THE CRIMINAL BAR ASSOCIATION

GOVERNANCE PAPER

Election Procedures

Made under clause 8.7 of the Constitution

1. Introduction and Status

1.1 These Election Procedures ("the Procedures") are made under clause 8.7 of the Constitution of the Criminal Bar Association ("the Association") and govern the conduct of elections to elected positions in the Association.

1.2 The Procedures shall be read alongside Part 8 of the Constitution. In the event of any inconsistency between the Procedures and the Constitution, the Constitution shall prevail.

1.3 The Procedures may be amended from time to time by resolution of the Executive Committee, subject to the Constitution.

2. Election Officials

2.1 The election officials of the Association are the Secretary and the Administrator, acting jointly, in accordance with clause 8.2 of the Constitution.

2.2 The election officials are responsible for:

(a) publishing the timetable for each election;

(b) verifying the eligibility of each candidate;

(c) supervising the conduct of the ballot;

(d) declaring the results.

2.3 Where either the Secretary or the Administrator has an actual or perceived conflict of interest in any election, including by reason of standing as a candidate or being closely connected to a candidate, that person shall recuse themselves from that election. The Executive Committee shall appoint a Voting Member, who is not themselves a candidate in that election, to act in their place, in accordance with clause 8.3 of the Constitution.

2.4 The election officials shall act fairly, impartially and in a manner that does not advantage or disadvantage any candidate.

3. Elected Positions

3.1 The following positions are filled by ballot of the Voting Members:

(a) Vice Chair (annually);

(b) Treasurer (every three years, or such other interval as Part 4 of the Constitution provides);

(c) Assistant Secretary (annually);

(d) Elected Members of the Executive Committee (one third elected each year);

(e) such other elected positions as the Constitution or the Terms of Reference may from time to time provide.

4. Eligibility

4.1 The eligibility of candidates is governed by the Constitution. The election officials shall verify each candidate's eligibility prior to the opening of the ballot.

4.2 Candidates must be Voting Members of the Association at the date of nomination and at the date of taking office.

4.3 Particular eligibility requirements:

(a) Vice Chair: King's Counsel (clause 4.4 of the Constitution);

(b) Treasurer: Voting Member;

(c) Assistant Secretary: Voting Member;

(d) Elected Members of the Executive Committee: Voting Members, subject to the constitutional balance under clause 6.3 (not more than six King's Counsel and not fewer than three barristers of under eight years' call at the time of election).

5. Annual Election Timetable

5.1 The annual election timetable is as follows, save where the Executive Committee otherwise determines:

(a) Vice Chair — ballot conducted in July; results announced by the end of July; term commencing on 1st September of the same year.

(b) Treasurer (where a vacancy arises) — ballot conducted in December; results announced by the end of December; term commencing on 1st January of the following year.

(c) Assistant Secretary — ballot conducted in February; results announced by the end of February; term commencing on 1st March of the same year.

(d) Elected Members of the Executive Committee — ballot conducted in December; results announced by the end of December; terms commencing on 1st January of the following year.

5.2 The election officials shall publish the precise timetable for each election (including the dates for opening and closing of nominations, the dates the ballot opens and closes, and the date of the announcement of results) not less than twenty-eight days before the opening of nominations.

5.3 The timetable shall provide for:

(a) a nominations period of not less than fourteen days;

(b) a ballot window of not less than five working days;

(c) a reasonable period between the close of nominations and the opening of the ballot for the publication of candidate statements and ballot information.

6. Nominations

6.1 Nominations shall be made in writing, on such form as the election officials may prescribe, and shall be submitted to the Secretary within the nomination period.

6.2 Each nomination shall include:

(a) the consent of the candidate to stand for election;

(b) a proposer who is a Voting Member of the Association;

(c) a seconder who is a Voting Member of the Association.

6.3 A candidate statement, of such reasonable word limit as the election officials may prescribe (not exceeding 500 words save where the election officials otherwise determine), shall accompany each nomination.

6.4 The election officials shall acknowledge each nomination upon receipt and confirm to the candidate, the proposer and the seconder that the nomination has been received and accepted as eligible.

6.5 Late nominations shall not be accepted save where the election officials are satisfied that exceptional circumstances apply.

7. Conduct of the Ballot

7.1 Ballots shall be conducted electronically, by such secure means as the election officials, in consultation with the Officers, determine to be fair, secure and accessible to all Voting Members.

7.2 Each Voting Member shall be entitled to one vote in any single election.

7.3 Where multiple positions are to be filled simultaneously (such as in the December elections to the Executive Committee), the ballot shall be conducted by such method (whether single transferable vote, multiple-vote, or otherwise) as the election officials, in consultation with the Officers, determine to be appropriate to the constitutional requirement of balance under clause 6.3 of the Constitution.

7.4 Reasonable guidance to candidates and to the membership shall be published by the election officials in advance of each ballot. 7.5 Voting records shall be retained by the election officials in accordance with the Information Governance Policy.

8. Uncontested Elections and Vacant Positions

8.1 Where, by the close of nominations, there is only one valid candidate for a position, that candidate shall be deemed elected without the need for a ballot, in accordance with clause 8.5 of the Constitution.

8.2 Where, by the close of nominations, there is no valid candidate for a position, the position shall be treated as a casual vacancy and dealt with in accordance with section 10 of the Procedures.

9. Result, Tie-Break and Announcement

9.1 The election officials shall declare the results in writing as soon as reasonably practicable after the close of the ballot, and in any event within seven days.

9.2 In the event of a tie, the election officials shall decide the result by lot, in accordance with clause 8.6 of the Constitution.

9.3 The Secretary shall ensure that the results are reported to the next meeting of the Executive Committee, and that successful candidates are notified in writing.

9.4 The total number of votes cast and the number of votes received by each candidate shall ordinarily be published with the result.

10. Casual Vacancies

10.1 A casual vacancy among the elected members of the Executive Committee may be filled by co-option until the next Annual General Meeting, in accordance with clause 8.8 of the Constitution. At the Annual General Meeting following co-option, an election shall be held to serve the remainder of the unexpired term, if any.

10.2 A casual vacancy in the office of Vice Chair, Treasurer or Assistant Secretary shall be filled by an additional election held as soon as reasonably practicable, on a timetable determined by the election officials.

10.3 Where the Vice Chair is unable to assume the office of Chair, an interim Chair may be appointed in accordance with clause 4.8 of the Constitution.

11. Campaigning

11.1 Candidates may produce a candidate statement and may communicate with members in the manner customary at the Association.

11.2 Candidates shall not engage in conduct that brings the Association or the Bar into disrepute. 11.3 The Association's communications channels (including its website, mailing lists, social media accounts, and any podcast platform) shall not be used to promote any individual candidate. The election officials shall publish a single, neutral notice of the election on those channels and shall give equal prominence to all candidate statements.

11.4 Subcommittees, Working Groups and external bodies shall not, as such, endorse any candidate.

11.5 Concerns about campaigning conduct may be raised with the election officials, who shall act fairly and may consult the Officers as appropriate.

12. Disputes

12.1 Any dispute arising in connection with an election shall be raised in writing with the election officials within seven days of the announcement of the results.

12.2 The election officials shall consider the dispute and respond in writing within fourteen days.

12.3 If the matter cannot be resolved by the election officials, it shall be referred to the Executive Committee, whose decision shall be final, in accordance with clause 8.9 of the Constitution.

13. Records

13.1 The Administrator shall maintain a record of:

(a) all nominations received in respect of each election;

(b) the candidate statements published;

(c) the timetable applied to each election;

(d) the results declared;

(e) any disputes raised and the outcome.

13.2 Records of elections shall be retained for a period of not less than six years, in accordance with the Information Governance Policy.

14. Amendment

14.1 These Procedures may be amended from time to time by resolution of the Executive Committee passed by a simple majority.

14.2 No amendment to the Procedures may be inconsistent with the Constitution. In the event of any inconsistency, the Constitution prevails.

14.3 No amendment to the Procedures shall apply retrospectively to any election the timetable for which has already been published. /