



AUSTRALIAN
FLYBALL
ASSOCIATION

Electronic and Postal Ballot Policy 2 September 2024

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OFFICIALS POLICY

Purpose

The **constitution** provides that:

- the **AFA** may hold a postal or secure electronic ballot, as determined by the **AFA committee**, to decide any matter, including the election of **AFA committee** members, other than an appeal against a dispute decision or a disciplinary action decision;
- a postal or electronic ballot may not be held unless the **AFA committee** has published a policy detailing how postal and electronic ballots will be conducted.

The purpose of this policy is to satisfy the condition in the **constitution** for holding a postal or electronic ballot by detailing how such ballots will be conducted.

Definitions and Interpretation

In this policy:

- **ballot closing date** means:
 - for a ballot on an ordinary resolution or a special resolution – the date fixed by the **AFA committee**, or
 - for a ballot for the election of members of the **AFA committee** – the day before the annual general meeting of the **AFA**;
- **returning envelope** means an envelope that:
 - is addressed to the returning officer, and
 - contains the name, address and CRN of the **voting member** on the reverse;
- **voting member** means an **AFA member** who is entitled to vote at a general meeting of the **AFA**;
- words and expressions defined in the **rules** have the same meaning where used in this policy;
- the principles of interpretation contained in the **rules** apply.

General

Postal or electronic ballots must be conducted by a returning officer appointed by the **AFA committee**.

The returning officer must be an ordinary member of the **AFA** but must not be:

- a member of the **AFA committee**; or
- for a ballot to elect members of the **AFA committee**, a nominee for any position on the **AFA committee**.

The returning officer may appoint a person who would otherwise be eligible to be a returning officer to assist the officer in performance of the officer's duties.

Postal voting

The returning officer must give notice to each **voting member**:

- for a proposed ordinary resolution – at least 14 days before the **ballot closing date**, or
- for a proposed special resolution - at least 21 days before the **ballot closing date**, or
- for a ballot for the election of members of the **AFA committee** – as soon as practicable after the last date for receipt of nominations.

The notice must include or be accompanied by:

- a statement prepared by the **AFA committee** setting out the details of the matter to be determined by the ballot;
- for a ballot for election of members of the **AFA committee** – the statements, if any, provided by candidates in support of their nominations;
- a ballot paper that contains:
 - instructions for completing the ballot paper;
 - the question to be determined;
 - a space for the voting member to record their vote;
- confirmation of:
 - the **ballot closing date**;
 - the address where the ballot paper is to be returned.

The **voting member** must vote by marking the ballot paper in accordance with the instructions given.

The **voting member** must, after completing the ballot paper:

- enclose and seal in a **returning envelope**:
 - the ballot paper; or
 - for a secret ballot – a sealed envelope marked “Ballot Paper” in which the ballot paper is enclosed; and
- post or give the ballot paper to the returning officer so that it is received by the returning officer not later than 5pm Sydney time on the **ballot closing date**.

On receiving a **returning envelope** the returning officer must:

- compare the information on the **returning envelope** with the information on the **AFA** database to confirm that the vote was cast by an **AFA member** entitled to vote and who has only voted once; and
- ensure the ballot paper is securely stored until the votes are counted.

Electronic voting

Electronic voting must be conducted, as determined by the **AFA committee**, by:

- email; or
- using a voting website; or
- other electronic means.

The returning officer must give notice to each **voting member**:

- for a proposed ordinary resolution – at least 14 days before the **ballot closing date**, or
- for a proposed special resolution - at least 21 days before the **ballot closing date**, or
- for a ballot for the election of members of the **AFA committee** – as soon as practicable after the last date for receipt of nominations.

The notice must include or be accompanied by:

- a statement prepared by the **AFA committee** setting out the details of the matter to be determined by the ballot;
- for a ballot for election of members of the **AFA committee** – the statements, if any, provided by candidates in support of their nominations;
- access to an electronic ballot paper, or a voting website or other electronic application containing an electronic ballot paper, that contains:
 - instructions for completing the ballot paper;
 - the question to be determined;
 - the means by which the **voting member** is to record their vote;
- confirmation of:
 - the closing date of the ballot;
 - if voting by email – the email address to which the ballot paper must be sent;
- if voting by other electronic means – instructions for accessing the electronic voting system and returning the ballot paper.

If the ballot is a secret ballot the returning officer must ensure that the identity of the **voting member** cannot be ascertained from the ballot paper.

The **voting member** must vote by marking the ballot paper in accordance with the instructions given.

The **voting member** must:

- vote in accordance with the instructions given; and
- return the ballot paper to the returning officer so that it is received by the returning officer not later than 5pm Sydney time on the **ballot closing date**.

The returning officer must ensure each ballot paper is securely stored until the votes are counted.

Instructions for ballots for AFA Committee

The instructions for marking ballot papers for election of members to the **AFA committee** for must indicate that where there are more members nominated for any position than the number of positions available the **voting member** may, but is not obliged to, rank the candidates in order of preference.

Informal votes

A ballot paper completed by postal or electronic voting is informal if the **voting member** failed to record a vote in accordance with the instructions given by the returning officer.

However, a ballot paper is not informal merely because:

- if it is for election of members to any position on the **AFA committee**, the **voting member** has not ranked all candidates for the position,
- if it is for a proposed ordinary resolution or a proposed special resolution, it contains an unnecessary mark if, in the returning officer's opinion, the intended vote is clearly indicated.

If the ballot is conducted using a voting website or other electronic application, not including voting by email, the website or application must give a warning message to a person attempting to cast an informal vote that the vote is informal.

Ballot results

As soon as practicable after the close of a ballot conducted by postal or electronic voting the returning officer must:

- for a secret ballot conducted by postal voting – open the envelopes marked “Ballot Paper” and remove the ballot papers; and
- reject all informal ballot papers; and
- ascertain the result of the ballot by:
 - for a postal ballot – counting the votes that are not rejected; or
 - for an electronic ballot – reviewing the information and reports about the ballot.

The returning officer must count ballots for the election of members to positions on the **AFA committee** in the order for voting for positions specified in the constitution.

If:

- more than one member has been nominated for an office bearer (other than President) or regional representative position, and
- a candidate for that position has already been elected to another position,

any votes by a **voting member** for that candidate will be allocated to other candidates in the order (if any) ranked on the ballot paper.

Example 1: Arthur has nominated for the positions of President and Treasurer and is elected as President. Beryl and Claude have also nominated for the position of Treasurer. Any votes for Arthur as Treasurer will be

allocated to whomever of Beryl and Claude is ranked second on the ballot paper. See worked Example 1 in the Appendix.

Example 2: Arthur has nominated for the positions of President and Treasurer and is elected as President. Davina has nominated for the positions of Vice President and Treasurer and is elected as Treasurer. Beryl and Claude have also nominated for the position of Treasurer. Any votes for Arthur or Davina as Treasurer which rank either Beryl or Claude second on the ballot paper will be allocated accordingly and any votes for Arthur or Davina which rank the other of them second on the ballot paper will be allocated to whomever of Beryl and Claude is ranked third on the ballot paper. See worked example 2 in the Appendix.

If more than seven members are nominated for the committee positions remaining after the election of office bearers and regional representatives and a candidate for those positions has already been elected to another position, any vote for that candidate will be ignored and votes will be allocated to the seven highest ranked remaining candidates on the ballot paper.

Example: As well as nominating for the office bearer positions to which they have respectively been elected Arthur and Davina have both nominated for the remaining committee positions. There are nine other candidates for those positions. Eric ranks Arthur at six and Davina at nine on his ballot paper. Eric's votes are allocated to the candidates ranked one, two, three, four, five, seven and eight on his ballot paper. See worked example 3a in the Appendix. Francesca ranks Davina at two and Arthur at six on her ballot paper. Francesca's votes are allocated to the candidates ranked one, three, four, five, seven, eight and nine on her ballot paper. See worked example 3b in the Appendix.

The returning officer must:

- prepare and sign a statement of the result of the ballot; and
- give a copy of the statement to the secretary.

On receiving the statement of the result the secretary must:

- make an entry in the minutes of the next **AFA committee** meeting or general meeting of the **AFA** (as appropriate) showing the result; and
- for a ballot for a proposed special resolution – give written notice to members of the result as soon as practicable after receiving the statement.

For ballots for a proposed ordinary resolution or proposed special resolution the member presiding at the next general meeting of the **AFA** must announce the result of the ballot at the meeting and the result must be included in the minutes of that meeting.

For ballots for election of members to the **AFA committee** the member presiding at the annual general meeting of the **AFA** must:

- announce the result of the ballot at the meeting;
- if any position has not been filled, call for further nominations of the position in accordance with the constitution.

Keeping of ballot records

The returning officer must keep the following in safe storage, as they relate to a ballot conducted in accordance with this policy, for at least eight weeks after the date fixed for closing of the ballot or a longer period specified in a written direction by the **AFA committee**:

- ballot papers, including rejected ballot papers, from a postal ballot; and
- all records, whether formal or informal, relating to an electronic ballot.

Appendix

Worked example 1

Eric's completed ballot paper for Treasurer shows:

Arthur	1
Beryl	2
Claude	3

As Arthur cannot be elected to this position Eric's vote is allocated to Beryl.

Worked example 2

Francesca's completed ballot paper for Treasurer shows:

Arthur	2
Beryl	4
Claude	3
Davina	1

As neither Arthur nor Davina can be elected to this position Francesca's vote is allocated to Claude.

Worked example 3a

Eric's completed ballot paper for the seven remaining committee positions shows:

Arthur	6
Davina	9
Godfrey	7
Hetty	2
Ivan	5
Jocelyn	8
Kurt	1
Marilyn	11
Norman	3
Ophelia	10
Percy	4

As Arthur cannot be elected to this position Eric's votes will be allocated to Kurt, Hetty, Norman, Percy, Ivan, Godfrey and Jocelyn.

Worked example 3b

Francesca's completed ballot paper for the seven remaining committee positions shows:

Arthur	6
Davina	2
Godfrey	4
Hetty	11
Ivan	1
Jocelyn	8
Kurt	9
Marilyn	7
Norman	5
Ophelia	3
Percy	10

As both Arthur and Davina cannot be elected to this position Francesca's votes will be allocated to Ivan, Ophelia, Godfrey, Norman, Marilyn, Jocelyn and Kurt.

The **AFA committee** acknowledges that **officials** are essential to the conduct of **flyball events** and is grateful to those **AFA members** who willingly volunteer their time and talents to assist in officiating. The **AFA committee** also acknowledges that it is in the best interest of the sport of flyball and all participants that there is a high standard of officiating and that **officials** are consistent in decision making.

The purpose of this policy is to supplement the **rules** so far as they relate to **officials** by clarifying requirements for **AFA members** to hold, and retain, qualification as **officials**.