

Shettleston Housing Association Ltd. Election and campaigning guidelines

Introduction

As a result of changes to its Rules, the Association has made major changes to how Management Committee members are elected. In particular:

- Committee members will be elected by all-postal ballots if there is a contest for places on the Management Committee;
- Tenants as well as members of the Association are able to participate in the election process.

The Rules (Rule 41) describe how members of the Management Committee are elected.

To ensure that elections are conducted fairly and properly, these guidelines summarise the rules which all candidates seeking election must follow.

The Election Process in summary

The Rules provide full information about the election process. This is a brief summary of the main features of the Rules.

How committee places become vacant

Under the Rules, the Management Committee must have a minimum of 7 members, and a maximum of 18 members. Each year, one-third of the elected members of the Management Committee must stand down, along with any co-opted members.

Who can stand for election

Only people who are members of the Association can stand for election to the Management Committee, to fill any vacant places.

Any member of the Association can stand for election, unless they are ineligible to do so under the Rules.

How committee members will be elected

This will depend on how many vacant places there are, and how many people are nominated for election.

If there are more candidates than there are vacant places on the Committee

An "Election Forum" will be held. This means that:

- A postal ballot will be conducted.
- The people entitled to vote in the postal ballot will be the members of the Association, and tenants of the Association (including sharing owners).
- The names of the candidates will go forward to the Annual General Meeting
- The order in which the candidates will go forward will be determined by who received the most votes in the postal ballot

The members who attend the AGM will be asked to approve the election of each of the candidates in the order in which they are presented. The members will only be able to prevent a candidate being elected if at least three-quarters of the members at the AGM decide this. Once each of the places available has been filled the remaining names will not be presented for election.

If there are NOT more candidates than there are vacant places on the Committee

No Election Forum or postal ballot will be held – the names of all of the candidates who have been nominated will automatically go forward to the AGM.

The candidates who have been duly nominated will be declared elected at the AGM.

Dates for elections and the AGM

The change to a postal ballot means that the election process will take longer to complete than in the past.

No later than 42 days prior to the AGM each year the Association will publish a Notice of Elections. This will be sent to all those eligible to vote in the elections ie all tenants and all members of the Association, and will include the name of the independent Election Agent appointed to manage the election process. The Notice will also be publicised to the Association’s service users and on the Association’s website.

The Notice will include an AGM timetable, with the following key dates:

Key Date	Guidelines
Notice of Elections	<ul style="list-style-type: none"> At least 42 days before the AGM and no later than the end of the first week in August.
Deadline for nominations	<ul style="list-style-type: none"> At least thirty five days before AGM date
Issue of postal ballot papers (if there are more candidates than there committee places)	<ul style="list-style-type: none"> At least 28 days before the AGM date and allowing at least 21 days for postal ballots.
Deadline for return of postal ballot papers	<ul style="list-style-type: none"> At least 7 days prior to the AGM.
Annual General Meeting	<ul style="list-style-type: none"> Must be held before 30 September each year

Nomination procedures for prospective candidates

Committee members who are due to stand down under the Rules and who wish to seek re-election do not need to be nominated.

Other members of the Association must be nominated to stand for election by another member of the Association. Nominations must be submitted on an official nomination form, which is included in the Rules and accompanies the Notice of Elections.

Nomination forms must be returned to the Association’s office or to the Secretary by the deadline stated in the Notice of Elections. The Association reserves the right to investigate nominations to verify that they are valid. Any candidate submitting a fraudulent nomination shall be excluded from the election. The decision of the Secretary as to the veracity of a nomination and the corresponding inclusion or exclusion of a candidate shall be final.

Each candidate should submit a short Election Statement (maximum length 350 words) along with their nomination papers. Guidelines on the Election Statement are provided below.

Election and campaigning rules and guidelines

After the deadline for nominations, campaigning or canvassing by candidates or their supporters is prohibited. This is to ensure that:

- The Association’s members and tenants do not suffer any nuisance, even if this is not intentional
- All candidates have exactly the same opportunity to state their case, through their Election Statements.

All candidates and their supporters must adhere to these rules. Failure to do so will result in the candidate's disqualification.

Independent Election Agent

The Association will appoint an independent Election Agent to manage the postal ballot process, and to ensure that voting is conducted in a fair and proper manner.

The Election Agent will:

- Act as the independent returning officer, to ensure that the ballot procedure is fair and impartial
- Prepare and issue ballot papers, using computer disks containing the names and last-notified postal addresses of people eligible to vote.
- Be responsible for ensuring that ballot papers are held safely and securely until they are counted.
- Count the ballot papers returned, and prepare a certified report of the election results.
- Advise the Association of any instances of irregularity or possible election fraud.

Voting

Postal ballot papers will be issued if the number of valid nominations at the closing date exceeds the number of positions to be elected.

The ballot paper will list all candidates who have been properly nominated. Voters will be able to cast a vote for as many candidates as there are positions to be elected (for example, if there are five positions to be filled, a vote can be cast for up to five candidates).

The Election Forum results will be based on a "first past the post" voting system, as described in the Association's Rules.

Ballot papers shall be retained by the Election Agent for 3 months after the close of voting.

Complaints about the conduct and fairness of elections

Any complaint about the conduct or fairness of elections must be made in writing to the Association's Secretary within one week of the close of the postal ballot period.

Advised by the Election Agent and/or the Association's solicitors, the Secretary will determine the validity of any complaint made about the conduct or fairness of the election, and will have the right to require that an election should be held again, in whole or in part, if not satisfied that the election complies with the requirements of the Association's Rules.

The Association itself may seek to disqualify candidates who have failed to adhere to the rules and guidelines on elections and campaigning, or who are found to have committed election fraud.

**Shettleston Housing Association Ltd.
Election of Management Committee Members
Nomination Form**

Part 1

To be completed by the member making the nomination

I,(name in capitals), a member of Shettleston Housing Association Ltd., share certificate number ,
nominate(name in capitals) for election to the Management Committee of the Association.

Signature

Date

Part 2

To be completed by the member who is being nominated to stand for election

I,(name in capitals), a member of Shettleston Housing Association, share certificate number , accept the nomination to stand for election and declare that:

- a) I am willing to be elected
- b) I am eligible to be elected under Rules 38.3 and 44
- c) I agree to abide by the Association's election and campaigning rules and guidelines, and understand that failure to do so may result in my disqualification from being elected.
- d) My occupation is

Signature

Date

This nomination form should be returned to the Association's Secretary, or the Association's registered office, not more than 7 days following the date of the Notice of Elections ie by 5 pm on Thursday 11th August 2005.

You should enclose a copy of the Election Statement you would like to be issued with the ballot papers. Guidance on preparing this is provided in the election guidelines.

Shettleston Housing Association Ltd.
Extract of Rules

- 38.1 The Association shall have a Committee of Management which shall have a minimum of 7 and a maximum (including co-optees) of 18 members which shall be reduced to 15 members by resolution of the Committee no later than the second Annual General Meeting following a stock transfer from Glasgow Housing Association.
- 38.2 You must be a member of the Association and aged 18 or over to become a Committee Member, unless you are a co-optee or a Communities Scotland appointee. An individual appointed to fill a casual vacancy must also be aged 18 or over and a member of the association.
- 38.3 An employee of the Association, or a close relative of an employee, may not be a Committee Member.
- 41.1 A Notice of Elections inviting nominations for the Committee will be issued by the Association not less than 42 days before the proposed date of the annual general meeting. The Notice of Elections will be issued to those entitled to vote in any Election Forum, as described in Rule 41.3. The actual date of the annual general meeting will be confirmed in writing to all members at least 14 days before the date of the meeting, as described in Rule 23.1
- Nominations for the Committee must be in writing signed by a member and must give the full name, address and occupation of the member being nominated.
- Nominations must be in the form specified at appendix 3. This means that the nomination form must be signed by and include a signed statement from the member being nominated to show that they are eligible to join the Committee in accordance with Rules 38.3 and 44, that they are willing to be elected, and that they agree to abide by those rules and guidelines relating to campaigning and elections.
- Nominations must be delivered to the Secretary or left at our registered office no later than 7 days after the Notice of Elections is issued.
- 41.2 If, at the closing date for nominations, there are more valid nominations received than there are vacant places, an Election Forum will be held.
- 41.3 The Election Forum will be conducted by a postal ballot of those entitled to vote. Those entitled to vote in the Election Forum will be the members of the Association and all people who have a tenancy or shared ownership agreement with the Association. Where there are joint tenants or joint sharing owners, the people who are parties to the tenancy agreement or shared ownership agreement shall be entitled to vote in the Election Forum.
- 41.4 No person is entitled to cast more than one vote in the Election Forum. For the avoidance of doubt, tenants who are also members of the Association will be entitled to one vote only.
- 41.5 Not less than 28 days before a meeting is held at which one or more Committee Members will be elected, a ballot paper for the election will be issued to everyone who is entitled to vote in the Election Forum.
- 41.6 Formal campaigning activity, other than an agreed election statement included in the postal ballot, is strictly prohibited. The term "formal campaigning activity" includes door-to-door and/or telephone canvassing of people entitled to vote, the issuing of

- leaflets or any other printed material (including e-mails and use of the internet), the use of posters, stickers or any other method of advertising, the calling of public meetings and articles or interviews in the press or other media.
- 41.7 The Association will appoint an independent Election Agent to manage the postal ballot process and to ensure that voting is conducted in a fair and proper manner. The Election Agent will act as the independent returning officer, prepare and issue ballot papers, be responsible for ensuring that ballot papers are held safely and securely, count the ballot papers returned, and prepare a certified report of the election results. The Election Agent will be charged with advising the Association of any instances of irregularity or possible election fraud.
- 41.8 Those entitled to vote in the Election Forum can vote in the election by returning the ballot paper to the Association's appointed Election Agent by the date specified on the ballot paper. The date for returning ballot papers shall be 7 days before the date of the annual general meeting.
- 41.9 The votes cast for each candidate in the Election Forum will be announced by the Chairperson at the Annual General Meeting.
- 41.10 Following the announcement of the votes cast for each candidate the election of the candidate in the Election Forum who has received the highest number of votes in the Election Forum shall be proposed by the Chairperson. Those members present at the general meeting will be invited to approve the election of the candidate to the Management Committee by a vote. Voting will be by a show of hands except where a poll is requested in terms of Rule 32.1.
- 41.11 Unless at least three quarters of the members present vote against the election of the candidate the candidate shall be elected to the Management Committee.
- 41.12 Following the election or rejection of the candidate who has received the highest number of votes in the Election Forum in terms of Rule 41.10 the candidate who has received the next highest number of votes in the Election Forum shall be proposed by the Chairperson. Those members present at the general meeting will be invited to approve the election of the candidate to the Management Committee by a vote. Voting will be by a show of hands except where a poll is requested in terms of Rule 32.1. The terms of Rule 41.10 shall apply to this vote.
- 41.13 The procedure set out in Rule 41.10 to 4.12 shall be continued in respect of all the candidates in the Election Forum until all the vacant places on the Management Committee are filled or all the candidates in the Election Forum have been voted on.
- 41.14 Any candidate who is rejected in terms of Rule 41.11 shall not be elected to the Management Committee notwithstanding that there remain vacancies after the procedure outlined in Rule 41.13 has been completed.
- 41.15 For the avoidance of doubt, only members who attend the general meeting in person will be able to take part in any voting which takes place on the results of the Election Forum. Voting by proxies and/or representatives is not permitted in relation to the election of Committee Members.
- 41.16 If following the receipt of nominations in terms of Rule 41.1 there are insufficient nominations to fill the vacant places on the Management Committee or there are the same number of nominations as there are the vacant places on the Management Committee, the Chairperson will declare the members standing to be elected without a vote.
- 44.1 You cannot become or remain or be re-elected as a Committee Member if one of the

following happens to you:

- 44.1.1 you are declared bankrupt under the Bankruptcy (Scotland) Act 1985.
- 44.1.2 you have made an arrangement with your creditors.
- 44.1.3 in the opinion of a qualified medical doctor, you are unable to go to Committee Meetings for 12 months because of incapacity due to a physical or mental illness.
- 44.1.4 you are sent to prison for a month or more or have been convicted of a crime of dishonesty for which the rehabilitation period in terms of the Rehabilitation of Offenders Act 1974 has not expired or for which rehabilitation is excluded in terms of the said Act.
- 44.1.5 you are a party to any legal proceedings in any Court of Law by or against us.
- 44.1.6 you are or will be away for a period of 12 months and are thus unable to attend the Committee Meetings.
- 44.1.7 you have been removed by Communities Scotland from the Committee of another registered social landlord.
- 44.1.8 you have been removed from a charity under Section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (in connection with the power of a Court to remove or suspend any person who is concerned in the management or control of a charity); or
- 44.1.9 a Disqualification Order has been made against you under the Company Directors' Disqualification Act 1986 (which relates to the power of a Court to prevent someone from being a director, liquidator or administrator of a company or a receiver or manager of company property or being involved in the promotion, formation or management of a company).

44.2 You will no longer be a Committee Member if you:

- 44.2.1 resign your position in writing; or
- 44.2.2 leave the membership of the Association or have your membership withdraw; or
- 44.2.3 miss four Management Committee meetings in a row without special leave of absence previously granted by the Committee.
- 44.2.4 Are excluded under Rule 44.1.

44.3 No Committee member may act as such until they have agreed to and signed the then current code of conduct for Committee Members.

Shettleston Housing Association Ltd. Candidates' Election Statements - Guidelines

Candidates should submit a short Election Statement along with their nomination papers. The purpose of the Election Statement is to allow candidates to introduce themselves to the people voting, and to explain why they are seeking to be elected.

The Election Statement for each candidate will be issued to all people entitled to vote in the Election Forum, along with the postal ballot paper.

The content of the Election Statement is for each individual candidate to decide. However, all candidates must work within the following guidelines:

- Election Statements should not exceed 350 words in length. If Election Statements exceed this, it may be terminated after the 350th word.
- Photographs of the candidate are not allowed.
- Election Statements must not contain any statements which are threatening, abusive, offensive, racist, sexist, sectarian or homophobic.
- If such statements are made, then the candidate shall be invited to make a new statement.
- If they refuse or time does not allow, the statement shall be edited by the Secretary as appropriate and notice shall be added to the statement to indicate that this has been done.

If a candidate does not submit an Election Statement with their nomination papers, this will be notified to the electors when ballot papers are issued.

The Association will arrange for all Election Statements to be typed in a standard presentation format, to accompany the ballot papers.