

ICAEW Practice Committee

Electoral Regulations



INTRODUCTION

1. ICAEW Practice Committee (IPC) approved these regulations on 21 August 2017.

The ICAEW Practice Committee (IPC) is a Committee through which Members engaged in Public Practice can represent the views of practice to ICAEW and vice versa.

The IPC is the representative voice for practice within the ICAEW.

It works to influence ICAEW policy on issues affecting practitioners by bringing fresh ideas, challenging positions and sharing insights and opinions of members in practice.

It actively scans the horizon to ensure that members in practice are informed of emerging trends, threats and opportunities to ensure they are prepared to meet these head on.

The IPC should reflect the diversity of our membership and we welcome applications from members in practice across the profession.

This document sets out the process for election to the IPC.

DEFINITIONS

2. In this document the terms set out below have the following meaning:

'ballot' means the voting process for a contested election;

'clear days' means calendar days excluding the election date, the date of issue of the Notice of Election or voting papers and/or the date for receipt of nominations or voting papers as appropriate;

'election' means the arrangement for the filling of a vacancy or vacancies for the elected membership of the committee;

'election date' means the date specified by the returning officer on which the formal election to a vacancy takes place;

'in writing' means the form of communication as outlined in the notice;

'returning officer' means the Chief Executive of ICAEW or his/her nominee;

'a member engaged in public practice' means a member who is a principal or is employed by a Public Practitioner as defined in the "Council Statement on Engaging in Public Practice" as amended from time to time;

'qualifying date' means the date on which a member must be eligible to stand, nominate or vote in any election in accordance with Regulations 6 and 7, and must be at least 10 calendar days before the date of publication of the notice of election;

'sign, signing or signature' includes, where circumstances permit and subject to any safeguards required by the returning officer, in electronic form.

CONSTITUENCIES

3. The constituency for the purpose of elections to the Committee is all those members of ICAEW who have indicated that they are engaged in public practice on their role profile and they currently work for an accounting practice

TIMETABLE

4. In each election year, the returning officer must publish a timetable for elections to the IPC.

NOTICE

5. Apart from in the circumstances described in Regulation 7, the returning officer must issue a notice of election to all members eligible to vote in an election in accordance with Regulations 8-10.
6. The notice must specify:
 - a. the number of vacancies;
 - b. the reason(s) for the vacancies; and
 - c. the deadline for receipt of nominations, which must be at least 28 calendar days after the date of issue of the notice.
7. If the returning officer has issued a notice of election but the deadline for nominations has not passed and an additional vacancy or vacancies then arise in the constituency concerned, the additional vacancy or vacancies may, at the discretion of the returning officer, be filled by candidates responding to the original notice.

ELIGIBILITY

8. A Member who is currently engaged in public practice at the Qualifying Date is eligible to:
 - a. stand for election; and
 - b. nominate a member for election

However, in accordance with Principal Bye-law 37A (which form part of these regulations) a member is unable to stand as a candidate if, within the past 10 years, an adverse finding (other than a finding of a prima facie case with an order that no further actions be taken) has been made against them under the Investigation and Discipline Scheme or the Disciplinary Bye-Law or any equivalent provision previously in force.

9. A Member who has indicated that they are engaged in public practice on their role profile and that they work for an accounting practice, is eligible to vote in a ballot.
10. A Member who has indicated that they are engaged in public practice on their role profile, that they work for an accounting practice and has joined ICAEW after the qualifying date is entitled to receive any election communication issued after their joining date. They are also eligible to vote in a ballot.

NOMINATION

11. Nominations must be on a form or forms available on ICAEW's website or from the returning officer on request.
12. Each candidate must have the support of at least three nominators.
13. The nomination must specify the:
 - a. full name;
 - b. membership number; and
 - c. current principal practice of the candidate and each of their nominators.
14. Candidates must:
 - a. confirm that they are eligible to stand for election in writing;
 - b. give their consent to stand for election in writing; and
 - c. sign the nomination form.

15. Each nominator must also confirm that they are eligible to nominate the candidate and sign the nomination form.
16. Candidates must submit their nomination forms to the returning officer on or before the deadline specified in the notice of election. Nomination forms must be complete and accurate in every respect. Candidates may submit with their nomination (for inclusion with any ballot paper) a candidate statement. Failure to include such a statement does not invalidate the nomination but the returning officer is not obliged to circulate such statement if received after the deadline for nominations.
17. The returning officer must not accept any nomination which is otherwise incomplete or which is received after the deadline for nominations. The returning officer may require any evidence they think necessary to be satisfied that the nomination is genuine.
18. Candidates may only withdraw their nomination after the deadline for nomination with the agreement of the returning officer.

ELECTION

19. If the number of eligible candidates does not exceed the number of vacancies, the election will be uncontested and the nominated candidates will be deemed to be elected; and
20. If the number of eligible candidates exceeds the number of vacancies, the election will be contested by ballot.

CANVASSING

21. Candidates may arrange, through ICAEW, to send a circular to electors or canvass them but they must observe good taste and good sense and abide by ICAEW values. The returning officer has the authority to decide the acceptability of such a circular or canvassing activity. The returning officer's decision is final and is not open to challenge.
22. Any circular or canvassing activity must be at the candidate's personal expense.

BALLOT

23. The returning officer must notify every member eligible to vote in a ballot that the election is to be contested. Voting may be online or by post, fax, SMS (text) or telephone.
24. The returning officer must decide the form of the ballot paper. For each contested election the ballot paper must include:
 - a. the number of vacancies to be filled;
 - b. the name, current principal practice or business appointment, and firm, company or employer of each candidate;
 - c. the statement of personal details and photograph (where supplied) of each candidate;
 - d. the name and current principal practice or business appointment, and firm, company or employer of each nominator;
 - e. details of how the ballot paper must be completed; and
 - f. the deadline by which votes must be cast (which must be at least 14 calendar days after the publication or issue of the ballot paper).
25. The returning officer must draw lots to determine the order of candidate names on the ballot paper.
26. If it appears to the returning officer that a constituent has not received the original ballot paper or has spoiled, lost, mislaid or destroyed it, the returning officer must arrange to send a duplicate ballot paper to any constituent who writes to request one.
27. For votes to be valid, the scrutineers must receive them by the deadline.
28. The scrutineers must reject any votes that they receive after the deadline for voting. They must reject any ballot paper that contains more crosses or other marks than there are vacancies to be filled or that the member has completed incorrectly. The scrutineers must also reject any vote by SMS or telephone that is not in accordance with the instructions for voting by SMS or telephone. The scrutineers may request any evidence they consider necessary to be satisfied that any vote is genuine.
29. No member may vote by more than one means in any contested election.

DETERMINING TERMS OF OFFICE

30. If there are vacancies with different terms of office, the returning officer must determine the terms of office for which the successful candidates will serve. If the election is uncontested or if candidates receive the same number of votes, the returning officer must draw lots; if the election is contested, the candidate(s) with the highest number of votes will be elected for the longer period.

ANNOUNCEMENT OF RESULT

31. Following each election or ballot, the returning officer must:
 - a. announce the result to the candidate(s);
 - b. publish the result on ICAEW's website and on the IPC community site;
32. Apart from in the circumstances set out in Regulation 33, the announcement by the returning officer is final.

COMPLAINT

33. If the returning officer receives a complaint within seven days of the election date, they may hold an enquiry. As a result of any enquiry, the returning officer may:
 - a. declare that the complaint does not invalidate the result of the election; or
 - b. declare the election invalid and order it to be re-run.

COMMUNICATION AND DOCUMENTS

34. All communication required by these regulations to and from ICAEW may be by email, by post or by a combination of the two.
35. All documents referred to in these regulations may be in printed or electronic form.