Policy for the conduct of Council elections

As in force as at Council resolution 19/06.12.7.11 (12 June 2019)

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Purpose

1. The rules laid out under this policy are made pursuant to clause 11.6 of the Institute's Constitution, are consistent with it, and must be read in conjunction with clause 11 of the Institute's Constitution. In the event of any inconsistency between these rules and the Constitution, the latter prevails.
2. The purpose of the rules is to provide for the conduct of fair and open elections for the Council.
3. Changes to this policy requires a 75% majority of Council.

Appointment and role of the Returning Officer

4. Clause 11.6(c) provides for Council elections to be under the control of a Returning Officer appointed by Council (not being a candidate for election). Generally, the Company Secretary will be appointed as Returning Officer.
5. If the appointed Returning Officer is unable to act for any reason, then an alternate Returning Officer will be appointed by the President on Council's behalf:
   (a) such appointment will only be for the duration and purpose of the next forthcoming Council election; and
   (b) has the same powers, duties, rights and obligations as the Returning Officer.
6. The role of the Returning Officer is to conduct, in its entirety, the election for members of the Institute's Council consistent with the provisions of clause 11 of the Constitution. The Returning Officer fulfils a critical function in ensuring a fair and transparent election process for all candidates in accordance with the Constitution.
7. Broadly speaking, the Returning Officer's role includes:
   (a) preparing the notice inviting nominations and ensuring it is published;
   (b) receiving nominations;
   (c) reviewing nominations to ensure they satisfy any requirements set out in the Constitution;
   (d) acceptance of nominations and declaring formal acceptance when nominations close;
   (e) conducting the draw for positions on the ballot paper;
   (f) drafting and arranging for the production of electronic voting ballot papers;
   (g) distributing electronic voting ballot papers to Voting Members;
   (h) arranging for the counting of ballot papers; and
   (i) providing the results to both Council and Members.
8. The Returning Officer must not, and cannot be seen to, have any affiliation with or show support to any candidate or group of candidates. The integrity of the election relies on the ability and complete impartiality of the Returning Officer.

Powers of the Returning Officer and Institute in connection with the conduct of elections

9. In conducting elections, the power and role of the Returning Officer includes:
   (a) the decisions of the Returning Officer must be accepted by Council and the Institute, unless there is some clearly stated reason to the contrary;
   (b) the Returning Officer must be consulted on any discrepancy or concern raised about the election process; and
   (c) if the Returning Officer raises a concern about the manner or conduct of the election or candidates, then these concerns must be addressed by the Institute.
10. In the event that factually incorrect statements are published in relation to a Council election, the Institute reserves the right to issue, at its absolute discretion, a correction on matters of fact.

Election timetable

11. There must be a period of at least two weeks, but generally not more than four weeks, between the date nominations are invited and the close of nominations.
12. There must be a period of at least two weeks between the close of nominations and the commencement of the voting period.
13. The period allowed for voting must be convenient to Members and must ensure that, as far as practicable, Members are given adequate opportunity to vote.
14. Clause 11.6(b) of the Constitution provides that the ballot shall close on such date within the 120 days period ending on 31 December in the calendar year as the Council shall determine. On 1 March 2011, Council delegated its power to determine the ballot closing date to the Company Secretary.

Notice of call for nominations

15. Notice of call for nominations must be published on the Institute's website and in the Institute Bulletin.
16. The notice must:
    (a) state that an election is to be held and identify and provide contact details for the Returning Officer;
    (b) invite nominations, specifying the expected number of positions on Council to be filled in compliance with clause 11.2 of the Constitution, namely a minimum of 9 Council Members; a maximum of 12 Council Members and clause 11.3;
    (c) clearly set out any requirements or qualifications required under the Constitution to be eligible to contest any position;
    (d) advise where nomination forms may be obtained;
    (e) specify the place where nominations are to be lodged; and
    (f) fix the time and date for the close of nominations.

Notice of opening of voting

17. Notice of the opening of voting in a Council election must be published on the Institute's website and in the Institute Bulletin.
18. The notice must:
    (a) state that an election is to be held and identify and provide contact details for the Returning Officer;
    (b) confirm the names of the candidates for election; and
    (c) fix the time and date for the close of voting.

Nominations

General

19. A nomination form must require completion of the information required under clause 11.5(b) of the Constitution, as well as include a declaration in the form set out in the Annexure to these Rules.
20. If the Returning Officer is of the opinion that there is an anomaly in a nomination, such that it may require the Returning Officer to reject the nomination, the Returning Officer must, as soon as practicable after receiving the nomination, contact the candidate and advise that the anomaly must be rectified before the time and date for the close of nominations.

21. Unless there are exceptional circumstances, the Returning Officer cannot accept a nomination after the time and date for the close of nominations.
22. Members of the Nominations Council Committee are not permitted to sign as a nominee on the nomination form of a Member standing for Council election.

Withdrawal of a nomination

23. A candidate who has been nominated in an election must be permitted to withdraw that nomination, but only in writing addressed to the Returning Officer, provided it is received by the Returning Officer before the time and date for the close of nominations.

Certification of a nomination

24. Where the Returning Officer is not an employee of the Institute then, for the purpose of enabling the Returning Officer to form an opinion as to the eligibility of a candidate and the candidate's nominators/proposers, the Returning Officer must require the Chief Executive Officer of the Institute to furnish him or her with such information regarding the candidate and nominators/proposers as the Returning Officer may specify. The Chief Executive Officer of the Institute must provide the required information, in writing, as soon as practicable after the request is made and before the time and date for the close of nominations.

Uncontested elections

25. Clauses 11.6(d)(i) and (ii) of the Constitution deals with uncontested elections when the number of nominations equal or are less than the vacancy pool and meet the requirements for the composition of the Council as set out in clause 11.2 of the Constitution. (For convenience clause 11.2 is restated here: "The Council (including ex officio members) must comprise a minimum number of nine (9) Council Members; a maximum of twelve (12) Council Members;"). Council when exercising its powers under clause 11.6(d)(ii) in appointing additional Member or Members to fill any vacancy must do so complying with the requirements for the composition of the Council as set out in clause 11.2 of the Constitution. Council does not have to fill such a vacancy if Council so choose.

Contested elections

26. Clause 11.6(d)(iii) of the Constitution deals with contested elections when the number of nominations are more than the vacancy pool which requires the Returning Officer to conduct a further ballot subject to the requirements for the composition of the Council set out in clause 11.2 of the Constitution.
27. The election of Council Members shall be conducted by secret ballot using proportional representation.

Candidate profiles

28. Candidates are permitted to provide information (profiles) about themselves to be made available to Voting Members, provided that:
    (a) profiles are submitted to the Returning Officer, in an approved format (if any), at any time before the close of nominations;
    (b) profiles do not exceed 1,000 words in length (or such other word limit as may be specified from time to time).

29. Only one profile per candidate is permitted.
30. If the Returning Officer considers that any information provided by a candidate is not appropriate, is false or misleading or exceeds the stipulated word limit, the Returning Officer will liaise with the candidate with a view to agreeing amendments to the information. If agreement cannot be reached, the Returning Officer may take action to omit or rectify the information, or reduce the length of the information, as he or she considers the case requires.
31. The Returning Officer will compile and present the profiles in the same order as the candidates on the ballot paper.
32. Photographs of candidates must all be of approximately the same size.

Delivery of roll of Voting Members to the Returning Officer

33. As soon as practicable after the close of nominations, the Returning Officer must receive a roll of eligible Voting Members from the Institute.
34. The roll must show, in alphabetical surname order, the full surname, given names, residential address, email address and member ID of each eligible Voting Member.

Order of candidates on ballot papers

35. The Returning Officer will determine the order of candidates on a ballot paper by drawing lots.
36. The Returning Officer must not conduct a draw for positions on the ballot paper without at least one independent witness present.
37. The draw of lots for positions on the ballot paper must be conducted in the following manner:
    (a) each candidate's name (as it will appear on the ballot paper) must be written on an identical slip of paper;
    (b) the slips of paper must be placed into a sealed container;
    (c) the container of slips of paper must be rotated or otherwise disturbed by the Returning Officer. The independent witness(es) must be allowed to do the same;
    (d) one at a time, the slips of paper must be removed and the number of the draw recorded on each slip, as verified by the independent witness(es).

Form of ballot papers

38. Ballot papers must:
    (a) show the names of the candidates contesting the election in the order of the draw of lots prescribed under these Rules;
    (b) distinguish names from each other where there is a similarity in the names of two or more candidates likely to cause confusion;
    (c) provide clear and concise direction as to the manner in which the vote is to be recorded; and
    (d) specify the date for the close of voting.

Voting

39. Voting is conducted by an external electronic voting provider using Single Transferable Voting - proportional representation. For a vote to be valid it is only necessary to indicate a vote for 1 candidate, however, voters may indicate the order of preference of all candidates or any number in between.

Electronic voting

40. An electronic vote made by a Voting Member and for which a vote confirmation has been sent may not be recalled and re submitted.

Incentives to vote

41. Providing incentives to vote before or during an election period is not permitted.

Result of election

42. Once the final number of positions available for election to Council has finally been determined:
    (a) the Institute's provider of electronic voting services will perform a count using proportional representation (as required under rule 39) and advise the Returning Officer of the candidate so elected;
    (b) the Returning Officer will notify Council and the Chief Executive Officer of the full poll results of the election, which shall be kept confidential by Council and the Chief Executive Officer; and
    (c) thereafter, the names only of the successful candidates (in alphabetical order, by surname) will be advised to all Members of the Institute by the Returning Officer via the Institute's website and the Institute Bulletin.
43. In addition to the report to Council referred to in rule 43(b), the Returning Officer must also report to Council on:
    (a) any non 'business as usual' matters relating to the election he or she considered and dealt with (for example, anomalies in nominations or rejected nominations); and
    (b) the overall percentage of Voting Members who voted and, subject to preserving the confidentiality of individual Member votes, any available demographic information relating to the overall voting percentage (for example, age, practice area and geographic location).
44. Data on the number of ballot papers issued, the number of votes received, and statistics thereon shall be posted on the website.
45. The quota required to be elected and the number of votes the candidate received in the first count will be made available to each individual candidate.

Challenging election result

46. Only a candidate for election may challenge the result of his or her particular election and any such challenge may only be made on the basis of non compliance with these Rules.
47. To make a challenge, the candidate must:
    (a) set out, in writing, the reasons why he or she considers that the election was not conducted in accordance with these Rules; and
    (b) submit the challenge to the Returning Officer within two weeks of the date on which the election result was announced.
48. The Returning Officer will investigate the matter and make a decision as to whether the challenge is upheld or overturned. The Returning Officer's decision, which will be conveyed to the challenging candidate in writing, is final.
49. If the challenge is upheld and the Returning Officer decides, at his or her own discretion, that the relevant breach of these rules was such as to have been:
    (a) unlikely to have materially affected the outcome of the election, no further action will be taken; or

(b) likely to have materially affected the outcome of the election, then the results of the election will be set aside and a further election held.

Retention of materials

50. All materials (roll of eligible Voting Members, ballot papers etc) are to be kept by the Returning Officer for at least one month following the announcement of the election results, prior to being destroyed. This is in case there is any challenge by a candidate concerning the result of the election.

Filling casual vacancies on Council and to the offices of Presidents

51. Clause 11.8(c) of the Constitution provides Council with the option to fill a casual vacancy in the office of a Council Member other than in respect of an ex officio member, subject to compliance with the composition of Council as defined in clause 11.2 of the Constitution. Council does not have to fill such a vacancy if Council so chooses.
52. Clause 12.6 of the Constitution requires Council to elect a new President from its members if for any reason the office of President becomes vacant.
53. Clause 12.7 of the Constitution requires Council to appoint from its members to the office of Senior Vice President or Vice President should either position become vacant.
54. If clause 12.6 and/or 12.7 is exercised Council will appoint one of its members to the vacant position subject to compliance with clause 11.1 of the Constitution upon which a casual vacancy in the office of Council will occur which may be filled in accordance with clause 11.8(c) of the Constitution. Should Council be unable to fill a casual vacancy in the offices of Presidents under clauses 12.6 and/or 12.7, Council may adopt an alternative procedure, arrangement or requirement under clause 12.7(b) by a resolution passed by a 75% majority with such alternative effective only in respect to the instant case at issue.

END OF POLICY

Revisions:

Created: 8 March 2016

Revision 1: 12 June 2019

Actuaries Institute.

[year] Council Election: Probity Declaration by Nominee

I, _____

of _____

being a nominee for the [year] election of members of the Council of the Institute of Actuaries of Australia, declare that I have not:

(a) been disqualified from managing corporations under or by virtue of sections 206B, 206C, 206D, 206E or 206F of the Corporations Act 2001 (Cth);
(b) been found to suffer mental illness or mental incapacity under legislation relating to mental health;
(c) and have not, in the last five (5) years:
(d) been convicted of an indictable criminal offence;
(e) been found to have acted fraudulently or dishonestly by any court of competent jurisdiction or tribunal or equivalent professional body to the Institute in Australia or elsewhere;
(f) been found by any court of competent jurisdiction or tribunal to have engaged in misleading or deceptive conduct in civil proceedings;
(g) been the subject of an adverse determination by a regulatory body or equivalent professional body to the Institute in Australia or elsewhere;
(h) either presently or in the past, been made 'insolvent under administration' as defined in the Corporations Act 2001 (Cth); or
(i) breached a determination of a Tribunal or Appeal Board of the Institute's Disciplinary Scheme (including, but not limited to, an enforceable undertaking).

I acknowledge and agree that any false declaration by me may constitute Actionable Conduct under the Institute's Disciplinary Scheme and my removal as a Councillor of the Institute. I also agree to advise Council as soon as practicable should I no longer be in a position to make this declaration.

_____ _____

Signature Date

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Guidance Notes

Explanation of the Operation of STV from BigPulse

Single Transferable Voting (STV) is a form of preferential voting that produces proportional representation in elections with several vacancies. An instant-runoff election is the same voting method but with only one vacancy.

In an STV vote candidates are automatically elected if they achieve a minimum number of votes called the quota. The quota is defined as (total number of formal votes) divided by (the number of candidates to be elected +1) or a minor variation of this. This formula ensures there are never more winners than vacancies.

The process of determining winners and losers is achieved in various counting rounds called "counts". The first count finds all candidates who reach or exceed the quota from the number of first preferences received. It's common for winners to receive more first preference votes than required to meet the quota. If the required number of vacancies is not filled in the first count any excess of votes over quota achieved by the winners is not wasted because the excess fraction of each vote for each winner is transferred to the remaining undecided candidate(s) according to the second preferences of those voters. This results in fractions of votes being transferred to the remaining candidates. On transferring excess votes from winners, a further one or more candidates may reach quota to join the winner list.

If no candidates reach quota in the first count or vacancies remain after excess votes from winners are transferred then the candidate with the smallest number of votes, including any votes transferred from winners, is excluded. And, again so that no votes are wasted, all votes attached to the excluded candidate are transferred in full according to the voters' preferences. The process then repeats with another count to find the next winner(s) or loser until the required number of vacancies is filled. The common tie breaker rules include look-back to previous counts and random draw.

The system has a number of added options and in the Institute's case "Affirmative Action" is applied. This ensure that the correct number of Fellows are elected in accordance with the require composition of Council.

A few good reasons to use Single Transferable Voting

1. No vote is wasted. For example, with STV, if your first preference is eliminated then your first preference vote is transferred to your second preference and so on. If your first preference wins with an excess of votes over the quota then the unused fraction of your vote is transferred to your second preference and so on.
2. STV preference voting reduces the need to consider strategic voting – that is not voting on merit in the hope of getting a better outcome. For example, you can safely give your first preference to a candidate unlikely to win knowing that the vote will not be wasted as explained above.
3. A first-past-the-post vote with three or more candidates can produce a winner that would lose in any paired contest. This risk is greatly reduced in STV preference voting.

Example of a poll result 2 Vacancies; 6 Nominees

Rank	Candidate ID	Elected and Excluded	Count 1	Count 2	Count3	Count 4	Count 5	Count 6
1	123456	Elected in Count 1	**170.000**	164.000	164.000	164.000	164.000	164.000
2	123455	Elected in Count 6	92.000	93.517	102.640	118.214	141.829	**245.592**
3	123459	Excluded in count 5	84.000	85.476	93.558	106.681	**133.378**	0.000
4	123450	Excluded in count 4	59.000	60.107	67.230	**71.722**	0.000	0.000
5	123457	Excluded in count 3	43.000	44.189	**49.394**	0.000	0.000	0.000
6	123454	Excluded in count 2	43.000	**43.656**	0.000	0.000	0.000	0.000

Process of allocation of votes in Council elections

The Institute's Council election is conducted under a STV system (Single transferrable vote).

There is a series of counts until all vacancies are filled

A quota is calculated as follows:

Unweighted quota rounded down +1(148.5 =148+1=149)

Unweighted quota is the number of votes received divided by the number of vacancies + 1 (594/(3+1)=148.5

A count is conducted of the 1st preference

The candidate with the lowest number of votes is excluded from further counts

A candidate is elected only if their votes equal or exceed the quota (149)

A second count is conducted

The votes of the excluded candidate in count 1 are allocated to the other candidates in accordance with their number of votes in 2nd preference on the excluded candidate ballot paper and any votes not allocated are exhausted

A candidate is elected only if their votes exceed the quota

Third, fourth, etc counts are conducted under the same system i.e. the candidate with the lowest votes is excluded and his/her votes allocated to the other candidates in accordance with their number of votes in the next preference (i.e. 3rd 4th 5th etc) and any votes not allocated are exhausted and a candidate is elected once they reach the quota

Example of the allocation of votes:

	Count 1	Count 2	Count 3	Count 4	Count 5	Count 6
Candidate 1	146	**157**	149	149	149	149
		11				
Candidate 2	131	136	137.794	**156.346**	149	149
		5	1.794	18.552		
Candidate 3	117	123	125.07	134.346	138.828	**227.713**
		6	2.07	9.276	4.482	88.885
Candidate 4	101	108	110.484	129.829	132.637	
		7	2.484	19.345	2.808	
Candidate 5	51	59	60.587			
		8	1.587			
Candidate 6	48					
Exhausted		11	11	24.414	24.414	68.166
loss by fraction			0.065	0.065	0.121	0.121
Total votes	594	594	594	594	594	594
Unweighted Quota	148.5					
Vacancies	3					
Quota	149					

- In count 1 no candidate received enough votes, so the 48 votes of Candidate 6 are allocated to the other candidates in count 2 or exhausted which resulted in Candidate 1 being elected
- The excess votes over the quota of Candidate 1 are allocated to the other 4 candidates in count 3 and no candidate received enough votes, so the 60.587 votes of Candidate 5 are allocated to the other 3 candidates in count 4 or exhausted resulting in Candidate 2 being elected.
- The excess votes over the quota of Candidate 2 are allocated to the other 2 candidates in count 5 and no candidate received enough votes, so the 132.637 votes of Candidate 4 are allocated to Candidate 3 who is elected.