

# Association Incorporation Regulation 2010

## Schedule 3 Conduct of postal ballots

(Clause 12)

### 1 Ballots

- (1) The committee must:
  - (a) cause the details of the proposal on which the ballot is to be held to be set out in a statement, and
  - (b) fix the dates for:
    - (i) the forwarding of ballots to members, and
    - (ii) the closing of the ballot, and
  - (c) appoint a returning officer for the ballot.
- (2) Every ballot must be conducted by the returning officer appointed by the committee.

### 2 Returning officers

- (1) A committee member of the association may not be appointed as a returning officer.
- (2) The returning officer may be assisted in the performance of his or her duties by any person (who would be eligible to be a returning officer) appointed by the returning officer.

### 3 Preparation of voting roll and ballot papers

- (1) The returning officer must prepare a roll of the full names and addresses of the members of the association who are eligible to vote.
- (2) A person whose name is on the roll is entitled to vote in the ballot, and no person is otherwise so entitled.
- (3) The returning officer must cause ballot papers to be prepared:
  - (a) in or to the effect of Form A in this Schedule, or
  - (b) in such other form as the committee determines.
- (4) Each ballot paper must:
  - (a) be initialled by the returning officer or an appointed assistant, or
  - (b) bear a mark that identifies it as a genuine ballot paper.
- (5) The returning officer must, at least 14 days (or 21 days in the case of a special resolution) before the date fixed for the closing of the ballot, send by post or otherwise deliver to every member entitled to vote in the ballot one set of the following material:
  - (a) one ballot paper,
  - (b) an envelope (in this Schedule referred to as *the outer envelope*) addressed to the returning officer and the reverse side of which is noted or printed with the name and address of the member,
  - (c) a small envelope (in this Schedule referred to as *the inner envelope*) in which the ballot paper is to be enclosed,
  - (d) a copy of a statement prepared by the board setting out the terms of the resolution,
  - (e) in the case of a special resolution—a copy of a statement to the effect that the resolution is intended to be passed as a special resolution.

#### **4 Duplicate ballot papers**

(1) The returning officer may send a duplicate ballot paper to any voter if the returning officer is satisfied:

- (a) that the voter has not received a ballot paper, or
- (b) that the ballot paper received by the voter has been lost, spoilt or destroyed and that the voter has not already voted.

(2) If a duplicate ballot paper is sent, the relevant outer envelope is to be marked with the word "Duplicate".

#### **5 Voting**

A member casts a vote in the ballot by:

- (a) marking his or her vote on the ballot paper according to the instructions on the ballot paper, and
- (b) sending the ballot paper, in the envelopes provided, to the returning officer.

#### **6 Safe keeping of ballot papers**

(1) The returning officer must provide a ballot box that must be secured immediately before the ballot papers are delivered to members in accordance with clause 3 (5) and must remain secured until the close of the ballot.

(2) The returning officer must place the outer envelopes in the ballot box not later than the time and date fixed on the ballot paper for the closing of the ballot.

#### **7 Counting of the votes**

(1) As soon as practicable after the date fixed for the closing of the ballot, the returning officer must, in the presence of such scrutineers as may be appointed by the committee, open the ballot box and deal with the contents in accordance with subclause (3).

(2) The returning officer must:

- (a) examine the outer envelopes, and
- (b) if a duplicate outer envelope has been issued and the original outer envelope is received, reject the original envelope and mark it "rejected", and
- (c) mark the voter's name on the roll by drawing a line through the name, and
- (d) remove the inner envelopes from the outer envelopes, and
- (e) when all the inner envelopes have been dealt with in the above manner, open all unrejected inner envelopes and take the ballot papers from them.

(3) The ballot papers must be scrutinised by the returning officer who must reject as informal any ballot paper that:

- (a) is not duly initialled by the returning officer or appointed assistant or does not bear a mark that identifies it as a genuine ballot paper, or
- (b) is so imperfectly marked that the intention of the voter cannot be ascertained by the returning officer, or
- (c) has any mark or writing not authorised by this Schedule that, in the opinion of the returning officer, will enable the voter to be identified, or

(d) has not been marked as prescribed on the ballot paper itself.

### **8 Statement by returning officer**

(1) The returning officer must count all votes cast and make out and sign a statement of:

- (a) the number of formal votes cast in favour of the proposal, and
- (b) the number of formal votes cast against the proposal, and
- (c) the number of informal votes cast, and
- (d) the number of envelopes marked “rejected”, and
- (e) the proportion of the formal votes cast in favour of the proposal.

(2) On the declaration of the returning officer of the result of the postal ballot, the committee must cause an entry to be made in the minute book showing the particulars referred to in subclause (1) (a)–(e).

(3) The returning officer must forward a copy of the statement to the chairperson of the committee who must announce the result of the ballot at the next general meeting.

### **9 Notification of result of ballot for special resolutions**

In the case of a special resolution, the association must cause the result of the ballot to be notified in writing to its members as soon as practicable after the ballot.

### **10 Retention of ballot papers**

(1) The returning officer must retain:

- (a) all ballot papers (whether formal or otherwise), and
- (b) all rejected outer envelopes, and
- (c) all rolls,

used in connection with the conduct of the postal ballot, locked in the ballot box, in accordance with this clause.

(2) The returning officer must retain those items for a period of not less than 8 weeks after the date fixed for the closing of the ballot unless directed in writing by the committee to retain those items for a longer period.

(2) The returning officer must:

- (a) examine the outer envelopes, and
- (b) if a duplicate outer envelope has been issued and the original outer envelope is received, reject the original envelope and mark it “rejected”, and
- (c) mark the voter’s name on the roll by drawing a line through the name, and
- (d) remove the inner envelopes from the outer envelopes, and
- (e) when all the inner envelopes have been dealt with in the above manner, open all unrejected inner envelopes and take the ballot papers from them.

(3) The ballot papers must be scrutinised by the returning officer who must reject as informal any ballot paper that:

- (a) is not duly initialled by the returning officer or appointed assistant or does not bear a mark that identifies it as a genuine ballot paper, or
- (b) is so imperfectly marked that the intention of the voter cannot be ascertained by the returning officer, or
- (c) has any mark or writing not authorised by this Schedule that, in

the opinion of the returning officer, will enable the voter to be identified, or  
(d) has not been marked as prescribed on the ballot paper itself.

**8 Statement by returning officer**

(1) The returning officer must count all votes cast and make out and sign a statement of:

- (a) the number of formal votes cast in favour of the proposal, and
- (b) the number of formal votes cast against the proposal, and
- (c) the number of informal votes cast, and
- (d) the number of envelopes marked “rejected”, and
- (e) the proportion of the formal votes cast in favour of the proposal.

(2) On the declaration of the returning officer of the result of the postal ballot, the committee must cause an entry to be made in the minute book showing the particulars referred to in subclause (1) (a)–(e).

(3) The returning officer must forward a copy of the statement to the chairperson of the committee who must announce the result of the ballot at the next general meeting.