

# Rules for the Election of President and Treasurer

## 1. Timetable

Event	Time
Publication of Notice Election	By 31 December in the year preceding the AGM
Close of Nominations	1 March (or the last working day before this date) before the date of the AGM
Last date for candidate to withdraw	12 noon on the day 10 calendar weeks before the date of the AGM
Publication of list of persons nominated	At least 21 clear days before the date of the AGM
Issue of voting papers	At least 21 clear days before the date of the AGM
Deadline for return of appointment of proxy	12 noon 5 working days before the date of the AGM
Deadline for return of voting papers	12 noon 5 working days before the date of the AGM
Declaration of result	At the AGM

## 2. Vacancies

- 2.1 The President and Treasurer must retire from office at each Annual General Meeting (AGM). The resulting vacancies will be filled by election. (Byelaw 5.1)

## 3. Notice of Election

- 3.1 Council must provide all members of the RHS with a Notice of Election by 31 December each year. This Notice must contain details of the vacancies, the requirements for nomination and the closing date for nominations. (Byelaw 7.1)
- 3.2 The Notice of Election will be published in the December edition of *The Garden*, the wording having first been agreed on behalf of Council by the Nominations and Appointments Committee.

## 4. Eligibility of Candidates

- 4.1 Any individual member of the RHS may seek election provided they are eligible. (Byelaw 5.2)
- 4.2 To be eligible for election, all candidates must
- be a member of the Society at the date of nomination, the date of election and throughout their term of office

- be aged over 18 on the date of the AGM at which the election will take place
- not have already completed five elected terms of office save that the membership may agree to elect such an individual for up to a maximum of two further terms
- be qualified under charity law to serve as a trustee of a charity and in particular

- not have been convicted of an offence involving dishonesty or deception, unless the conviction is spent
- not be an undischarged bankrupt
- not have been removed from trusteeship of a charity by the court or the Charity Commissioners
- not be subject to a disqualification order under the Company Directors' Disqualification Act 1986

## **5. Nomination Papers**

- 5.1 Any member of the RHS wishing to stand for election to the office of President or Treasurer is required to deliver a nomination paper signed by a proposer, seconder and six other supporters – all of whom must be members of the RHS. (Byelaw 5.2)
- 5.2 The Secretary will, on request, provide any prospective candidate with a nomination paper for completion. The nomination paper will enable the candidate to submit additional information, including qualifications for office, which will assist Council to ensure the eligibility of the candidate and to decide which candidate should be supported.
- 5.3 Council will from time to time agree the form of the nomination paper.
- 5.4 Council may agree that the signatures of a candidate's proposer, seconder and supporters be included on a separate "Supporter Form" in a format determined by Council.

## **6. Delivery of Nomination Paper**

- 6.1 Prospective candidates are required to submit their nomination paper by the 1 of March (or last working day before this date) prior to the AGM at which the election will take place to The Secretary at 80 Vincent Square, London SW1P 2PE. (Byelaw 5.2) Papers may be submitted by post, fax, email or hand.

## **7. Withdrawal of Candidate**

- 7.1 A candidate may withdraw his candidature at any time up until 12 noon on the day 10 calendar weeks before the date of the AGM. Notice of withdrawal should be submitted in writing to The Secretary at 80 Vincent Square, London SW1P 2PE.

## **8. Role of Council**

- 8.1 Council will check the eligibility of all candidates to serve as President and Treasurer and undertake such enquiries as it deems necessary to decide who should be supported at the election. (Byelaw 5.3)
- 8.2 To assist Council in its task, Council will have the right to request to meet with candidates. Candidates who decline this request will not be eligible to receive the support of Council at the forthcoming election. Such candidates will, however, retain the right to stand for election provided they are eligible.
- 8.3 In the event that Council finds a candidate does not meet the eligibility criteria set out at 4.2 above, that candidate will not be permitted to pursue their candidacy. The candidate will be advised of Council's findings in writing, this notification to be sent to the address for correspondence provided by the candidate on his nomination paper.

## **9. List of Persons Nominated**

- 9.1 The Secretary will arrange for a list of all candidates validly nominated, together with details of their qualifications and the names of their proposer, seconder and supporters, to be issued to all members of the RHS not less than 21 clear days before the date of the AGM with the Notice for that meeting. (Byelaw 7.1) [See also rule 14.1 below]
- 9.2 Names of candidates included on the list will be in alphabetical order by last name. Where two or more candidates share the same last name, these candidates will be listed alphabetically by first, or where necessary second, name.
- 9.3 In the event that a Nomination Paper includes the names of more than 6 supporters, The Secretary will include the first six valid signatures on the list of persons nominated.

## **10. Uncontested Election**

- 10.1 In the event that there is no more than one candidate to fill a vacancy, the candidate will be declared elected unopposed at the AGM. (Byelaw 5.4)

## **11. Unfilled Vacancies**

- 11.1 In the event that there is no candidate to fill a vacancy, Council will appoint a member of the Society to fill that vacancy until the date of the Annual General Meeting in the following year. A member appointed to serve as President or Treasurer must be a member of the Society at the date of appointment, remain a member throughout their period of office, be aged over 18 and not be disqualified from acting as a charity trustee by virtue of section 72 of the Charities Act 1993. (Byelaw 5.6) The name of the member appointed as President will be announced at the AGM by the outgoing President (or, in the event that there is no outgoing President, by the Treasurer) or as soon after any appointment is made where this occurs after the date of the AGM. The name of the member appointed as Treasurer will be announced at the AGM, or as soon after any appointment is made, by the President.

## **12. Contested Election**

- 12.1 In the event that there are two or more candidates for a vacancy, there will be a contested election. (Byelaw 5.4)

## **13. Method of Election**

- 13.1 A contested election will be conducted by postal ballot of the RHS membership. (Byelaw 7.1)

## **14. Election Address**

- 14.1 Each candidate is required to submit an address to the membership of the RHS to support his or her candidature. This address may be up to 250 words in length and will be provided by the candidate with his nomination paper.
- 14.2 A photograph of the candidate must accompany the election address together with the names of the candidate's proposer, seconder and other supporters. Council may provide such further guidance for the content and length of the address as it considers appropriate.
- 14.3 Each candidate will be given an opportunity to approve and/or make further amendment to his or her address before its publication.
- 14.4 The election address of each candidate will be issued to RHS members at the same time as the list of candidates nominated irrespective of whether the election is contested [See Rule 9.1 above].

## **15. Form of Voting Papers**

- 15.1 Voting papers for the election will be prepared in a form similar to that shown in the appendix.
- 15.2 The names of the validly nominated candidates will be listed alphabetically by last name. In the event of two or more candidates having the same last name, those candidates will be listed alphabetically by first, and if necessary second, name.
- 15.3 The voting paper will be accompanied by instructions to RHS members on how the paper should be completed and returned.

## **16. Appointment of Proxy**

- 16.1 The voting paper will include provision for an RHS member to appoint the President of the Society to vote on their behalf as Proxy.
- 16.2 In the event that the outgoing President is a candidate for re-election as President or election as Treasurer, the voting paper will instead include provision for an RHS member to appoint the Chairman of the Society's Nominations and Appointments Committee to vote on their behalf as Proxy.
- 16.3 An RHS member appointing the President (or Chairman of the Nominations and Appointments Committee) as Proxy must sign the appropriate instruction on the voting paper, as directed, to confirm this fact. If someone other than the RHS member signs the appointment, a power of attorney or letter of authority must be delivered to The Secretary at 80 Vincent Square, London SW1P 2PE by 12 noon on the Friday prior to the date of the AGM at which the election will take place.
- 16.4 Once an RHS member has appointed the President (or Chairman of the Nominations and Appointments Committee) to act as proxy, this authority cannot be withdrawn. A vote given by a proxy shall be valid notwithstanding the death of the individual member or a member organisation ceasing to exist before the date of the close of poll.

## **17. Issue of Voting Papers**

- 17.1 The voting paper together with the election address of each candidate will be posted to each RHS member and affiliated society at the address shown in the Society's records not less than 21 clear days before the date of the AGM (i.e. 21 calendar days excluding the day of the meeting and the day of issue) at which the election will take place. This posting will usually be undertaken in conjunction with the posting of *The Garden*. Final day of posting will be regarded as the day of issue.

17.2 The accidental failure to issue any document relating to the election or the non-receipt of a voting paper will not invalidate the election. (Byelaw 7.2)

## **18. Issue of a Duplicate Voting Paper**

18.1 In the event of The Secretary being advised to his satisfaction that a voting paper has been spoilt or not received, he will arrange for the issue of a duplicate voting paper.

## **19. Return of Voting Papers**

19.1 RHS members wishing to vote at the election must complete the voting paper and return it by post or by hand to The Secretary at 80 Vincent Square, London SW1P 2PE, or to such other address advised on the voting paper, by 12 noon 5 working days prior to the date of the AGM.

19.2 The Society may, at its discretion, make arrangements to pay the postage costs that would otherwise be incurred by the RHS member returning a completed voting paper. This may be done by the provision of a postage paid return envelope, a freepost address or such other method as the Society determines.

## **20. Voting by Member Organisations**

20.1 An appointed representative of a member organisation may vote at the election, provided that the representative signs the voting paper as directed in the accompanying instructions.

## **21. Use of Proxy Votes by the President (or Chairman of the Nominations and Appointments Committee)**

21.1 The President (or Chairman of the Nominations and Appointments Committee where rule 16.2 applies) may cast his proxy votes as he thinks fit.

21.2 When considering how to exercise his proxy votes, the President (or Chairman of the Nominations and Appointments Committee) may take account of any views expressed by Council. However, the President (or Chairman of the Nominations and Appointments Committee) is not obliged to vote for any of the candidates suggested and/or supported by Council.

21.3 Details of the candidates for whom the President (or Chairman of the Nominations and Appointments Committee) intends to cast his proxy votes will be included in the papers issued to RHS members with the voting paper.

## **22. Arrangements for Counting the Votes Cast**

- 22.1 Council has agreed that the Society should make use of an independent scrutineer to count the votes cast in the postal ballot.

## **23. Spoilt Voting Papers**

- 23.1 A voting paper may be treated as spoilt and therefore not counted if
- the voter has voted for more candidates than he or she is entitled
  - a voting paper contains no votes
  - the intentions of the voter are unclear
  - the voter includes names on the voting paper other than his own or the names of the candidates

## **24. Determining the Result of the Ballot**

- 24.1 The independent scrutineer will deliver the result of the postal ballot to The Secretary to the RHS by 9am on the day of the AGM at the latest. The independent scrutineer will also provide The Secretary with details of the number of RHS members that have appointed the President (or Chairman of the Nominations and Appointments Committee where rule 16.2 applies) as their proxy.
- 24.2 The Secretary will inform the President (or the Chairman of the Nominations and Appointments Committee) of the number of proxy votes awarded to him and request the President (or Chairman of the Nominations and Appointments Committee) to confirm in writing how he wishes to cast those votes.
- 24.3 On receipt of the President's (or Chairman of the Nominations and Appointments Committee's) written instructions, The Secretary will add the total number of proxy votes cast for a candidate to the number of votes that the candidate received in the postal ballot in order to calculate the result of the election. The Secretary will then pass details of the result of the election to the President or Treasurer as required by rule 28.1 below in readiness for the declaration of the result.
- 24.2 The result of the election will not be disclosed to any individual or organisation prior to its formal declaration at the AGM other than to Members of Council, the Director General and to the candidates standing at the election.

## **25. Equality of Votes**

- 25.1 In the event that there is an equality of votes between candidates for any vacancy, The Secretary will determine the successful candidate by lot.

## **26. Objections as to the right of an RHS member to vote**

26.1 Any objection to the right of a member to vote in the ballot must be made at the AGM and prior to the declaration of the result of the election. The Secretary will decide whether any disputed vote should be included or excluded from the ballot. The decision of The Secretary will be final.

**27. Death of a Candidate**

27.1 Council will decide what action should be taken in the event that a candidate should die between the closing date for nominations and the date of election. Such action may, if necessary, include the abandonment of the ballot.

**28. Declaration of Result**

28.1 Whether contested or not, the result of the election for the office of President will be declared at the AGM by the outgoing President or, in the event that the outgoing President is a candidate at the election, by the Treasurer. The result of the election for the office of Treasurer will be declared at the AGM by the President. If for any reason the President or Treasurer is unable to declare the result of an election, The Secretary will make the declaration (Bye-law 7.1).

28.2 The number of votes cast by RHS members and the number of proxy votes cast by the President (or Chairman of the Nominations and Appointments Committee where rule 16.2 applies) may be disclosed separately.

**29. Term of Office**

29.1 The holder of the office of President and Treasurer will each serve for one year. (Byelaw 5.1)

**30. Commencement of Office**

30.1 A newly elected President and Treasurer take office from the end of the AGM at which their election is announced. (Byelaw 5.7)

**31. Disposal of documents**

31.1 The Secretary will arrange for all documents relating to an election, including voting papers, to be retained for a period of at least six months after the declaration of the result.

