

B&DBC Policy

ELECTRONIC VOTING

Applies to: B & D BC members		Version: 1 (JUNE,2020)
Specific responsibility: The President		Date approved:
		Next review date:
Policy context:		
<p>This policy relates to The B & D B C Constitution 2020 and Schedule 3 of the Associations Incorporation Regulation 2016</p> <p><i>32.2. The association may hold an electronic ballot (as the committee determines) to decide any issue or proposal (other than an appeal under clause 12).</i></p> <p><i>32.3. An electronic ballot is to be conducted in accordance with schedule 3 of the Regulation.</i></p>		
Purpose	This policy provides guidelines for the B&DBC to conduct electronic voting usually in conjunction with voting in person, (dual voting procedure), in order to maximise participation in the decision-making process.	
Policy	<p>Electronic voting can occur by means of email or other electronic means such as a voting web-site, when determined by the committee.</p> <p>An electronic ballot is a convenient method for voting on a resolution, where members are geographically dispersed or have difficulty attending a meeting. All electronic ballots shall provide an alternate means of voting, to ensure no member is disenfranchised should they not have an email account.</p> <p>The benefit to Clubs is that electronic ballots maximise participation in the decision-making process by enabling more people to vote on issues affecting their Club. It is conducive to incorporated associations that already have a members' portal on their website.</p> <p>Electronic ballots may be conducted electronically at the discretion of the Committee. They can be used to determine any resolution, other than an appeal lodged by a disciplined member. To maintain integrity, all electronic voting must be secure and maintain anonymity.</p> <p>All electronic ballots shall follow the attached procedures and be conducted according to Schedule 3 of the Associations Incorporation Regulation 2016 (the Regulation)</p> <p>Members have one vote only and thus should not advise another member how to vote. If a member is unsure, they should abstain.</p>	
Responsibilities	<p>The Committee</p> <ul style="list-style-type: none"> ● decides when electronic voting is appropriate. ● decides whether voting shall be by email, accessing a voting website or other electronic means determined by the committee ● appoints a returning officer ● sets a date for the giving of access to electronic papers ● sets a date for the ballot. <p>The Returning Officer</p>	

B&DBC Policy

	<ul style="list-style-type: none"> ▪ may be a member of the association ▪ may be a non-member of the association ▪ must not be a member of the committee <p>The role of the Returning Officer is to:</p> <ol style="list-style-type: none"> 1. prepare a register of the full names and addresses of the members of the association who are eligible to vote and ensure that the form for the electronic voting paper contains: <ul style="list-style-type: none"> ▪ instructions for completing the voting paper ▪ the question to be determined, and ▪ the means of indicating the members choice on the question to be determined. 2. ensure that at least 7 days (or 21 days for a special resolution) before the date fixed for the closing of the ballot, each person is given: <ul style="list-style-type: none"> ▪ access to an electronic ballot paper or to a voting website or electronic application containing an electronic ballot paper ▪ access to information about: <ul style="list-style-type: none"> <input type="checkbox"/> <i>how the ballot paper must be completed</i> <input type="checkbox"/> <i>the closing date of the ballot</i> <input type="checkbox"/> <i>if voting by email, the address for returning the ballot paper</i> <input type="checkbox"/> if voting by other electronic means, the method of accessing the electronic voting system and how the completed electronic ballot paper is to be sent to the returning officer 3. ensure that if the ballot paper is a secret ballot, the identity of the voter cannot be ascertained from the form of the electronic ballot paper 4. ensure that all electronic ballot papers are kept safe until counting of the votes begins. 5. Retains the register, ballot papers and rejected returning envelopes relating to postal voting and all records relating to electronic voting for a minimum period of 8 weeks. <p>Scrutineers</p> <ul style="list-style-type: none"> ● may be members of the Club, but not the Committee ● shall support the Returning Officer in checking and counting the votes and collating the results
PROCEDURES	
<p>Voting by email</p>	<ol style="list-style-type: none"> 1. Members entitled to vote must receive, at least 7 days (or 21 days in the case of a special resolution) before the date fixed for the closing of the ballot <ul style="list-style-type: none"> <input type="checkbox"/> access to an electronic ballot paper that complies with the Clause <input type="checkbox"/> access to information about <ul style="list-style-type: none"> ○ how the ballot paper must be completed, and ○ the closing date of the ballot, and ○ the email address where the ballot paper is to be returned 2. Each person entitled to vote must vote in accordance with the instructions contained in the information.

B&DBC Policy

	<ol style="list-style-type: none"> 3. If the ballot is a secret ballot, the returning officer must ensure that the identity of the voter cannot be ascertained from the form of the electronic ballot paper. 4. An electronic ballot paper must be sent to the returning officer no later than the close of the ballot. 5. The returning officer must ensure that all electronic ballot papers are stored securely until the counting of the votes begins
<p>Voting by other electronic means</p>	<p>Other electronic means includes</p> <ul style="list-style-type: none"> ● using a ballot via a secure website (such as Election Buddy) which will require members to access a password-secured website and complete an electronic ballot by a specified time ● using a survey platform such as Survey Monkey <ol style="list-style-type: none"> 1. Members entitled to vote must receive, at least 7 days (or 21 days in the case of a special resolution) before the date fixed for the closing of the ballot <ul style="list-style-type: none"> <input type="checkbox"/> access to an electronic ballot paper, or to a voting web-site or electronic application containing an electronic ballot, that complies with the Clause <input type="checkbox"/> access to information about— <ul style="list-style-type: none"> ○ how the ballot paper must be completed, and ○ the closing date of the ballot, and ○ if voting is by other electronic means, the means of accessing the electronic voting system and how the completed electronic ballot paper is to be sent to the returning officer ○ an assurance that the voting is secure and anonymous 2. Each person entitled to vote must vote in accordance with the instructions contained in the information. 3. If the ballot is a secret ballot, the returning officer must ensure that the identity of the voter cannot be ascertained from the form of the electronic ballot paper. 4. An electronic ballot paper must be sent to the returning officer no later than the close of the ballot. 5. The returning officer must ensure that all electronic ballot papers and results are stored securely until after the counting of the votes finishes.
<p>Alternative voting</p>	<p>For members who do not have an email address and who would otherwise be disenfranchised from voting, the following arrangements shall apply. (Refer to attached procedure)</p> <ol style="list-style-type: none"> 1. Members must disclose at the commencement of each Club year, that they do not have an email address and should the Committee determine that an electronic vote shall occur, that they wish to be provided with an alternate means 2. The Committee shall ensure the Returning Officer shall be available at set times <ol style="list-style-type: none"> a. to provide an initialled ballot paper for the member to vote in the privacy of the Club’s office. The member will be marked on the register as having voted.

B&DBC Policy

	<p>b. to set up the voting web-site for the member to access and vote in the privacy of the Club's office</p>
Dual Voting	<p>In the case of a Special Meeting or an Annual General Meeting, members eligible to vote shall have the opportunity to choose to vote by electronic means or in person at the meeting.</p> <p>After the electronic voting has closed and the "in person " votes have been collected, the Returning Officer and scrutineers shall collate the results of the 2 formats, to establish the outcome.</p>
Counting votes	<p>After the closing date of an electronic ballot, the returning officer will:</p> <ul style="list-style-type: none"> ● review all information and reports about the electronic ballot ● reject as informal any vote that does not comply with the instructions, if not already completed ● ascertain the results of the electronic ballot. <p>After the closing date of a ballot, the returning officer will:</p> <ul style="list-style-type: none"> ● collect the ballot papers ● reject as informal any ballot papers that do not comply with the instructions ● count the votes that are not rejected according to the voting system chosen <p>In the event of a tied ballot:</p> <p style="padding-left: 40px;">(a) for president- a tie breaker will be conducted (e.g. draw a name out of a hat)</p> <p style="padding-left: 40px;">(b) for subsequent tied ballots -the newly elected president will have a casting vote.</p> <p>The returning officer together with the scrutineers will:</p> <p style="padding-left: 40px;">-collate the results of the 2 formats of voting</p>
Rejecting Informal votes	<p>A ballot paper will be rejected as informal if a voter has failed to record a vote in accordance with the information or instructions provided.</p> <p>However, if in the opinion of the returning officer the voter's intention is clearly indicated on the ballot paper, it may not be declared as informal.</p> <p>If voting is carried out by electronic voting using a voting website or other electronic application (but not if voting is by email), the website or application is to provide a warning message to the voter that the proposed vote is informal.</p>
Determining the resolution /vote	<p>An ordinary resolution requires a simple majority of formal votes (ie. 50% plus 1).</p> <p>A special resolution requires at least three-quarters of the valid votes cast.</p>

B&DBC Policy

	In the event of a tie, the President shall have a casting vote
Notification of results	<p>The returning officer must prepare and sign a statement setting out the result of the ballot.</p> <p>The secretary must record the result of the ballot in the association's minutes.</p> <p>The committee chair announces the results as required. In the case of a special resolution, the association must notify members of the result, in writing, as soon as practicable.</p>
Retention of documents	<p>The returning officer must retain the roll, ballot papers and rejected returning envelopes relating to postal voting and all records relating to electronic voting once counting has finished.</p> <p>The returning officer must retain the documents in secure storage for a minimum period of 8 weeks. The committee may direct a longer period.</p>
Complaints	<p>Complaints in relation to the conduct of a ballot or election, should be lodged with the Returning Officer prior to the close of the ballot, as far as practicable Should there be a complaint or challenge, the Returning Officer shall</p> <ol style="list-style-type: none"> a. make inquiries about the complaint or challenge as he or she considers appropriate b. dismiss the complaint or challenge (in whole or in part), or c. if the complaint is substantiated (whether in whole or part) and depending on what is reasonable in the circumstances, void the ballot or declare a different result and provide reasons
Associated document-ation	<ol style="list-style-type: none"> 1. B&DBA Constitution 2. AGM Ballot Procedures 2020 3. Sample voting procedures

Troubleshooting		
Problem	Possible Cause	Possible Solution
Lack of access	Member does not have an email address	Paper ballot is provided with strict guidelines
	Members not technology savvy	Support and guidance provided by Returning Officer at specific times
Secure		Returning Officer restricts access so as to ensure ballots are incorruptible

B&DBC Policy

lack of familiarity	Teething problems	do a test run to target areas where members may need further support
Proof of anonymity	Members worried about confidentiality and security	Select a secure website Monkey Survey offers an anonymous response option Google forms allows more than one response unless people are signed in with an account

Warnings from JFM Law <https://jfmlaw.com.au/general-law/governance/electronic-voting-nsw/>

Policy review and version tracking			
Review	Date Approved	Signed	Next Review Due
1			
2			
3			