

Board Election Policy

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Introduction:

The Elections of the Philanthropy Australia Board must be conducted in accordance with election procedures determined by the Constitution, Board and outlined in these Election Regulations.

1. Returning Officer

- 1.1. An independent Returning Officer, who is not a staff member of Philanthropy Australia will be appointed by the Board to oversee the conduct of the election for Board Directors.
- 1.2. Subject to these regulations, the Returning Officer may decide all matters relating to the procedure for the conduct of the election.
- 1.3. A decision of the Returning Officer relating to an election, including a decision relating to the eligibility of a candidate or a voter, the conduct of the election or the result of an election, is final.
- 1.4. The Returning Officer has the following powers in relation to any conduct or complaint about the election or an election campaign:
 - a. to make inquiries about the conduct or complaint as they consider appropriate in the circumstances; and/or
 - b. to dismiss the matter or complaint (in whole or in part); and/or
- 1.5. The Returning Officer has the power to do one or more of the following things if the matter or complaint is substantiated (whether in whole or part) and depending on what is reasonable in the circumstances:
 - a. issue a written or verbal warning to a candidate or other election participant;
 - b. prohibit a person or group of persons from campaigning on behalf of a candidate or place restrictions on their campaigning;
 - c. report a person or group to the Board;
 - d. disqualify a candidate from the election if that candidate commits a serious breach or repeated breaches of the regulations, policies and/or procedures; or
 - e. void an election.

2. Eligibility

- 2.1. Nominations must be:
 - a. for a candidate who is eligible under constitution rule 12.1(d);
 - b. made in writing, signed by two members, other than the candidate;
 - c. accompanied by a short biographical statement including information required from the directors about the candidate, and the written consent of the candidate (which may be endorsed on the form of nomination);

d. and delivered to the secretary before the date notified.

- 2.2. The eligible voters are the members who have paid the subscription fee in line with rule 6.3 of the constitution in the categories in which the board has determined possess voting rights.

3. Notice of election and call for nominations

- 3.1. Philanthropy Australia must give notice of the election and call for nominations of candidates by emailing all persons eligible to vote and nominate as a candidate in the election and publish the notice on the Philanthropy Australia website.
- 3.2. The email must be sent to the nominated email address of the intended recipients and state the closing date and time of nominations, dates and times for voting, and provide access to information explaining how to nominate and how to vote.
- 3.3. The notice of election must be disseminated prior to or immediately upon the commencement of the nomination period.

4. Nominations

- 4.1. A member who is eligible for nomination as a candidate for election to the board may nominate themselves by filling in the form required for that purpose by the Returning Officer and by giving that form to the Returning Officer within the time set for the submission of such nominations by the Returning Officer.
- 4.2. The Returning Officer must promptly acknowledge all nominations received via email.
- 4.3. The Returning Officer must reject any nominations that do not comply with these Regulations.
- 4.4. Philanthropy Australia will work with the Returning Officer to check the organisations records to ensure that all candidates are eligible to nominate.
- 4.5. Candidates may at any time before the first day of voting withdraw their nomination by contacting the Returning Officer, who must then proceed as if the nomination had not been made.
- 4.6. Nominations received after the published closing time and date will not be accepted under any circumstances.
- 4.7. Nominations must be open for a period of at least 10 working days.

5. Campaigning

- 5.2. Candidates must act honestly and with integrity when campaigning for votes.
- 5.3. Candidates must ensure that their campaign and any physical or online campaign material is accurate, not misleading and not defamatory to any individual, organisation or entity, including Philanthropy Australia.
- 5.4. Consistent with free and fair elections, the organisation will not provide election campaign assistance to candidates.
- 5.5. The organisation will not support or endorse any candidates but may share information about all candidates on the organisation website and/or social media channels to raise awareness about the election and the Board, this includes publishing a candidates standing within the board skills matrix.
- 5.6. Candidates may use social media or other online platforms to promote their candidacy.
- 5.7. No person may publish material that is sexist, homophobic, transphobic, racist, ableist or similarly offensive.
- 5.8. Candidates must not use the money or any in-kind support of any other person or any organisation or other entity to support in any way the candidate's election campaign.

6. Prohibited Conduct and Serious Breaches

- 6.1. Offering voters inducements to vote, or vote for a particular candidate; for example, offering gifts or prizes to people who vote for a candidate.
- 6.2. Any personal attacks or false and misleading campaigning, including spreading misinformation or making false allegations about another candidate, individual or organisation.
- 6.3. Statements guaranteeing beneficial outcomes as a result of a candidate's election not related to the operation of Philanthropy Australia.
- 6.4. Directly contravening a direction from the Returning Officer or Board of Directors.
- 6.5. Multiple and repeated breaches of these regulations may be considered a serious breach by the Returning Officer for the purpose of regulation 7.

7. Consequences for breaching these Regulations

- 7.1. Any candidates found to have breached these Regulations, organisational policies or be behaving in a way that the Returning Officer or the organisation finds to be contrary to the spirit of the election, may be issued with a formal written warning.
- 7.2. If there are multiple and serious breaches of these Regulations and/or policies, the Returning Officer may sanction or remove a candidate from the election process as a result of an investigation.
- 7.3. The Returning Officer may sanction or ultimately remove candidates from the election process at any time at their own discretion, including for first breaches of these Regulations and/or organisational policies should the severity of the breach necessitate this.

8. Method for conduct of elections

- 8.1. Elections must be conducted via an independent electronic voting platform, with voting accessible to all eligible members, and which ensures the secrecy of the vote cast by the voter.
- 8.2. Ballot papers will be electronic.
- 8.3. Ballot papers will be accessible via a secure unique online voting link disseminated to each eligible member (or their appointed representative) at the commencement of the voting period.
- 8.4. The order of the candidates on the ballot must be determined by randomisation through the electronic voting platform or, if necessary, through a random drawing of lots by the Returning Officer.

9. Voting and counting of votes

- 9.1. Each eligible member in the election is only entitled to one vote.
- 9.2. A member must complete and submit their ballot as instructed by the electronic voting system.
- 9.3. Votes are to be counted in accordance with the principles of first-past-the-post, with voters indicating their vote by marking the box of one or more candidates up to the number of positions available.
- 9.4. Votes will be automatically counted by the online voting software provider used to conduct the election. The candidate with the highest total votes will be elected first and candidates will be continued to be elected one at a time until the number of positions available have been filled. In the event two or more candidates receive an equal number of votes, these candidates will have their names drawn by lot to determine the order of election.

10. Declaration of results

- 10.1. The Returning Officer must notify Philanthropy Australia and candidates contesting the election of the results as soon as practicable following the declaration of results.

11. Disputing elections

11.1. The validity of an election can only be disputed by means of a petition to the Returning Officer.
A petition must:

- a. be a written document in the English language
- b. set out the facts relied on to dispute the election
- c. set out the decision sought to resolve the dispute
- d. be signed by the petitioner before two witnesses
- e. be sent, via email, to the Returning Officer within 5 days of the declaration of the results of the election in dispute.

11.2. An election may only be disputed by an eligible candidate for the election in dispute, or an eligible voter at the election in dispute.

11.3. A person who wishes to dispute an election may do so on one or more of the following grounds:

- a. there was a defect or irregularity in the conduct of the election which in turn had a material effect on the election result
- b. a person who was elected should not have been due to not meeting the eligibility criteria.

11.4. The Returning Officer must consider a petition which complies with the above requirements.

11.5. In considering a petition, Returning Officer:

- a. must act fairly and according to the substantial merits of the petition
- b. is bound by the rules of natural justice
- c. may determine the matter solely on the basis of the petition and any written submissions received from any respondent.

11.6. The Returning Officer may decide to:

- a. Dismiss a petition
- b. Uphold a petition in whole or in part
- c. Declare an election void, wherein a re-election must be held as soon as reasonably possible
 - i. The timelines for the conduct of a re-election may be varied from the timing requirements as set down in these regulations.
- d. Declare a particular candidate not to have been elected, on the grounds of a petition
- e. Call for a recounting of votes where relevant.

11.7. A decision of the Returning Officer is final.

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