

Elections for organisations

Principles for conducting elections

An organisation's constitution is the key document establishing the organisation. It should either include rules for conducting an election, or provide the means for the organisation to establish election rules. The rules must be adopted in accordance with the constitution, and the election must be conducted in accordance with both the constitution and any separate rules or regulations to ensure constitutional validity.

The electoral principles set out below are based on the basic principles used for parliamentary elections in Australia. These principles should be taken into account when establishing election rules.

The election

If not covered in the constitution, the election rules should state what the election is for (for example a committee, a president or the like) and specify the terms of office.

The voting system

A voting system should be chosen and the election rules must be consistent with that system (see Attachment A for a discussion of various voting systems). Whether the election is for a single position (single-member election) (for example, the president) or for a group of positions (multi-member election) (for example, a committee) will determine the voting system to be used.

The returning officer

A returning officer should be appointed for the election. The returning officer is responsible for calling for nominations, conducting the election, counting the votes and declaring the result of the election. The returning officer cannot be a candidate for any position in the election and should be independent of the organisation's management. The election rules should set out details of who can be a returning officer and how that person is appointed.

Scrutineers

Scrutineers should be appointed by candidates to ensure that elections are conducted openly and fairly. Rules are needed to specify the number of scrutineers to be appointed by each candidate, how they are to be appointed and what processes they are allowed to observe. Candidates are generally not allowed to be scrutineers to avoid the possibility of conflicts of interest.

Nominations

The rules should determine the following:

- the process and timeframe for lodging nominations;
- who is eligible to be nominated as a candidate;
- whether a person can be nominated for more than one position; and
- if one person can fill more than one position.

Voting

The rules should set out how voting will be conducted. Voting can be conducted either by attendance or post. Some organisations conduct their elections at their AGMs while others arrange separate polling places. Where voting is by attendance, postal voting may be offered as an option to those unable to attend.

It is important to arrange voting facilities that are accessible to high numbers of voters, to ensure a representative result. Postal voting is becoming more popular as a means of increasing voter turnout. The cost of various options is also an important consideration for some organisations.

If voting by attendance, consider venues, polling days, times and who is eligible to perform polling official duties. (For example it is not appropriate for candidates or people under 18 years of age to mark rolls, hand out ballot papers or count ballot papers.) If voting by post, consider posting times and dates (out and back), what material is to be sent, where it is to be sent and how to store returned votes before polling closes.

Who can vote

The rules must determine who is eligible to vote. Those people eligible to vote should be listed on a roll. The roll is used at an attendance ballot to mark off voters as they are given their ballot paper(s) to prove eligibility and ensure each voter only votes once. The roll should contain the name and address of each voter to assist in identifying people with the same name. The roll can be used as an address base for posting ballot papers if a postal vote is preferred.

Counting votes

The rules must outline procedures for counting votes, including describing ballot paper formality and how the members are to be advised of the results.

Casual vacancies

The rules should state how casual vacancies (vacancies which occur before the next election is due) will be filled.

Determine:

- if another person can be appointed to the position and who has the power to do that; or
- that there should be another election for one position; or
- that a count back of the ballot papers from the last election should determine who has the position.

If casual vacancies are filled by a count back, then ballot papers must be kept until the next election. The rules should specify that the ballot papers must be kept securely and provide details of who is to maintain control of the papers.

A dispute mechanism

A dispute mechanism for the election should be included, with a specified independent person or body given authority to decide disputes on election issues. A period during which a dispute can be lodged should be specified.