

APPENDIX B: ELECTION RULES for the PARLIAMENTARY LABOUR PARTY LEADERSHIP ELECTIONS – the principles and key elements of the system.

Initially approved by New Zealand Council on August 25th 2013, last revised on October 1st 2014

1. Introduction and definitions

This document establishes the principles and essential elements of the election system for the Leader of the Parliamentary Caucus of the New Zealand Labour Party (“the NZLP”), and provides the administrative rules for those elections. These rules are designed to provide certainty for what will happen in any given circumstance. The three sections of the Electoral College are made up of two entities and one grouping, namely the New Zealand Labour Party, the Parliamentary Labour Party (the Caucus) and the various Party affiliates. These three elements of the Electoral College are referred to as the sections through this document.

This document is mandated by a series of constitutional amendments passed by the 2012 Annual Conference of the NZLP, summarised as follows:

Election of the Leader of the Parliamentary Labour Party – the Leader must be a Member of Parliament; an election for the position of Leader is triggered if there is a vacancy, or if requested by a simple majority of Caucus (at any time), or if the Leader fails to obtain the support of 60% plus 1 of the Caucus membership in a vote held within three months after a General Election (and in February 2013, as a one-off); the Electoral College comprises 40% party members, 40% Caucus (both One Member One Vote), and 20% affiliates (varying voting systems); the first version of administrative rules will be developed by NZ Council, in conjunction with the Caucus, by end 2012.

The New Zealand Council has constitutional responsibility to ensure that procedures, including the length of any election process, are laid down in advance of any such contest, and that the procedures are adhered to throughout the campaign. Much of the detail underlying that responsibility is devolved to the Returning Officer, and the Leadership Election Advisory Group (*see 3.7 below*) will have oversight of the process, and will reflect the interest of all stakeholders in the NZLP.

Agent	Someone appointed by a candidate to represent their interests in the election process
Affiliates	Those bodies affiliated to the NZLP
the Campaign	The process of nominated candidates for the Labour leadership communicating to voters in that election
Candidates	People duly nominated as candidates for the Leadership Election
Caucus Rules	The Rules set by Labour Caucus from time to time to govern the affairs of the Caucus
CAWU	Central Amalgamated Workers’ Union
College	the Electoral College
Code/s of Conduct	Rules specific to certain groupings of people involved in the implementation of the Leadership Rules
Deputy	Someone in an elected substitute position in an affiliate organisation who is nominated to exercise a vote because the delegate themselves is not allowed to vote in the Leadership Election
DWU	New Zealand Dairy Workers Union
Electoral College	The combination of Party Members, Caucus and affiliate sections in a NZLP Leadership Election
Electronic address	e-mail address
Eligible member	Someone who qualifies to vote in the Leadership Election
EPMU	NZ Amalgamated Engineering, Printing and Manufacturing Union Inc
Financial members	People who are current members of the NZLP through virtue of payment or otherwise (e.g. people who are Life Members)
Fully randomised	The order of candidates on the ballot paper differs randomly between each paper
Husting meetings	Meetings open to party members and eligible voters at which the candidates will speak and will be asked questions
LEAG	Leadership Election Advisory Group
Leadership Rules	The Election Rules for the Parliamentary Labour Party Leadership Elections
MUNZ	Maritime Union of New Zealand

NZ Council	The New Zealand Council, governing body of the NZLP
NZLP	New Zealand Labour Party
MWU	New Zealand Meat Workers Union
One eligible member, one vote	The voting process for the Party members and for the members of the Service Workers Union
Parliamentary staff	Staff employed by Members of Parliament and funded by Parliamentary Service
Party constitution	The NZLP Constitution and Rules
Preferential ballots	A voting system in which candidates are ranked by voters in order of preference
Proxy voting	Someone duly appointed to vote on behalf of someone else.
Returning Officer	The person who runs the election and deals with
RMTU	Rail and Maritime Transport Union of New Zealand
Scrutineers	People appointed by the various sections of the College to represent their interests when the vote is counted
Sections	The three sections of the College – Party members, Caucus members and affiliates
Senior Whip	The person elected by the Labour caucus to be their Senior Whip
SFWU	Service and Food Workers Union
Single-round preferential voting system	A system where people vote once, ranking all the candidates in their order of preference
Valid form	The technically correct way
Voter preferences	The stated candidate preference of voters

2. Status and principles

The bulk of this document is non-constitutional Administrative Rules for the New Zealand Labour Party.

The four proposed key principles of the leadership election system are as follows:

- Democratic integrity and certainty;
- Transparency and fairness;
- Membership participation; *and*
- Party growth.

3. Key elements

3.1 Nomination

- 3.1.1 Where an election is triggered by a resignation or death of the Leader, the Senior Whip shall be responsible for formally notifying the Party President and General Secretary of the fact as soon as practicable.
- 3.1.2 The closing date and time for nominations for the position of Leader of the Parliamentary Labour Party will be set by the NZ Council in the face-to-face or teleconference meeting in which they establish the timetable for the whole election; that will be held as soon as practicable and within 48 hours of an election being triggered.
- 3.1.3 All nominations must be received by the Returning Officer by the time and date detailed in the agreed timetable. All nominations will be supported by a nominator and a seconder, both of whom must be members of the Labour Caucus and neither of whom can be the candidate being nominated. Nominations will remain valid once submitted, unless the nominated candidate withdraws in writing to the Returning Officer. Nominations will be recorded and published on the Labour Party website as soon as practicable after closure of nominations. The Returning Officer will write to the nominated candidates confirming whether their nomination has been accepted or whether further information is required.
- 3.1.4 The Returning Officer shall ensure that nominations are filed securely, electronically and in the original paper copy. If a nomination is provided in hard copy then it should be scanned

and saved in a secure folder relating to the election. Nominations shall be retained for at least six months from the closing date for nominations, and afterwards destroyed.

- 3.1.5 Members shall be electronically notified of any major changes to the process and of any nominations, once information has been published by the Party.
- 3.1.6 In the event of only one nomination being received by the due date and time, the nominee will be declared by the Party President as duly elected.

3.2 Voting system

- 3.2.1 There will be an **Electoral College** comprising Party membership votes, Caucus votes and affiliate votes. The affiliate vote will be divided between the affiliates in proportion to the registered total affiliated numbers nationwide for each affiliate¹, as per the New Zealand Labour Party's constitution.
- 3.2.2 Each Caucus member will receive **one vote** in the Caucus section, and each Party member will receive one vote in the Party section. Voting in the affiliate section will be undertaken at an affiliate's National Conference delegate level, or amongst the eligible membership of an affiliate when agreed by that affiliate. Affiliates will not individually or collectively vote as a bloc.
- 3.2.3 The **votes of each candidate in each section** will be calculated as a percentage of the total votes cast in that section, and shall then be apportioned as follows:
Section 1, individual members of the New Zealand Labour Party – 40%
Section 2, members of the Parliamentary Labour Party – 40%
Section 3, the affiliate vote as detailed above – 20%.
- 3.2.4 Based on the existing NZLP Rules, which mandate preferential ballots, the system to be utilised for an election in which there are more than two candidates will be a **single round preferential voting system**. The winner will need to gain the support of a simple majority of the entire Electoral College. That will require all voters to return individual ballot papers detailing the preference votes cast for each candidate. The first preference votes cast for each candidate will then be aggregated nationally, appropriately weighted, across all three sections of the Electoral College. If no candidate gets a simple majority of the Electoral College votes in the first round, the Electoral College result will be recalculated, eliminating the candidate with the lowest percentage of Electoral College and redistributing those votes according to expressed preferences until one candidate exceeds the 50% threshold.
- 3.2.5 There will be one **Returning Officer** for the whole election, to be appointed by the NZ Council, with the expectation that they will be the NZLP General Secretary unless the NZ Council resolves that the NZLP General Secretary has a conflict of interest in relation to one or more of the candidates.

NZ Council must allow the General Secretary to address the Council about any potential **conflicts of interest** that have been brought to the attention of the Council, and how any conflicts may be removed or managed. Before NZ Council decides to appoint another person as the Returning Officer, it must ensure that the appointee is not a member of another political party and does not have a conflict of interest. Nothing in this clause prevents the Returning Officer from being eligible to vote in the election.
- 3.2.6 The Returning Officer may assign **Deputy Returning Officers** to assist with the running of the ballot, within or across sections, and any Deputy Returning Officers must declare any conflict of interests to the Returning Officer before commencing duties. All Deputy Returning Officers, including affiliate-appointed Deputy Returning Officers (*see A2*), must act impartially in the conduct of their duties and under the direction of the Returning Officer. Nothing in these rules prevents the Returning Officer from appointing deputies where affiliate Deputy Returning Officers have also been appointed.
- 3.2.7 Each candidate will be obliged to appoint an **Agent** to liaise with the Returning Officer and the Leadership Election Advisory Group (*see 3.7 after*) on matters concerning the election. An Agent must be a Party member. All Agents must attend the Code of Conduct meeting

¹ As of 10/14, CAWU 2.02%, DWU 13.71%; EPMU 33.33%; MUNZ 3.41%; MWU 19.55%; RMTU 6.06%; SFWU 21.92%

with the candidate (see 3.7.9), and agree to abide by the Party Constitution, the rules and the Code of Conduct for candidates.

3.3 Eligibility to vote

- 3.3.1 **Affiliate delegates** or **affiliate members** eligible at the time that the election is called (according to the voting system adopted by each Affiliate) will be eligible to vote in the Affiliate section. **Members of the Parliamentary Caucus** will be eligible to vote in the Caucus section. **Current financial members of the New Zealand Labour Party** will be eligible to vote in the Party section. People who are members of other political parties will not be able to vote in any section.
- 3.3.2 **Members separately entitled to vote** in more than one section of the College can do so. **Proxy voting** will not be allowed.
- 3.3.3 **Membership** of the New Zealand Labour Party, leading to eligibility to vote, will be open until midnight on the day after the day that the election is triggered for new members and unfinancial members shall have until the conclusion of the final hustling meeting, date to be determined by the Returning Officer, to pay any outstanding membership fees. For the purposes of this clause, membership is deemed to have started from the date that the initial membership application is duly submitted. *(This is intended to account for situations, for example, where there may have been an administrative error in the payment of the fees, a delay in the membership form being sent through the post or where further consideration by NZ Council needs to be made as to whether to finally accept the membership application).*
- 3.3.4 Nothing in these rules prevents the Returning Officer, Deputies, Party staff, members of LEAG, or NZ Council members from being **eligible to vote** in the election where they otherwise satisfy the voter eligibility criteria.

3.4 Voting process

- 3.4.1 For the party section **ballot papers will be sent to the postal or electronic address registered** for the member on the system at Party Headquarters. Affiliates and the party staff must make best endeavours to ensure that the lists of voters provided are up-to-date and accurate. Affiliates which are not organising voting at hustling meetings, and the SFWU, will provide distribution lists to Party headquarters.
- 3.4.2 Affiliates must instruct their members that **if they belong to another political party** they are not eligible to vote in the election.
- 3.4.3 **Ballot papers** for voting in all three sections of the Electoral College will be of a standard design (subject to the order of the names of the candidates being fully randomised), with various paper colours and logos for the different sections of, or elements in each section of, the Electoral College being utilised. This will enable the Returning Officer to extrapolate the vote according to the College composition and weighting. The ballot papers will include a unique identifier to enable checks for duplicates.

All ballot papers will contain the following statement:
"By voting in this election I am declaring that I am not a member of any political party other than the New Zealand Labour Party".
- 3.4.4 Apart from ballot papers issued at meetings to affiliates who select that method of voting, all ballot papers in all three sections will be issued by post or electronically on days that have been pre-approved by the Returning Officer, directly by the Party or by an independent contractor on behalf of the Party. This **election mailing** will be the only mailing undertaken by/on behalf of the Party centrally to voters, with the exception of mailings forwarded on behalf of candidates (see 3.6 below) or re-sent ballot papers where the original has been lost or not received.

3.4.5 The **election mailing** will comprise:

- a cover letter or email describing the process and options for returning the vote and, for affiliates, encouraging them to join the Party as individual members and explaining how they are eligible to vote in the election as a member of an affiliate and not a member of another political party;
- the ballot paper; for email election mailings, instructions for electronic voting;
- candidate information sheets (standard maximum length);
- an appeal for donations to cover the cost of the election, including a 0900 number; *and* in the case of a postal mailing, 2 (two) reply-paid and pre-addressed FastPost envelopes (one is for the donation to be sent separately, so that the ballot papers are separate and remain anonymous).

The envelopes for the affiliates' vote mailing will include a Labour membership form.

3.4.6 Ballot papers with identifiers will be **available for issue at meetings** for specific affiliates (on request, with staffing provided).

3.4.7 Each Affiliate, except the SFWU, will provide to the Party the **labels for a mailing to those eligible to vote** or email addresses for the purposes of electronic voting in the ballot for their section, and will fund their portion of that mailing. In the case of the SFWU, which will be balloting eligible and attending members at meetings (*as described in Appendix A below*) and authorising the issuing of some postal votes (*see Appendix A*), a complete and current membership list will be provided to the Returning Officer.

3.4.8 The Senior Whip of the Parliamentary Caucus shall provide the Party with the **labels for a mailing to those eligible to vote** or email addresses for the purposes of electronic voting in the ballot for their section, and will fund their portion of that mailing. The default physical address for this mailing shall be the MP's Parliamentary office in Wellington but the Returning Officer shall have the discretion to post to another address if the MP in question agrees to this in writing.

3.4.9 A final date will be set for the **re-issuing of ballots that have been lost or not received**, to avoid bias towards the location where ballot papers are issued.

3.4.10 In accordance with NZLP practice, all **voter preferences** must be completed by the voter in valid form, or the vote will be discounted. Guidance will be offered on the ballot paper and otherwise provided at the time of voting (in the case of electronic voting).

3.4.11 **Voting facilities** for voters in the Party members' section, the Caucus section and (on request, with staffing provided) for specific Affiliates will be available at candidates meetings (*see 3.6.1 below*).

3.4.12 Apart from votes cast in 3.4.6, all ballot papers must be **returned** to Fraser House or to an independent contractor for processing and counting, by a defined time on a defined date. Paper-based returns may be made by post, in person, by fax, or by emailing of a scanned copy to a dedicated e-mail address. Electronic returns will be made through the electronic voting system agreed to by NZ Council.

The Returning Officer must ensure that the unique identifier and corresponding voter information are electronically **recorded and stored securely**, to prevent improper access and use. This information should only be accessed by the Returning Officer or with the Returning Officer's express authorisation for the purposes of validating the election mailing or results.

3.4.13 **Scrutineers** for the vote count will be appointed by the candidates (one each), Affiliates (two, including one for the SFWU), Caucus (one), and New Zealand Council, on behalf of the Party membership (two). Issues arising will be referred for decision to the Returning Officer. The Returning Officer will be responsible for ensuring that the electronic voting system is operating fairly and without bias.

3.4.14 At each stage of the vote count, any **spoilt, duplicate, otherwise invalid or non-transferable voting papers** will be discounted.

3.4.15 **Results** for each candidate will be published on the NZ Labour Party's website for each section of the Electoral College as percentages at each stage of the count. The result will be announced by the Party. Ballot papers and associated records will be retained in the event of a review of the count being necessitated.

- 3.4.16 The Returning Officer shall ensure that **votes are filed securely electronically and in paper copy**, to prevent improper access and use. This information should only be accessed by the Returning Officer or with the Returning Officer's express authorisation for the purposes of validating the results. This information must be stored separately from the unique identifiers. These documents shall be retained for at least six months from the closing date of the elections and afterwards destroyed.

3.5 Timeline

- 3.5.1 The system will be capable of delivering **a result** within 21 days of being triggered, but the period may be longer.
- 3.5.2 The decision of the New Zealand Council in relation to the **timetable for the whole election** will be final, and will be made as soon as practicable, and within 48 hours of the election being triggered, normally by teleconference.

3.6 Promotion and Communications

- 3.6.1 A series of husting **meetings** for eligible voters and other Party members, organised and funded by Party hubs/regions and chaired by the NZLP President or her/his nominee, will be organised. Any person appointed as a moderator for the meeting must be approved by the Returning Officer and act in a neutral role throughout the election period. The final choice of meeting locations will be dependent on the time available and the level of organisation in each city, and at a minimum will cover the six largest population centres. There will also be a virtual web-hosted meeting so that every voter has an opportunity to participate.

Candidates will be expected to attend the husting meetings and, where practicable, to arrive half an hour before the commencement of the husting for media interviews. The meetings will be arranged in an essentially consistent way, for example around chairing and agenda design. The Returning Officer may prepare and distribute written guidance to apply to husting meetings to ensure that they operate efficiently and in accordance with the principles of these rules (for example, without limitation, bans on candidate signage in the hall, permission for candidate leaflets on a table at the entrance to the hall; and allowing a private area for voting). Donations will be collected at the meetings, to be utilised for the costs of organising the meeting, with any surplus funds being applied to NZLP election costs. Apart from the speeches made by candidates, the meetings will be closed to the media. The meetings will not be open to people who are members of other political parties. The Returning Officer shall have discretion to allow unaccredited media to attend a meeting and shall also have discretion in special circumstances to allow any non-members to attend a meeting in consultation with the relevant Regional Representative/s. Leaflets produced by the candidates will be made available at these events if they are provided in sufficient numbers to Head Office. Candidates may request that the Party transports any candidate materials to and between husting meetings and the Party may not unreasonably refuse such a request.

- 3.6.2 Candidates will not be provided with **access to Party membership lists**, but the Party will offer a service whereby it will (on provision of at least 24 hours' notice) undertake physical or e-mail distributions to all members, with the candidate meeting all real costs (including staff time etc). A customisation option for the selection and personalisation of emails or letters will be offered at cost. Such costs will have to be contained within the spending limit of the candidate. Candidates will also be provided with a list of LEC, branch, sector and affiliate contacts, as is the practice with internal NZLP elections. Distribution to affiliate voters' lists will be offered to all candidates on the basis of the service outlined above. All candidate material must comply with the Code of Conduct for candidates (*see Appendix D*).
- 3.6.3 Standard form **candidate statements, news items, standard length videos and contact details** will be published prominently on a distinct part of the Labour website, with candidates being requested to provide wording, high resolution photos etc. as required. Each candidate will have a web page within that part of the site, including their biography and a link to their

own site. Candidates will be entitled to operate their own websites in accordance with the Code of Conduct for candidates.

- 3.6.4 During an election, a NZLP **Communications Officer** will coordinate media interviews, and requests for interview, with the candidates at all NZLP-organised events, and at other times the NZLP will direct all media enquiries to the Agents of the candidates.
- 3.6.5 Candidates will be expected to be present together when the nominations are announced to the media and to hear the results of the Leadership Election, location to be determined by the Party, in consultation with the candidates.
- 3.6.6 During an election, the Party shall provide each candidate with daily information about voter turn-out, broken down by section and individual affiliate.

3.7 Balance

- 3.7.1 A permanent **Leadership Election Advisory Group (LEAG)**, with the status of a sub-committee of New Zealand Council, will be formed, initially by end February 2013 and subsequently at the first meeting of the New Zealand Council after each Conference or Congress. It will have the primary role of oversight of the Leadership Election process. Contained within this, a key function of LEAG will be to consider serious complaints that are either referred by the Returning Officer or appealed following a decision of the Returning Officer.
- 3.7.2 LEAG will **comprise** the Party President, Senior Vice President and Senior Vice President (Maori) (or substitutes if any are Members of Parliament), one Affiliates representatives (nominated by the NZLP Affiliates Council), one Caucus representative (being the Senior Whip unless that person is not eligible under the rules, in which case it will be the Junior Whip, or then as otherwise nominated by the Caucus) and one Party elder (nominated by the NZ Council)². The caucus representative may not be a member of LEAG if they are a candidate, nominee, nominator, seconder or a person involved in instigating the trigger (i.e. the person who requests a leadership confidence vote or one of the persons who requested a special meeting under the Rules). The Party President shall have a second, casting vote.
- During a leadership election LEAG has a unique ability to act independently of Council, so that NZ Council members have the freedom to be political. NZ Council retains sole decision-making for serious decisions, e.g. whether to withdraw a candidate from the election.
- 3.7.3 In making decisions, **LEAG must act impartially**, giving effect to the rules. Where a member of LEAG has a conflict then they must be absent from making a decision relating to that issue or candidate. NZ Council makes a final decision on any conflict of interests where there is a dispute.
- 3.7.4 **LEAG will report to NZ Council** within six months of each leadership election conducted under this system on any recommended amendment of these Rules. The person who acted as

² The membership of LEAG as of October 2014 comprises (with *post-holders/nominees*):

- the Party President, *Moira Coatsworth*
- the Senior Vice President, *Robert Gallagher*
- Senior Vice President (Maori) (or substitutes if any are Members of Parliament), *TBA*
- one Affiliates' representative, nominated by the NZLP Affiliates Council), *Angus McConnell*
- one Caucus representative (Senior Whip) *Chris Hipkins*
- one Party elder (nominated by the NZ Council), *Margaret Wilson*

the Returning Officer will report on queries/complaints. The General Secretary will conduct an evaluation, including interviews with key people, and report to LEAG.

- 3.7.5 **Material disseminated on behalf of candidates** (in the same envelope as the ballot papers, electronically or at the meetings) is to be of standard length and form.
- 3.7.6 All NZ Council members are entitled to take and advocate any position of their own choosing in a leadership election. Party staff must show complete **neutrality** in their work, but nothing in these Rules shall prevent staff members from exercising their vote as members.
- 3.7.7 Candidates must have **equal access to public and Caucus resources**, regardless of whether one of the candidates happens to be the incumbent in the role. On that basis, Caucus will develop rules which encompass the following, and these rules will be reflected in the Codes of Conduct:
- clarification of the position of Parliamentary staff, both to ensure fairness but also to protect them from infringing any parliamentary or ministerial service guidelines.
 - under Parliamentary Service rules, no staff from the Leader's office (or the Prime Minister's office, if the Leader is also Prime Minister) will be allowed to assist any candidate for Leader on any matter primarily related to that election, but will still be able to assist Ministers, Spokespeople and other MPs with their day-to-day spokesperson roles etc.
 - no lists of Party members held in the Leaders Office (e.g. mailing lists, e-mail lists) are to be utilised during the election for election purposes and the principles of the Privacy Act 1993 continue to apply (in particular, that information collected for one purpose may not be used for another purpose).
 - Executive Assistants (or a Private Secretary, if a Minister) will be the only staff who may support a candidate in their bid for the Leadership, within Parliamentary rules.
 - all other staff must either take unpaid leave for the duration of the leadership election – with no access to Party or Parliamentary resources – or act in accordance with the Parliamentary Rules, Caucus Rules and Code of Conduct for Parliamentary staff
 - An obligation on the Senior Whip to ensure a broadly equal range of Parliamentary opportunities and to approve leave equitably for each candidate for sitting days during relevant sections of the Leadership Election
- 3.7.8 All candidates and Agents will have to sign a **Code of Conduct** for candidates, which is designed to help protect the integrity of the election process, aiming for the election to be as fair as practicable. See Appendix D of the Rules for the agreed Code. Candidates and their Agents may seek advice and guidance from the Returning Officer about compliance with the Code, and the Returning Officer will seek to resolve all queries as soon as practicable on a query being received. New Zealand Council may agree a Code to cover relevant matters at any time from the triggering of a Leadership Election.
- 3.7.9 LEAG and the Returning Officer will **meet with the candidates and their nominated Agents** as soon as possible after closure of nominations in a briefing meeting to talk through and confirm a commitment to comply with the Code of Conduct for candidates (see *Appendix D of the Rules*), and other relevant matters. Candidates and their nominated Agents are obliged to attend this meeting, although the Returning Officer has discretion to coordinate the meeting by teleconference. The Returning Officer must be reasonable in negotiating the times of the meeting. Failure to attend such a meeting or to sign the Code of Conduct for candidates without reasonable excuse (as determined by the Returning Officer) will be treated as a withdrawal of the candidacy.
- 3.7.10 The Returning Officer will be responsible for **reporting to New Zealand Council on any alleged breach of the Code** and also has the power to require the candidate or the candidate's agent to cease acting inconsistently with the Code (for example, to immediately withdraw campaign material that breaches the Code).

3.7.11 Where a **candidate has acted inconsistently with the Rules or the Code of Conduct for candidates**, the Returning Officer has discretion to decide what might be an appropriate response, including, for example:

- Querying the action with candidate and the Agent
- Private instruction to a candidate and their Agent that a practice desist or that material be withdrawn
- Withdrawing the campaign mailing and distribution service provided by the Party
- A public warning
- Require an apology
- To recommend to NZ Council, in consultation with LEAG, that a candidate be barred or that the candidate be required to appoint a new Agent (in extreme cases)
- Identifying any of the above sanctions imposed in the election mailing to eligible voters.

3.7.12 The NZLP will not cover the **costs** incurred by any candidate.

3.8 Administration

The NZ Council reserves the right to **appoint an independent organisation** to conduct the ballot.

3.9 Reserve Powers for NZ Council

3.9.1 NZ Council shall be authorised to **suspend or cancel a leadership election** in exceptional circumstances including, without limitation, the following:

- The death of a candidate;
- The calling of a General Election;
- Where NZ Council considers that the democratic integrity of the election process has been seriously undermined.

3.9.2 Nothing in these Rules prevents NZ Council from **resolving to continue with the election** in these circumstances.

4.0 Process during an election

4.1 The **process** outlined in Appendix E shall apply during a Leadership Election.

APPENDICES TO THE RULES

A Affiliate section election

A1 As per 3.2 above, in **affiliate voting** each body (all currently unions) will propose their own internal election processes in regard to this leadership election, which shall be approved by NZ Council, taking into account the democratic structures within each affiliate. Such voting will be undertaken by a Union's National Conference delegate level, or amongst the eligible membership of a Union. No block voting will be allowed, and the votes must be cast by affiliated members, as per the NZLP Constitution. The 20% of the Electoral College allocated to affiliates is to be divided up on a proportional basis dependant on the number of members that each union has affiliated on, as per the NZLP Constitution.

A2 The **election process** for each affiliate will differ. They will be based on the following systems:

CAWU The ballot will be exercised by delegates to the National Conference according to the Rules of the CAWU. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

DWU The ballot will be exercised by delegates to the National Conference according to the Rules of the DWU Te Runanga Wai Inc. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

EPMU The ballot will be exercised by the delegates to the National Conference. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

MUNZ The ballot will be exercised by delegates to the National Council, representative of every branch of the Union. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

MWU The ballot will be exercised by delegates to the National Conference. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

RMTU The ballot will be exercised by delegates to the National Conference. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

SFWU All eligible financial members of the Union will be indirectly informed through Facebook, email (where on record), text (where on record), worksite notices and through workplace delegates that they have a vote and how to vote in the process. The vote can be activated in two ways. The members can either turn up at any of the advertised election hustling meetings, where they can be issued with and can cast a ballot (to be administered by SFWU staff), with the ballot being sealed at the end of the meeting; those voting will be checked off against a full list of eligible members by the Returning Officer or their appointee. The SFWU will appoint a Deputy Returning Officer for each meeting, and the Returning Officer may also appoint a scrutineer for the SFWU voting. If the member lives more than 32km from the location of any of those meetings/they have a personal emergency/they have a disability that prevents them attending and voting at a meeting, they may apply to the SFWU Deputy Returning Officer for a postal vote prior to the round of meetings commencing; if approved, that will be issued by the NZLP, and will be returned in the normal way. The SFWU will make available appropriate resources to the Returning Officer to enable this process to occur.

In all cases, the person appointed by NZ Council in 3.2.5 above is to act as **Returning Officer**, with Deputy Returning Officers appointed by each affiliate.

A3 As per 3.4 above, all ballot papers in all three sections of the Electoral College will either be **issued** by post or made accessible electronically on pre-approved days, directly by the Party or by an independent body contracted by the Party. Affiliates will provide to the Party, or the independent body contracted by the party, the **labels for a mailing to those eligible to vote** in their ballot (or, in the case of the SFWU,

those who are granted a postal vote), and will fund that mailing. Any **mailings of information** to members/delegates will be funded by the affiliate. Affiliates may publish and promote to their voters **endorsement of a candidate**, but must not use any process to bind the electors within that affiliate to a common position. The SFWU must make all election mailing material available at candidate hustings.

- A4 If required, an opportunity will be provided in Auckland or Wellington for all **candidates to meet jointly with the combined Executive Committees** etc of the affiliates, and/or affiliates will encourage eligible voting delegates to attend the candidate hustings as outlined in 3.6 above.
- A5 Affiliates will provide **equal access for all candidates** to their voters during the election period, to complement the policies and practices laid out in these Rules, in order to ensure balance during the process. This may include separate union-focussed meetings for all candidates.
- A6 There will be voting facilities made available at **candidate** hustings, as referred in 3.6 above. If an affiliate takes up this option, they will have to provide staffing for the balloting process.
- A7 Each affiliate election will **close** on the same day as the other sections.

B Caucus section election

- B1 The caucus procedures and rules relating to the triggering the election, the nomination of candidates and the election period must be **consistent with the New Zealand Labour Party Constitution** and these rules. The version of these rules agreed by New Zealand Council on August 23rd 2013 take precedence in the event of a conflict between the Caucus Rules and these rules.
- B2 In relation to **the process for instigating the trigger** in cases where MPs wish to establish whether or not the Leader continues to enjoy the support of 50%+1 (or, in the three yearly vote, 60% plus 1) of the Caucus, the following will be incorporated into the Caucus Rules:
- any Labour MP may place a leadership confidence vote on the agenda for any scheduled Caucus meeting by giving at least 7 days' notice to the Leader and Caucus Secretary.
 - a group of no fewer than 7 Labour MPs may requisition a special meeting of the Caucus by presenting a letter requesting such to the Leader and Caucus Secretary, such meeting to be called by the Leader as soon as possible and in any case no more than 7 days following receipt of such a letter.
- B3 All MPs and staff must **comply with the Codes of Conduct for leadership elections and any other Code produced**, from the point that an election is triggered (or requested in accordance with the NZLP Constitution and the Rules). Non-compliance with the Code will be referred to the NZ Council for a decision. Staff members who do not belong to the Labour Party are prohibited from attending meetings or otherwise becoming involved in the leadership elections – this does not apply to MPs' Executive Assistants or equivalent who are acting within the terms of their job description.
- B4 In relation to meeting **thresholds** as set down in the Constitution, the interpretation of the 60% plus 1 rule will include the rounding up of fractions (e.g. on 2013 numbers of 34, assuming all Caucus members vote and do not abstain, the endorsement threshold to be reached was 21.4, i.e. 22 votes).
- B5 Voting in Caucus in relation to the trigger will be by **secret ballot**. Printed ballot papers will be provided by the Returning Officer, and they will be placed in a ballot box.
- B6 In the event of an **election being triggered**, the Senior Whip will send a letter as soon as possible to the NZLP President and General Secretary to trigger the election. This letter may be signed and sent by email.

- B7 **Nominations** of candidates for the leadership election must be supported by a nominator and a seconder, both of whom must be members of the Labour Caucus and neither of whom can be the candidate being nominated. The nomination will be on paperwork provided by the Returning Officer, and returnable to the Returning Officer.
- B8 In all cases where the leadership is vacant, the **Deputy Leader will become the Acting Leader** until the election of a new leader
- B9 The **ballot papers for MPs** will be sent to the address registered for that member at Party headquarters, unless indicated otherwise to the Returning Officer.
- B10 **Ballot papers** will be returned to the Party (*see 3.4 above*), so no separate Caucus Returning Officer will be required. The caucus will be able to appoint a scrutineer for their section of the count.
- B11 The **Deputy Leader and Whips** will be elected in accordance with the Caucus Rules.
- B12 Should a vacancy in the leadership occur in the **3 months prior to the announced date of a general election** (where known) or in the absence of an announced date the statutory date (calculated according to the date on which the election is triggered or, in the case of a caucus vote, a meeting or special meeting is requested), a new Leader will be elected by Caucus majority vote. The new Leader will then be subject to confirmation within three months after the election, pursuant to the Party constitution (i.e. they would need to be endorsed by 60%+1 of the new Caucus, or a full leadership contest would be triggered).

C Party members section election

- C1 The Party General Secretary will normally act as **Returning Officer** (*see 3.2.5*).
- C2 The election will be conducted under the Single Round Preferential Voting system, and in this section conducted on the basis of **One Member One Vote**. Family members aged over 15 and named on the NZLP membership record are to be treated as individual voters, and all members registered at the same address, including e-mail address, will be sent a separate voting pack.
- C3 Notification of **membership renewals** will be timed to precede a February confirmation vote.
- C4 The General Secretary in that role will rule on **disputes over membership status**. The agents of the candidates will be consulted over the approach taken to this.