



ABN 62 009 475 861

ELECTION BY LAWS

(Ref: RACT Constitution - Clause 16.6(c))

1. Election of the Board.

The Returning Officer (should such an officer have been appointed for a forthcoming election) or in his absence the Secretary of RACT shall be responsible for the receipt, consideration and processing of Nominations for candidature for election to the Board of RACT.

2. Nominations

The Secretary of RACT, shall annually by notice in the club magazine, Journeys and on the RACT website, call for nominations from amongst the membership for election to the RACT Board of Directors. Each nomination shall be signed and consented to by the nominee as evidence of his or her willingness to stand, and must also be signed, in accordance with the RACT Constitution, by at least fifteen (15) Members entitled to vote. Interested members shall be advised of the closing date for Nominations and the opening and closing dates of the ballot, if the elections are contested. The nomination is to be in accordance with the form approved from time to time by the Secretary, that will ensure that each nominee consents to act as a director subject to their nomination being successful and includes such declarations from the nominees as required for them to act as a Director of RACT and any undertakings required for nominees to comply with any rules of conduct within these By Laws. Nominations will remain confidential until after the close of nominations. A candidate may withdraw his or her consent to nomination as a candidate at any time before the close of nominations by delivering to the Returning Officer/Secretary a signed notice of withdrawal. Nominations shall not be withdrawn after the close of nominations.

3. Nominee Statements

(a) Prior to the close of nominations, a candidate shall supply to the Returning Officer/Secretary, together with their completed nomination, a Nominee Statement and a current photograph in a jpeg format (or similar widely used format) of at least 400kb. The candidate may supply the Nominee Statement and/or or photograph separately from their nomination, but the Nominee Statement and photograph must be received prior to the close of nominations.

(b) Nominee Statements will only be permitted for publication where the Returning Officer does not form the opinion that the information contained within the Nominee Statement is defamatory or misleading or is provided for a purpose other than to seek election to the RACT Board of Directors, such as for advertising purposes, or is likely to bring discredit upon the RACT or its standing in the community.

(c) If the Returning Officer is of the opinion that a Nominee Statement is ineligible for publication the Returning Officer is required to make reasonable efforts to obtain an eligible Nominee Statement from the relevant nominee and if the nominee refuses or fails to provide such a statement their nomination will stand and wherever applicable it will be stated that no eligible nominee statement was provided by the nominee.

(d) Nominee Statements shall not exceed 200 words, excluding the nominees name, title and letters after their name and must not refer to any online locations or website or any other publication, where further information on the nominee, that may be in excess of 200 words, may be found.

(e) Nominee Statements and photographs of nominees shall be printed/ made available online in the order of the surnames of the candidates as they appear on the ballot paper i.e. in draw by lot order, or as determined by the Returning Officer. If rotating ballot position utilised then the nominee statements will appear in alphabetical order.

4. Returning Officer

The Board shall also arrange to appoint two (2) independent scrutineers to monitor and report on vote validation processes and the vote count.

(a) The Returning Officer will arrange for the information listed in Constitution 16.6(b), together with materials to enable members to vote (together “ballot materials”) to be available at least 30 days before the Annual General Meeting.

(b) The requirement to provide ballot materials will be satisfied provided members are sent or notified of them via at least one of the methods described within clause 29.1 of the Constitution noting that some members may receive them via more than one of the methods. Replacement ballot materials can be requested for named members upon application, at any RACT Branch, or by email, telephone or written request.

(c) The Returning Officer must prepare a ballot paper (in physical and/or electronic form) that sets out every member nominated for the election, in “draw by lot” order or using rotating ballot positions and indicating whether or not each of them is a retiring member.

(d) An online voting facility may be made available to register votes although members that join the Club within the ballot period may not be able to utilise the online facility immediately on joining.

(e) The Returning Officer must ensure that the applicable instructions for completing and returning the ballot paper or voting online are provided with the ballot materials.

(f) All voting in RACT Board Elections pursuant to these By Laws shall be conducted using “first past the post” voting. Voters must vote to the full number of members to be elected and no more. Ballots not so marked shall be informal.

(g) The Returning Officer must be provided with a list or lists of members eligible to vote in the Election, to be compiled, so as to provide a full list of members eligible to vote within the Ballot Period.

(h) Any member exercising a right to vote must complete and return the ballot paper or vote online in accordance with the instructions included with the ballot material/and or Notice of Meeting, which must include a closing date for receipt of any ballot paper or online vote.

(i) Any ballot paper or online vote not received by the Returning Officer by the closing date/time must be rejected.

5. Returning Officer Validation and Counting of Votes

(a) The Returning Officer may commence validation of returned Postal Votes upon receipt. Online votes will be process validated within the online voting system.

(b) The validation and counting of votes may be undertaken manually, electronically, or using scanning technology and equipment or a combination of such methods.

- (c) Upon receiving each returned Ballot Paper Envelope or online vote, the Returning Officer or delegate must check to ensure the Declaration is signed/validly completed by the voter and that it includes the member's relevant member number. Declarations will only be accepted if they include a signature and member number (or are validly completed online). Declarations that include a signature and member number (or are validly completed online) are marked off against the list of members referred to in By Law 4(g) to ensure that the member is an eligible voter and to establish a match by member number.
- (d) The Returning Officer, in cases where a member has not strictly complied with the directions, as regards the manner of recording votes, or the returning of the Declaration, or recording of particulars to identify a member, will have a discretion, if the Returning Officer is satisfied, as regards the identity of the member voting, to accept the Declaration of such member and to admit the member's ballot paper/online vote to further scrutiny.
- (e) If the name that appears on the Declaration is not on the list referred to in By Law 4(f), the Returning Officer must reject the relevant Ballot Paper.
- (g) If a Declaration passes the signature, member number and Voter List "mark off" checks, (or online validation), the Returning Officer or delegate will arrange for such accepted Ballot Papers/online votes to be further securely dealt with, pending conduct of the further scrutiny and count proper.
- (h) To protect voter secrecy and anonymity, prior to the opening any "accepted" Ballot Paper Envelopes, and the removal, unfolding and counting of ballot papers, the Returning Officer will ensure that the Declaration signature slips attached to Ballot Papers are detached, removed and separately labelled and parcelled. The online voting facility to be applied will guarantee voter secrecy.
- (i) A member may only vote once in an Election. If a member attempts to cast more than one postal vote, only the first received by the Returning Officer will be accepted, irrespective of whether the vote is formal or informal. If a member attempts to vote online and by post, only the online vote will be counted.
- (j) The Returning Officer shall determine ballot formality and informality. A ballot/online vote will be declared informal if it (i) has no vote recorded on it; (ii) it is not completed so as to meet the requirements of By Law 4(g), subject to the discretion afforded under By Law 5(d); (iii) in the opinion of the Returning Officer it does not clearly indicate the member's voting intention; or (iv) it identifies the voter.
- (k) If there is an equality of votes for the final vacant position, the Returning Officer shall conduct a recount of all the accepted ballots/online votes. If an equality of votes remains after the recount, a draw will be conducted by the Returning Officer to determine the nominee to be elected. The nominee remaining after the draw i.e. the "un-drawn" nominee, will be the nominee elected to that final position.

6. Returning Officer provision of Results and Reporting

- (a) After counting/tabulating the votes, the Returning Officer must sign a declaration stating:
 - (i) the total number of votes rejected at validation;
 - (ii) the total number of accepted votes;
 - (iii) the total number of formal postal ballot papers and online votes;
 - (iv) the number of informal ballots; and
 - (v) the number of votes for each nominee;
- (b) The Returning Officer shall ensure that the results of the ballot are announced at the Annual General Meeting in accordance with the information contained in the declaration.
- (c) Provided there is no pending litigation or disputation, the Returning Officer must destroy the ballot material (6) months after the declaration of the ballot at the Annual General Meeting.

7. Validity of Elections

The non- receipt of any ballot material by a member, the omission of the Returning Officer to forward any ballot material to a member, errors in the Register of Members, or the failure of either a member or the Returning Officer to comply strictly with any of the technicalities required by the Constitution or these By-Laws will not invalidate an election.

8. Publicity and Prohibited Conduct

- (a) Nominees should not during the course of the ballot period and after lodging their application for nomination behave in any way that might harm the reputation or good name of the RACT or the Board of the RACT.
- (b) If there is any material omission or misstatement in the information provided by any nominee within the nomination form, statement or any other published material they shall withdraw their nomination immediately, or if after the nominations have closed and they are elected, resign as a director immediately.
- (c) Nominees, supporters of nominees, members shall not use or be provided access to any RACT funds, resources, communication media or mediums for any election publicity or campaign purposes beyond those described in these By Laws.
- (d) Any campaigning or promotion by a nominee or their supporters must be conducted in a respectful manner and be in compliance with all local, state and federal laws and any unlawful act may result in their nomination being invalidated.
- (e) Any publically published material prepared by nominees or their supporters, beyond the Nominee Statement, must clearly state that it has not been approved or authorised by the RACT, and should the Returning Officer become aware of any published material that in his/her view is defamatory or misleading or deceptive or is likely to bring discredit upon the RACT or its standing in the community, nominees or their supporters must comply with any request made by the Returning Officer to remove the material, or issue an apology if removal is not possible, and any refusal to do so may result in their nomination being invalidated by the Returning Officer.
- (f) Any alleged breaches of these By Laws by nominees will initially be referred to and be appropriately investigated by the Returning Officer whose authority on the course of action where the appropriate remedy is not prescribed within these By Laws shall be final.