



# Australian Electoral Commission Model rules Guide

for the conduct of elections for office

The following guidelines will help you  
to comply with **Section 147** of the *Fair Work  
(Registered Organisations) Act 2009*

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Australian Electoral Commission

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# Introduction

## 1. Introduction

The rules of an organisation must stipulate the qualifications for nominees, nominators and voters and the term of office for each office. Section 145 of the *Fair Work (Registered Organisations) Act 2009* (“the Act”) specifies that the Rules of an organisation must provide terms of office of no longer than four years without re-election, and may provide for terms to be extended under certain circumstances. For the purpose of simplicity, the model rules have been based on the maximum term of office of four years.

It is important that each organisation give careful consideration to the election timetable as, depending on the culture and practices within the organisation, it may impact considerably on the franchise of members. Section 143 of the Act requires an organisation’s rules to provide for a Close of Roll or ‘cut-off’ date for eligibility to vote in any ballot for office that date being no earlier than 30 days and no later than 7 days prior to the day on which nominations open.

Each returning officer is required to interpret and apply the provisions within the rules. A clear, complete and unambiguous set of rules will ensure the returning officer applies provisions which are intended by the organisation. The returning officer will apply rules as they are written rather than how the organisation may have intended them to be applied.

The following model rules have been developed so that members who are financial at the end of a quarter are eligible to vote. Generally, such timing should maximise member franchise and also make administrative and reporting arrangements for the compilation of the roll of voters easier.

## 1.1 Object

1.1.1 These Guidelines contain a set of model rules developed to comply with Section 147 of the *Fair Work (Registered Organisations) Act 2009*. They provide a set of procedures which may be used in whole or in part by industrial organisations for the conduct of elections.

1.1.2 These model rules:

- a) include direct postal and collegiate attendance ballots, with an emphasis on postal ballots
- b) are designed for adoption by organisations, either wholly or in part
- c) are designed to be easy to understand, interpret or implement
- d) are designed to benefit industrial organisations while allowing easy, practical implementation by the AEC

## 1.2 Legislation

The *Fair Work (Registered Organisations) Act 2009* sets out certain requirements for rules of organisations and for the conduct of elections for office. It also prescribes offences in relation to elections and ballots. Organisations should obtain their own legal advice as to whether their current or proposed Rules comply with relevant legislation.

### 1.3 Definitions

To avoid uncertainty and ambiguity the rules of each organisation should define certain key terms. The following definitions are used in the model rules:

#### 1.3.1 the Act

Means the Fair Work (Registered Organisations) Act 2009.

#### 1.3.2 Candidate

Means a person who seeks or is nominated for an office. Also known as a nominee.

#### 1.3.3 Close of Roll Day

The day on which the roll of voters for the ballot is closed. Any member who is eligible to vote on that day is included in the roll of voters. The Close of Roll Day is a day no earlier than 30 days and no later than 7 days prior to the day on which nominations open as prescribed in section 143(3) of the Act.

#### 1.3.4 Collegiate electoral system

Means a method of election comprising a first stage, at which persons are elected to a number of offices by a direct voting system; and a subsequent stage (or subsequent stages) at which persons are elected by and from the body of persons elected at the preceding stage.

#### 1.3.5 continuously financial member

Means a member who must have remained a financial member continuously for a period of time. At no time during that period would the member's financial payments have been in arrears.

#### 1.3.6 Direct voting system

Means a method of election at which all eligible financial members vote.

#### 1.3.7 financial member

Means a member who, at the date determined in the rules of the organisation concerned, has paid all the amounts the member is required to pay.

#### 1.3.8 incompatible offices

Refers to offices which cannot be held concurrently under the Rules of the Organisation, eg. a person cannot be National President and National Vice-President at the same time.

#### 1.3.9 irregularity

Has the same meaning as the definition contained in Section 6 of Schedule 1B of the *Fair Work (Registered Organisations) Act 2009*.

#### 1.3.10 Nominator

Means a person who nominates another person for office. The rules should specify whether a Nominator or Nominators are required to validate the Nomination.

#### 1.3.11 Nominee

Means the person nominated for office. Also known as a candidate.

#### 1.3.12 office and officer

Has the same meaning as the definition contained in Section 6 of the Fair Work (Registered Organisations) Act 2009.

#### 1.3.13 prescribed officer

The office holder or employee within the organisation who is authorised by the committee of management to make available the register of members to the returning officer.

#### 1.3.14 returning officer

Means, in relation to elections conducted by the Australian Electoral Commission, an employee of the Australian Electoral Commission. In other cases, it means the person appointed under the rules to conduct the election.

# Part 1 – General Provisions

## 2. Elections

### 2.1 Method of Election

#### For a Direct Voting System

- 2.1.1 All direct elections shall be by secret postal ballot. In spite of anything else contained in these Rules, a person is eligible to vote in a ballot if they are, on Close of Roll Day, a financial member of the part of the organisation that the office represents.
- 2.1.2 [For clarity, the organisation may wish to identify the relevant electorates by inserting the following paragraph for each office or groups of offices] (Names of offices) are elected by all financial members belonging to the (define electorate eg organisation, Branch, Division, Section etc of the organisation) and are elected every 4 years.
- 2.1.3 The term of office for successful candidates will commence (insert commencement date being the first day of a new Quarter; eg 1 July (insert year)) or from the date of the declaration of the result of the election, whichever is later. Candidates shall hold office for 4 years or until their successors are (insert “declared elected” or “elected and take office”).

#### For a Collegiate Voting System

- 2.1.4 All collegiate elections shall be by secret ballot (insert either “by post” or “at a meeting of the electorate”).
- 2.1.5 [Define the electorates here] (Names of office/s or name of collective body, including the numbers and names of offices) is/are elected by the members belonging to (define electorate/s).

## 3. Returning officer

### 3.1 Returning Officer – Powers and Duties

- 3.1.1 A returning officer not being the holder of any office in, or an employee of, the organisation or of a branch, section, division, or sub-branch of the organisation shall be appointed by [insert name of body] to conduct each election for office.
- 3.1.2 Where a returning officer is required to conduct an election for any position other than an office, the returning officer shall apply these election rules making any necessary changes and shall have the same powers and duties as apply under these rules to the conduct of an election for office.
- 3.1.3 The returning officer shall prepare and circulate a notice calling for nominations in accordance with these rules.
- 3.1.4 After the close of nominations the returning officer shall consider all nominations received during the nomination period. The Returning officer shall reject any nominations received after the nomination period has closed.
- 3.1.5 The returning officer shall accept all nominations which satisfy the requirements of these rules.
- 3.1.6 The returning officer shall treat any defective nominations in the manner prescribed in these rules.
- 3.1.7 Where a ballot is required, the returning officer shall conduct the ballot in accordance with the provisions of these rules.

3.1.8 In respect to any matter pertaining to the conduct of any election, and in spite of anything else contained in these rules, the returning officer shall take such action and give such directions as the returning officer considers necessary, including but not limited to making void a step already taken in the election, to ensure the secrecy of the ballot and to prevent or remedy an irregularity.

## 4. Advertising

### 4.1 Publication

[The organisation may leave the following rule intact or delete the unnecessary publication methods.]

4.1.1 The returning officer shall cause an election notice to be published:

- a) on the [name of organisation] website; and
- b) in a journal or bulletin or newsletter published by the organisation and circulated to all members eligible to participate in the election, either directly to the member's known postal address or via circulation to all workplaces at which members are employed;
 

or
- c) if no journal or bulletin or newsletter is available at the time nominations are called; in a newspaper circulating throughout the region to which the functions of the office or offices relate;
 

or
- d) instead of b) or c) above if it is more cost effective; by distribution of such notice directly to each member eligible to participate in the election, at the member's postal address.

## 4.2 Election notice

4.2.1 The election notice shall:

- a) state that the election is being conducted by the returning officer;
- b) list the offices for which nominations are sought;
- c) invite nomination for election from all eligible persons;
- d) fix the time and date for the opening and closing of nominations;
- e) fix the time and date for the opening and closing of the ballot;
- f) specify the place where nomination forms may be obtained;
- g) specify the place where nominations must be lodged;
- h) specify the accepted method/s of lodgement;
- i) fix a time and date for withdrawal of nominations;
- j) if applicable, specify other documentation required to be submitted with the nomination, ie a biographical and/or policy statement not exceeding (insert number – AEC recommends 200) words in support of the nomination.

## 5. Scrutineers

### 5.1 Appointment

5.1.1 Each candidate may appoint, in writing, one person as scrutineer to represent the candidate's interests in the conduct of the ballot. A scrutineer shall not be a candidate for any position which is also included in a ballot in the election. The candidate may appoint one or more substitute scrutineers, if required.

## 5.2 Rights and obligations

5.2.1 A scrutineer may be present at any stage in the ballot. This includes:

- a) countersigning any seals or placing their own seal on any receptacle being used for the ballot
- b) bringing to the attention of the returning officer any alleged irregularity in
  - i. the issue of ballot papers
  - ii. the admission of envelopes to scrutiny
  - iii. the formality or informality of ballot papers
  - iv. the counting of votes

5.2.2 A scrutineer shall not:

- a) interrupt the scrutiny without lawful reason
- b) disclose any knowledge acquired by him/her concerning the votes of any particular voter or voters
- c) fail to carry out any lawful request by the returning officer
- d) touch any ballot material
- e) act in a manner which will interfere with the proper conduct of the election

5.2.3 Failure of a scrutineer to attend any scheduled event will not delay any step in the election.



## Part 2 – Direct Elections

### 6. Timetable – nominations and voting

[The period of time that nominations or a ballot are open should take into account the requirements of the particular industry and the size and geographic spread of the membership. Normally a period of between 14 to 28 days is allowed for both the receipt of nominations and for the ballot. 21 days is the standard used for these model rules.]

#### 6.1 Nominations

- 6.1.1 Nominations for all offices shall open on the seventh day of the first month of the Quarter which immediately precedes the Quarter in which the term of office of the offices for election expires.
- 6.1.2 Nominations shall close at 12 noon on the twenty-first day after nominations have opened. Nominations received by the returning officer after that time shall not be accepted.
- 6.1.3 If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.
- 6.1.4 Nominations shall be called in the manner prescribed in these rules.
- 6.1.5 Nominations lodged with the returning officer shall be in writing and include the following information:
- a) the full name of the nominee;
  - b) the form in which the nominee's name is to appear on a ballot paper if different to the name shown above;
  - c) the nominee's contact details;
  - d) the name and address of each nominator, if required;
  - e) the office for which the nominee is nominating;

- f) the signed endorsement/consent of the nominee;
- g) the signature of each nominator;
- h) any further documentation required by the returning officer.

### 6.2 Voting

- 6.2.1 Voting for all elections conducted under these rules shall open on the first day of the last month of the Quarter in which nominations are called.
- 6.2.2 The ballot shall close at 10 am on the twenty-first day after the day that the ballot opened. Ballot material received by the returning officer after that time shall not be included in the scrutiny.
- 6.2.3 If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.
- 6.2.4 In spite of the provisions of this Rule, if the returning officer is unable to commence the nomination period so as to comply with this Rule, the election timetable shall be established by applying the timeframes identified in this Rule, but commencing from the date of the opening of nominations.

### 7. Eligibility to nominate

[The rules of the organisation should stipulate the qualifications required to participate as nominees and nominators in elections for offices. These qualifications may vary between organisations and careful consideration must be given to the specific words used in each set of rules, including whether there are different qualifications for different office-holder positions within an organisation. Qualifications normally cover financial status, geographic location and/or working in a particular industry or calling.

It is optional as to whether nominators are required. Where nominators are required, the rules should specify the minimum number of nominators and any qualifications (such as financial status, geographic location, membership of an industry, membership of an electorate such as an elected collective body) which the nominator/s must possess.

The date for determining eligibility must also be clear. These model rules have been developed so that a member's eligibility for office will be determined as at the Close of Nominations.]

## 7.1 Nominations

7.1.1 Each member's eligibility to participate as a nominee or nominator shall be determined as at the close of nominations.

7.1.2 A nominee for any office must be a financial member (here insert if required "and (identify any further qualification)") of the part of the organisation that the office represents.

7.1.3 Optional. A nominator for any office must be a financial member of the part of the organisation that the office represents. A nominee must be nominated by (insert number) nominators.

## 8. Multiple nominations

[Each organisation should determine whether a person can nominate for, or be elected to, more than one office. The holding of two or more offices with representation on a governing body of the organisation (eg. the Branch Committee of Management) or the holding of more than one office designated as a full time position, may be deemed incompatible. It is preferable that the organisation clearly identifies those offices which cannot be held concurrently by one member.

If the Rules prohibit the nomination for, or election to, certain multiple offices the Rules should also clearly identify a methodology for resolving any such multiple nominations, eg by identifying a hierarchy for offices for the returning officer to use in rejecting multiple nominations that are prohibited under the rules, or by providing candidates an opportunity to withdraw one or more nominations after the nomination period has closed.]

### 8.1 Holding more than one office

[If separate hierarchies are required, eg for national offices and for branch offices, clearly identify this by way of separate hierarchical listings.]

8.1.1 No person may hold simultaneously more than one of the following offices, which are listed in descending ranking. The first office listed being the highest office: (list the offices in hierarchical order from highest office to lowest office).

8.1.2 Nothing in this Rule shall prevent an eligible person from simultaneously holding offices which appear in different listings.

### 8.2 Nomination for more than one office

8.2.1 Where in any election a person nominates for more than one office that cannot be held simultaneously, the person shall, (insert either "before the closing time for the receipt of nominations" or "by 12 noon on the day seven days after the close of nominations"), withdraw all necessary nominations so that only one such nomination remains with the returning officer.

[Insert 8.2.2 or 8.2.3 or 8.2.4 if 8.2.1 provides a nominee the opportunity to withdraw a nomination after the close of nominations.]

8.2.2 If after 12 noon on the day seven days after the close of nominations a person has not withdrawn sufficient nominations so as to comply with this rule, the returning officer shall resolve the matter by accepting only the nomination for the office which is ranked highest on the list (or lists) of offices above, and reject all other nominations for that person which are prohibited by this rule.

or

8.2.3 If after 12 noon on the day seven days after the close of nominations a person has not withdrawn sufficient nominations so as to comply with this rule, the returning officer shall resolve the matter by accepting only the nomination for office which the returning officer first received. In circumstances where the nominations were lodged simultaneously, the returning officer shall accept the highest-ranking nomination. The returning officer shall reject all other nominations for that person which are prohibited by this rule.

or

8.2.4 If after 12 noon on the day seven days after the close of nominations a person has not withdrawn sufficient nominations so as to comply with this rule, the returning officer shall reject all nominations for that person which are prohibited by this rule.

### 8.3 Election to an office while already holding another office

8.3.1 Where a member holding any office is elected to an office the member cannot hold simultaneously with the office currently held, then the member is deemed to have relinquished the office already held. The ensuing vacancy shall be filled by appointment or election in accordance with the rules concerning casual vacancies.

## 9. Defective nominations

### 9.1 Notification

9.1.1 Where the returning officer finds that a nomination is or may be defective, the returning officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than seven days after being notified.

9.1.2 Where the returning officer has notified a person of a defective nomination, and where that person has remedied the defect and advised the returning officer within the time prescribed by the returning officer, the returning officer shall accept the nomination.

9.1.3 Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected. C

## 10. Withdrawal of nominations

[An organisation's Rules should clearly identify the closing date for the acceptance by the returning officer of withdrawal of nominations.]

### 10.1 Notification of withdrawal

10.1.1 A member nominating for any office may withdraw the nomination:

(insert one of the following)

a) by notice in writing to the returning officer at any time before the closing time for the receipt of nominations;

or

b) by notice in writing to the returning officer up to, but not later than 7 days after the close of nominations.

- 10.1.2 The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the returning officer.

Once a nominator has endorsed the nomination of another member for election to any office in the organisation, that nominator may not subsequently withdraw that endorsement.

## 11. Uncontested elections

### 11.1 Declaration

- 11.1.1 If, after the close of nominations, the number of valid nominations received for an office does not exceed the number of positions to be filled, the returning officer shall declare elected the person or persons nominated.

## 12. Roll of voters

[The composition of the roll of voters for each election depends on the rules covering eligibility to vote. Usually the rules will provide that a financial member will be entitled to vote in an election.

Section 143 of the Act requires the Rules to provide that the roll of voters for a direct voting system closes on a day no earlier than 30 days and no later than 7 days before the day on which nominations for the election open. In these Model Rules that day is referred to as the Close of Roll Day. Section 143(6) provides that the only alterations that can be made to the roll of voters after the close of roll day are to correct errors such as the adding of persons who were inadvertently omitted from the roll of voters or the deletion of persons who were inadvertently included on the roll of voters.

In order to compile a list of voters the returning officer must have access to the membership details of the organisation. This is achieved by requesting the prescribed officer (usually the Secretary) of the organisation to supply listings of members and their addresses. From

these listings the returning officer compiles the roll of voters to whom ballot material will be sent. Section 143 of the Schedule requires that rules provide for absent voting where a voter is expected to be absent from the voter's normal location during the ballot period.

Where possible, the roll of voters should contain eligible member's residential or other postal address rather than workplace and/or a non current address. Section 197 of the Act provides that instances of an unduly large proportion of non current and/or workplace addresses are to be reported in the AEC's post election report.]

### 12.1 Supply of listings for the roll of voters

- 12.1.1 The only persons eligible to appear on the roll of voters in a ballot are those persons who, on Close of Roll Day, are financial members of the part of the organisation that the office represents.

- 12.1.2 (Insert number and name/s of office/s) shall represent and be elected by members of (insert electorate).

- 12.1.3 Close of Roll Day shall be a day which is no earlier than 30 days and no later than 7 days before the day on which nominations for the election open. Wherever the last day of a Quarter falls within this period, Close of Roll Day shall be that day. Otherwise Close of Roll day shall be the day 7 days prior to the date for the opening of nominations.

- 12.1.4 The returning officer shall request the prescribed officer to supply the name and postal address of every member eligible to vote at an election. The returning officer may also request the prescribed officer to supply additional information which does not form the roll of voters but is to be used to ensure no irregularity occurs, and to supply the information in electronic form. The prescribed officer shall comply with such a request.

12.1.5 The prescribed officer must take all reasonable steps to ensure the listings supplied to the returning officer contain, where practicable, each eligible member's residential or other postal address rather than workplace address.

12.1.6 Any candidate for election and any member entitled to vote in an election may inspect and obtain a copy of the roll for the purposes of the election only. A copy of the roll may be provided in an electronic form.

## 12.2 Absent Voting

12.2.1 Any member who is entitled to vote at any election held under these rules and who will be absent from their usual address during the period in which the ballot is to be conducted, may apply to the returning officer for ballot material to be sent to another address that the member so nominates.

12.2.2 Notification to the returning officer shall be in a form acceptable to the returning officer and shall set out the member's name and usual address and the address to which the member elects to have ballot material sent.

12.2.3 Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request.

## 13. Contested elections

### 13.1 Ballot

13.1.1 If the number of valid nominations received for an office exceeds the number of positions to be filled, the returning officer shall conduct a secret postal ballot of members entitled to vote. The returning officer may include a number of ballots on the same ballot paper.

## 14. Ballot papers

### 14.1 Ballot paper wording

14.1.1 The following features shall appear on all ballot papers prepared in respect of a secret postal ballot for an election for office:

- a) the name of the organisation
- b) the initials of the returning officer or other authenticating mark
- c) the name and number of office/s to be filled
- d) instructions for marking the ballot paper
- e) the names of the candidates in the format and order required by these rules
- f) instructions for returning the ballot paper
- g) name of the returning officer
- h) any other instruction considered necessary by the returning officer

14.1.2 The returning officer shall arrange for the printing of ballot papers and distribution to members eligible to vote.

14.1.3 The ballot papers shall contain the names of the candidates with the surname first followed by the given names. No other candidate information will be printed on the ballot paper.

14.1.4 The order of names in each ballot on the ballot paper shall be determined by lot drawn by the returning officer.

14.1.5 The ballot shall be conducted under the (insert voting system) voting system. That voting system being:

14.1.6 (Some Voting Systems are described in Part 4 of the Model Rules. Use this section to describe the voting system, eg "The voting system is that which is identified as ..... in Part 4 of the Model Rules Guideline developed by the Electoral Commissioner under Section 147(2) of the Act, and dated \_\_\_\_\_.")

- 14.1.7 The ballot paper shall contain instructions for the voter to (insert appropriate instruction eg. Place a cross OR numbers ) opposite the name or names of the candidates for whom the voter wishes to vote. (Include the following sentence if the voter is required to vote for the number of candidates to be elected.

The voter must vote for the number of candidates to be elected otherwise the ballot paper will be informal.

## 15. Candidates statements (optional)

[A “candidate’s statement” is an election document supplied by the candidate intended to promote the candidate in the ballot. The statement will normally contain one or more of the following: a biography including personal and professional details about the candidate; a statement in support of the candidate; and a photograph (optional).

Statements must not breach the law or be defamatory.

NOTE: Should an organisation choose to provide for Candidate Statements in their rules, sufficient time must also be provided in the election timetable for statements to be produced. The AEC would strongly recommend that the rules allow for a period of at least twenty-eight days between the close of nominations and opening day of the ballot to facilitate this process.]

### 15.1 Statements [include only if candidate statements are required]

- 15.1.1 Up to seven days after the close of nominations, a candidate may submit to the returning officer a biography and/or a statement in support of their candidature only, for publication on the organisation’s website and (insert one of “for publication in the organisation’s next available journal” or “for distribution by the returning officer upon request by a voter.” The statement shall not exceed 200 words.

- 15.1.2 A candidate can only submit one statement regardless of the number of positions that they are contesting.

- 15.1.3 The returning officer shall reject any statement

- a) which, in the opinion of the returning officer, is false or misleading or may lead to an irregularity; or
- b) which does not strictly comply with these rules.

- 15.1.4 A candidate whose statement is rejected shall be notified and shall be given not more than 2 working days from being notified to supply a replacement statement that complies with this rule.

- 15.1.5 The order of publication of candidates’ statements shall be the same order as candidates’ names on the ballot paper, unless there is more than one ballot in which case the returning officer may print statements in alphabetical order by surname. The returning officer shall also indicate if a candidate has failed to submit a valid statement.

## 16. Postal ballot

### 16.1 Postal facilities for ballot material

- 16.1.1 The returning officer shall, for the purpose of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre. Access to the private box mentioned in this rule shall be limited to

- a) persons authorised by Australia Post,
- b) the returning officer, and
- c) persons authorised in writing by the returning officer.

## 16.2 Issue of ballot material

16.2.1 On or before the opening day of the ballot the returning officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.

16.2.2 Ballot material shall include:

- a) one or more ballot papers showing the time and date of the close of the ballot,
- b) a Reply Paid envelope addressed to the private box referred to in this rule, being an envelope that may be posted without expense to the voter,
- c) an inner 'Declaration Envelope' as prescribed by the Act, suitable for containing the ballot paper/s.
- d) [if applicable] a copy of each statement submitted by candidates under rule 15.

## 16.3 Replacement ballot material

16.3.1 Where a member whose name is on the roll of voters claims that the ballot material has not been received or has been lost, destroyed or spoiled, the member may make an application to the returning officer for the issue of replacement ballot material.

16.3.2 The application shall

- a) be in writing
- b) set out the applicant's full name and postal address
- c) set out the grounds on which the application is made
- d) contain a declaration that the applicant has not voted in the ballot
- e) be accompanied, if practicable, by any evidence that is available of the loss, destruction or spoiling of the ballot material.

16.3.3 If the returning officer is satisfied that the information contained in the application is true and correct, the returning officer shall issue replacement ballot material to the applicant.

## 17. Scrutiny

### 17.1 During the ballot

17.1.1 During the course of the ballot the returning officer may collect returned envelopes from the private post box and keep them in safe custody until the commencement of the scrutiny. The returning officer shall make a final clearance of returned envelopes so that all envelopes received by the returning officer prior to the closing time for the ballot are admitted to the scrutiny. No envelopes returned after the close of the ballot shall be admitted to the scrutiny.

### 17.2 Preliminary scrutiny of envelopes

17.2.1 The returning officer shall conduct a preliminary scrutiny of returned declaration envelopes to ensure that only one returned envelope from each eligible voter is admitted to the count. The returning officer may commence the preliminary scrutiny prior to the close of the ballot.

17.2.2 Before proceeding to count the votes to ascertain the result of the ballot, the returning officer shall:

- a) remove the 'Declaration Envelope' from the Reply Paid envelopes, and
- b) examine the voter's declaration attached to each 'Declaration Envelope', and mark off the voter's name against a copy of the roll of voters.

17.2.3 A voter's returned ballot material shall be rejected and set aside if:

- a) The 'Declaration Envelope' has not been returned, or
- b) the voter has not completed the declaration on the 'Declaration Envelope' to satisfy the returning officer,
- c) the voter is ineligible to vote, or
- d) the returning officer is unable to identify the voter on the roll of voters.

17.2.4 Where a voter returns more than one set of ballot material, only one set of ballot material shall be admitted into the count. The returning officer shall decide which set of ballot material is to be rejected.

17.2.5 The returning officer shall note on the ballot material that it has been rejected and the reason for rejection and set it aside for separate custody.

### 17.3 Scrutiny of ballot papers

17.3.1 When the returning officer has determined which declaration envelopes are accepted for the count, the declaration section of each envelope is detached and removed so that the envelope can no longer be identified. Each envelope shall then be opened and the ballot papers extracted to be counted.

17.3.2 The returning officer shall reject as informal a ballot paper that:

- a) does not bear the initials or other authenticating mark of the returning officer, and/or
- b) has upon it any mark or writing by which the voter can be identified,

and/or

- c) is not marked substantially in accordance with the instructions included on the ballot paper,

and/or

- d) the marking is such that the intention of the voter is not clear, and/or e) is not returned inside the declaration envelope.

17.3.3 Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a returned envelope or a ballot paper being accepted or rejected, the returning officer shall decide whether the returned envelope or ballot paper is to be admitted or rejected and endorse the decision on the envelope or ballot paper. The decision of the returning officer is to be final.

## 18. Declaration of results

### 18.1 Notice

18.1.1 The returning officer shall declare the result of the election within fourteen days of the closing day of the ballot by giving notice of the result in writing to the relevant officer of the organisation at its registered office.

18.1.2 The returning officer shall, at the same time and in the same manner as the returning officer declares the result of the election, declare the following information in relation to the ballot:

- a) the total number of persons on the roll of voters
- b) the total number of ballot papers issued
- c) the total number of envelopes that were returned undelivered by the closing date of the ballot
- d) the total number of ballot papers received by the returning officer
- e) the total number of ballot papers rejected as informal



## Part 3 – Collegiate elections

[A method of election in which persons are elected to certain offices by and from a body of persons (such as a committee or a council) who were elected at a previous stage by a direct voting system. For example, members of a Council are elected by a direct voting system but the Branch Executive are elected by and from the Council members. The election can be conducted as a secret postal ballot or an attendance ballot. This rule addresses an election at a meeting. If an election by post is preferred, rules can be based upon the provisions in Part 2 above.]

### 19. Timetable – nominations and voting

[The period of time that nominations or a ballot are open should take into account the size and geographic spread of the electorate and whether the election is to be conducted at a meeting or by post. Normally the electorate is relatively small and located in capital cities therefore a period of between 14 to 21 days is allowed for both the receipt of nominations and for the ballot. 14 days is the standard used for these model rules.]

The election for offices to be conducted under a collegiate voting system will occur immediately after the direct election for offices that form the electorate for the election.

#### 19.1 Nominations

19.1.1 Nominations for all offices shall be called by the returning officer fourteen days prior to the meeting at which the election is to be held. If that day falls on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date. Nominations shall close at the meeting in descending order as identified in the hierarchy in this rule. If a candidate is successful for an office the candidate is excluded from any subsequent election.

19.1.2 In spite of the above paragraph, if no meeting is scheduled to occur prior to the expiry of the term of office of the offices for election, nominations shall close at a date and time to be determined by the returning officer and ballots, if any, shall be conducted, mutatis mutandis, as a postal ballot in accordance with the rules which apply to the conduct of a direct election.

19.1.3 Nominations shall be called in the manner prescribed in these rules.

19.1.4 Nominations lodged with the returning officer shall be in writing and include the following information:

- a) the full name of the nominee;
- b) the form in which the nominee's name is to appear on a ballot paper if different to the name shown above;
- c) the nominee's contact details;
- d) the name and address of each nominator, if required;
- e) the office for which the nominee is nominating;
- f) the signed endorsement/consent of the nominee;
- g) the signature of each nominator;
- h) any further documentation required by the returning officer.

## 19.2 Voting

- 19.2.1 Voting for all collegiate elections shall occur at the meeting of the relevant electorate immediately after nominations have closed.
- 19.2.2 Ballots shall be conducted so that the ballot for the office highest in the hierarchical order shall be completed first before the ballot for the next highest office is conducted. The returning officer shall conduct each ballot in sequence in descending order as identified in these rules. Once a candidate is successful in a ballot the candidate is excluded from any subsequent ballots.
- 19.2.3 In spite of the provisions of these Rules, if ballots are conducted as a secret postal ballot the returning officer shall instruct the voters to vote using sequential numbers commencing with the number 1, so that a candidate who is successful for a higher office may be excluded from the ballot for any subsequent office which the candidate can not simultaneously hold.

## 20. Eligibility to nominate

[The rules of the organisation should stipulate the qualifications required to participate as nominees and nominators in elections for offices. These qualifications may vary between organisations and careful consideration must be given to the specific words used in each set of rules, including whether there are different qualifications for different office-holder positions. Qualifications normally cover financial status, geographic location and/or working in a particular industry or calling. For collegiate elections, it may also require membership of a previously elected collective body.].

## 20.1 Nominations

[It is optional as to whether nominators are required. Where nominators are required, the rules should specify the minimum number of nominators and any qualifications (such as financial status, geographic location, membership of an industry, membership of an electorate such as a previously elected collective body) which the nominator/s must possess.

The date for determining eligibility must also be clear. These model rules have been developed so that a member's eligibility for office will be determined as at the date that the meeting is held.]

- 20.1.1 Each member's eligibility to participate as a nominee or nominator shall be determined as at the date that the meeting is held.
- 20.1.2 A candidate for any office must be a member of the electorate (insert any other qualifications)
- 20.1.3 A nominee may self nominate;  
or
- 20.1.4 A nominee must be nominated by (insert number) nominators. A nominator for any office must be a member of the electorate.

## 21. Multiple nominations

[Each organisation should determine whether a person can nominate for, or be elected to, more than one office. The holding of two or more offices with representation on a governing body of the organisation (eg. Branch Executive) or the holding of more than one office designated as a full time position, may be deemed incompatible. It is for the organisation concerned to define issues of incompatibility.

If the Rules prohibit the nomination for or election to certain multiple offices the Rules should also clearly identify a methodology for resolving any such multiple nominations, eg by identifying a hierarchy for offices for the returning officer to use in rejecting multiple nominations that are prohibited under the rules, or by providing guidance on a hierarchical sequence in the conduct of the ballots for offices at the meeting, and subsequent exclusion of successful candidates from further ballots.]

### **21.1 Holding more than one office**

21.1.1 No person may hold simultaneously more than one of the following offices, which are listed in descending ranking. The first office listed being the highest office: (list the offices in hierarchical order from highest office to lowest office).

### **21.2 Nomination for more than one office**

21.2.1 Where a member nominates for more than one office which can not be held simultaneously the returning officer shall conduct the election for each office in order of the hierarchy indicated in these rules. If a member is elected to an office the member shall be excluded from any subsequent office which is unable to be held simultaneously.

### **21.3 Election to an office while already holding another office**

21.3.1 Where a member holding any office is elected to an office the member cannot hold simultaneously with the office currently held, then the member is deemed to have relinquished the office already held.

## **22. Defective nominations**

### **22.1 Notification**

22.1.1 Where the returning officer finds that a nomination is or may be defective, the returning officer shall, before rejecting the nomination, notify the person concerned of the defect and give the person an amount of time determined reasonable by the returning officer to remedy the defect or provide further information in support of the nomination.

22.1.2 Where the returning officer has notified a person of a defective nomination, and where that person has corrected the defect and advised the returning officer within the time prescribed by the returning officer, the returning officer shall accept the nomination.

22.1.3 Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected.

## **23. Withdrawal of nominations**

[An organisation's Rules should clearly identify the closing date for the acceptance by the returning officer of withdrawal of nominations.]

### **23.1 Notification of withdrawal**

23.1.1 A member nominating for any office may withdraw the nomination:

(insert one of the following)

- a) by notice in writing to the returning officer at any time before the closing time for the receipt of nominations;
- or
- b) by notice in writing to the returning officer up to, but not later than a time determined by the returning officer for the commencement of the printing of ballot papers.

23.1.2 The notification referred to above must include a signed endorsement by the nominee and be in a form acceptable to the returning officer.

23.1.3 Once a nominator has endorsed the nomination of another member for election to any office in the organisation, that nominator may not subsequently withdraw that endorsement.

## 24. Roll of voters

### 24.1 Roll of Voters

24.1.1 A person is eligible to vote in a ballot if, on the date of the meeting, they are a member of the relevant electorate identified in this rule.

24.1.2 (Insert name/s of office/s) shall be elected by members of (insert electorate).

24.1.3 The returning officer shall request the prescribed officer to supply the name and postal address of every member eligible to vote at an election. The returning officer may also request the prescribed officer to supply additional information which does not form the roll of voters but is to be used to ensure no irregularity occurs, and to supply the information in electronic form. The prescribed officer shall comply with such request.

24.1.4 Any candidate for election and any member entitled to vote in an election may inspect and obtain a copy of the roll for the purposes of the election only. A copy of the roll may be provided in an electronic form.

### 24.2 Voting

24.2.1 Voting shall be conducted at the first meeting of the relevant electorate after the date on which nominations were called. If no meeting is scheduled to commence prior to the expiry of the term of office for the offices to be elected, the ballot shall be conducted as a postal ballot.

### 24.3 Proxy and Absent voting

[Where the rules of the organisation stipulate that the election be conducted as an attendance ballot (ie at a meeting) it is recommended that the rules make provision for eligible voters who are unable to attend the meeting to register their vote. This may be arranged through proxy voting and/or absent voting.]

A member entitled to vote in a collegiate election and who will be unable to attend the meeting at which an election is to be held may vote by way of either a proxy vote or an absent vote.

#### Proxy Voting

24.3.1 A member of the (insert name of body) who will be absent from the meeting may appoint another member of the (insert name of body) to vote as a proxy in any election conducted under this rule.

24.3.2 A proxy must be appointed in writing, signed by the voting member of the (insert name of body) appointing the proxy, and must be delivered to the returning officer prior to the time for the closing of nominations.

#### Absent voting

24.3.3 Any member who is entitled to vote at any election held under these rules and who will be unable to attend the meeting at which the election is to be conducted, may apply to the returning officer for ballot material to be sent to an address that the member so nominates.

24.3.4 Notification to the returning officer shall be in a form acceptable to the returning officer and shall set out the member's name and usual address and the address to which the member elects to have ballot material sent.

24.3.5 Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request. No ballot shall be counted until ten days from the date of posting of the ballot paper/s by the returning officer, to provide the absent voter with reasonable opportunity to return the ballot paper/s to the returning officer.

## 25. Contested elections

### 25.1 Ballot

25.1.1 If the number of valid nominations received for an office exceeds the number of positions to be filled, the returning officer shall conduct a secret ballot at the meeting of members entitled to vote. Ballots shall be conducted sequentially in descending hierarchical order as identified in these rules. Once a ballot is completed and the result determined the ballot for the next highest office shall commence.

## 26. Ballot papers

### 26.1 Ballot paper wording

26.1.1 The following features shall appear on all ballot papers prepared in respect of a secret ballot for an election for office:

- a) the name of the organisation
- b) the initials of the returning officer or other authenticating mark
- c) the name and number of the office/s to be elected
- d) instructions for marking the ballot paper
- e) the names of the candidates in the order required by the rules
- f) instructions for returning the ballot paper

- g) name and location of the returning officer
- h) any other instruction considered necessary by the returning officer.

26.1.2 The ballot papers shall contain the names of the candidates with the last name first followed by the given names. No other candidate information will be printed on the ballot paper.

26.1.3 The order of names in each ballot on the ballot paper shall be determined by lot drawn by the returning officer.

26.1.4 The ballot shall be conducted under the (insert voting system) voting system. That voting system being:

26.1.5 (Some Voting Systems are described in Part 4 of the Model Rules. Use this section to describe the voting system or refer to the relevant part of the model rules, eg “The voting system is that which is identified as ..... in Part 4 of the Model Rules Guideline developed by the Electoral Commissioner under Section 147(2) of the Schedule, and dated \_\_\_\_\_.”)

26.1.6 The ballot paper shall contain instructions for the voter to (insert appropriate instruction eg. Place a cross OR numbers) opposite the name or names of the candidates for whom the voter wishes to vote. Include the following sentence if the voter is required to vote for the number of candidates to be elected-

(Optional) – The voter must vote for the number of candidates to be elected otherwise the ballot paper will be informal.

## 27. Scrutiny

### 27.1 Scrutiny of ballot papers

27.1.1 Subject to Rule 24.3.5, immediately after the close of the ballot the returning officer shall conduct the count of the votes.

27.1.2 The returning officer shall reject as informal a ballot paper that:

- does not bear the initials or other authenticating mark of the returning officer, and/or
- has upon it any mark or writing by which the voter can be identified, and/or
- is not marked substantially in accordance with the instructions included on the ballot paper, and/or
- the marking is such that the intention of the voter is not clear.

27.1.3 Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a ballot paper being accepted or rejected, the returning officer shall decide whether the ballot paper is to be admitted or rejected and endorse the decision on the ballot paper.

## **28. Declaration of results**

### **28.1 Notice**

28.1.1 The returning officer shall declare the result of the election by giving notice of the result in writing to the relevant officer of the organisation at its registered office.

28.1.2 The returning officer shall, at the same time and in the same manner as the returning officer declares the result of the election, declare the following information in relation to the ballot:

- a) the total number of persons on the roll of voters
- b) the total number of ballot papers issued
- c) the total number of envelopes that were returned undelivered by the closing date of the ballot (if applicable)
- d) the total number of ballot papers received by the returning officer
- e) the total number of ballot papers rejected as informal.

## Part 4 – Voting systems

### 29. Voting systems

[There are three main categories of voting systems, namely:

- a) first past the post
- b) preferential
- c) proportional representation or quota preferential.

Within each system there is considerable scope for variation in relation to such matters as the method of marking votes, the definition of a formal or valid vote and the distribution of preferences.

The basic aim is to choose a voting system which will ensure the election of the most popular candidates whilst making it relatively simple for the voter to cast a formal vote. Where voters are to choose between two candidates, the means of determining the most popular is obviously simple. However, where voters are required to choose one of three or more candidates, or two or more from a larger list of candidates a voting system must be used. The system should satisfy both the needs of the organisation and the requirements for the conduct of a secret ballot.

A **first past the post system** means the candidate who polls more votes than any other candidate is elected.

**Preferential voting systems** are where voters must indicate an order of preference among a list of candidates. To be elected under a preferential system a candidate must be preferred by a majority of voters ahead of all unsuccessful candidates. It may be compulsory or optional for a voter to list preferences.

A variation to the concept of preferential voting is the **points system** in which points are awarded to candidates in direct relation to a voter's expressed preference for them, ie., a first preference valued at one point being worth ten times the value of a tenth preference. In this system the candidate with the lowest number of points is elected.

A further alternative approach is the **proportional representation or quota preferential system**. This system also requires voters to indicate an order of preference among a list of candidates, but candidates must secure a quota of votes to be elected. When a candidate is elected with surplus votes over the quota, those votes are transferred on to candidates remaining in the count according to the next preference but at a transfer value of only a fraction of a vote.]

#### 29.1 First past the post system

##### Election of one candidate only

[In this system, a candidate is elected with a simple majority of votes, that is, the highest number of votes in the count.

Voters are required to mark ballot papers by one of the following methods:

- a) using ticks
- b) crosses
- c) numbers
- d) striking out the names of candidates for whom they DO NOT wish to vote.

The result of a ballot is ascertained by counting the number of votes shown against the name of each candidate. The candidate with the highest number of votes is elected.]

### Election of more than one candidate

[Voters mark their ballot papers in a manner similar to that outlined above, in which case they may, or may not, be required to vote for the exact number of candidates to be elected.

Votes are counted in the same way as for the election of only one candidate. Successful candidates are those who receive the highest number of votes.]

- 29.1.1 The voting system shall be the first-past-the-post system as detailed in this Rule.
- 29.1.2 The method of voting shall be by placing a (insert “tick”, “cross” or “numbers”) in the square next to the name/s of the candidate/s for whom the elector wishes to vote.
- 29.1.3 The voter must vote for the number of candidates to be elected. (insert if required)
- 29.1.4 The candidate/s with the highest number of votes shall be elected.
- 29.1.5 If two or more candidates each receive the same number of votes the Returning Officer shall decide by lot which candidate is to be elected.
- 29.1.6 A ballot paper shall be informal if marked other than in accordance with this Rule.

### 29.2 Standard preferential system - election of one candidate

[This system of voting is used to elect a (single) member of the House of Representatives. ]

- 29.2.1 The voting shall be the standard preferential system as detailed in this Rule.
- 29.2.2 A candidate must poll an absolute majority, (that is, at least 50% plus one), of all formal votes to be elected.
- 29.2.3 The voter shall vote by marking in the squares opposite the names of the candidates the numbers 1,2,3 etc up to the number of candidates appearing on the ballot paper.

29.2.4 Where one candidate only is to be elected the Returning Officer shall determine the successful candidate by observing the procedure set out below.

- a) If, after all first preference votes have been counted, no candidate has obtained an absolute majority of all formal votes, then the candidate with the fewest number of first preference votes is excluded. That excluded candidate’s second preference votes are then distributed to the remaining candidates.
- b) If after that exclusion no candidate has obtained an absolute majority of formal votes, the next remaining candidate with the fewest votes is excluded and all of that candidate’s votes (ie. first preference votes plus those votes received from the first excluded candidate) are distributed to the remaining candidates.
- c) The above process is continued until one candidate obtains an absolute majority of formal votes and is elected.
- d) If at any exclusion, the next available preference is for a previously excluded candidate, then that preference is disregarded and the vote is distributed to the continuing candidate for whom the next available preference is shown
- e) If two or more candidates each receive the same number of votes the Returning Officer shall decide by lot which candidate is to be elected.
- f) A ballot paper shall be informal if marked other than in accordance with this Rule.



### 29.3 Standard preferential system – election of more than one candidate

[In this system the first successful candidate is elected in the manner outlined in the Standard preferential system : election of one candidate.

NOTE: Paragraphs (g), (h) and (i) below should only be inserted where 3 or more candidates are to be elected.]

- 29.3.1 The voting system shall be the standard preferential system as detailed in this Rule.
- 29.3.2 A candidate must poll an absolute majority (that is, at least 50% plus one), of all formal votes to be elected.
- 29.3.3 The voter shall vote by marking in the squares opposite the names of the candidates the numbers 1,2,3 etc up to the number of candidates appearing on the ballot paper.
- 29.3.4 Where more than one candidate is to be elected the Returning Officer shall determine the successful candidates by observing the procedure set out below.
- a) If, after all first preference votes have been counted, no candidate has obtained an absolute majority of all formal votes, then the candidate with the fewest number of first preference votes is excluded. That excluded candidate's second preference votes are then distributed to the remaining candidates.
  - b) If after that exclusion no candidate has obtained an absolute majority of formal votes, the next remaining candidate with the fewest votes is excluded and all of the candidate's votes (ie. first preference votes plus those votes received from the first excluded candidate) are distributed to the remaining candidates.
  - c) The above process is continued until one candidate obtains an absolute majority of formal votes and is elected.
  - d) If at any exclusion, the next available preference is for a previously excluded candidate, then that preference is disregarded and the vote is distributed to the continuing candidate for whom the next available preference is shown.
  - e) When the first candidate is elected all ballot papers are sorted back to first preference votes. Then, all ballot papers containing a first preference vote for the first elected candidate are distributed to the remaining candidates according to the second preference vote on each of them and the votes added to the number of first preference votes held by the candidate. A candidate who has obtained an absolute majority of votes is shown in the count as the second successful candidate.
  - f) If no candidate has then received an absolute majority the candidate with the fewest votes is excluded and that candidate's votes (first preference and those received from the previously elected candidate) are distributed to the next available preference among the remaining candidates. If after that exclusion no candidate has obtained an absolute majority of formal votes, the next remaining candidate with the fewest votes is excluded and all of his/her votes (ie. first preference votes plus those votes received from the elected and excluded candidates) are distributed to the remaining candidates according to the next available preference. This process is continued until a candidate has obtained an absolute majority of votes remaining in the count. This candidate is the second elected.

- g) After the first and second candidates have been elected all ballot papers are sorted back to first preference votes. The ballot papers containing the first preference votes of the two elected candidates are sorted to the next available preference and are distributed among the remaining non-elected candidates. A candidate who has obtained an absolute majority of votes remaining in the count shall be the third successful candidate.
- h) If no candidate has then received an absolute majority, the candidate with the fewest votes is excluded and that candidate's votes (first preference and those received from the previously elected candidates) are distributed to the next available preference among the remaining candidates. The process mentioned in paragraph (f) is continued until a candidate has obtained an absolute majority of votes remaining in the count. This candidate is the third elected.
- i) If there are more than three candidates to be elected, the above process is repeated until the required number of candidates have been elected.
- j) If two or more candidates each receive the same number of votes the Returning Officer shall decide by lot which candidate is to be elected.
- k) A ballot paper shall be informal if marked other than in accordance with this Rule.

#### 29.4 Optional standard preferential system

[In this system:

- a) For the election of one candidate, the voter need only indicate a preference for the candidate of first choice, but may mark a preference for all or some of the remaining candidates on the ballot paper.

- b) For the election of more than one candidate, the voter may be required to either:
  - i. indicate a preference for at least the number of candidates to be elected (voters may indicate a preference for all or some of the remaining candidates);
  - or
  - ii. indicate a preference for less than the number of candidates to be elected.

The method of counting the votes is similar to that for the standard preferential system. However, under optional preferential voting, whenever a ballot paper shows no preference for a continuing candidate, that ballot paper is said to be exhausted.

A candidate will be elected when the candidate obtains an absolute majority of those votes remaining in the count at any stage. Votes remaining in the count means the total number of formal votes excluding exhausted votes.]

#### Election of one candidate

- 29.4.1 The voting system shall be the optional standard preferential system as detailed in this rule.
- 29.4.2 Where one candidate only is to be elected the returning officer shall determine the successful candidate by observing the procedure set out below.
  - a) The voter shall vote by marking in the square opposite the name of the candidate of first choice the number 1. The voter may indicate additional preferences by marking the numbers 2, 3 and so on as the case requires.

- b) If, after all first preference votes have been counted, no candidate has obtained an absolute majority of all formal votes, then the candidate with the fewest number of first preference votes is excluded. That excluded candidate's second preference votes (if any) are then distributed to the remaining candidates. If no second preference is shown it is set aside as exhausted. The candidate who has an absolute majority of votes remaining in the count at this stage is the successful candidate.
- c) If, after all first preference votes have been counted, no candidate has obtained an absolute majority of all formal votes, then the candidate with the fewest number of first preference votes is excluded. That excluded candidate's second preference votes (if any) are then distributed to the remaining candidates. If no second preference is shown it is set aside as exhausted.
- d) The above process is continued until one candidate obtains an absolute majority of votes remaining in the count and is elected.
- e) If at any exclusion, the next available preference is for a previously excluded candidate, then that preference is disregarded and the vote is distributed to the continuing candidate for whom the next available preference is shown.
- f) If two or more candidates each receive the same number of votes the Returning Officer shall decide by lot which candidate is to be elected.
- g) A ballot paper shall be informal if marked other than in accordance with this Rule.

### Election of more than one candidate

29.4.3 The voting system shall be the standard optional preferential system as detailed in this Rule.

(insert either)

a) The voter shall vote by marking in the square/s opposite the name/s of the candidate/s the numbers 1,2, and so on, as the case requires, to at least the same number of candidates as there are positions to be filled;

or

b) The voter shall vote by marking in the square/s opposite the name/s of the candidate/s the number/s (insert numbers). The voter may indicate additional preferences by marking the numbers (insert numbers).

NOTE: Paragraphs (g), (h) and (l) below should only be inserted where 3 or more candidates are to be elected.

29.4.4 Where more than one candidate is to be elected the Returning Officer shall determine by observing the procedures set out below.

a) If, after all first preference votes have been counted, no candidate has obtained an absolute majority of all formal votes, then the candidate with the fewest number of first preference votes is excluded. That excluded candidate's second preference votes (if any) are then distributed to the remaining candidates. If no second preference is shown on the ballot paper it is set aside as exhausted (or informal depending on how many candidates the voter is required to show a preference for under paragraph 29.4.3). A candidate then receiving an absolute majority of votes remaining in the count is at that stage a successful candidate.

- b) If after that exclusion no candidate has obtained an absolute majority of votes remaining in the count, the next remaining candidate with the fewest votes is excluded and all of his/her votes (i.e. first preference votes plus those votes received from the first excluded candidate) are distributed to the remaining candidates. If no further preference is shown on a ballot paper it is set aside as exhausted (or informal depending on how many candidates the voter is required to show a preference for under paragraph 29.4.3).
- c) The above process is continued until one candidate obtains an absolute majority of votes remaining in the count. This is the first elected candidate.
- d) If at any exclusion, the next available preference is for a previously excluded candidate, then that preference is disregarded and the vote is distributed to the continuing candidate for whom the next available preference is shown.
- e) When the first candidate is elected all ballot papers are sorted back to first preference votes. Then, all ballot papers containing a first preference vote for the first elected candidate are distributed to the remaining candidates according to the second preference vote on each of them. If no second preference is shown on a ballot paper it is set aside as exhausted (or informal depending on how many candidates the voter is required to show a preference for under paragraph 29.4.3). A candidate who has obtained an absolute majority of votes remaining in the count is shown in the count as the second successful candidate.
- f) If no candidate has then received an absolute majority the candidate with the fewest votes is excluded and his/her votes (first preference and those received from the previously elected candidate) are distributed to the next available preference, if any, among the remaining candidates. If no further preference is shown on a ballot paper it is set aside as exhausted (or informal depending on how many candidates the voter is required to show a preference for under paragraph 29.4.3). If after that exclusion no candidate has obtained an absolute majority of votes remaining in the count, the next remaining candidate with the fewest votes is excluded and all of his/her votes (i.e. first preference votes plus those votes received from the elected and excluded candidates) are distributed to the remaining candidates. If no further preference is shown on a ballot paper it is set aside as exhausted (or informal depending on how many candidates the voter is required to show a preference for under paragraph 29.4.3). . This process is continued until a candidate has obtained an absolute majority of votes remaining in the count. This candidate is the second elected.

- g) After the first and second candidates have been elected all ballot papers are sorted back to first preference votes. The ballot papers containing the first preference votes of the two elected candidates are sorted to the next available preference, if any, and are distributed among the remaining non-elected candidates. If no further preference is shown on a ballot paper it is set aside as exhausted (or informal depending on how many candidates the voter is required to show a preference for under paragraph 29.4.3). . A candidate receiving an absolute majority of votes remaining in the count shall be the third successful candidate.
- h) If no candidate has then received an absolute majority, the candidate with the fewest votes is excluded and his/her votes (first preference and those received from the previously elected candidates) are distributed to the next available preference among the remaining candidates. The process mentioned in paragraph (f) is continued until a candidate has obtained an absolute majority of votes remaining in the count. This candidate is the third elected.
- i) If there are more than three candidates to be elected, the above process is repeated until the required number of candidates has been elected.
- j) If two or more candidates have each received the same number of votes and one of them has to be elected or excluded, the Returning Officer shall decide by lot which candidate is to be elected or excluded.
- k) A ballot paper shall be informal if marked other than in accordance with this Rule.

## 29.5 Multiple preferential system

[The multiple preferential system accomplishes with one ballot, the election of more than one candidate by a majority number of electors who cast formal votes. For the election of one candidate only use the Optional Standard Preferential System.

The optional multiple preferential system described below is an outline of one variation of this method of voting. The optional system is the most commonly used form of multiple preferential voting in elections for industrial organisations.

Under this system, voters are required to mark a preference for at least the number of candidates to be elected. They may, if they wish, express a preference for all or some of the remaining candidates.]

29.5.1 The voter shall vote by marking on the ballot paper the numbers 1,2 and so on as the case requires opposite at least the same number of candidates as there are positions to be filled.

- a) The votes shall be classified into two categories as follows:
  - i. the preference votes to the number of vacancies to be filled shall be termed “primary” votes, and shall have equal value in the first count and be credited to the candidate for whom they are cast, whether marked 1,2,3, etc according to the number of vacancies.
  - ii. The preference votes beyond those referred to in (i) shall be termed “secondary” votes and shall have rank according to their numerical number and shall be allocated in rank order unless the ranking secondary vote has been previously allocated.

- b) The primary votes shall first be counted and a list shall be prepared of the candidates in order according to the primary votes cast for them. The candidate who is lowest on the list thus compiled shall be excluded from the count.
- c) Each ballot paper on which such excluded candidate received a primary vote shall then be examined to determine its secondary vote and the preference so found shall be allotted to the appropriate unexcluded candidate on the first count.
- d) On the conclusion of the second count, the above procedure or exclusion of candidates from the count and the distribution of their secondary votes shall continue until the required number of successful candidates has been determined.
- e) If, in any count, the next available preference vote of an excluded candidate is cast in favour of an excluded candidate, such preference vote shall be disregarded and the next available preference vote cast in favour of a remaining candidate shall be added to the votes credited to that candidate.
- f) If, in any count, two or more candidates each receive the same number of votes and one of them has to be excluded, the Returning Officer shall decide by lot which candidate shall remain in the count.
- g) A ballot paper shall be informal if marked other than in accordance with this Rule.

## 29.6 Proportional representation system

[This system applies to the election of more than one candidate. For the election of one candidate only use the Optional Standard Preferential System. (see part 19.4.1)]

There are several variations of this system. The example below is an outline of the basic procedures for one of those variations. The AEC strongly recommends that you thoroughly research the various forms of Proportional Representation in order to identify the system that best suits your organisation.

Under the proportional representation system candidates are elected when they poll a number of votes equal to or greater than a quota. The voters indicate preferences for candidates by using the numbers 1, 2, 3 etc.

A quota is determined as follows:

$$\text{Quota} = \frac{\text{Total number of formal ballot papers}}{\text{Number to be elected} + 1} = (\text{result}) + 1 \text{ (disregarding any remainder)}$$

Candidates who receive first preference votes greater than or equal to the quota are elected. Any **surplus** votes (votes received by the candidate over the quota) of the elected candidates are transferred to the remaining candidates at a **transfer value**. The **transfer value** determined for the distribution of the **surplus** votes of a candidate elected from first preference votes is calculated as follows:

$$\text{Transfer Value} = \frac{\text{Number of elected candidate's surplus votes (ie. those in excess of quota)}}{\text{Number of first preference votes received (ie. the number of ballot papers)}}$$

The ballot papers of each elected candidate are re-examined (commencing with the candidate with the largest surplus) and the total number of second or next available preferences for each unelected candidate is multiplied by that elected candidate's transfer value and transferred to the relevant unelected candidate.

Whenever, as a result of the distribution of an elected candidate's **surplus** votes, a candidate obtains a **quota**, that candidate is then elected.

Each time a candidate is elected after a distribution the **transfer value** of the **surplus** votes of that candidate is calculated as follows:

$$\text{Transfer Value} = \frac{\text{Number of (this) candidate's surplus votes}}{\text{Number of ballot papers received in the last transfer}}$$

In the transfer of this elected candidate's **surplus** votes, only those ballot papers received in the preceding transfer from a previously elected or excluded candidate are distributed to unelected candidates. These ballot papers are re-examined and the total number of those expressing next available preferences for each unelected candidate is multiplied by the elected candidate's **transfer value** and transferred to the relevant unelected candidates.

If, after the distribution of all elected candidates' surplus votes has been completed, no other candidate receives first preference votes greater than or equal to the quota, then the candidate with the fewest votes is excluded from the count. All of the ballot papers held by an excluded candidate are then distributed to the candidates remaining in the count according to the next available preference expressed on those ballot papers. These ballot papers are transferred at the transfer value they were received by the excluded candidate.

Similar exclusions are carried out until a candidate eventually obtains a number of votes equal to or greater than the **quota**, and is, as a consequence, elected.

The surplus votes of any candidate elected that have been transferred from an excluded candidate are dealt with as above.

The process of distributing surpluses and excluding candidates continues until either the number of candidates to be elected are elected or all candidates except the number to be elected have been excluded. In the latter case, unexcluded candidates not already elected are declared elected.

Where a ballot paper contains no preference for any one candidate remaining in the count, then that ballot paper is **exhausted** and is set aside as being finally dealt with.

A sample of an organisation's rules that provides for Proportional Representation voting is set out hereunder:

1. All informal ballot papers shall be rejected. Each ballot paper admitted to the count shall be given the value of ten votes and the number of votes expressing a first preference for each candidate shall be counted.
2. The aggregate number of such first preferences shall be divided by one more than the number of candidates required to be elected, and the quotient increased by one (excluding any fractional remainder) shall be the quota and (except as hereinafter provided in Clause 10) no candidate shall be elected until that candidate obtains a number of votes equal to or greater than the quota.
3. Any candidate who has, upon the first preferences being counted, a number of such votes equal to or greater than the quota, shall be declared elected.

4. Where the number of such votes obtained by any candidate is equal to the quota, the whole of the ballot papers on which a first preference is recorded for such elected candidate shall be set aside as finally dealt with.
5. Where the number of votes obtained by any candidate is in excess of the quota, the number of votes in excess of the quota (the “surplus”) shall be transferred to the other candidates not yet declared elected, next in order of the voters’ respective preferences, in the following manner:
  - I. All the ballot papers on which a first preference is expressed for the elected candidate shall be re-examined, and the number of second preferences, or (in the case provided for in Clause 12) third or next consecutive preferences, expressed for each unelected candidate thereon shall be counted:
  - II. The surplus votes of the elected candidate shall be divided by the total number of the ballot papers expressing a first preference for the candidate, and the resulting number shall be the transfer value.
  - III. The number of ballot papers expressing a second (or other) preference for each unelected candidate, ascertained according to paragraph I, shall be multiplied by the transfer value:
  - IV. The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by the candidate on the counting of the first preferences.
6. (a) Where, on the counting of the first preferences or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first. If then more than one candidate has a surplus, the then largest surplus shall be dealt with, and so on; Provided that, if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus the surplus of the former shall be dealt with first.
  - (b) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate’s surplus shall be dealt with first.
7. (a) Where the number of votes obtained by a candidate is raised up to or above the quota by a transfer, that candidate shall be declared elected. In such a case, in spite of the fact that the candidate may have reached the quota during the progress of the transfer, the candidate shall not cease to become entitled to receive further votes until the conclusion of that transfer.
  - (b) Where the number of votes obtained by a candidate is raised up to but not above the quota by a transfer, the whole of the associated ballot papers shall be set aside as finally dealt with.
  - (c) Where the number of votes obtained by a candidate is raised above the quota by a transfer, the surplus shall be transferred to the candidates next in the order to the voters’ respective preferences, in the following manner:



- I. The ballot papers on which are recorded the votes obtained by the elected candidate in the last transfer shall be re examined, and the number of third, or (in the case provided for in Clause 12) next consecutive preference expressed for each unelected candidate thereon counted;
  - II. The surplus votes of the elected candidate shall be divided by the total number of the ballot papers mentioned in paragraph I, and the resulting number shall be the transfer value;
  - III. The number of ballot papers expressing a second (or other) preference for each unelected candidate, ascertained according to paragraph I, shall be multiplied by the last mentioned transfer value;
  - IV. The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by the candidate.
8. (a) Where, after the first preferences have been counted and all surpluses, if any, have been transferred in the manner prescribed above, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, the candidate who is lowest on the poll shall be excluded, and all the votes obtained by that candidate shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed in Clause 5.
- (b) The votes obtained by such excluded candidate in the counting of the first preferences shall first be transferred, the transfer value of each ballot paper in this case being 10.
- (c) The other votes of such excluded candidate shall then be dealt with in the order of the transfers at which the candidate received them, and each corresponding ballot paper shall be transferred at the transfer value at which the candidate received it.
- (d) Each of the transfers which takes place under the two previous sub- clauses of this Clause shall be deemed for all purposes to be a separate transfer.
- (e) In calculating the number of votes to be credited to a continuing candidate as a result of such transfer, any fractional remainder shall be disregarded.
9. (a) Where the number of votes obtained by a candidate is raised up to or above the quota by a transfer, that candidate shall thereupon be declared elected. In such a case, in spite of the fact that the candidate may have reached the quota during the progress of the transfer, the candidate shall not cease to become entitled to receive further votes until the conclusion of that transfer.
- (b) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by any transfer, the whole of the associated ballot papers shall be set aside as finally dealt with.
- (c) Where the number of votes obtained by a candidate is raised above the quota by a transfer, the surplus shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed in sub-clause (c) of Clause 7; Provided that such surplus shall not be dealt with until all the votes of the excluded candidate have been transferred.
- (d) Where any surplus exists it shall be dealt with before any other candidate is excluded.

10. The same process of excluding the candidate lowest on the poll and transferring the votes to other candidates shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the unexcluded candidates who have not already been so declared, shall then be declared elected.
11. Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide which candidate shall be first excluded.
12. In determining which candidate is next in the order of the voter's preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voter's preference shall be determined as if the names of such candidates had not been on the ballot paper.
13. Where on any transfer it is found that a ballot paper expresses no preference, other than for candidates who have already been declared elected or been excluded, that ballot paper shall be set aside as exhausted.
14. Where, in these rules, an order amongst the candidates is called for, the order shall be: those elected at the first count, in descending order of their votes; those elected at the second count, in descending order of their total votes after that count; and so on down; followed by the unsuccessful candidates in the reverse order of their exclusion from the count.