

NATIONAL SERVICE USERS EXECUTIVE

Election Procedures to the Executive

January 2009

1. Returning Officer

- 1.1 For each election of members to the Board the Returning Officer shall be the National Executive Officer.
- 1.2 The Returning Officer shall appoint a Deputy Returning Officer, not being a member of the Board, to act for him/her in the event of his/her absence or inability to act and the expression Returning Officer in these Rules includes the Deputy Returning Officer so acting.
- 1.3 The reasonable expenses of the Returning Officer in relation to the conduct of each election shall be paid by the Board.
- 1.4 Subject to the provision of these Rules, the Returning Officer shall be responsible for the conduct of each election and his/her decisions on all matters arising shall be final.
- 1.5 The Returning Officer or any person employed by him/her for any purpose relating to an election shall not be a candidate or an agent of a candidate at that election or further the candidature of any candidate at that election.
- 1.6 The Returning Officer shall not employ for any purpose relating to an election a person who, to his/her knowledge, is or has been a candidate or who, to his/her knowledge, has furthered the candidature of a candidate at that election.

2. General Provisions as to Agents

- 2.1 Each candidate for an election may appoint an agent and the name of the person so appointed as agent shall be notified to the Returning Officer in writing by the candidate not less than fourteen days before the polling day for that election.
- 2.2 An agent whose appointment is notified to the Returning Officer under this rule may be present on behalf of the candidate at the ruling on nominations, the sealing of the ballot box or ballot boxes and the counting of votes for that election.

3. Electoral Roll and Electoral Panels

- 3.1 The Electoral Roll for each region for the election of members to the Board shall contain the name and address of every person who is recorded in the Register from that region.

3.2 The Electoral Roll shall be divided into two panels of electors as follows: each panel containing the name and address of every person on the Electoral Roll who qualifies to be entered on such panel: -

4. Panel of Electors Qualifications for Entry on Panels of Electors.

PANELS OF ELECTORS

PANEL A For people who are using or have used mental health services

PANEL B Family members and friends/carers

5. Number, Category and Qualifications of Candidates to be elected by each Panel of Electors

5.1 The number, category and qualifications of persons, each of whom must be entered on the Electoral Roll as defined in 3 above, to be elected by each panel of electors shall be as follows:

PANEL A For people who are using or have used mental health services 3 members

PANEL B Family members and friends/carers 1 member

6. Time limits for nominations

6.1 The expiration of the time for receiving nominations shall be not less than twenty-one days and not more than twenty-eight days after the first date on which publication of the notice provided for in paragraph 14.1 occurs.

7. Nomination of Candidates

7.1 A person shall not be nominated as a candidate for election or have his or her nomination withdrawn without the consent of that person.

7.2 A candidate for election shall be nominated in writing by way of a nomination paper in the form specified in the First Schedule to these Rules, signed by not less than 5 members whose names are entered on the Panel of the Electoral Roll which includes the category for which the candidate is nominated. A duly completed nomination paper shall, together with completed consent form in the form set out in the Second Schedule to these Rules, be receivable by the Returning Officer only within the period between the date the public notice is published pursuant to Rule 6 and the expiration of the time for receiving nominations.

7.3 A person shall not be entitled to have his or her name entered on a ballot paper unless he or she has been duly nominated and the nomination has been ruled as being valid by the Returning Officer.

- 7.4 Each candidate shall be nominated by a separate nomination paper and any Elector may not sign more than one nomination paper.
- 7.5 The Returning Officer for the purpose of determining the validity of a nomination for election, may require the candidate to give him/her such relevant information relating to his or her candidacy as the Returning Officer requires and may require him or her to furnish appropriate evidence in relation to the information so given.
- 7.6 Failure by a candidate to give information requested under paragraph 7.5 or to provide evidence required for the purpose of that paragraph may be regarded by the Returning Officer as grounds for ruling a nomination invalid.

8. Times for receiving completed nominations

- 8.1 The Returning Officer shall on the last date for receiving nominations attend to receive nominations between the hours of 10.00 a.m. and 1.00 p.m. at the place appointed by him/her for receiving nomination papers. Every nomination paper delivered to the Returning Officer at any time before the commencement of the hours aforesaid shall be retained by the Returning Officer and produced by him/her at the commencement of the hours aforesaid and shall be deemed to have been delivered to him/her at the beginning of those hours.

9. Ruling on the validity of nomination papers

- 9.1 The Returning Officer shall rule on the validity of the nomination papers received by him/her.
- 9.2 A person proposed for nomination and the agent representing that person shall be entitled to attend while the validity of nominations at the election is being ruled on by the Returning Officer and no other person shall be entitled so to attend except with the permission of the Returning Officer.
- 9.3 Each candidate shall be described in the nomination paper in such a manner as in the opinion of the Returning Officer is calculated sufficiently to identify such candidate. The surname of the candidate shall be placed first in the statement of names and the address in the State at which he or she resides shall be stated in the nomination paper.
- 9.4 A misnomer or inaccurate description of any person or place named in any nomination paper shall not invalidate such paper if in the opinion of the Returning Officer the description is sufficient to identify such person or place.
- 9.5 No objection to a nomination paper on the ground of any description of the candidate therein not being sufficient or not being in compliance with these Rules shall be allowed or deemed valid unless such objection is

made to the Returning Officer by a candidate or agent of the candidate during the time for receiving nominations.

- 9.6 A candidate may before the expiration of the time for receiving nominations withdraw his or her candidature by giving to the Returning Officer a notice in writing to that effect, signed by the candidate.

10. Death of a Candidate

- 10.1 The death of a candidate standing nominated at the election shall not invalidate the nomination of such candidate or any preference recorded for him or her and, if such candidate is elected, his or her election shall not be invalidated by reason of his or her death, but such candidate shall be deemed to have vacated his or her membership of the Board on the day on which the newly elected members come into office and the vacancy shall be deemed to be a casual vacancy and shall be filled accordingly.

11. Publication of nominations

- 11.1 The Returning Officer shall, after he/she has ruled on the nomination papers, cause a notice to be displayed in the office of the Executive stating the names and descriptions of the candidates validly nominated for election and the names of the persons by whom each of the candidates was nominated.

12. Election of members

- 12.1 Where, at the expiration of the time for receiving nominations, in any category the number of duly nominated candidates does not exceed one, the Returning Officer shall thereupon declare such candidate to be elected. In the event of no nomination being made in any particular category, the filling of such vacancy shall be dealt with as a casual vacancy.
- 12.2 Where in any category the number of duly nominated candidates exceeds the number of candidates to be elected, a poll shall be taken by the Returning Officer.

13. Date of Poll

- 13.1 The Returning Officer shall fix the date and hour on and at which the period during which he/she may receive votes shall expire and such date shall be not less than thirty-one days or more than forty-nine days after the expiration of the time for receiving nominations.

14. Notice of Poll

- 14.1 Whenever the Returning Officer is required to take a poll, he/she shall, as soon as is practicable, and in such manner as he/she considers appropriate, give notice of the taking of the poll, the place and times for the counting of the votes and any other particulars which he considers appropriate.

15. Ballot Papers

- 15.1 The Returning Officer shall prepare ballot papers for each category in which a poll is to be taken which shall be in the form set out in the Third Schedule to these Rules, setting out the names of the candidates alphabetically in the order of their surnames, or, if there are two or more candidates have the same surname, in the alphabetical order of their forenames.
- 15.2 Not less than twenty-one and not more than twenty-eight days after the expiration of the time for receiving nominations, the Returning Officer shall in respect of each poll send by post to every person entitled to vote in such poll:
- a ballot paper containing the names of the candidates duly nominated for the category which is the subject of the poll;
 - a declaration of identity in the form set out in the Fourth Schedule to these Rules;
 - a ballot paper envelope;
 - a covering envelope;
 - a statement of the manifesto of each candidate;
 - a statement of the closing date for receipt of completed ballot papers
- 15.3 Where a person is entitled to belong to more than one panel of electors, then only one vote may be cast. The choice of whether to cast the vote as a panel A member or a panel B member shall rest with the individual concerned., the Returning Officer shall not be required to post more than one declaration of identity and one covering envelope to each such person.

16. Ballot Box

- 16.1 The Returning Officer shall provide a ballot box or ballot boxes for the reception of the covering envelopes returned by the voters.
- 16.2 Every such ballot box shall be sealed by the Returning Officer at the time fixed for the opening of the poll.
- 16.3 The Returning Officer, on the expiration of the time during which he/she may receive votes, shall close the ballot box or ballot boxes.

17. Procedure for voting

17.1 Each voter shall mark a ballot paper so as to indicate his or her first and any subsequent preferences against the names of the person or persons for whom he or she desires to vote and shall place the ballot paper(s) (folded face inwards) in the ballot paper envelope and securely fasten the same. The voter shall sign in the presence of a witness the declaration printed on the identification declaration form, have it duly witnessed and signed by the witness, place it with the ballot paper envelope inside the covering envelope and send it by post or otherwise to the Returning Officer.

18. Time and place for the counting of votes

18.1 The counting of votes shall commence on the expiry of the period during which the Returning Officer may receive completed ballot papers or at a time not later than forty-eight hours after such expiry, as may be fixed by the Returning Officer.

18.2 The Returning Officer shall appoint a place at which the votes will be counted.

19. Attendance at the counting of votes

19.1 At the counting of votes no person other than a candidate, the Returning Officer's assistants or the agents of the candidates duly appointed under these Rules may be present, except with the permission of the Returning Officer.

19.2 The Returning Officer shall give candidates and agents of candidates present all such reasonable facilities for observing the proceedings at the counting of the votes (including in particular facilities for satisfying themselves that the ballot papers are correctly sorted) and all such information with respect thereto as is consistent with the orderly conduct of the proceedings.

20. Preliminary proceedings

20.1 The Returning Officer shall, at the time fixed for counting the votes, open the ballot box or ballot boxes, remove and open the covering envelopes and examine the identification declaration forms therein. Where the identification declaration form is found to be valid the ballot paper envelope shall be opened, the ballot paper(s) withdrawn, kept folded face inwards and placed in special receptacles provided by the Returning Officer for ballot papers.

20.2 Where the Returning Officer is not satisfied that the identification declaration form has been duly signed or the signature duly witnessed, or where a ballot paper envelope is not accompanied by an identification

declaration form, he/she shall endorse the ballot paper envelope “vote rejected” without opening such envelope.

- 20.3 Any ballot paper envelope not containing a ballot paper shall be marked “rejected” by the Returning Officer.
- 20.4 The Returning Officer shall show to the candidates or agents present any identification declaration form which he/she proposes to reject on the ground that it has not been properly signed and witnessed and, if any objection is made to his/her decision by any candidate or agent, shall add to the endorsement the words “rejection objected to.”
- 20.5 The Returning Officer shall keep all rejected identification declaration forms with the attached ballot paper envelopes or ballot papers, as the case may be, separate from other documents.

2. Times for the counting of votes

- 2.1 The Returning Officer shall, as far as is practicable at the election, proceed with the counting of the votes but excluding such hours as he/she shall decide. During the time which may be so excluded the Returning Officer shall take due precautions for the security of the ballot papers and other documents relating to the poll(s).

22 Conduct of the counting of votes

- 22.1 The Returning Officer shall for each poll cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid and shall, in accordance with the directions contained in the Fifth Schedule to these Rules, ascertain and record the number of votes given to each candidate.
- 22.2 In counting the votes for each poll the Returning Officer shall credit the candidates at the election with votes in accordance with the directions contained in the Fifth Schedule to these Rules.

23. Return of persons elected

- 23.1 The Returning Officer shall forthwith give to every person elected written notice of his or her election and shall furnish the Board with a list of the persons certified by him/her to have been duly elected in each category.

24. Powers of Returning Officer

- 24.1 Any question arising with regard to the validity of a nomination or ballot paper, or otherwise in connection with an election held under these Rules, shall be determined by the Returning Officer.

25. General provisions

- 25.1 The election shall not be invalidated by reason of any misdescription or noncompliance with the provisions of these Rules or by reason of any miscount or of the non-delivery, loss or miscarriage in the course of post of any document required under these Rules to be dispatched by post, if it appears to the Returning Officer that the election was conducted substantially in accordance with the provisions of these Rules, and the result of such misdescription, noncompliance, miscount, non-delivery, loss or miscarriage did not materially affect the result of the election.
- 25.2 All voting papers received by the Returning Officer shall be retained by him/her for not less than twelve months after the completion of the election.

First Schedule

ELECTION OF MEMBERS TO NSUE

NOMINATION PAPER

We, the undersigned, being registered persons whose names are entered on Panel _____ (see Note 1) of the Electoral Roll hereby nominate for election to NSUE PANEL under Category _____ (See Note 2) the individual named hereunder.

NAME _____

1.
Surname (Capitals) _____

Forename (Capitals) _____

Signatures _____

2.
Surname (Capitals) _____

Forename (Capitals) _____

Signatures _____

3.
Surname (Capitals) _____

Forename (Capitals) _____

Signature _____

4.
Surname (Capitals) _____

Forename (Capitals) _____

Signature _____

5.
Surname (Capitals) _____

Forename (Capitals) _____

Signature _____

Second Schedule

ELECTION OF MEMBERS TO NSUE

Form of Consent

I consent to be nominated for election to NSUE

Name (Capitals)_____

Signed:_____ - Date: / /

Address:_____

I enclose my manifesto (max 2 A4 pages) which describes my reasons for standing for election and the issues I consider important.

Third Schedule

ELECTION OF MEMBERS TO NSUE

BALLOT PAPER

CATEGORY -A

Mark order of preference in space below	Name of Candidate	Address

Instructions

1. Enter the figure "1" beside the candidate of your first choice, "2" beside your second choice and so on in order of preference against the name or names of the persons for whom you desire to vote.
2. Fold the ballot paper so as to conceal your vote and put it in the ballot paper envelope; then place the ballot paper envelope and declaration of identity duly signed and witnessed in the covering envelope and send to the Returning Officer.

Fourth Schedule

ELECTION OF MEMBERS TO NSUE

Declaration of Identity

I, the undersigned, hereby declare that I am the person entitled to receive the enclosed ballot paper(s) and that I have not marked any other ballot paper(s) in the poll for this

Category _____

Signed: _____

Voter's Name
(Block Capitals): _____

Date: _____

The above-named is personally known to me and has signed the above declaration in my presence.

Witness's signature: _____

Witness's Name
(Block Capitals): _____

Address: _____

Occupation: _____

Fifth Schedule

ELECTION OF MEMBERS TO NSUE

COUNTING VOTES

1. Definitions

In this schedule –

“*continuing candidate*” means any candidate not excluded;

“*count*” includes:-

- (a) all the operations involved in the counting of the first preferences recorded for candidates; and
- (b) all the operations involved in the transfer of the votes of an excluded candidate;

“*determine by lot*” means determined in accordance with the following directions, namely, the names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate or candidates shall in cases of exclusion be excluded in the order in which their names are drawn;

“*mark*” means a figure, a word or a similar mark;

“*non-transferable paper*” means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate; provided that a paper shall be deemed to have become a non-transferable paper whenever:-

- (a) the names of two or more candidates (whether continuing candidates or not) are marked with marks which, in the opinion of the Returning Officer, indicate the same order of preference and are next in order of preference, or
- (b) the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the Returning Officer, does not follow consecutively after some other mark on the ballot paper, or with two or more marks, or
- (c) it is void for uncertainty;

“*original vote*” in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

“*preference*” shall be interpreted as follows:-

- (a) “first preference” means any mark which, in the opinion of the Returning Officer, clearly indicates a first preference;

“second preference” means any mark which, in the opinion of the Returning Officer, clearly indicates a second preference standing in succession to a first preference;

“third preference” means any mark which, in the opinion of the Returning Officer, clearly indicates a third preference standing in succession to a second preference; and so on;

- (b) “next available preference” means a preference which, in the opinion of the Returning Officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preferences next in order on the ballot paper for candidates already excluded being ignored;

“transferable paper” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

“transferable vote” in regard to any candidate, means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

2. Invalid ballot papers

- (1) Any ballot paper:-
- (a) on which the figure 1 standing alone is not placed at all or is not so placed as to indicate a first preference for some candidate, or
 - (b) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate, or
 - (c) on which anything is written or marked whereby the voter may be identified, or
 - (d) which is unmarked or, if marked, is so marked as to cause uncertainty as to the identity of the candidate for whom the voter desires to record a first preference, or
 - (e) on which anything extraneous to the purpose of the election is written or marked or which is in any way defiled or defaced by comment or mark, shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words “one”, “two”, “three” (and so on) or any other mark which, in the opinion of the Returning Officer, clearly indicates a preference or preferences.

- (2) The Returning Officer shall endorse "Rejected" on any ballot paper which under this section is not to be counted. The Returning Officer shall prepare a statement showing the number of ballot papers rejected by him under each of the sub-paragraphs (a), (b), (c), (d) and (e) of the preceding paragraph and shall, on request, allow any candidate or agent of a candidate to copy such statement.

3. First count

- (1) The Returning Officer shall arrange the valid ballot papers in parcels according to the first preferences recorded for each candidate.
- (2) The Returning Officer shall then count the number of ballot papers in each parcel and credit each candidate with a number of votes equal to the number of valid ballot papers on which a first preference has been recorded for such candidate and he shall ascertain the number of all valid ballot papers.

4. The quota

- (1) The Returning Officer shall then divide the number of all valid ballot papers by two. The result increased by one, any fractional remainder being disregarded, shall be the number of votes sufficient to secure the election of a candidate. This number is referred to in the Schedule as "the quota"
- (2) Where at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be declared elected.

5. Exclusion of candidate

- (1) If at any time no candidate has reached the quota the Returning Officer shall exclude the candidate or candidates credited with the lowest number of votes and shall examine all the ballot papers of that candidate or candidates, and shall arrange the transferable ballot papers in sub-parcels according to the next available preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded and shall make a separate subparcel of the non-transferable ballot papers. The non-transferable ballot papers shall be set aside and not further taken into account and shall be labeled as non-transferable ballot papers not effective.
- (2) Where the total of the votes of the two or more lowest candidates is less than the number of votes credited to the next highest candidate, the Returning Officer may in one operation exclude such two or more lowest candidates.

- (3) If, when a candidate has to be excluded under this section, two or more candidates have each the same number of votes and are lowest, regard shall be had to the number of original votes credited to each of those candidates and the candidate with the smallest number of original votes shall be excluded and where the numbers of original votes are equal, the Returning Officer shall determine by lot which shall be excluded.

6. Transfer of votes

Where a transfer of votes is made under Section 5 of this Schedule, each subparcel of papers transferred shall be placed on top of the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the number of papers so transferred.

7. Filling of vacancy without reaching quota

Where there is only one continuing candidate after the other candidates have been excluded and that continuing candidate has not reached the quota he or she shall be declared elected without having reached the quota.

8. Recount

- (1) Any candidate or agent may, at the conclusion of any count, request the Returning Officer to re-examine and recount all or any of the papers dealt with during that count and the Returning Officer shall forthwith re-examine and recount such papers accordingly. The Returning Officer may also at his discretion recount papers either once or more often in any case in which he is not satisfied as to the accuracy of any count; but nothing herein shall make it obligatory on the Returning Officer to recount the same parcel of papers more than once.
- (2) The power under the foregoing paragraph of the Returning Officer to recount at his discretion papers in any case in which he is not satisfied as to the accuracy of any count shall extend to papers dealt with at an earlier count than the immediately preceding one.
- (3) As respects each candidate, one request (and not more) may be made by a candidate or by his or her agent for a complete re-examination and recount of all parcels of ballot papers, and the Returning Officer shall forthwith re-examine and recount the parcels of ballot papers accordingly. Nothing in the foregoing provisions of this sections shall make it obligatory on the Returning Officer to re-examine or recount the same parcel of papers more than once, but if an error is discovered which is, in the opinion of

the Returning Officer, a significant error likely to affect the result of the election, the Returning Officer shall count all the papers afresh from the point at which the error occurred.

- (4) Where an error is discovered, the Returning Officer shall, where necessary, amend any results previously announced by him/her.

9. Declaration of the result of the poll

On the completion of the counting of the votes the Returning Officer shall determine and declare the result of the poll.

10. Decisions of Returning Officer

The decision of the Returning Officer, whether expressed or implied by his/her acts, on any question which arises at a count in relation to the exclusion of any candidate under Section 5 of this Schedule or to any ballot paper or transfer of votes shall be final.

11. Casual Vacancies

Casual vacancies shall be filled by decision of the board at the next meeting following the existence of a casual vacancy having been brought to their attention.