall be taken of the day of the event from or to which the period is computed.

(20) *Postal disruption and civil contingencies*

In the event of a significant disruption to postal services or internet facilities or of any other civil contingency arising, the Returning Officer may defer the last dates set out in these byelaws and otherwise adjust the procedures at his or her discretion, having sought the advice of the Independent Scrutineers.