



PLEBISCITE BY-LAWS

Returning Officers

1. Unless the State Executive otherwise determines the State Director and the Party Secretary will be the Returning Officers for a plebiscite.
2. Unless the State Executive otherwise directs, the reference to the Returning Officers includes a reference to either of the Returning Officers.
3. The Returning Officers may appoint one or more Assistant Returning Officers with such powers and authorities as the Returning Officers may from time to time determine to assist the Returning Officers in and about the conduct of a plebiscite.

Timetable

4. The Returning Officers must prepare and publish a timetable for the conduct of the plebiscite specifying –
 - (a) the day for finalisation of the Interim Roll,
 - (b) the last day for objections to the roll of voters and as to the right of any person to be included in the Final Roll,
 - (c) the day, time and place for the determination of the order of the applicants' names on the ballot paper,
 - (d) the last day for notification of a voter's change of address,
 - (e) the day for the posting of ballots,
 - (f) the last day for the appointment of scrutineers, and
 - (g) the last day for the return of ballots.
5. The Returning Officers must provide each applicant for endorsement with a copy of the timetable promptly after it has been settled.
6. Once the timetable has been published it may be amended only by State Executive for special reasons.

Roll of Voters

7. The Returning Officers must settle an Interim Roll of the persons entitled to vote in the plebiscite by the day specified in the timetable, and on that day must provide a copy of the roll to each applicant.
8. Each applicant must maintain the confidentiality of the Interim Roll, and must use it only for the purposes of the plebiscite.
9. Promptly after the Interim Roll has been settled the Returning Officers must notify each person on the roll of his or her inclusion, and at the same time must also notify any member of State Executive and any member of the Party resident in the Federal Division or State Electorate who is not on the roll of his or her omission, and the reason for it.

10. An applicant may object to the inclusion of a person in the Interim Roll or the omission of a person from the Interim Roll by written notice received by the Returning Officers no later than the last day for objections specified in the timetable.
11. A member of the Party who has been omitted from the Interim Roll may object by written notice received by the Returning Officers or, if the Returning Officers approve, by oral notice given to the Returning Officers, in either case, no later than the last day for objections specified in the timetable.
12. An objection to the inclusion of a person in, or the omission of a person from, the Interim Roll must identify the person and set out clearly the basis of the objection and be accompanied by a statement of the evidence on which the objector relies.
13. The Returning Officers must consider and rule on every objection to the Interim Roll received on or before the last day for objections, and must settle the Final Roll as soon as practicably possible after that date, by printing and signing a copy. If the Final Roll would result in the number of residents not being in the majority, then the Final Roll must not be settled until the Returning Officers have determined the non-resident members of State Executive who will participate in accordance with clause T.24(d) of the Constitution (with that clause being taken to apply to a plebiscite).
14. Before ruling on an objection to the inclusion of a person in the Interim Roll the Returning Officers must make a reasonable attempt to give the person an opportunity to respond to the objection. The Returning Officers may specify a time and date by which the person's response must be received allowing a period of no less than 24 hours and no more than 48 hours, or such other period as they for special reason determine.
15. The Returning Officers may take advice from the Honorary Legal Advisor in relation to any objection but, subject to By-Law 67, the Returning Officers must decide the objection.
16. The Returning Officers must notify –
 - (a) each objector of the Returning Officers' decision on the objection, giving brief reasons for it promptly after the Returning Officers settle the Final Roll, and
 - (b) each applicant of any additions to or omissions from the Final Roll by comparison with the Interim Roll, and
 - (c) each person who has been added to or omitted from the Final Roll by comparison with the Interim Roll, in the case of omissions, giving brief reasons, and
 - (d) each member of State Executive who has been excluded from the Final Roll due to the application of By-Law 13.

17. Subject to clause T.28 of the Constitution, the decision of the Returning Officers on any objection and as to the composition of the Final Roll will be determinative and binding on all concerned.

Ballot Papers

18. The ballot papers must –
- (a) be of such material and opacity that, when folded, the way the voter voted is effectively concealed, and
 - (b) be substantially in the form of Annexure “A”.
19. On the day and at the time and place for determination of the order of the applicants' names on the ballot paper the Returning Officers must, in the presence of at least two witnesses –
- (a) write the name of each applicant on a separate piece of paper, and
 - (b) ensure that each piece of paper is of the same kind, shape, size and colour, and
 - (c) place each separate piece of paper in a separate envelope and, if it is necessary to fold the piece of paper to make it fit into the envelope, fold each piece of paper in the same way in order to make each the same size and thickness, and
 - (d) ensure that each envelope is opaque and of the same kind, shape, size and colour, and
 - (e) after each piece of paper has been placed in an envelope, seal the envelope, and
 - (f) place all the envelopes in a container and shuffle them, and
 - (g) draw the envelopes out, one at a time, and
 - (h) as each envelope is drawn out, open it and make a note of the name of the applicant appearing on the piece of paper in the envelope.
20. The order in which the names are noted is the order in which the names are to appear on the ballot paper.
21. If the Returning Officers consider that a similarity in the names of two or more applicants is likely to cause confusion, the Returning Officers may add a description which they consider will sufficiently distinguish the names.

22. The Returning Officers must give reasonable notice to each applicant of the place, date and time at which the draw to determine the order of applicants' names will be carried out, and must allow any applicant, or a representative of any applicant, to be present during the process (including by electronic means).

Ballot Box

23. At the completion of the draw for the order of names on the ballot paper, and in the presence of the witnesses to that process, the Returning Officers must –
 - (a) present a box suitable in the Returning Officers' opinion for use as a ballot box, open for inspection by those witnesses, and
 - (b) then, seal the ballot box in a way sufficient in the Returning Officers' opinion reasonably to secure the ballot.
24. The Returning Officers must ensure the safe custody of the ballot box and that the seal of the ballot box is not broken prior to the opening of the box under By-Law 40.

Posting of Ballots

25. Before the posting of ballots under By-Law 26, the Returning Officers must ensure that all notifications of change of address from persons on the Final Roll which are received on or before the last day for notification of a voter's change of address as specified in the timetable have been recorded in the Party's membership records.
26. On or as soon as practicable after the day for the posting of ballots specified in the timetable the Returning Officers must post a ballot paper, an internal envelope and a return envelope to each person appearing on the Final Roll, at the postal address for the person as shown in the Party's membership records on that day.

Internal and Return Envelopes

27. The Returning Officers must ensure that for By-Law 26 the return envelopes –
 - (a) are of the same kind, shape, size and colour,
 - (b) are pre-addressed to the Returning Officers at such postal address as they determine, and
 - (c) have provision on the reverse for –
 - (i) the name of the voter,
 - (ii) the signature of the voter, and
 - (iii) the voter's return address.

28. The Returning Officers must ensure that for By-Law 26 the internal envelopes –
- (a) are the same kind, shape, size and colour,
 - (b) of such material and opacity that the vote recorded on a ballot paper placed in the envelope is effectively concealed, and
 - (c) of such a size that an internal envelope can be placed conveniently in a return envelope.

Voting

29. On receiving a ballot paper and return envelope, a person whose name appears in the Final Roll must, if he or she wishes to cast a vote –
- (a) legibly print his or her name in the place provided on the return envelope,
 - (b) sign the return envelope in the place provided,
 - (c) mark a vote on the ballot paper in accordance with By-Law 31,
 - (d) place the ballot paper in the internal envelope and seal the envelope,
 - (e) place the sealed internal envelope containing the ballot paper in the return envelope, and seal the envelope, and
 - (f) either –
 - (i) give, or give it to another person to give, the return envelope to the Returning Officers or an Assistant Returning Officer at the Party Secretariat, or
 - (ii) post the return envelope, or give it to another person to post, to the Returning Officers,so that it is received by the Returning Officers or for paragraph (i), the Returning Officers or an Assistant Returning Officer, on or before 1:00pm on the last day for the return of ballots.
30. A voter must not make any mark or write anything on an internal envelope by which he or she can be identified.

31.
 - (a) A voter must vote in accordance with paragraphs (b) or (c).
 - (b) A voter may vote by writing on a ballot paper the number 1, a tick, or a cross, in the square opposite the name of only one applicant to indicate the voter's preference for the applicant.
 - (c) Instead of voting in accordance with paragraph (b), a voter may vote by –
 - (i) writing on a ballot paper the number 1, a tick, or a cross, in the square opposite the name of an applicant to indicate the voter's first preference for the applicant, and
 - (ii) writing –
 - (A) the number 2 in another square, or
 - (B) the numbers 2, 3 and so on in other squares,to indicate the order of the voter's preferences for one or more (but not necessarily all) of the other applicants.
32. The Returning Officers must cause the postal address specified on the return envelope to be cleared at or as soon as practicable after 1:00pm on the last day for the return of ballots.
33. A return envelope received under By-Law 29 must be promptly placed in the ballot box unopened.
34. Subject to By-Law 35, for a ballot paper to have effect to indicate a vote for the purposes of the plebiscite –
 - (a) the ballot paper must contain writing that is in accordance with By-Law 31 or other writing or marks that indicate the voter's intended preference or intended order of preferences, and
 - (b) the ballot paper must not contain any writing or mark (other than as provided by By-Law 31 by which the voter can be identified, and
 - (c) the internal envelope for the ballot paper must not contain any writing or mark by which the voter can be identified, and
 - (d) the return envelope must have been completed and signed as required by By-Law 29, and
 - (e) the ballot paper must have been returned to the Returning Officers or an Assistant Returning Officer as required by By-Law 29.

35. (a) If a ballot paper contains two or more squares in which the same number is written, the numbers and any higher numbers written in other squares are to be disregarded.
- (b) If there is a break in the order of the preferences indicated in writing in the squares on a ballot paper, any preference after the break is to be disregarded.

Scrutineers

36. Each applicant for selection may, by notice received by the Returning Officers on or before the last day for the appointment of scrutineers appoint a member of the Party as a scrutineer.
37. Each applicant is entitled to have one scrutineer to observe the examination of return envelopes and the counting of votes.
38. A scrutineer may raise an objection with the Returning Officers as to the completion and signing of a return envelope, the formality of a ballot paper, or as to the effect of a ballot paper, but must not otherwise interfere in the examination of return envelopes or the counting of ballots.

Counting of Votes

39. The Returning Officers must give reasonable notice to the applicants of a time not before 1:00pm on the last day for the return of ballots at which the ballot box will be opened and the votes counted.
40. At or after the time notified to the applicants under By-Law 39, the Returning Officers must open the ballot box, remove the return envelopes, and count them. At the completion of the count the Returning Officers must make a written note of the number of return envelopes.
41. The Returning Officers must examine the unopened return envelopes to determine whether they are to be accepted for counting.
42. A return envelope may be accepted only if the Returning Officers are satisfied that –
 - (a) the voter concerned was entitled to vote in the plebiscite, and
 - (b) the return envelope has been signed.

43.
 - (a) If the return envelope is accepted, the Returning Officers must take the internal envelope out of the return envelope and examine the internal envelope.
 - (b) If the Returning Officers are satisfied that there is no mark or writing on the internal envelope by which the voter can be identified, they must place the internal envelope into the ballot box, without opening the envelope.
 - (c) Otherwise, the Returning Officers must replace the internal envelope into the return envelope, without opening the internal envelope.
44. The Returning Officers must seal up in separate parcels and keep all unopened return envelopes, all opened return envelopes from which the internal envelopes have been placed in the ballot box and all other opened return envelopes.
45. After all return envelopes have been examined under By-Law 41 and sealed up in accordance with By-Law 44, the Returning Officers must shuffle the internal envelopes in the ballot box sufficiently to ensure that no internal envelope can be separately identified, and then remove all of the internal envelopes from the ballot box, count them and make a written note of the number.
46.
 - (a) Following the count under By-Law 45, the Returning Officers must open each internal envelope and remove and examine the ballot paper.
 - (b) The Returning Officers must arrange all formal ballot papers under the names of the applicants for selection by placing in a separate parcel all those on which a first preference vote is indicated for the same applicant and count the first preference votes for each applicant on all of the formal ballot papers.
47. If a majority of the first preference votes is for one applicant, that applicant is provisionally selected.
48. If an applicant is not provisionally selected under By-Law 47 the Returning Officers must conduct a second count on the following basis –
 - (a) the applicant who has the fewest first preference votes must be excluded, and
 - (b) each unexhausted ballot paper recording a first preference vote for that applicant must be transferred to the applicant next in the order of the voter's preference, and
 - (c) that ballot paper must be counted as a vote for that applicant.
49. If, on the second count, an applicant has a majority of the votes remaining in the count, the applicant is provisionally selected.

50. If an applicant is not provisionally selected under By-Law 49, the process of –
- (a) excluding the candidate who has the fewest votes, and
 - (b) transferring each unexhausted ballot paper of that candidate to the continuing candidate next in the order of the voter's preference, and
 - (c) counting it to that candidate as a vote,
- must be repeated until one applicant has a majority of the votes remaining in the count.
51. (a) The Returning Officers must count the informal votes (if any), make a written note of the number, and seal them up in a separate parcel.
- (b) The Returning Officers must seal up the internal envelopes from which ballots have been removed in a separate parcel.
52. Following each count the Returning Officers must make a written note of the total number of votes for each applicant.
53. When the Returning Officers are giving consideration to the exclusion of the applicant with the fewest votes, if two or more applicants have an equal number of votes and that number is fewer than the number of votes of any other applicant –
- (a) the applicant who had the fewest votes at the last count at which the applicants did not have an equal number of votes must be excluded, or
 - (b) if the applicants had an equal number of votes at all earlier counts or if there has not been an earlier count, the applicant whose name is on a slip chosen under By-Law 54 must be excluded.
54. For the purposes of By-Law 53(b), the Returning Officers must –
- (a) write the names of the applicants who have an equal number of votes on similar slips of paper, and
 - (b) fold the slips to prevent the names being seen, and
 - (c) place the slips in an opaque container, and
 - (d) shuffle the slips, and
 - (e) raise the container so that its contents are not visible and choose a slip at random.
55. The Returning Officers must ensure that the counting of votes as contemplated by By-Laws 40 to 54 is carried out in the presence of at least two witnesses including scrutineers.

56. If, on any count at which the applicant with the fewest number of votes must be excluded, two or more applicants have an equal number of votes and they are the only continuing applicants –
- (a) the Returning Officers must refer the matter to State Executive,
 - (b) State Executive must determine the validity of any disputed ballot papers and recount all of the ballot papers by applying By-Laws 46 to 54, and
 - (c) if the determination and recount results in an applicant's being provisionally selected, State Executive must declare the applicant provisionally selected, and
 - (d) if not, a fresh selection must be conducted, in the manner directed by State Executive.
57. If a fresh selection is to be conducted, State Executive must decide how the fresh selection will be made, and it may limit the applicants for selection and, if the selection is to be by plebiscite, it may give directions modifying or as to the application of these By-Laws as it considers to be in the best interests of the Party.
58. The Returning Officers may take advice from the Honorary Legal Advisor as to the validity of any ballot, but, subject to By-Law 67, all questions as to formality must be decided by the Returning Officers.

Finalisation of Selection

59. When an applicant has been provisionally selected, the Returning Officers must invite him or her to sign the Party's candidate agreement.
60. If the provisionally selected applicant signs the candidate agreement in terms to the State Director's satisfaction, the Returning Officers must declare the applicant to be selected, subject to confirmation by State Council.
61. If the provisionally selected applicant does not promptly sign the candidate agreement in terms to the State Director's satisfaction, the Returning Officers must immediately refer the selection to State Executive.
62. If a selection is referred to State Executive under By-Law 61 State Executive, must, after giving the provisionally selected applicant an opportunity to be heard, give directions as to the further conduct of the selection.

63. For By-Law 62 –
- (a) State Executive is not required to allow a period of more than 24 hours for the provisionally selected applicant to make submissions to it,
 - (b) State Executive may direct that the provisionally selected applicant be excluded from selection, and may direct the Returning Officers to re-count the ballots applying By-Laws 46 to 54, and
 - (c) State Executive may give such other directions as it considers best serve the interests of the Party.

Report to State Executive

64. After the declaration of the candidate the Returning Officers must prepare a report to State Executive on the conduct and outcome of the plebiscite, including such recommendations as to the terms of these By-Laws and the conduct of future plebiscites as they consider would best serve the interests of the Party.

Secrecy of the Ballot

65. An officer or member of the Party who becomes aware of the allocation of any preference vote of any voter must not make a record of or disclose that information to any person.

Retention of Ballots

66. The Returning Officers must ensure that all opened and unopened return envelopes, all ballots, the marked final roll and the written notations of the votes on all counts, are given to and held by the State Director, who shall retain the papers in accordance with clause T.25(p) of the Constitution (where the reference in that clause to the Selection Committee is taken to be a reference to a plebiscite).

Construction and Supplementation of the By-Laws

67. If any question arises as to the meaning or effect of these By-Laws, the Returning Officers or any member of the Party may refer the matter to the Honorary Legal Advisor for determination. In that event the opinion of the Honorary Legal Advisor will be determinative and binding on all concerned.
68. If a question arises which in the opinion of the Honorary Legal Advisor is such that it cannot be resolved on a proper construction of these By-Laws, any relevant By-Laws and the Constitution, the Honorary Legal Advisor must refer the question to State Executive for determination as to the procedure to be followed or the decision to be taken, and the determination of State Executive will be final and binding on all concerned.

Amendment

69. These By-Laws may be amended from time to time by State Executive.

ANNEXURE "A"

LIBERAL NATIONAL PARTY OF QUEENSLAND PLEBISCITE BALLOT PAPER

DIVISION / ELECTORATE:

- Place the number one ('1') in the square opposite the candidate of your choice.
- You may if you wish indicate your preference for additional candidates by numbering some or all of the other squares in your preferred order.

[here insert the name of an applicant]

[here insert the name of an applicant]

[here insert the name of an applicant]