



Protocol: Academic Board Elections

Purpose

1. To establish the governing principles and processes for Academic Board elections.

General Provisions

2. An election must be conducted by:
 - a. A method of preferential voting; and
 - b. secret ballot.

Returning Officer

3. The appointing officer may, in writing, appoint a person as returning officer to conduct an election or elections under this instrument.
4. The appointing officer must ensure that there is returning officer appointed for each election conducted under this instrument.
5. The power to appoint a person as returning officer must be exercised personally by the appointing officer.
6. The returning officer may, in writing, appoint deputies to assist the returning officer to conduct an election or elections under this instrument.
7. In this section **appointing officer** means the Vice-Chancellor or the Vice-Chancellor's delegate for the election of members.
8. The returning officer for an election must ensure that the election is conducted fairly, and, in particular, the returning officer must take reasonable steps to ensure that persons eligible to become candidates and vote in the election:
 - a. are given reasonable notice of the opportunity to become candidates and vote; and
 - b. are given reasonable information about how and when they may become candidates and vote; and
 - c. have a reasonable opportunity to become candidates and vote in the election.

9. A decision of the returning officer for an election about the conduct or result of the election is final and not subject to appeal or review in any way.

Definitions

10. This section prescribes definitions that apply in relation to an election for a member of the Academic Board.

Close of nominations means the date and time by which nominations in the election must reach the returning officer.

Declaration day means the day the returning officer declares the result of the election.

Election provisions means this Part.

Nominations invitation day means the day the returning officer invites nominations of persons eligible to be elected in the election.

Payday means a day on which the salaries of the majority of members of staff of the University are paid.

Relevant payday means the payday immediately before the nominations invitation day.

Returning officer means the person who is appointed under section 18* (Appointment of returning officer etc.) to conduct the election.

Returning officer envelope means the envelope, addressed to the returning officer, issued by the returning officer under section 20(b)* (Envelopes to be issued with voting paper).

Voting paper envelope means the envelope, marked 'Voting Paper', issued by the returning officer under section 20(a)*.

Eligibility to be elected and vote

11. Election for College Executive Committee Member:

- a. This section prescribes the persons who are to be regarded as members of the College Executive Committees for the application of the election provisions in relation to an election for members of the Academic Board by the members of the College Executive Committees.
- b. Subject to subsections (d), (e) and (f), a person is to be regarded as a member of a College Executive Committee for the purpose of being eligible to be elected in the election or to vote in the election if, on the relevant payday, the person is a member of a College Executive Committee (other than a College Dean).
- c. Subject to subsection (f), a person is also to be regarded as a member of a College Executive Committee for the purpose of being eligible to vote in the election if, on the relevant payday, the person is a College Dean.

- d. A person ceases to be eligible to be elected in the election if, on the day immediately before the declaration day, the person is no longer a member of a College Executive Committee.
- e. If a member of the academic staff is acting in a College Executive Committee position on the relevant payday, the person is taken to be the holder of the position for this section if the person produces documentary evidence to the returning officer from the substantive holder of the position (or a more senior member of the academic staff) confirming that the person has been formally appointed to act in the position.
- f. If a person is taken under subsection (e) to be the holder of a College Executive position in which the person is acting, the substantive holder of the position is not eligible to be elected or vote in the election because of that position.

12. Election for academic staff members of ANU College:

- a. This section prescribes the persons who are to be regarded as members of the academic staff of an ANU College for the application of the election provisions in relation to an election for members of the Academic Board by the members of the academic staff of the college.
- b. A person is to be regarded as a member of the academic staff of the ANU College for the purpose of being eligible to be elected in the election or to vote in the election if, on the relevant payday, the person is paid salary by the University as a member of the academic staff of the college.
- c. However, a person ceases to be eligible to be elected in the election if, on the day immediately before the declaration day, the person is no longer a member of the academic staff of the ANU College.
- d. For this instrument, a person is taken to be a member of the academic staff of an ANU College for the purpose of being eligible to be elected in the election or to vote in the election if, at the relevant time, the person holds an academic appointment in the college and has been declared, in writing, by the College Dean to be a member of the academic staff of the college.
- e. To remove any doubt, subsection (d) applies to a person mentioned in that subsection whether or not the person is employed or paid salary by the University.

13. Election for professional staff members of ANU:

- a. This section prescribes the persons who are to be regarded as members of the professional staff for the application of the election provisions in relation to

an election for members of the Academic Board by the members of the professional staff.

- b. A person is to be regarded as a member of the professional staff for the purpose of being eligible to be elected in the election or to vote in the election if, on the relevant payday, the person is paid salary by the University as a member of the professional staff.
- c. However, a person ceases to be eligible to be elected in the election if, on the day immediately before the declaration day, the person is no longer a member of the professional staff.

Conduct of Election

14. For elections conducted electronically:

- a. The returning officer may conduct the election using the internet.
- b. If the election is conducted using the internet, the following provisions apply in relation to the election:
 - i. a reference in this Protocol to a notice board includes a reference to the appropriate page of the University's internet website or to an email sent to an appropriate email address or the email address of each person eligible to vote the election;
 - ii. if a standard official email address within the University's email system is provided to a person—that email address may be regarded as the person's address;
 - iii. voting papers for the election may be given by email or on the internet;
 - iv. the provisions of this Part apply to the election with the changes that the returning officer considers necessary or appropriate for the election to be conducted using the internet.
- c. Despite subsection (b)(iv), if the election is conducted using the internet, the returning officer must ensure that the ballot is secret and that the identity of each person voting is kept separately from the person's vote.
- d. This section has effect despite any other provision of this Protocol.

15. In the conduct of the election, the returning officer must allow the following intervals:

- a. between the publication of the fact that the election is necessary and the day by which nominations must reach the returning officer, not shorter than 10 and not longer than 20 working days;

- b. between the day by which nominations must reach the returning officer and the issue of voting papers, not longer than 20 working days;
 - c. between the issue of voting papers and the day by which voting papers must reach the returning officer, not shorter than 10 and not longer than 40 working days
16. For notice of election, the returning officer must:
- a. give a notice about the election to each person eligible to vote in the election; and
 - b. publish a notice about the election on appropriate notice boards at the University.
 - c. The notice must:
 - i. state that the election is necessary; and
 - ii. invite nominations of persons eligible to be elected in the election; and
 - iii. specify the form in which nominations must be made; and
 - iv. specify the date and time by which nominations must reach the returning officer.
 - d. A notice is taken to have been given to a person if a copy of a publication in which that notice is published is sent to the person.
17. Nominations of candidates in the election must be made to the returning officer and the nominations requirements are:
- a. eligibility to be elected in the election as a candidate; and
 - b. signed by 2 persons (other than the candidate) eligible to vote in the election; and
 - c. signed consent of the candidate to the nomination.
18. If nominations do not exceed the number positions to be filled, the returning officer must declare each nominated candidate to be elected unless the candidate has ceased to be eligible to be elected.
- a. If, after all the eligible nominated candidates have been declared elected, not all positions have been filled, the returning officer must re-open nominations for a further period not longer than 10 working days.
 - b. If, at the end of the further period, there are still insufficient nominations to fill all of the positions, the returning officer must, in writing, declare that there is a casual vacancy in each of the unfilled positions.
19. If there are more valid nominations in the election than there are positions to be filled, the returning officer must give each person eligible to vote in the election:

- a. a voting paper; and
 - b. a notice about voting in the election, which must:
 - i. set out how the voter's preference must be shown on the voting paper; and
 - ii. specify the date and time by which voting papers must reach the returning officer.
20. The returning officer must issue the following envelopes with every voting paper:
- a. an envelope marked 'Voting Paper';
 - b. another envelope addressed to the returning officer on which a form of declaration is endorsed.
21. Every voting paper must contain the names of the candidates, in the order decided by the returning officer in public by lot, and indicate any retiring candidate.
22. If a person's voting paper is lost or destroyed, the returning officer must give the person a duplicate on the person's written application.
23. The following instructions must be set out at the head of every voting paper:

INSTRUCTIONS TO VOTER

Indicate your preference, or the order of your preference, on this voting paper by writing the number 1 against the name of the candidate for whom you wish to vote or by writing a series of consecutive numbers, beginning with the number 1, against the names of the candidates for whom you wish to vote, one number being written against the name of each such candidate. You are not required to write a number against the name of every candidate.

Place this voting paper in the envelope marked 'Voting Paper'.

Seal that envelope and place it in the envelope addressed to the returning officer.

Sign the declaration on the envelope addressed to the returning officer and post or deliver the envelope to the returning officer.

24. A voter must vote in accordance with the instructions mentioned above in clause 23.
25. The returning officer, a deputy of the returning officer or a scrutineer must not disclose, or assist in disclosing, how any voter has voted.
26. The returning officer must decide whether any voting paper is to be accepted or rejected.
27. The returning officer must accept a voting paper if it is received by the

returning officer before the close of the poll.

28. All returning officer envelopes received by the returning officer must remain unopened until the close of the poll.

29. At the close of the poll, the returning officer or a deputy of the returning officer must:

- a. open each returning officer envelope on which the declaration has been signed by a voter entitled to vote in the election and take out the voting paper envelope; and
- b. place the voting paper envelopes together; and
- c. after all the voting paper envelopes have been placed together, open the envelopes and ascertain the result of the election.

30. Each candidate is entitled to nominate a scrutineer to represent the candidate at the scrutiny.

31. The returning officer must not accept a vote unless the returning officer is satisfied that:

- a. it has been cast by a person eligible to vote in the election; and
- b. the person has voted only once in the election.

32. The result of the election must be decided in accordance with the following clauses:

- a. The first preference votes given for each candidate on all unrejected voting papers must be counted.
- b. The total number of the first preference votes counted must be divided by 1 more than the number of candidates to be elected. The result of the division (the quotient) increased by 1, and disregarding any remainder, is the **quota** for the election, and no candidate is to be elected until the candidate obtains a number of votes equal to or more than the quota (as outlined in the *membership* section in *Academic Board Charter*).
- c. If a candidate has, on the count of the first preference votes, a number of first preference votes equal to or more than the quota, the returning officer must declare the candidate elected.
- d. If the elected candidate has, on the count of the first preference votes, a number of first preference votes equal to the quota, all of the voting papers on which a first preference vote is recorded for the candidate must be set aside as finally dealt with.
- e. If the elected candidate has, on the count of the first preference votes, a number of first preference votes more than the quota, the proportion of votes in excess of the quota is transferred to the other candidates not yet declared elected, next in the order of the voter's preference, in the

following way:

- i. all the voting papers on which a first preference vote is recorded for the elected candidate must be re-examined, and:
 - the number of second preference votes recorded for each unelected candidate must be counted; or
 - if clause 34 (*deciding order of voter's preference*) applies, the number of third or next consecutive preferences recorded for each unelected candidate must be counted;
 - ii. the surplus of the elected candidate must be divided by the total number of votes obtained by the elected candidate on the counting of the first preference votes, and the resulting fraction, reduced to 6 decimal places, is the **transfer value**;
 - iii. the number of second or other preference votes counted under paragraph (a) for each unelected candidate must be multiplied by the transfer value and the calculated product expressed as a whole number (ignoring any fraction);
 - iv. the resulting number must be credited to each unelected candidate and added to the number of votes obtained by each unelected candidate on the counting of the first preference votes.
- f. On the counting of the first preference votes or on any transfer:
- i. if more than 1 candidate has a surplus—the largest surplus must be dealt with first; and
 - ii. if, after paragraph (a) has been complied with, more than 1 candidate has a surplus—the then largest surplus must be dealt with, and so on; and
 - iii. however, if a candidate obtained a surplus at a count or transfer previous to that at which another candidate obtained a surplus, the surplus of the former candidate must be dealt with first; and
 - iv. if more than 1 candidate has a surplus of the same number of votes—the highest on the poll at the count or transfer at which they last had an unequal number of votes must be dealt with first and, if they had an equal number of votes at all previous counts or transfers, the returning officer must decide in public by lot which candidate's surplus must be dealt with first
- g. If the number of votes obtained by a candidate is raised up to or above the quota by a transfer as described above:
- i. the returning officer must declare the candidate elected and,

even though the candidate may have reached the quota, the transfer must be completed and all the votes to which the candidate is entitled from the transfer must be transferred to the candidate, but no votes of any other candidate are to be transferred; and then

- ii. all of the voting papers on which the transferred votes are recorded must be set aside as finally dealt with; and then
 - iii. the candidate's surplus must be transferred to the candidates next in the order of the voters' respective preferences in the following way:
 - the voting papers on which are recorded the votes obtained by the elected candidate in the last transfer must be re-examined, and the number of third preferences (or, if clause 34 applies, next consecutive preferences) recorded for each unelected candidate must be counted;
 - the surplus of the elected candidate must be divided by the total number of voting papers, and the resulting fraction, reduced to 6 decimal places, is the transfer value;
 - the number of preferences recorded for each unelected candidate must be multiplied by the transfer value and the calculated product expressed as a whole number (ignoring any fraction);
 - the resulting number must be credited to each unelected candidate, and added to the number of votes previously obtained by the candidate.
- h. If, after the first preference votes have been counted and all surpluses (if any) have been transferred in accordance with this Part, no candidate, or less than the number of candidates required to be elected, have obtained the quota:
- i. the candidate who is lowest on the poll must be excluded, and all the votes obtained by the excluded candidate must be transferred to the candidates next in the order of the voters' respective preferences, in the same way as is provided under clause 32 (e); and then
 - ii. the votes obtained by the excluded candidate as first preference votes must first be transferred, with the transfer value of each vote in this case being 1; and then
 - iii. the other votes of the excluded candidate must be dealt with in

order of the transfers in which, and at the transfer value at which, the candidate obtained them; and

- iv. each of the transfers under (ii) and (iii) must be taken for all purposes to be a separate transfer; and
- v. if a number of votes obtained by a candidate is raised up to or above the quota by any transfer:
 - the returning officer must declare the candidate elected and, even though the candidate may have reached the quota, the transfer must be completed and all the votes to which the candidate is entitled from the transfer must be transferred to the candidate, but no other votes are to be transferred; and then
 - all of the voting papers on which the transferred votes are recorded must be set aside as finally dealt with; and then
 - the candidate's surplus must be transferred to the candidates next in the order of the voters' respective preferences in the same way as is provided under g(iii), but the surplus must not be dealt with until all the votes of the excluded candidate have been transferred; and then
 - any surplus must be dealt with before any other candidate is excluded.
- i. The same process of excluding the candidate lowest on the poll and transferring that candidate's votes to other candidates must be repeated until all the candidates, except the number required to be elected, have been excluded, and the unexcluded candidates who have not already been declared to be elected must then be declared elected by the returning officer.
- j. However, if a candidate has (or 2 or more candidates have) ceased to be eligible to be elected and:
 - i. the number of candidates remaining does not exceed the number of positions to be filled—the returning officer must declare the remaining candidate or candidates to be elected; or
 - ii. the number of candidates remaining exceeds the number of positions to be filled—each candidate who has ceased to be eligible to be elected must be excluded, and each voting paper counted to each of the excluded candidates must be counted to the candidate next in order of the voter's preference.

33. If 2 or more candidates have the same number of votes, whichever candidates was lowest on the poll at the last count at which they had an unequal number of votes must be excluded and, if the candidates had an equal number of votes at all previous counts or there was no previous count, the returning officer must decide in public by lot which candidate must be excluded.

34. In deciding which candidate is next in the order of the voter's preference, any candidates who have been excluded must not be considered, and the order of the voter's preference must be decided as if the names of those candidates had not been on the voting paper.

35. If on any count there is no candidate next in the order of the voter's preference on any voting paper, the voting paper must be set aside as exhausted.

36. The returning officer may recount the voting papers received in the election, at a candidate's request or on the returning officer's own initiative. A request for a recount must be in writing and set out reasons in support of the request.

37. If, before the result is declared in the election, the returning officer is satisfied that the election is, or will be, void because of an irregularity in the course or conduct of the election, the returning officer may, in writing, declare that the election is void from:

- a. the commencement of the election; or
- b. a specified point in the proceedings of the election that is after the notification of the fact that the election was necessary but before the irregularity happened.

38. If the returning officer declares the election void from the commencement of the election, the returning officer must, as soon as practicable after making the declaration, conduct a fresh election in accordance with this instrument.

39. If the returning officer declares the election is void from a point in the proceedings of the election, the returning officer must, in writing, determine what proceedings in the election are necessary to ensure that the election will be regularly conducted and must conduct those proceedings in accordance with this instrument.

40. However, in the conduct of any proceedings in the election, the returning officer may, despite anything in clause 15 (*intervals to be allowed by returning officer*), determine, in writing, the intervals to be allowed between any events in the course of the further proceedings.

Other Election Provisions

41. If this instrument requires or permits a notice, voting paper, publication or anything else to be given to a person by the returning officer, the returning officer may

send it to the person:

- a. by messenger to a place in the University that the returning officer considers appropriate; or
- b. by post to an address that the returning officer considers appropriate; or
- c. by electronic means to an email or internet address that the returning officer considers appropriate.

42. However, if a person entitled to vote in the election applies to the returning officer personally for a voting paper after voting papers have been sent in the election and before the close of the poll, the returning officer may give a voting paper to the person personally or send a voting paper electronically to the person at the person's email or internet address.

43. The Vice-Chancellor may, in writing, approve forms for this instrument. If the Vice-Chancellor approves a form for a particular purpose, the form must be used for that purpose. The Vice-Chancellor must ensure that approved forms are publicly available on the University's website or any other way that the Vice-Chancellor considers appropriate.

44. The Vice-Chancellor may, in writing, delegate all or any of the Vice-Chancellor's functions under this Protocol to a member of the staff of the University.

Approved by resolution of the Australian National University Council at its meeting of:

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