

Proxy Voting

I believe the AGM agreed to the idea in principle but could not agree on features. I think there are six such features:

- 1) The number of proxy votes held by one individual
- 2) Whether the Chair should hold proxy votes
- 3) The details of the process, notably
 - a. Does a proxy vote apply to an amended motion
 - b. What security measures may be required
 - c. What method of conveyance of the proxy should be used
 - d. What process applies if a member having allocated a proxy vote attends the meeting.

My thoughts are as follows:

A The number of proxy votes held by one individual

It has been suggested that this be specifically limited to two. The original motion suggested Council had this power and could set it as low as two. The figure two comes from the value set for public elections. I suggest we retain flexibility as mandating it at two does appear to be restrictive. I see no reason why one member should not be allowed to represent other members despite concerns expressed about someone 'garnering the votes' (for want of a better expression). Concerns over forgery can be dealt with by security measures. But if it is felt needed, I am happy for an additional motion instructing Council to apply a limit of two in the first instance. That would side step the need for a future change to the constitution if it became apparent that the number should be expanded.

B The Chair holding proxy votes

The motion proposed the Chair holding proxy votes as that is one named person who will attend the meeting. The reason for this is that a member may not know any other member who intends to attend the meeting and thus not have a power to appoint a nominee to take their proxy vote.

I understand that the current BCA Chairman does not wish to hold proxy votes because of the potential for being accused of garnering votes ahead of the meeting. This accusation can be applied to any one. I note the constitution at 8.2 specifies Council nominates both a Chair and a Recorder. I suggest one way around this concern is to name the Recorder as the receiver of proxy votes and place upon the Recorder a duty to not 'garner votes'.

The other concern was whether the Chair or Recorder should hold more than 2 votes. Because the Chair or Recorder is not specifically agreeing to undertake the service, rather he is accepting a role placed on him, it is not possible to place a limit on the number of votes the Chair or Recorder may hold. If a limit is placed, one gets a stupid situation of a race to get one's proxy vote in so as to be within the limit. There also would be a problem of if the limit was exceeded, how those who were left out would be told.

C Proxy votes and amendments

The motion indirectly covered this topic by permitting Council to specify a 'form of proxy' and whether or not the nominee had discretion to deal with amendments. This can be made explicit and included in the motion or by including such detail on the form of proxy in the Memorandum of

Operations which would require the endorsement of a General Meeting to change. I visualise the form would require the voter to explicitly state whether the nominee has the power along the following lines:

Name of Nominee		
BCA membership number		
Proxy vote	Strike through / delete one or other to direct way of vote	
Published motion	Vote for	Vote against
Do you agree to your nominee using his discretion to use your vote on any amendments etc as listed beneath #1	yes	no
Amendment(s) to motion	Vote for	Vote against
Procedural motions relating to the motion #2	Vote for	Vote against
Final motion	Vote for	Vote against
Any additional related motions #3	Vote for	Vote against
Name of voter		
BCA membership number		

Notes

- 1 – The power of your nominee can only be used if one or other column is struck out / deleted. A failure to clearly do so will render the proxy invalid.
- 2 – Procedural motions such as ‘the motion be voted on’.
- 3 – The Chair may accept an additional motion related to the topic.

This set of options can be altered so as to exclude the right to vote on amendments etc from a proxy given to the Chair or Recorder.

There is an additional benefit of using the Recorder in that the Chair can rule on whether the amendment has changed the motion so far as to invalidate proxy voting on the amended motion. But it still leaves a challenge for the Recorder of deciding which way to vote on an amendment. One route out of this is to exclude the option of voting on amendments where the Chair or Recorder is the nominee.

I would envisage that the ‘form of proxy’ and attendant instructions and rules would be part of the Manual of Operations. Doing so would have the bonus of not requiring a change of the constitution to amend.

D Security Measures

The motion included an explicit requirement that proxy votes are sent to the Recorder at least 7 days before the meeting (or 2 in case of an EGM). My thought was that this would give sufficient time for the Recorder to check off the name and number against the membership data base. As an added layer, one could require proxy forms to be sent electronically from a web page after signing in and also require the voter to have previously registered his / her email address so the Recorder can send a check email and receive a confirming response. (That also has the bonus of forcing members to register email addresses.)

E Method of Conveyance

I suggest this should be our first step to only using electronic communications. The security measures suggested above will only work using email.

F Existing Limitations

I should draw Council's attention to the sentence in the constitution at sub section 8.6 that "No one person may represent more than one group member." The motion specifically exempted proxy voting for groups.

Motion

'8.16 An Individual or Honorary member (the 'voter') who is eligible to vote at a General Meeting may choose to appoint a proxy to vote for them. This proxy (the 'nominee') must be another Individual or Honorary member who is also eligible to vote. The form of proxy, determined by National Council, will be provided with the notice of the meeting. The voter must provide the completed form of proxy to the Recorder at least 7 days for any General Meeting before the relevant meeting excepting an Emergency General Meeting where 48 hours shall be sufficient. Voters may indicate how they wish their nominee to vote or allow their nominee discretion. Council is empowered to limit the number of voters who may be represented by each individual nominee to as few as two, excepting the Chair who shall have no such limit (or the maximum number of voters may be represented by each individual nominee is limited to two). Proxy voting is not available to Group Members.

G Voter attends meeting

It occurs to me that a member could having allocated a proxy vote attend the meeting. I suggest in such a case, the proxy vote held by the nominee is voided if the member is present when the vote is taken.

H Conflict of Interest

I was involved in formulating this motion and seconded it. It occurs to me that some may contend I have a conflict of interest as being BCA's Legal & Insurance Officer. I therefore write this as an individual and not in my official capacity.

Bob Mehew
28 January 2017