



**R S L N S W**

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families

# Standard Operating Procedure 12

## RSL NSW Board Election Procedures

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## 1. Purpose

This Standard Operating Procedure (**SOP**) outlines RSL NSW Board Election Procedures for electing the Elected Directors and the RSL NSW President. It does not set out the procedure for the appointment of those RSL NSW Board Members who are Independent Directors. The procedure for the appointment of Independent Directors is set out in the Constitution.

Unless otherwise stated, capitalised terms used in this SOP have the meaning set out in Appendix A of the Constitution.

## 2. Background

The RSL NSW Board Elected Directors and the RSL NSW President are elected under the Constitution by Service Members (as defined in Section 9). Elections are by secret ballot conducted by post and online.

The term of office for successful candidates will commence on the Election Date. Candidates will hold office until the next Election Date, or until they otherwise cease to hold office pursuant to the law or the Constitution.

If an Elected Director ceases to hold office pursuant to the law or the Constitution, a casual vacancy will be created which, at the discretion of the Board, may be filled in accordance with the Constitution.

## 3. Returning Officer – Powers and Duties

A Returning Officer will be appointed by the Board on the notified nomination date of the election as specified in paragraph 6.2 of this SOP, to conduct each election in accordance with this SOP. (Prior to this date planning and preparations may be authorised by the Company Secretary).

The Returning Officer must not be an office holder or employee of RSL NSW, including of ANZAC House (State Branch), any sub-Branch or subsidiary.

The Returning Officer is responsible for:

- a) preparing and circulating a notice calling for nominations;
- b) accepting all nominations which satisfy the requirements of this Election SOP and rejecting those that do not comply with paragraph 6.3;
- c) handling any defective nominations in accordance with paragraph 6.5;
- d) where a ballot is required, conducting the ballot for the positions of President as well as for Elected Directors; and notwithstanding anything else contained in this Election SOP, taking such actions and giving such directions as they consider necessary—including but not limited to making void a step already taken in the election—to ensure the integrity of the ballot and to prevent or remedy an irregularity.

## 4. Member Register

The only persons eligible to appear on the Member Register in a ballot are those persons who, at the date of the Close of Register are Service Members.

The Close of Register is to occur no earlier than 28 days and no later than 7 days before the day on which nominations for the election open.

After the date and time appointed for the Close of Register, alterations to the Member Register must be limited to the correction of errors, including such as the adding of persons who were inadvertently omitted from the Member Register or the deletion of persons who were inadvertently included on the Member Register.

The Returning Officer will request the Company Secretary to supply the name and postal address of every Service Member eligible to vote at an election. The Returning Officer may also request the Company Secretary to supply additional information which does not form part of the Member Register but is to be used to ensure no irregularity occurs, and to supply the information in electronic form. The Company Secretary must comply with such a request.

The Company Secretary must take all reasonable steps to ensure the listings supplied to the Returning Officer contain, where practicable, the residential or other postal address of each eligible Service Member.

## **5. Call for Candidate Nominations**

### **5.1. Form of Publication**

The Returning Officer will cause a call for nominations to be published by a combination of the following, as deemed suitable and cost effective by the Board:

- a) on the RSL NSW website;
- b) in an edition of "Reveille" and circulated to all members, directly to the member's known postal address;
- c) via an official Member Newsletter; and
- d) any other means.

### **5.2. Timing of Publication**

The call for nominations must be published no earlier than the date and time appointed for the Close of the Member Register and no later than the date on which nominations open.

### **5.3. Content of Call for Nominations**

The call for nominations must:

- a) state that the election is being conducted by the Returning Officer;
- b) provide the contact details of the Returning Officer;
- c) invite nomination for election from all eligible persons;
- d) state the time and date for the opening and closing of nominations;
- e) state the time and date for the opening and closing of the ballot;
- f) specify where nomination forms may be obtained;
- g) specify the process for lodgement of nominations;
- h) state a time and date for withdrawal of nominations; and
- i) specify other documentation required to be submitted with the nomination form, or forms should a person be nominating as an Elected Director and for RSL NSW President (for example, signatures of 10 nominators; the statutory declaration referred to in paragraph 6.4 and the Candidate Statement/s referred to in paragraph 6.7).

## **6. Nominations**

### **6.1. Forms**

The RSL NSW Company Secretary is responsible for the design and structure of the forms required for nomination and candidate statements.

## 6.2. Timetable

Nominations for candidates will open 3 months before the date of the Annual General Meeting in an Election Year. Nominations will be called for in the manner prescribed in paragraph 5.

Nominations close at 12.00 pm (noon) on the 28<sup>th</sup> day after nominations have opened. Nominations received by the Returning Officer after that time will not be accepted.

If any of the above dates fall on a weekend or a public holiday, the relevant day will be the next business day after that date.

## 6.3. Eligibility to Nominate

The eligibility requirements for each nominee to be an Elected Director are set out in Clauses 9.8 - 9.10 of the Constitution.

## 6.4. Nomination Lodgement Criteria

Nominations lodged with the Returning Officer must be in writing. The completed form may be sent by post, by email or hand delivered to the Returning Officer and must be accompanied with the following information, noting most information will be required in the actual nomination form:

- a) full name and, if different, the form in which their name is to appear on a Ballot Paper;
- b) sub-Branch;
- c) occupation;
- d) the relevant qualifications and skills set out in the nominations form that the candidate will bring to the Board, if elected;
- e) prior and current experience as a director;
- f) RSL NSW service and offices held;
- g) the date first elected, if standing for re-election;
- h) contact details including residential address;
- i) the signed endorsement of their nomination by 10 Service Members as at Close of Register (including the name, sub-Branch, member number and home address of each).

All nomination forms must be accompanied by a statutory declaration made by the prospective candidate to affirm eligibility to nominate, and that all information supplied is true and correct.

## 6.5. Defective Nominations

Where the Returning Officer finds that a nomination is, or may be, defective, the Returning Officer will, before accepting the nomination, notify the prospective candidate of the defect and, where practicable, give them the opportunity to remedy the defect or provide further information in support of the nomination, within a reasonable period prescribed by the Returning Officer after being notified.

Where the Returning Officer has notified a prospective candidate of a defective nomination, and where that person has remedied the defect and advised the Returning Officer within the time prescribed by the Returning Officer, the nomination may be re-lodged. This remedy, or the provision of further information must be resolved prior to the Close of Nominations.

Where the Returning Officer has notified a prospective candidate of a nomination defect, and where that person has not corrected the defect and advised the Returning Officer within the time prescribed by the Returning Officer, the nomination will be deemed as not received.

## 6.6. Withdrawal of Nominations

A prospective candidate may withdraw their nomination by notice in writing to the Returning Officer up to, but not later than, the Close of Nominations.

If, after the close of nominations and before the declaration of the result of the ballot, a candidate dies or is forced to withdraw due to ill health or hardship, notice will be provided to voting members of their withdrawal from the ballot and any votes received will not be counted.

## 6.7. Candidate Statements

Up to the Close of Nominations, a candidate may submit to the Returning Officer a Biography and/or a statement in support of their candidature (Candidate Statement), for inclusion in the Member Voting Pack and on the RSL NSW website.

A candidate can submit one statement for each election that they wish to contest. Separate statements with role specific information should be submitted for Elected Director or RSL NSW President.

Each Biography and/or Candidate Statement will not exceed 250 words. The candidate's personal data, and affiliation details are not included in the word limit.

The Returning Officer will reject any Candidate Statement:

- a) which, in the opinion of the Returning Officer, is false or misleading or may lead to an irregularity; or
- b) which does not comply with this SOP or the Constitution.

A candidate whose statement is rejected will be notified and will be given a reasonable period (being not more than 48 hours) to supply a replacement statement that complies with this SOP.

The order of publication of Candidates' Statements will be the same order as candidates' names on the Ballot Paper. The Returning Officer will also indicate if a candidate has failed to submit a valid statement.

The State Secretary is to provide guidance to Candidates, Districts and sub-Branches on the conduct of electioneering.

## 7. Ballot Papers

### 7.1. Preparation of Ballot Papers

In the case where there are contested elections for Elected Directors and for the RSL NSW President the Returning Officer will prepare 2 Ballot Papers, 1 for the position of the President and the other for the positions of Elected Director. Where a candidate nominates to stand for both President and Elected Director, they will appear on both Ballot Papers and their name will be identified with a symbol, different to the asterisk that denotes the incumbent directors.

The order of names on each Ballot Paper will be determined by the Returning Officer by the drawing of lots, as soon as practicable after the close of nominations and the validation of eligibility is conducted.

Incumbent directors standing for re-election will be identified on the ballot with an asterisk against their name.

The Ballot Papers will contain the names of the candidates with the surname first, followed by the given names. No other candidate information will be printed on the Ballot Paper, except as provided in this clause and clause 7.2.

## 7.2. Ballot Paper Information

All Ballot Papers must include the following:

- a) the name and logo of RSL NSW;
- b) the words “Ballot Paper for the (year) election of the Board of RSL NSW by all Service Members”;
- c) instructions for marking the Ballot Paper, including the maximum number of candidates that may be voted for;
- d) the names of the candidates in the format and order prescribed by this SOP, with a hollow square beside each;
- e) instructions for returning the Ballot Paper, including the date for the close of voting;
- f) the name and contact details of the Returning Officer; and
- g) any other instruction considered necessary by the Returning Officer

## 7.3. Printing and Distribution of Ballot Papers

The Returning Officer will arrange for the preparation, printing (for postal Ballot Papers), publication, and distribution of Ballot Papers to members eligible to vote, either by RSL NSW or an external provider.

On or before the opening day of the ballot, the Returning Officer will forward voting material to each person on the Member Register at their address as shown on the Member Register, by either post or electronically.

# 8. Member Voting

## 8.1. Manner of Voting

Members can vote using one of the following means:

- a) by returning a postal ballot; or
- b) by completing an online vote.

## 8.2. Voting Information Pack

In the case where there are contested elections for Elected Directors and for the RSL NSW President all eligible Service Members will receive a voting information pack (either by email or in the post, as nominated by them) containing:

- a) 2 Ballot Papers, 1 to vote for candidates standing for position of President and 1 to vote for candidates standing for Elected Director positions;
- b) Candidate Statements and/or Biographies; and
- c) Business reply envelope (postal votes only).

Email recipients will receive a personal Identification link that will take them to the voting site in their voting information pack.

If only 1 election is contested only 1 Ballot Paper will be supplied in the Voting Information Pack.

## 8.3. Replacement Ballot Material

Where a member whose name is on the Member Register claims that the ballot material has not been received or has been lost, destroyed, or spoiled the member may make an application to the Returning Officer for the issue of replacement ballot material. The application will:

- a) be in writing;

- b) set out the applicant's full name and postal address;
- c) set out the grounds on which the application is made;
- d) contain a declaration that the applicant has not voted in the ballot; and
- e) be accompanied, if practicable, by any evidence that is available of the loss, destruction or spoiling of the ballot material.

If the Returning Officer is satisfied that the information contained in the application is true and correct, the Returning Officer will issue replacement ballot material to the applicant.

#### 8.4. Postal Ballot Facilities

The Returning Officer will, for the purpose of receiving completed postal Ballot Papers, use a private box or other secure postal facility at a post office or mail centre. Access to this private box will be limited to:

- a) the Returning Officer,
- b) persons authorised in writing by the Returning Officer, and
- c) persons authorised by Australia Post.

To ensure secrecy of the ballot/s the Returning officer will ensure returned envelopes containing ballots will be opened by 1 team, with separated votes then counted by another team.

#### 8.5. Online Voting

The Returning Officer will set up a secure voting portal for the purpose of facilitating secure online voting in ballots. Access to this portal will be determined by the Returning Officer, based on those who have registered or nominated to vote online.

The portal will contain:

- a) clear instructions how to lodge a vote online;
- b) the online Ballot Papers;
- c) the Candidate Statements and/or Biographies; and
- d) relevant information to enable members to vote.

To ensure secrecy of the ballot/s the Returning Officer will ensure staff involved with distribution of the Voting Information Pack through the online portal will not be involved with vote counting.

#### 8.6. Absent Voting

Given voting is conducted by postal ballot or online, absentee voting is not applicable in an election for Elected Directors or President conducted pursuant to this SOP.

#### 8.7. Voting Period

Voting will open 6 weeks before the date of the Annual General Meeting in an Election Year.

The ballot will close at 12.00 pm (noon) on the 28<sup>th</sup> day after the day that the ballot opened. Votes received by the Returning Officer after that time will not be included in the scrutiny.

If any of the above dates fall on a weekend or a public holiday, the relevant day will be the next business day after that date.

#### 8.8. Voting System

The ballot will be conducted under a first past the post system as follows:



- a) The method of voting will be by placing a tick or cross in the square next to the name of the candidate or candidates for whom the voter wishes to vote, up to a maximum number of vacancies for that election (Elected Director or President).
- b) A Ballot Paper will be informal if marked other than instructed on the Ballot Paper, including if the voter has voted for more candidates.
- c) The candidate/s with the highest number of votes will be elected, until all vacancies are filled.
- d) If for the last vacancy in an election, 2 or more candidates each receive the same number of votes, the Returning Officer will decide by lot which candidate is to be elected.

## 8.9. Contested Ballots

If more than 1 valid nomination is received for the position of President, the Returning Officer will count a secret ballot of those members entitled to vote.

If the number of valid nominations received for the positions of Elected Director exceeds the number of positions to be filled, the Returning Officer will conduct a secret ballot of those members entitled to vote.

The Returning Officer will conduct the ballot for the position of President before conducting the ballot for the positions of Elected Director.

Where there are not enough candidates standing for the positions of Elected Director, the Returning Officer will conduct the ballot for the position of President, the remaining candidates will be taken as elected as Elected Directors and any unfilled positions will be taken as casual vacancies.

Should a circumstance arise where a candidate has died prior to the ballot for either President or Elected Director and they would have been elected, then:

- a) The votes for the candidate who has died will not be counted; and
- b) The un-elected candidate with the next highest number of votes will be declared elected.

This process will apply up to the number of positions required to be elected.

## 8.10. Uncontested Elections

If only 1 valid nomination for the position of President is received, the Returning Officer will declare elected the person nominated.

If, after the ballot for the position of President has been declared, and the number of valid nominations received is less than the number of Elected Director positions to be filled, the Returning Officer will declare elected the persons nominated.

Any unfilled positions will be declared casual vacancies and will be filled in accordance with the clauses 9.23 and 9.24 of the Constitution.

## 9. Declaration of Results

The Returning Officer will declare the result of the election, to the Company Secretary, within 14 days of the closing day of the ballot by giving notice of the result in writing.

The Returning Officer will provide to the Company Secretary the following information in relation to the ballot:

- a) the total number of persons on the Member Register;
- b) the total number of Ballot Papers issued;
- c) the total number of Ballot Papers received by the Returning Officer; and
- d) the total number of Ballot Papers rejected as informal.

The results will be announced first to the successful and unsuccessful candidates, by the Returning Officer, before being announced to Members via an official RSL NSW communication sent to the DPC, sub-Branches and known member email addresses.

The results will also be announced at the next RSL NSW Annual General Meeting.

## 10. Appeals

A candidate, and only a candidate, may lodge an appeal in writing requesting a recount in circumstances of perceived electoral irregularity. The appeal must clearly state the grounds for the request. The Returning Officer is not automatically obliged to accept the request.

The Returning Officer also has the power to direct a recount at their discretion without waiting for a request.

## 11. Definitions

**Ballot Paper** means the electronic or postal Ballot Paper including the information set out in clause 7.3.

**Close of Register** means the date appointed as the date on which the close of the Register of Members occurs.

**Election Date** means the date of the rising of AGM at which the result of the election is declared.

**Member Register** means the list of names of those persons who, at the date of the close of the Member Register, are Service Members and are eligible to vote on the Election Date.

**Returning Officer** means the independent third-party, appointed by the Board, to conduct the election, including candidate nominations and the member voting processes.

## 12. Attachments and Appendices

**Appendix 1 – Nomination Form (*To be Issued*)**

## 13. References and Resources

*Not Applicable*