

# OPERATIONAL RULES COUNCIL ELECTIONS

## PURPOSE OF THIS RULE:

This Operational rule has been created so as to ensure a fair and transparent election process for valid Society Members seeking election to Council.

## INTRODUCTION:

This document sets out how the Society will conduct elections. Subject to the number of Members seeking election and requisite vacancies, there is the need to have operational rules covering the following potential elections:

1. President
2. Vice President(s)
3. Trustee(s)
4. Officer(s)

The Constitution requires that The President, Vice Presidents, Trustees and Officers retire from Council on a regular basis, the Constitution then stipulates that an election must be held so that the Members can vote on appointing members to fill the vacancies thus created.

The Constitution sets out the circumstances under which retiring Trustees are permitted to seek re-election to Council.

This document sets out the rules by which the Society will conduct its elections.

## CONSTITUTION SECTIONS:

- Section 9.4: Termination of Membership
- Section 12.1: Functions and Duties of Charity Trustees
- Section 11.6: Voting at General Meetings
- Section 11.7: Proxy Voting
- Section 11.8: Postal Voting
- Section 11.9: Representation of Affiliated Societies
- Section 12: Charity Trustees
- Section 13.1: Elected Charity Trustees
- Section 13.2: Ex Officio Charity Trustees
- Section 13.3: The President

- Section 13.4: Vice-Presidents
- Section 26: Rules
- Section 11.8 (reproduced in full here) in particular governs the conduct of postal voting for Trustee Elections.

## ELIGIBILITY:

Any valid member of the Society may stand for election.

This means that throughout the election process and there after the Candidate must be a fully paid up member of the Society.

The five members of the Society nominating the Applicant must also be valid members of the Society throughout the election process.

## ELECTION TIMETABLE:

Election process opens on 5th day of January

Ballot information will be available *from*:

- Society's website
- General Secretary

Fully completed application forms and nomination forms must be with the General Secretary by the close of business on the 15th day of March. Application forms will be accepted electronically at [secretary@kentarchaeology.org](mailto:secretary@kentarchaeology.org) or by post at The Society Library, Maidstone Museum, St Faiths Street, Maidstone, Kent ME14 1LH.

The General Secretary and Membership Secretary will vet the application forms.

All valid applicants will be notified by the 2nd day in April that their applications have been accepted into the election process. The successful Applicants will, once accepted, will be referred to as Candidates.

At least 28 days prior to the Annual General Meeting nomination forms, ballot papers will be sent out to the membership.

Voting commences.

On the Wednesday prior to the Annual General Meeting postal ballots will be counted under the scrutiny of the Membership Secretary and the Scrutineers.

At the Annual General Meeting (3rd Saturday in May):

- Ballots can be handed in by Members prior to the start of the Meeting
- All ballots (Postal, handed in, and Proxy votes) will be counted under the scrutiny of the Membership Secretary and the Scrutineers.
- The Candidates will be informed of the election results.
- The Annual General Meeting will be notified of the results.

The results in full will be published in the December Newsletter and on the Society's website in December.

## THE APPLICATION PROCESS:

Any valid Member of the Society may, if they so wish, seek election as President, Vice President, Trustee and or Officer of the Society.

This application process will be rigidly adhered too – any deviation from this process will render an Applicant's application invalid and will automatically excluded them from the election.

Prior to seeking election, an Applicant must complete the respective application form for they post that they are seeking to hold. (Please note there are different application forms for each position).

Additionally:

- They will complete and return the Charity Commission disqualification declaration
- Sign a declaration that they have read and understood the Charity Commission Trustee guidance as published on their website “The essential trustee: what you need to know, what you need to do (CC3)” <https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>
- Sign a declaration that they have read and understood the Constitution and that they will endeavour to commit themselves to the Society and its best interests.
- Sign a declaration that the documentation/application form is correct and if at a later date it is found that this is not the case then they will be immediately disqualified from the election process or if elected their trusteeship.
- When required sign a Roles and Responsibility form
- GDPR Declaration
- Declaration of willingness to submit to the election process

The ballot papers will be set out:

The completed application form and declarations together with the ballot paper must be submitted to the General Secretary by the 15th day of March.

Once the 15th day of March deadline has passed none of the applicants are permitted to change any content submitted or add additional material to their application pack.

The General Secretary will ensure that the Application pack has been completed in full with all declarations signed etc. For whatever reason if there is a material deficiency in the Application Pack (e.g. declarations not being completed) then the General Secretary must automatically reject the application, notifying the Applicant and Council immediately.

If the Application Pack has been successfully submitted, then the General Secretary and Membership Secretary will ensure that words written by the Candidates are appropriate paying particular attention so as to ensure that no false or derogatory comments have been made. If the wording is deemed unsuitable then the General Secretary and Membership Secretary will submit their concerns to a panel of no less that 3 other Trustees and 2 ordinary members of the Society, for a final adjudication, if after this procedure the wording is adjudged as being inappropriate then the Applicant will be rejected. This process must be completed by the 30th day of March.

By the 2nd day of April the Membership Secretary will have checked the validity of the Applicants and their supporters in accordance with Constitution Item 9 “Membership of the CIO”.

In the event that either the Applicant and or their supports are not valid members of the Society as per Constitution Item 9 then the applicant is automatically rejected.

In the event that General Secretary or Membership Secretary is seeking election as a Trustee then Council will appoint another Officer or President or Vice President to run the election process.

When the number of candidates for any position is equal to the places available the Chair Person of the Annual General Meeting shall declare those Candidates to have been elected at that meeting.

The Membership Secretary when compiling the ballot paper will, together with one other scrutineer, draw the names of the candidates from a “hat” so as to provide a random listing of candidates on the ballot paper.

## CONSTITUTION SECTION 11.8 POSTAL VOTING

- 11.8.1** The CIO may, if the Council so decides, allow the members to vote by post or electronic mail (email) to elect charity trustees or to make a decision on any matter that is being decided at a general meeting of the members.
- 11.8.2** The members must appoint:
- (a) 8 members of the CIO or at least 4 persons independent of the CIO to serve with the membership secretary as scrutineers to supervise the conduct of the postal/email ballot and the counting of votes; or
  - (b) an entity independent of the CIO to conduct the postal/email ballot and the counting of the votes and such entity shall appoint at least 4 persons independent of the CIO to serve as scrutineers with the membership secretary to supervise the conduct of the postal/email ballot and the counting of votes.
- 11.8.3** If postal and/or email voting is to be allowed on a matter, the CIO must send to members of the CIO not less than 21 days before the deadline for receipt of votes cast in this way:
- (a) A notice by email, if the member has agreed to receive notices in this way under Clause 22 (Electronic communications and information systems), including an explanation of the purpose of the vote and the voting procedure to be followed by the member, and a voting form capable of being returned by email or post to the CIO, containing details of the resolution being put to a vote, or of the candidates for election, as applicable.
  - (b) A notice by post to all other members, including a written explanation of the purpose of the postal vote and the voting procedure to be followed by the member; and a postal voting form containing details of the resolution being put to a vote, or of the candidates for election, as applicable.
- 11.8.4** The voting procedure must require all forms returned by post to be in an envelope with the member's name, unique membership number and signature, and nothing else, on the outside, inside another envelope addressed to 'The membership secretary for the Kent Archaeological Society', at the CIO's principal office or such other postal address as is specified in the voting procedure.
- 11.8.5** The voting procedure for votes cast by email must require the member's name and unique membership number to be at the top of the email, and the email must be authenticated in the manner specified in the voting procedure.
- 11.8.6** Email votes must be returned to an email address used only for this purpose and must be accessed only by the membership secretary or a scrutineer.
- 11.8.7** The voting procedure must specify the closing date and time for receipt of votes, and must state that any votes received after the closing date or not complying with the voting procedure will be invalid and not be counted.
- 11.8.8** The membership secretary and scrutineers must make a list of names of members casting valid votes, and a separate list of members casting votes which were invalid. These lists must be provided to a charity trustee or other person overseeing admission to, and voting at, the general meeting. A member who has cast a valid postal or email vote must not vote at the meeting, and must not be counted in the quorum for any part of the meeting on which he, she or it has already cast a valid vote. A member who has cast an invalid vote by post or email is allowed to vote at the meeting and counts towards the quorum.
- 11.8.9** For postal votes, the membership secretary and the scrutineers must retain the internal envelopes (with the member's name and signature). For email votes, the membership secretary and the scrutineers must cut off and retain any part of the email that includes the member's name. In each case, a scrutineer must record on this evidence of the member's name that the vote has been counted, or if the vote has been declared invalid, the reason for such declaration.
- 11.8.10** Votes cast by post or email must be counted by at least 4 of the scrutineers before the meeting at which the vote is to be taken. The membership secretary must provide to the person chairing the meeting written confirmation of the number of valid votes received by post and email and the number of votes received which were invalid.

- 11.8.11** The membership secretary and the scrutineers must not disclose the result of the postal/email ballot until after votes taken by hand or by poll at the meeting, or by poll after the meeting, have been counted. Only at this point shall the scrutineers declare the result of the valid votes received, and these votes shall be included in the declaration of the result of the vote.
- 11.8.12** Following the final declaration of the result of the vote, the membership secretary must provide to a charity trustee or other authorised person bundles containing the evidence of members submitting valid postal votes; evidence of members submitting valid email votes; evidence of invalid votes; the valid votes; and the invalid votes. These bundles must be retained by the CIO for 24 months after the closing date of the vote. After 24 months the bundles may be destroyed.
- 11.8.13** Any dispute about the conduct of a postal or email ballot must be referred initially to a panel set up by the Council, to consist of two charity trustees and two persons independent of the CIO. If the dispute cannot be satisfactorily resolved by the panel, it must be referred to the Electoral Reform Services.