

4 September 2018

# Post-election Report

**United Voice – E2018/104**

# Contents

<b>Election(s) Covered in this Report .....</b>	<b>3</b>
<b>Rules.....</b>	<b>4</b>
<b>Roll of Voters .....</b>	<b>4</b>
<b>Irregularities.....</b>	<b>4</b>
<b>Other Matters .....</b>	<b>6</b>
<b>Attachments.....</b>	<b>6</b>

# Election(s) Covered in this Report

---

Election Decision No/s: E2018/104

## Rules

---

Rules used for the election: 108V: Incorporates alterations of 31 January 2018 [R2017/294] (replaces rulebook dated 22 December 2015 [R2015/288])

Rules difficult to apply/interpret:

22(f)(i) There is an inconsistency in requiring two nomination rounds where the ballot for the first nomination round results in a male being elected: see the first and last paragraphs of sub-rule 22(f)(i) of the Rules.

There should only be one call for nominations. The timelines provided by the Rules do not permit an alternative requirement for a second round of nominations.

22(f)(ii) and (iii) There is a disparity in requiring sequential numbering against all candidates in a first past the post ballots.

The method of counting votes is unduly complicated. It would be simpler to adopt a preferential system of voting which would make resort to a determination of a tie by lot a more remote contingency.

22(f) and 22(g) The method of declaring the results of an election under sub-rule 22(f) and sub-rule 22(g) are not aligned.

Sub-rule 22(g) allows for an oral declaration (called 'verbal') whereas sub-rule 22(f) is not permissive in this regard.

22 There is no provision in the Rules for the National Executive Elections for withdrawing nominations.

Module Rule reference (if any): N/A

## Roll of Voters

---

Total number of voters on the Roll:	100
Number of apparent workplace addresses:	0
Number of non-current addresses:	1
Other matters pertaining to the roll of voters:	N/A

## Irregularities

---

Included in election E2018/104 was a ballot for two National Executive Members in respect of South Australia (the Ballot). Nominations were received from three candidates, two female and one male.

The outcome of the Ballot was:

- David Di Troia received 74 primary votes out of the 81 ballot papers issued (there was one informal ballot).
- Donna Duke and Deirdre Menaud each received 3 primary votes.

When the primary votes allocated to David Di Troia were distributed according to the relevant second preferences, Donna Duke received a combined total of 77 votes.

The distribution of David Di Troia's primary votes according to their second preferences is consistent with subparagraphs 22(f)(i), 22(f)(ii) and 22(f)(iii) of the Rules when read together:

*(f)(i) Subject to paragraph (ii) of this sub-clause, the returning officer must call for nominations such that nominations close at least seven days prior to the meeting and nomination for the election of the members of the National Executive must be dealt with and completed in the following order:*

...

*Members of the National Executive*

*In the case of ... the members from each of ... South Australian, ... Branch the returning officer must call for nominations and must conduct an election for the two positions, if necessary, sequentially. In the event that a male is elected to the first position then the returning officer must only accept nominations from women for the second position.(f)(ii)*

*(ii) The ballot for all positions must be conducted by the returning officer as a single exercise according to a system of 'cascading' first past the post voting such that in an election a person must mark his or her vote on the ballot paper by sequential numbering [1,2,3 etc.] in the square opposite the name of the candidate or candidates for whom the person votes, such that all squares are completed.*

## Australian Electoral Commission

- (iii) *When counting a vote, the returning officer must*
- (a) *exclude from the ballot the subject of the vote any candidate elected to a more senior office in accordance with the order of election prescribed in sub rule (f)(i);*
- (b) *where the number "1" is marked in the square opposite the name of a candidate already declared elected to a more senior office, reallocate the numbering on the ballot such that the candidate marked as number "2" in the sequential numbering receives the number "1" vote, and the returning officer must reallocate the numbering of the vote until the numbering against all squares on the ballot paper has been completed.*

Only Donna Duke and Deirdre Menaud were eligible to nominate as candidates in the second ballot to be held in the event (as in deed transpired) that a male candidate was first elected as a Member of the National Executive.

David Di Troia, because he was elected as Member of the National Executive, became the holder of the more senior office. Seniority here being ascertained by priority in time.

The re-numbering process required by paragraph 22(f)(iii) was applied to Mr Di Troia's ballots to elevate ballots numbered 2 on each ballot paper to the status of being numbered 1 after disregarding the vote in favour of Mr Di Troia.

The outcome did not require the application of paragraph 22(f)(iv) of the Rules:

- (iv) *...In the event of equality of vote for any two or more candidates, the returning officer must determine by lot which of the candidates is elected.*

When the number of primary votes in the second ballot was ascertained after re-numbering the votes numbered 2 in the ballot papers that gave first preference to David Di Troia to become No. 1 votes (i.e. primary votes) after disregarding the votes actually numbered 1 and allocating those renumbered votes for each of the two candidates as the case required, there was no equality of the primary votes for the two candidates.

Consequently there was no need to conduct a draw by lot.

Although there was no irregularity in the conduct of election E2018/104 it is recommended that the Rules be reviewed in respect of an equality of vote.

## Other Matters

---

### Rule 20(v) and (vi)

A material part of the election process for members of the National Executive is found in rule 20 of the Rules, namely that the National President or National Vice President who is a member of a branch is treated as one of the members of the National Executive from that Branch. For consistency this should be included in Rule 22.

### Withdrawal of nominations

Two candidates requested to withdraw their nominations after the close of nominations. There is no provision in the Rules for the National Executive Elections for withdrawing nominations. As a result the period for withdrawing of any nominations expired at the close of nominations. Therefore the requests to withdraw could not be accepted.

## Attachments

---

- 1) Declaration of Results for Uncontested Offices
- 2) Declaration of Results for Contested Offices – NSW and SA



Larissa Timbs  
Returning Officer

4 September 2018