

BY-LAWS

VOTING PROCEDURES FOR ORDINARY COUNCILLORS AND OFFICE BEARERS IN CONTESTED ELECTION AT AN ANNUAL GENERAL MEETING

Form of voting

Ballot papers displaying all candidate names will be used. Names will appear as determined by the Returning Officer in the conduct of a draw. These ballots are to be marked in the box alongside the candidate being selected. In the case of a ballot for either the Chairman or the Treasurer or Honorary Solicitor only one mark shall be placed in the boxes alongside the names of the candidates. Any ballot with 2 or more markings is invalid.

The primary ballot for Ordinary Councillors must indicate the voter's preferences by marking the box after 4, 5 or 6 of the candidates. Any ballot not containing 4, 5 or 6 marks is invalid.

Scrutineering

Council will appoint a scrutineer who together with the returning officer will count the votes applying the following procedures to count the votes.

Counting the votes

Step 1. Primary Ballot

The total number of times each candidate's box has been marked is calculated.

The candidate with the most primary votes is elected. In the case of a ballot for Ordinary Councillors, the six candidates with the most primary votes are elected.

Step 2. Handling Ties

Step 2a – New Ballot

In the case of a ballot for Chairman or Treasurer or Honorary Solicitor, if 2 or more candidates are tied for the position, fresh unmarked copies of the original ballot papers are distributed for the second ballot.

In the case of a ballot for Ordinary Councillors, if 2 or more candidates are tied for the positions that include 6th & 7th place, then a second ballot is required. New ballot papers are prepared containing the names of the tied candidates.

Each new ballot must indicate the voter's preferences by marking the box after the names of the candidates. Clause 15(7) complicates this process. The number of marks allowed on the second ballot paper is determined by this table

Number of Positions to be Filled	Minimum Number of Marks	Maximum Number of Marks
1	1	1
2	1	2
3	1	3
4	2	4
5	3	5
6	4	6

Step 2b - Lots

If, after this second ballot there still remains a tie for the position or, in the case of a ballot for Ordinary Councillors for the positions that include 6th & 7th place, the elected candidate shall be selected by the drawing of lots.

NEW SOUTH WALES BRIDGE ASSOCIATION LTD

ATTACHMENT

NOTES FOR BY-LAWS FOR VOTING PROCEDURES AT ANNUAL GENERAL MEETINGS IN A CONTESTED ELECTION AND SAMPLE BALLOT PAPERS

Background

The NSWBA Constitution makes provision for by-laws in accordance with Clause 21 By-Laws.

(1) *Making and amending by-laws*

- a. *In addition to by-laws made under clauses 15(2), 15(4) & 15(7) the Council may from time to time make by-laws:*
 - i. *that are required to be made under this Constitution; and*
 - ii. *which in its opinion are necessary or desirable for the control, administration and management of the Company's affairs and may amend, repeal and replace those by-laws.*
- b. *The Company in General Meeting may amend, repeal or replace any by-law made by the Council without affecting the validity of acts or decisions made by the Council or anyone authorised to act pursuant to that by-law.*
- c. *The by-laws referred to in clauses 15(2), 15(4), 15(7) and 21(1) take effect 28 days after the service of the by-law on the member and shall be of force and effect on that date.*

(2) *Effect of by-laws*

A by-law:

- a. *is subject to this Constitution;*
- b. *must be consistent with this Constitution;*
- c. *when in force, is binding on all members and has the same effect as a provision in this Constitution; and*
- d. *may be overruled if a resolution to that effect is passed by the members at a General Meeting.*

Determination of need for a ballot

If, when nominations close, the number of persons who have been duly nominated as candidates for a particular position does not exceed the number to be elected to a position, each of those persons is elected. Any positions remaining unfilled should be filled according to the Constitution.

However, should, by the close of nominations, the number of persons who have been nominated as candidates for a position or positions exceeds the number of persons to be elected, then an election must be held for the position(s). Article 15(6) of the NSWBA Constitution requires that such an election be conducted by poll :

The Council, excluding the Zonal Councillors who are elected under clause 15(4), shall be elected at each annual general meeting of the Company. The elections shall be conducted in the following order:

- a. *the election of the Chairman;*
- b. *the election of the Treasurer;*
- c. *the election of Ordinary Councillors.*

Voting shall in all cases be by poll

If there is a requirement for a contested election the Council is to appoint a Returning Officer who shall not be a member of the NSWBA whose responsibilities will be:

- conducting the draw for positions on the ballot paper
- drafting and printing ballot papers;
- distributing ballot papers to eligible members;
- counting the votes on these ballot papers, and
- should there be ties, conducting a second ballot amongst the tied candidates and possibly resolving the ties by the drawing of lots;
- determining the result;
- providing the result to the Council Chairman.

Voting procedure

A simple ballot is to be held in which electors must vote for one candidate except in the case of a ballot for Ordinary Councillors.

Article 15(7) of the NSWBA Constitution requires that such an election be conducted by poll (defined as a secret ballot). It contains the following statement:

Upon a poll for the election of Ordinary Councillors a vote for more than the number to be elected or for less than such number minus two shall not be valid. Voting procedures may be defined from time to time by the Council and stated in the by-laws.

This statement is therefore saying that a vote for more than 6 people, or less than 4 people is invalid. There is no other guidance on the actual procedures of such an election.

The ballot papers are:

- a) to show the position(s) being contested;
- b) to show the names of the candidates contesting each position
- d) to provide clear and concise direction as to the manner in which the vote is to be recorded, having regard to the system of voting required by the Constitution

The 6 names receiving the most votes will be elected. The attachment to the by-laws describes the procedures for such an election, how to handle a tied vote, and a sample ballot paper.

SAMPLE BALLOT PAPERS NSWBA COUNCIL – ELECTION OF CHAIRMAN, TREASURER OR HONORARY SOLICITOR – BALLOT PAPER

Voting Instructions

You must vote for 1 candidate. Votes for 2 or more candidates will be invalid.

A primary vote for a candidate consists of placing a mark in the box against their name.

The candidate with the most primary votes will be elected.

If 2 or more candidates are tied for 1st position, then a second ballot between the tied candidates is required.

CANDIDATE 1	<input type="checkbox"/>
CANDIDATE 2	<input type="checkbox"/>
CANDIDATE 3	<input type="checkbox"/>
CANDIDATE 4	<input type="checkbox"/>
CANDIDATE 5	<input type="checkbox"/>
CANDIDATE 6	<input type="checkbox"/>
CANDIDATE 7	<input type="checkbox"/>

NSWBA COUNCIL – ELECTION OF 6 ORDINARY COUNCILLORS – BALLOT PAPER

Voting Instructions

You must vote for 4, 5 or 6 candidates. Votes for 0, 1, 2, 3 or 7+ candidates will be invalid.

A primary vote for a candidate consists of placing a mark in the box against their name.

The 6 candidates with the most primary votes will be elected.

If 2 or more candidates are tied for positions that include 6th & 7th, then a second ballot between the tied candidates is required.

CANDIDATE 1	<input type="checkbox"/>
CANDIDATE 2	<input type="checkbox"/>
CANDIDATE 3	<input type="checkbox"/>
CANDIDATE 4	<input type="checkbox"/>
CANDIDATE 5	<input type="checkbox"/>
CANDIDATE 6	<input type="checkbox"/>
CANDIDATE 7	<input type="checkbox"/>