Animal Justice Party

Voting Rules for the election of State Committee

(Victoria)
Document Control Sheet

Version History

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Intended Audience

- Animal Justice Party Returning Officers – who will use these rules to guide the conduct of elections for internal committee positions.
- Animal Justice Party Victoria Members
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1.0 PURPOSE OF THIS DOCUMENT

The purpose of these rules is to stipulate the qualifications for nominees, nominators and voters and the term of office for each office.

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 the rules as they are written rather than how the organisation may have intended them to be applied.

This document is intended to show the detailed rules and procedures that the Returning Officer (RO) shall follow in order to conduct an election to decide the makeup of the state committee.

These rules are intended to comply with the Fair Work (Registered Organisations) Act 2009 and are based on the Australian Electoral Commission’s Model Rules Guide.

2.0 OVERVIEW OF VOTING

There will be a ‘Direct Voting’ of 7 Committee Positions, including:

- Convenor,
- Deputy Convenor,
- Treasurer,
- Secretary and
- Three (3) general committee members.

A candidate may stand for both an office bearing committee position and a general position (with success in the first office bearing position taking precedence).

We will use the Fully Preferential voting system.

Out of cycle changes to the committee would need to be referred back to the members and the National Committee advised.

The Committee will be voted on before May 1 each year. Delays of up to 3 months beyond this (which might be required from time to time depending on the status of Federal elections) would need to be explained to the members and National Committee.

Ordinary decisions of the party that are voted on by the members or the committee will be decided by majority vote, where consensus cannot be reached.

3.0 GENERAL PROVISIONS

3.1. METHOD OF ELECTION

All direct elections shall be by secret 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 party.

The term of office for successful candidates will commence 2 days from the conduct of the ballot or from the date of the declaration of the result of the election, whichever is later. Candidates shall hold office for 1 year or until their successors are elected and take office.
3.2. RETURNING OFFICER

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 to conduct each election for office.

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.

The returning officer shall prepare and circulate a notice calling for nominations in accordance with these rules.

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.

The returning officer shall accept all nominations that satisfy the requirements of these rules.

The returning officer shall treat any defective nominations in the manner prescribed in these rules.

Where a ballot is required, the returning officer shall conduct the ballot in accordance with the provisions of these rules.

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.

3.3. ADVERTISING

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

- on the AJP National and/or state website; and
- in the AJP state newsletter, journal or bulletin or newsletter published by the organisation and circulated to all members eligible to participate in the election.

3.4. ELECTION NOTICE

The election notice shall:

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

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.

For electronic voting systems, the Returning Officer will receive an email detailing how the vote was calculated. The scrutineers will be able to view this email.

A scrutineer shall not:

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

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

4.0 DIRECT ELECTIONS

4.1. TIMETABLE – NOMINATIONS AND VOTING

Nominations for all offices shall open on the day nominated by the returning officer, not less than one month prior to the end of a term.

Nominations shall close at 12 noon on the fourteenth day after nominations have opened. Nominations received by the returning officer after that time shall not be accepted.

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.

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

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

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

The ballot shall open and close at 10 am on the day nominated by the returning officer. Typically not less than fourteen days will be permitted for voting. Ballot material received by the returning officer after that time shall not be included in the scrutiny.

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.
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.

4.2. ELIGIBILITY TO NOMINATE
Nominees should be current financial members of the party. A minimum of two nominators should be provided (who are also current financial members of the party)

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

4.3. ONE CANDIDATE AND MULTIPLE POSITIONS
It is possible to nominate for multiple positions, both named and general positions of the committee. However, it is NOT possible to HOLD multiple positions, the named positions taking precedence in the order Convenor, Deputy Convenor, Secretary, Treasurer over general positions.

Nothing in this Rule shall prevent an eligible person from simultaneously holding offices in other parts of the party (regional groups, national committee, etc.)

4.4. MULTIPLE CANDIDATES AND ONE POSITION
It is permitted for multiple candidates to nominate for a single position. It is left to the members (voters) to determine if such a candidacy is preferred.

4.5. ONE CANDIDATE PER ONE POSITION
No person may hold simultaneously more than one of the following offices, which are listed in the descending ranking order. The first office listed being the highest office: Convenor, Deputy Convenor, Treasurer, Secretary.

4.6. DEFECTIVE NOMINATIONS
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.

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.

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.

4.7. WITHDRAWAL OF NOMINATIONS
A member nominating for any office may withdraw the nomination by notice in writing to the returning officer at any time before the closing time for the receipt of nominations.

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 for that election.
4.8 UNCONTESTED ELECTIONS

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.

4.9 ROLL OF VOTERS

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 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 email addresses. From these listings the returning officer compiles the roll of voters to whom ballot material will be sent. Section 143 of the Act 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.

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 Animal Justice Party that the office represents.

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. Otherwise Close of Roll day shall be the day 7 days prior to the date for the opening of nominations.

The returning officer shall request the prescribed officer to supply the name and 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.

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.

4.10 CONTESTED ELECTIONS

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 of members entitled to vote. The returning officer may include a number of ballots on the same ballot paper.

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

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

The returning officer shall arrange for the electronic set-up of the ballet and distribution to members eligible to vote.

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.

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

The ballot shall be conducted under the direct, fully preferential voting system (described later).

The ballot paper shall contain instructions for the voter to place numbers opposite the names of the candidates in order of the voters preferred preference.

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

4.11 CANDIDATE STATEMENTS

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.

A suitable period will be allowed for candidates to produce their candidate statements.

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 Animal Justice Party website and for publication in the Animal Justice Party’s next available newsletter or for distribution by the returning officer upon request by a voter. The statement shall not exceed 200 words.

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

The returning officer shall reject any statement which, in the opinion of the returning officer, is false or misleading or may lead to an irregularity; or which does not strictly comply with these rules.

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.

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.

4.12 SCRUTINY

For electronic voting systems, the Returning Officer will receive an email detailing how the vote was calculated. Scrutineers would be able to view this email.

4.13 DECLARATION OF RESULTS

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 President of the National Committee.

The returning officer shall, declare the following at the same time and in the same manner as the result of the election:
- the total number of persons on the roll of voters
- the total number of ballot papers issued
- the total number of ballot papers received by the returning officer

For electronic voting systems, the Returning Officer will receive an email detailing how the vote was calculated.

### 5.0 VOTING SYSTEMS

The voting system used within AJP will be fully preferential.

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 is compulsory for a voter to list preferences.

#### 5.1 ELECTION OF A SINGLE CANDIDATE

A candidate must poll an absolute majority, (that is, at least 50% plus one), of all formal votes to be elected.

The voters 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

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

- 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.
- 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.
- The above process is continued until one candidate obtains an absolute majority of formal votes and is elected.
- 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
- 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.
- A ballot paper shall be informal if marked other than in accordance with this Rule.

#### 5.2 ELECTION OF MULTIPLE CANDIDATES (MULTIPLE COMMITTEE MEMBERS)

A candidate must poll an absolute majority (that is, at least 50% plus one), of all formal votes to be elected.

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.
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.
TERMINOLOGY

National Committee (NC or Natcom or CoM) – The AJP Committee that exists to run the party

National Council (NCL) – A national level advisory group that has representatives from each state and territory in line with their level of party participation (i.e. number of members, votes, etc)

State Party – A state based party body that reports to the National Committee

Convenor – Chief administration point within a State Party that reports to and liaises with the National Committee, or a Regional Group that reports to the state committee.

Regional Group – Group of party members and volunteers tasked with organising activities within their region to run certain tasks for electoral campaigns and raise the profile of the party.

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

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

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.

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

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

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

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.

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

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

Prescribed officer / Secretary - 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.

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.

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