

D E N T A L C O U N C I L

Rules for the election to the Auxiliary Dental Workers Committee of a representative of a class of auxiliary dental worker.

1. Under the provisions of Section 13(7)(a) of the Dentists Act 1985 the Auxiliary Dental Workers Committee must include a representative of each class of auxiliary dental worker established under a scheme made by the Council under Section 53 of the Act.
2. Section 13(7)(b) of the Act provides for the first appointment of a representative of a class of auxiliary dental worker to the Auxiliary Dental Workers Committee to be made by the Council and for each subsequent appointment to be by election, in accordance with rules made by the Council, by the registered members of the class of auxiliary dental worker.
3. The Dental Council hereby makes the following rules for the holding of such elections;
4. Subject to the provisions of these Rules, a returning officer appointed by Council shall be responsible for the conduct of an election under these Rules.
5. The expenses of a returning officer in conducting an election shall be defrayed by the Council.
6. The returning officer for an election shall appoint a place to be his office for the purposes of the election.
7.
 - (1) Each candidate at an election may appoint agents to be present on his behalf as regards the election at the reception of nominations; the forwarding of voting papers; the sealing of the ballot box and the counting of the votes.
 - (2) The number of agents who may be present may be determined by the returning officer provided that the same number shall be allowed on behalf of each candidate at the election.
 - (3) Where at an election an agent is appointed under this Article the candidate shall give to the returning officer notice in writing of the appointment and such notice shall be received by the returning officer not less than fourteen days before the polling day.
8.
 - (1) The returning officer or any person duly authorised by him to act in any way on his behalf at an election shall not be a candidate or an agent of a candidate at the election or promote the candidature of any candidate at the election.
 - (2) The returning officer shall not authorise to act in any way on his behalf at an election a person who to his knowledge is or has been the agent of a candidate at the election or who to his knowledge has at the election promoted the candidature of a candidate.

9. (1) The returning officer at an election shall, not later than two months before the expiration of the term of office of a representative of a class of auxiliary dental worker on the Auxiliary Dental Workers Committee give to each registered member of that class of auxiliary worker by whatever means he considers appropriate notice of the election which notice shall state
 - (a) the day and hour (hereafter referred to as the expiration of the time for receiving nominations) on and at which the period during which he may receive nomination papers will expire;
 - (b) the day on which, the time during which and the place at which he will attend to receive nomination papers; and
 - (c) that if a poll is taken, the day and hour on and at which the period during which he may receive votes will expire and the day and hour on and at which the counting of votes will commence.
- (2) The expiration of the time for receiving nominations shall be not less than twenty-one days and not more than twenty-eight days after the first giving of the notice of the election prescribed in sub-article (1).
10. A candidate for election to the Auxiliary Dental Workers Committee shall be a fully registered member of the class of auxiliary dental worker to which the election refers resident in the State on the day preceding the last day for receiving nominations.
11. (1) A person shall not be nominated as a candidate at an election or have his nomination withdrawn without his consent.
- (2) A candidate for election to the Auxiliary Dental Workers Committee shall be nominated in writing by a separate nomination paper in the form specified in the Second Schedule to these Rules and signed by not less than three other fully registered members of the class of auxiliary dental worker. The nomination paper shall, together with a completed consent form in the form set out in the Third Schedule to these Rules, be delivered by the candidate in person or by post so as to reach the returning officer at any time between the date notice of the election was first given and the expiration of the time for receiving nominations.
- (3) At an election a person shall not be entitled to have his name entered on a ballot paper unless he has been duly nominated and his nomination has been ruled as been valid by the returning officer.

- (4) Each candidate shall be nominated by a separate nomination paper and any elector may sign more than one nomination paper.
12. The returning officer shall on the last day for receiving nominations attend to receive nominations between the hours of 10 a.m. and 1 p.m. at the place appointed by him for receiving nomination papers. Every nomination paper delivered to the returning officer at any time before the commencement of the hours aforesaid shall be retained by the returning officer and produced by him at the commencement of the hours aforesaid and shall be deemed to have been delivered to him at the beginning of those hours.
13.
 - (1) At an election the returning officer shall rule on the validity of the nomination papers received by him.
 - (2) At an election a person proposed for nomination and one agent representing that person shall be entitled to attend while the validity of nominations at the election is being ruled on by the returning officer and no other person shall be entitled so to attend except with the permission of the returning officer.
 - (3) Each candidate shall be described in the nomination paper in such manner as in the opinion of the returning officer is calculated sufficiently to identify such candidate. The surname of the candidate shall be placed first in the statement of his names and the address in the State at which he resides shall be stated in the nomination paper.
 - (4) A misnomer or inaccurate description of any person or place named in any nomination paper shall not invalidate such paper if in the opinion of the returning officer the misnomer or description of such person or place is such as to be commonly understood.
 - (5) No objections to a nomination paper on the ground of any description of the candidate therein not being sufficient or not being in compliance with these Regulations shall be allowed or deemed valid unless such objection is made by the returning officer himself or to the returning officer by some other person during the time for receiving nominations.
 - (6) A candidate may before the expiration of the time for receiving nominations but not afterwards withdraw from candidature by giving to the returning officer a notice to that effect, signed by the candidate.
14. If a candidate dies at any time between his nomination for election under these Rules and the declaration of election of a candidate by the returning officer, the nomination of that candidate shall be disregarded and any votes cast for that candidate shall also be disregarded.

15. (1) The returning officer shall, after he has ruled on the nomination papers, cause a notice to be displayed in his office stating the names and descriptions of the persons validly nominated at an election and the names of the persons by whom the persons nominated as candidates were proposed.
 - (2) The returning officer shall as soon as may be after delivery to him of a notice of withdrawal under article 13(6) of these Rules give notice of the withdrawal by whatever means he considers appropriate.
16. (1) Where there is only one duly nominated candidate, the returning officer shall forthwith declare such candidate to be elected.
 - (2) Where there is more than only duly nominated candidates a poll shall be taken by the returning officer.
17. The returning officer shall fix the day and hour on and at which the period during which he may receive votes shall expire and such day shall be not less than twenty-one or more than twenty-eight days after the expiration of the time for receiving nominations.
18. Where the returning officer adjourns an election for the taking of a poll, he shall, as soon as practicable, and in such manner as he considers appropriate, give notice of the taking of the poll, the place and times for the counting of votes and any other particulars which he considers appropriate.
19. (1) The returning officer shall prepare ballot papers which shall be in the form set out in the Fourth Schedule to these Rules or in a form to the like effect, setting out the names of the candidates alphabetically in the order of their surnames, or if there are two or more candidates having the same surname in the alphabetical order of their other names.
 - (2) Not more than ten days after the expiration of the time for receiving nominations, the returning officer shall post to each fully registered member of the class of auxiliary dental worker to which the election refers a securely fastened envelope in which there shall have been placed a ballot paper containing the names of the nominated candidates, an identification declaration form in the form set out in the Fifth Schedule to these Rules, a ballot paper envelope, a covering envelope and a statement of the provisions of article 21.
20. (1) The returning officer shall provide a ballot box for the reception of the covering envelopes when returned by the voters.

- (2) The ballot box shall be sealed by the returning officer in the presence of such candidates or agents as may be in attendance at the time fixed for the opening of the poll.
 - (3) The returning officer, on the expiration of the time during which he may receive votes, shall close the ballot box.
21. Each voter shall mark the ballot paper delivered to him with a 1, 2, 3 etc. in order of preference against the names of the person or persons for whom he desires to vote and shall place his ballot paper (folded face inwards) in the ballot paper envelope and securely fasten the same. The voter shall sign the declaration printed on the identification declaration form, have it duly witnessed and signed by the witness, place it with the ballot paper envelope inside the covering envelope and send it by post or otherwise to the returning officer.
22.
 - (1) The counting of the votes shall commence on the expiry of the period during which the returning officer may receive votes or at a time not later than forty-eight hours after such expiry, as fixed by the returning officer.
 - (2) At an election the returning officer shall appoint a place at which he will count the votes.
23.
 - (1) At the counting of votes no person other than a candidate, the returning officer's assistants or a candidate's agent duly appointed under these Rules may be present except with the permission of the returning officer.
 - (2) The returning officer shall give such candidates' agents as are present all such reasonable facilities for observing the proceedings at the counting of the votes (including in particular facilities for satisfying themselves that the ballot papers are correctly sorted) and all such information will respect thereto as he can give them consistent with the orderly conduct of the proceedings.
24.
 - (1) The returning officer shall, at the time fixed for counting the votes, open the ballot box, remove and open the covering envelopes and examine the identification declaration forms therein. If the identification declaration form is found to be valid the ballot paper envelope shall be opened, the ballot paper withdrawn, kept folded face inwards and placed in a special receptacle provided by him for ballot papers.

- (2) Where the returning officer is not satisfied that the identification declaration form has been duly signed and the signature duly witnessed, or where a ballot paper envelope is not accompanied by an identifications declaration form, he shall endorse the ballot paper envelope "vote rejected" without opening such envelope.
 - (3) Any ballot paper envelope not containing a ballot paper shall be marked "rejected".
 - (4) The returning officer shall show any identification declaration form which he proposes to reject on the ground that it has not been properly signed and witnessed to the candidates or agents present and, if any objection is made by any candidate or agent to his decision, shall add to the endorsement the words "rejection objected to".
 - (5) The returning officer shall keep all rejected identification declaration forms with the attached ballot paper envelopes or ballot papers, as the case may be, separate from other documents.
25. The returning officer shall, as far as is practicable at an election, proceed with the counting of the votes but excluding such hours as he shall decide. During the time which may be so excluded the returning officer shall take due precautions for the security of the ballot papers and other documents relating to the poll.
26. (1) The returning officer shall cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid and shall ascertain and record the number of votes given to each candidates at an election.
- (2) In counting the votes the returning officer shall credit the candidates at an election with votes in accordance with the rules contained in the Sixth Schedule to these Rules.
27. (1) The returning officer shall forthwith give to the person elected written notice of his election and shall furnish the Council with the name of the person certified by him to have been duly elected.
- (2) When the result of an election has been ascertained the returning officer shall, as soon as may be, prepare a statement in the form set out in the Seventh Schedule to these Rules.
- (3) The returning officer shall cause the result of an election to be announced by whatever means he considers appropriate and such announcement shall indicate the order in which each candidate at the election stood at the completion of the counting of the votes and such other information as the returning officer considers appropriate.

- (4) The returning officer shall, as soon as may be, send a copy of the statement prepared in pursuance of paragraph (2) of these Rules to the Council.
28.
 - (1) Any question arising with regard to the validity of a nomination or ballot paper, or otherwise in connection with any election held under these Rules, shall be determined by the returning officer.
 - (2) No election held under these Rules shall be invalidated by reasons of any misdescription or non-compliance with the provisions of these Rules or by any reason of any miscount or of the non-delivery, loss or miscarriage in the course of post of any document required under these Rules to be despatched by post, if it appears to the returning officer that the election was conducted substantially in accordance with the provisions of these Rules, and the result of such misdescription, non-compliance, miscount, non-delivery, loss or miscarriage did not substantially affect the result of the election.
 29. On the completion of the counting of the votes at an election, the returning officer shall arrange to have all documents relating to the election retained for one year at the expiration of which they shall be disposed of in such manner as the Council may direct.

FIRST SCHEDULE

Notice of election to the Auxiliary Dental Workers Committee
of a representative of the class of _____

Notice is hereby given that, for the purpose of electing a representative of the class of _____ to the Auxiliary Dental Workers Committee in accordance with the provisions of section 13(7)(b) of the Dentists Act 1985, and election is about to be held.

To be eligible for election a person must be a fully registered _____ resident in the State on the day preceding the last day for receiving nominations. Nomination of a candidate shall be subscribed by three other fully registered _____.

The period during which the returning officer may receive nomination papers will expire at 1 p.m. on _____. The returning officer will attend at _____ between 10 a.m. and 1 p.m. on _____ to receive nomination papers.

Nomination forms and other information as to the election may be obtained from the returning officer at _____.

If a poll is taken, the period during which votes may be received by the returning officer will expire at _____ p.m. on _____.

If a poll is taken, the counting of votes will commence at _____ a.m. on _____ at _____.

Returning Officer _____
Address _____
Date _____

SECOND SCHEDULE

Election of a representative of the class of _____
to the Auxiliary Dental Workers Committee

NOMINATION PAPERS

We, the undersigned, being fully registered _____ hereby nominate

(i) _____

a registered _____, resident in the State at

(ii) _____

as a candidate for election to the Auxiliary Dental Workers Committee in accordance with the provisions of section 13 of the Dentists Act, 1985.

Signature of Nominator	Address

Instructions

(i) Here insert the candidate's name, with the surname first, followed by other name(s). Please use block capitals.

(ii) Here insert the address at which the candidate resides in the State.

THIRD SCHEDULE

Election of a representative of the class of _____
to the Auxiliary Dental Workers Committee

FORM OF DECLARATION OF CONSENT

(to be issued with Nomination Papers for return by the candidate nominated)

I CONSENT to be nominated for election as a representative of the class
of _____ to the Auxiliary Dental Workers Committee.

I DECLARE that the statements on the nomination papers in regard to my
nomination as a candidate are correct.

Signature :

Date :

Address :

FOURTH SCHEDULE

Election of a representative of the class of _____
to the Auxiliary Dental Workers Committee

BALLOT PAPER

MARK ORDER OF PREFERENCE IN SPACE BELOW	NAME OF CANDIDATE	ADDRESS

INSTRUCTIONS

1. Write '1' beside the candidate of your first choice, '2' beside your second choice and so on.
2. Fold the ballot paper to conceal your vote and put it in the ballot paper envelope, then place the ballot paper envelope and identification declaration form in the covering envelopes and send to the returning officer.

FIFTH SCHEDULE

Election of a representative of the class of _____
to the Auxiliary Dental Workers Committee

DECLARATION OF IDENTITY

I, the undersigned, hereby declare that I am the person entitled to receive the enclosed ballot paper, that I am a registered _____ and that I have not marked any other ballot paper in this election.

Voter's Name :

Voter's signature :

Date :

The above named is personally known to me and has signed the above declaration in my presence.

Witness's Name (Block Capitals):

Witness's Signature :

Address :

Date :

Occupation :

SIXTH SCHEDULE

RULES FOR COUNTING VOTES

1. In these Rules:-

"continuing candidate" means any candidate not deemed to be elected and not excluded;

"count" means:-

- (a) all the operations involved in the counting of the first preferences recorded for candidates; or
- (b) all the operations involved in the transfer of the votes of an excluded candidate;

"deemed to be elected" means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;

"determine by lot" means determine in accordance with the following directions, namely, the names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate or candidates be excluded in the order in which their names are drawn;

"mark" means a figure, a word or a mark such as "X";

"non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate; provided that a paper shall be deemed to have become a non-transferable paper whenever:-

- (a) the names of two or more candidates (whether continuing candidates or not) are marked with marks which, in the opinion of the returning officer, indicate the same order of preference and are next in order of preference, or
- (b) the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the returning officer, does not follow consecutively after some other mark on the ballot paper, or with two or more marks, or
- (c) it is void for uncertainty;

"original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

"preference" shall be interpreted as follows:-

(a) "first preference" means any mark which, in the opinion of the returning officer, clearly indicates a first preference;

"second preference" means any mark which, in the opinion of the returning officer, clearly indicates a second preference standing in succession to a first preference;

"third preference" means any mark which, in the opinion of the returning officer, clearly indicates a third preference standing in succession to a second preference, and so on;

(b) "next available preference" means a preference which, in the opinion of the returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preferences next in order on the ballot paper for candidates already deemed to be excluded being ignored;

"transferable paper" means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

"transferable vote" in regard to any candidate, means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

2. (1) Any ballot paper:-

(a) on which the figure 1 standing alone is not placed at all or is not so placed as to indicate a first preference for some candidate, or

(b) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate, or

(c) on which anything is written or marked by which the voter can be identified,

shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words "one", "two", "three", (and so on) or any other mark which, in the opinion of the returning officer, clearly indicates a preference or preferences.

(2) The returning officer shall endorse "Rejected" on any ballot paper which under this article is not to be counted. The returning officer shall prepare a statement showing the number of ballot papers rejected by him under each of the sub-paragraphs (a), (b) and (c) of the preceding paragraph and shall, on request, allow any candidate or agent of a candidate or agent of a candidate to copy such statement.

3. (1) After the ballot papers have been mixed, the returning officer shall, rejecting any that are invalid, arrange them in parcels according to the first preferences recorded for each candidate.
- (2) The returning officer shall then count the number of papers in each parcel and credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for such candidate and he shall ascertain the number of all valid papers.
4. (1) The returning officer shall then divide the number of all valid papers by two. The result increased by one, any fractional remainder being disregarded, shall be the number of votes sufficient to secure the election of a candidate. This number is referred to in these Rules as "the quota".
- (2) Where at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected.
5. (1) If at the conclusion of a count no candidate has been deemed to be elected the returning officer shall exclude the candidate credited with the lowest number of votes and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon for continuing candidates, and shall transfer each sub-paragraph to the candidate for whom that preference is recorded and shall make a separate sub-paragraph of the non-transferable papers. The non-transferable papers shall be set aside and not further taken into account and, shall be described as non-transferable papers not effective.
- (2) Where the total of the votes of the two or more lowest candidates is less than the number of votes credited to the next highest candidate, the returning officer may in one operation exclude such two or more lowest candidates.
- (3) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest, regard shall be had to the number of original votes credited to each of those candidates and the candidate with the smallest number of original votes shall be excluded and where the numbers of the original votes are equal, the returning officer shall determine by lot which shall be excluded.
6. (1) Where a transfer of votes is made under rule 5 of these Rules, each sub-paragraph of papers transferred shall be placed on top of the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the number of papers transferred to him.

7. (1) In the event that no candidate has reached the quota and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, that candidate shall thereupon be deemed to be elected.
8. (1) Any candidate or agent may, at the conclusion of any count, request the returning officer to re-examine and recount all or any of the papers dealt with during that count and the returning officer shall forthwith re-examine and recount such papers accordingly without making any alterations in the arrangement of the papers in the various parcels, save where such alterations may be necessary in consequence of any error discovered in the recount. The returning officer may also at his discretion recount papers either once or more often in any case in which he is not satisfied as to the accuracy of any count; but nothing herein shall make it obligatory on the returning officer to recount the same parcel of papers more than once.
 - (2) The power under the foregoing paragraph of a returning officer to recount at his discretion papers in any case in which he is not satisfied as to the accuracy of any count shall extend to papers dealt with at an earlier count than the immediately preceding one.
 - (3) As respects each candidate, one request (and not more) may be made by him or his agent for a complete re-examination and recount of all parcels of ballot papers, and the returning officer shall forthwith re-examine and recount the parcels of ballot papers accordingly. In the re-examination and recount, the number or order of ballot papers in any parcel shall not be disturbed. Nothing in the foregoing provisions of this rule shall make it obligatory on the returning officer to re-examine or recount the same parcel of papers more than once, but if an error is discovered which is, in the opinion of the returning officer, a significant error likely to affect the result of the election, the returning officer shall count all the papers afresh from the point at which the error occurred.
 - (4) Where an error is discovered the returning officer shall, where necessary, amend any results previously announced by him.
10. On the completion of the counting of the votes the returning officer shall determine and declare the result of the poll and the candidate deemed to be elected shall thereupon stand elected.
11. The decision of the returning officer, whether expressed or implied by his acts, on any question which arises at a count in relation to the exclusion of any candidate under rule 5 of these Rules or to any ballot paper or transfer of votes shall be final.

