



ST JOHN'S COLLEGE (ELECTION) BY-LAW 2018

1. How made

This By-law is made by the Council under section 18 of the *Saint John's College Act 2018* (NSW).

2. Commencement

This By-law commences on 5 July 2018.

3. Interpretation

(1) Words and expressions that occur in this By-law have the same meanings as they have in the Act.

(2) In this By-law –

Act means the *Saint John's College Act 2018* (NSW).

election means an election for Members of the Council under section 8 of the Act.

electoral roll means the roll maintained under section 8(3) of the Act.

exhausted ballot paper means a ballot paper or an electronic vote recording votes that can no longer be allocated according to the procedure in clause 17, and which is to be set aside as having been finally dealt with.

fellow means a fellow under the former Act.

Member or **Council Member** means a member of the Council.

qualified voter means a person who is eligible under section 8(2) of the Act to vote in an election.

primary votes means votes on a ballot paper or an electronic vote marked "1" or "2".

secondary vote means the first preference vote beyond the primary votes.

4. Election

(1) An election for Members of the Council shall be conducted in accordance with this By-law.

(2) The Council shall appoint a returning officer to conduct the election.

(3) A copy of the electoral roll must be made available for inspection at the College during usual business hours for at least 14 days before the date of issue of ballot papers and instructions for electronic voting.

(4) The two candidates who receive the highest number of votes shall be elected.

5. [repealed]

6. Returning officer

- (1) The returning officer shall not be the Rector or a Council Member, or a previous rector or previous Council Member or fellow, or a candidate in the election.
- (2) The returning officer is to take all reasonable steps to ensure the fairness and integrity of the election process.
- (3) Subject to the Act and this By-law, the returning officer's decision is final in connection with any matter affecting the conduct of an election including, without limitation, eligibility of candidates, the process for postal or electronic voting, and the results of any election.
- (4) As soon as possible after the counting of votes has been completed in accordance with clause 17, the returning officer shall declare the two candidates who have been elected.
- (5) The returning officer's declarations shall, as soon as possible, be published on the front page of the College's website together with the tally sheet prepared in accordance with clause 16.

7. Time intervals

There must be:

- (a) no less than 14 days between the date of publication of a notice of ballot and the date on which nominations close;
- (b) no more than 28 days between the date on which nominations close and the date of issue of ballot papers and instructions for electronic voting; and
- (c) no less than 14 days between the date of issue of ballot papers and instructions for electronic voting and the closing date of the ballot.

8 Manner of conducting ballot

- (1) Subject to this clause, the election shall be conducted by an electronic ballot.
- (2) The returning officer shall make provision for any qualified voter to request a postal ballot paper as an alternative to voting electronically, and upon such request shall arrange for a postal ballot paper to be sent to the voter.
- (3) If there is any technical malfunction in respect of an electronic ballot, the returning officer may determine that the election is to be held again by another electronic ballot or by a postal ballot.

9. Notice of ballot

- (1) A notice of ballot for election of Members must be published:
 - (a) by publishing the notice on the front page of the College's website; and
 - (b) by emailing a copy of the notice to each qualified voter for whom the College holds an email address.
- (2) The notice of ballot must specify the following:
 - (a) that an election is necessary to the office of Council Member,
 - (b) the number of vacancies to be filled,
 - (c) the terms of office,
 - (d) an invitation for nominations for election,
 - (e) the skills (if any) sought for the positions to be filled,

- (f) the form in which nominations must be made,
 - (g) the date and time when nominations close,
 - (h) who is qualified to vote in the election,
 - (i) the date and time by which electronic voting must be completed and postal ballot papers returned to the returning officer (***closing date***),
 - (j) that the election will be conducted by an electronic ballot, but that a qualified voter may request a postal ballot paper by contacting the returning officer,
 - (k) any other information about the election that the returning officer decides is appropriate to be included,
 - (l) that the election procedures can be found in this By-law, and
 - (m) the name of the returning officer and address (including email address) to which correspondence with the returning officer is to be addressed.
- (3) The notice of ballot must be accompanied by the documents entitled *Role and Responsibilities of Council Members* and *Skills Matrix and Attributes* approved by the Council.

10. Nominations

- (1) A separate nomination form must be completed for each nominee.
- (2) Each nomination must be proposed in the nomination form by at least two persons who are qualified voters. A person cannot nominate himself or herself for election.
- (3) A nomination form may specify an email address at which any nominating qualified voter proposing the nominee may be contacted by the returning officer.
- (4) Each nomination form must contain
 - (a) a statement to the effect that *Role and Responsibilities of Council Members* (together with documents referred to therein) sets out duties and responsibilities of Council Members; and
 - (b) an acknowledgment to be signed by the person nominated that the person has read *Role and Responsibilities of Council Members*, understands the effect of that document, and agrees to abide by its provisions.
- (5) Each nomination form must contain the written consent of the person nominated and the acknowledgment referred to in subclause (4)(b) signed by the person nominated.
- (6) A person cannot nominate more than two persons as candidates in any election. If this occurs, the returning officer is to treat only the first two signed nomination forms received as valid nominations for that election.
- (7) At the time of nomination, the nominee may provide a statement of no more than 250 words containing any of the following information:
 - (a) the nominee's name,
 - (b) current occupation or position,
 - (c) academic qualifications,
 - (d) honours and distinctions,
 - (e) employment experience,
 - (f) any other information the nominee thinks relevant.

- (8) The returning officer may edit any information provided by a nominee under subclause (7) if the returning officer deems it necessary to do so in order to comply with any law or the word limit prescribed in sub-clause (7). Edited statements are to be provided to voters.
- (9) Nominations close at 11.59pm on the date specified in the notice of ballot.
- (10) The returning officer must reject a nomination form if satisfied that the nomination does not comply with the requirements of this clause. If a nomination is rejected the returning officer must, within seven days of receiving that nomination, send a notice to each person who has signed or endorsed that nomination paper that the nomination has been rejected. Such notice must specify the returning officer's reasons for rejecting the nomination form, and must be sent to any email address that is specified under sub-clause (3).
- (11) If the number of nominations received is fewer than or equal to the number of positions to be filled, the returning officer must declare those nominees elected.
- (12) If the number of nominations received is greater than the number of positions to be filled, the returning officer must conduct an election.

11. Secret ballot

- (1) The election must be conducted by secret ballot.
- (2) A person involved in administering the conduct of an election including any scrutineer must not disclose or assist another person to disclose any information as to how a person voted at that election.

12. Ballot papers and electronic voting

- (1) The returning officer must prepare the means for electronic voting and (if necessary) ballot papers that contain:
 - (a) instructions for voting electronically or completing the ballot paper, and
 - (b) the names of all candidates for election, arranged in an order determined by drawing lots, and
 - (c) means for indicating the voter's order of preference for the candidates or, in the case of a ballot paper, a box opposite and to the left of the name of each candidate.
- (2) The returning officer must send the following to each voter at the voter's last known email address or, if the voter has requested a paper ballot, at the voter's last known postal address:
 - (a) means for accessing electronic voting or, if the voter has requested a ballot paper, a ballot paper prepared in accordance with subclause (1) ,
 - (b) if the voter has requested a ballot paper, a notice describing:
 - (i) how the ballot paper must be completed, and
 - (ii) the closing date of the ballot, and
 - (iii) the address where the ballot paper is to be returned to the returning officer,
 - (c) instructions on how to vote electronically,
 - (d) a summary of information about each candidate, if provided under clause 10(7),
 - (d) a declaration form requiring the voter to state his or her name and that he or she is eligible to vote,
 - (e) if the voter has requested a ballot paper, 2 envelopes, one marked "Voting Paper" and the other a returning envelope addressed to the returning officer.

13. Voting

- (1) Voters:
 - (a) must express their order of preference for 2 candidates, and
 - (b) may express their order of preference for as many of the other candidates as have been nominated.
- (2) If voting is by post, voters must, after completing the ballot paper:
 - (a) enclose and seal that ballot paper in the envelope marked "Voting Paper", and
 - (b) enclose and seal that envelope in the returning envelope addressed to the returning officer, together with the signed acknowledgment to be given under clause 10(4), and
 - (c) send by post or deliver the envelope to the returning officer at the College so that the returning officer receives it no later than the closing date of the ballot,

or, if voting electronically, comply with the instructions for completing the vote.
- (3) The returning officer must ensure that all ballot papers received are stored securely until the counting of votes begins and that appropriate security is in place for any electronic voting.

14. Scrutineers

- (1) Each candidate for election may appoint one person to be present as that candidate's scrutineer at any counting of votes for that election. Any appointment under this clause must be in writing, signed by the candidate, and given to the returning officer before counting of votes commences.
- (2) A candidate for election or a nominator of a candidate is not eligible to be a scrutineer.
- (3) A scrutineer may inspect any ballot paper provided that, in the opinion of the returning officer, that scrutiny does not delay the counting of votes unreasonably.

15. Informal votes

- (1) An electronic vote is informal if and only if, in the opinion of the returning officer, it does not express a preference for at least 2 candidates.
- (2) A ballot paper is informal if and only if that ballot paper:
 - (a) contains any mark or writing that, in the opinion of the returning officer, enables any person to identify the voter, or
 - (b) is not validated by the returning officer, or
 - (c) in the opinion of the returning officer, contains no vote, or does not express a preference for at least 2 candidates.

16. Tally sheet to be kept

- (1) The returning officer must keep a tally sheet (in either electronic or hard copy form) for each ballot containing the following information:
 - (a) total number of ballot papers or electronic votes,
 - (b) total number of informal ballot papers or electronic votes,
 - (c) a list of candidates,

- (d) primary votes allocated to each candidate,
 - (e) secondary votes allocated to each candidate,
 - (f) exhausted ballot papers,
 - (g) progressive total votes for each candidate.
- (2) At each stage of counting, the total number of votes divided by the number of candidates to be elected must correspond with the total number of formal ballot papers or electronic votes (including exhausted ballot papers).

17. Counting votes

The returning officer must follow the following procedure for counting votes, in the order specified:

- (a) exclude all informal electronic votes or ballot papers,
- (b) count the primary votes for each candidate on the formal ballot papers or electronic votes,
- (c) enter the total number of primary votes for each candidate next to that candidate's name on the tally sheet,
- (d) exclude the candidate with the fewest primary votes,
- (e) for each ballot paper or electronic vote where the excluded candidate received a number 1 vote, allocate the next active secondary vote to the remaining candidates,
- (f) indicate on the tally sheet the excluded candidate and that the next active secondary vote has been allocated,
- (g) add together the primary votes and the allocated secondary votes for each remaining candidate and exclude the candidate with the lowest number of total votes,
- (h) if, after the exclusion of a candidate, the next active secondary vote indicates an excluded candidate, disregard that preference and allocate the next active secondary vote,
- (i) repeat the process described in paragraphs (d) to (h) inclusive until only 2 candidates remain,
- (j) if on any count, 2 or more candidates have an equal number of votes and that number is the lowest on that count, the returning officer must:
 - (i) eliminate the candidate with the lowest number of primary votes, or
 - (ii) if the number of primary votes is equal, in the presence of any scrutineers present, draw lots with the candidate first drawn remaining in the ballot,
- (k) in order to determine which candidate is next in order of preference:
 - (i) the votes counted for any excluded candidate must not be considered further, and
 - (ii) the order of voters' preferences must be determined on the next available preference indicated on the ballot papers or electronic votes.

18. Election not invalidated because of certain errors

- (1) An election is not invalid because of any one or more of the following:
- (a) the electoral roll:

- (i) contains any mistake or omission in the details of any qualified voter entered on the roll;
 - (ii) contains the name of any deceased person;
 - (iii) contains more than one entry for the same qualified voter;
 - (iv) does not contain the name of any person entitled to be entered on the roll;
- (b) a qualified voter did not see a notice of ballot,
 - (c) an eligible voter did not receive a ballot paper,
 - (d) an eligible voter's vote has not been accepted at the election.
- (2) Notwithstanding subclause (1) and without limiting any of the returning officer's other powers, the returning officer may at any time declare an election invalid because, in his or her opinion, one or more of the events described in that subclause has materially affected, or is likely to materially affect, the outcome of that election.

History

St John's College (Transition) By-law 2018 made by the Council of St John's College on 4 July 2018.

Retitled *St John's College (Election) By-law 2018* and amended by Council on 20 August 2020.