

## By Laws: Branch Council Election Issues

April 2018

1. The Board may appoint any person to perform, under the supervision of the Chief Executive Officer, all or part of the obligations of the Returning Officer. If the Board does not appoint anyone to perform all or part of the obligations of the Returning Officer, the Chief Executive Officer shall be the Returning Officer for any election.
2. The Chief Executive Officer shall keep a Nomination Book for the purpose of recording the names of candidates offering themselves for election to the Council. The Nomination Book shall be open to inspection by any Member of the Association at all reasonable times and in some convenient place. If functionally possible, useful to Members and secure, the Nomination Book may be made available for inspection by Members through the Association's website.
3. The Nomination Book shall be closed at 5pm 8 weeks before the date of the Annual General Meeting at which the Members of the Council are to be elected.
4. Not less than 10 Business Days before the closing of the Nomination Book, notice shall be sent by the Returning Officer to each Member of the Association entitled to vote that the Nomination Book is open for the entry of nominations of Members of the Council and will be closed for those nominations at 5pm on a date to be specified in the notices.
5. A retiring member of the Council shall be eligible for re-election to the Council unless otherwise disqualified by law or in accordance with the Constitution. A retiring Member who desires to stand for re-election must give written notice to that effect to the Chief Executive Officer before the closing of the Nomination Book and the Chief Executive Officer shall thereupon enter the Member's name in the Nomination Book. In default of the notice a retiring Member shall not be eligible for re-election.
6. ADA NSW Members (excluding honorary, student or restricted members) shall be eligible for election to the Council provided that:
  - 6.1 written consent of the Member has been obtained;
  - 6.2 the nomination is supported in writing by two members of the Association eligible to vote at a general meeting; and

[adansw.com.au](http://adansw.com.au)



EDUCATING • ADVOCATING  
INNOVATING

- 6.3 the nomination is received by the Returning Officer and entered in the Nomination Book.
7. A list of candidates' names in alphabetical order and their proposers' and seconders' names shall be posted in a conspicuous place in the registered office of the Association and made accessible electronically to Members for at least 5 Business Days immediately preceding the Annual General Meeting at which members of the Council are to be elected.
8. If the number of nominated candidates:
- 8.1 equals the number of members specified in rule 13.1 of the Constitution, those nominated shall be declared elected by the Chair of the Meeting without a ballot: or
  - 8.2 is less than the number of members specified in rule 13.1 of the Constitution that the lesser number of members shall be declared elected by the Chair of the meeting without a ballot, and each of the unfilled positions shall be treated as a casual vacancy and may be filled in accordance with Rule 13.3(a); or
  - 8.3 is greater than the number of members specified in rule 13.1 of the Constitution a ballot for the election of members, shall be conducted in accordance with clause 9 below.
9. The following provisions shall apply to a ballot for the purposes of clause 8.3 above:
- 9.1 For electronic voting those members who consent will be notified of any ballot electronically and may vote electronically by a mechanism currently approved by the Board of Directors. A limited postal voting process will apply in order to reduce the administrative burden and cost.
  - 9.2 Voting shall use a preferential system.
  - 9.3 *"All votes must be in the hands of the Returning Officer by 10.00am on that day two weeks immediately preceding the Annual General Meeting at which members of the Council are to be elected and at that time the ballot shall be closed."*
  - 9.4 The Council may appoint scrutineers to observe and report to it on the conduct of an election of Council members. In addition, any candidate in such an election may at their own cost appoint their own scrutineer to observe and report to them on such an election, provided that the identity is notified to the Council in writing by the candidate no later than 10 Business Days prior to the closing of the ballot. No member of the Council and no candidate for election to the Council can be appointed a scrutineer.

[adansw.com.au](http://adansw.com.au)

**Australian Dental Association**  
NSW Branch ABN 34 000 021 232

**Address**  
L1, 1 Atchison Street,  
St Leonards NSW 2065

**Phone**  
02 8436 9900

**Email**  
[adansw@adansw.com.au](mailto:adansw@adansw.com.au)



EDUCATING • ADVOCATING  
INNOVATING

9.5 As soon as practicable after the closing of the ballot the Returning Officer shall enter the postal votes into the election system. The Returning Officer shall report in writing the detailed result of the ballot to the Chair of the Annual General Meeting who shall thereupon declare the result at the meeting.

9.6 If before the closing of the ballot the number of candidates in respect of a category of candidate is reduced, by withdrawal or otherwise, to a number which is equal to or less than the number specified in rule 13.1 of the Constitution, or in clauses 8.1 or 8.2 above, as the case may be, shall then apply accordingly.

9.7 If through the equality of votes between two or more candidates it is impossible to determine the persons who are entitled to be declared elected then the Chair of the Annual General Meeting shall have the casting vote or votes necessary to determine which of such persons shall be declared elected. If the Chair is unwilling to exercise such casting vote or votes the issue shall be determined by lot drawn by the Returning Officer between such persons at the meeting.

9.8 If a contested election shall become necessary for the choice by the Council of any of the officers of the Association all such elections shall be by way of ballot in conformity with the By-Laws, and the Returning Officer shall provide ballot papers (or their electronic equivalent for Council members unable to physically attend the relevant meeting) for that purpose. In the case of an equality of votes for any such election the Chair of the meeting shall have the casting vote or votes necessary to determine which person or persons shall be declared elected. If the Chair is unwilling to exercise such casting vote or votes the person or persons to be declared elected shall be determined by lot drawn by the Returning Officer at the meeting of the Council.

[adansw.com.au](http://adansw.com.au)

---

**Australian Dental Association**  
NSW Branch ABN 34 000 021 232

**Address**  
L1, 1 Atchison Street,  
St Leonards NSW 2065

**Phone**  
02 8436 9900

**Email**  
[adansw@adansw.com.au](mailto:adansw@adansw.com.au)