

Statement from Lee Rowe, Returning Officer JEMC 2025

Firstly, I would like to apologise for the delay in this statement. This is due to waiting for certain clarifications before scribing it so as not to misinform members. I also apologise for the length of this statement, however I am trying to answer your concerns.

I am not a politician, so this is written from the heart but backed by the constitution and other advisory bodies such as Clubs NSW and AEC guidelines.

This will hopefully answer your questions and concerns regarding the election process, which is where my jurisdiction lies.

The election was suspended by me for various reasons, with the main reason, which initiated this action, being clause 25.3 of the amended 2022 constitution found on the JEMC website which states:

“The election of the Board (including without limitation, the results of the election of the Board) shall not be invalidated or voided if the procedure in rule 25.1 is not strictly complied with provided there is no substantive injustice for any candidates.”

What does this mean? It means if rule 25.1 of the constitution, which has many subclauses, isn't followed exactly and the outcome is still achieved, the process is legally acceptable as long as the ability to nominate and vote is not withheld from those who wish to do so.

Due to restricted time limits placed on nominations, a candidate (nominee) was unable to lodge their nomination on the allotted day. This candidate should have been able to submit his nomination early (25.1c) as long as he abided by the requirement of 25.1c that it be delivered to the secretary (general manager) this did not occur and therefore was rejected.

When this situation was brought to my attention, I acted within my power to make the decision to call off the election, per clause 25.3.

This brings us to another question raised. If the returning officer (me) was covering constitution procedure, how did it get this far?

The reason being a suitable time frame was not provided to put all constitutional procedures in place.

I was approached early February 2025 by the general manager, who enquired if I would be returning officer for this year's general election. Last year I was retained, by my understanding, for the purpose of counting ballots and announcing positions. When I confirmed my availability, I requested to be contacted when an AGM date was in place so that I could begin my duties. This is when I was given confirmation that I would receive said contact.

On Thursday the 20th of March 2025, whilst attending the members draw, I approached a member of the Board and asked if a date for the AGM had been set, as I had prepared the order in which I was to perform my duties but had not yet received the confirmation I had previously requested. I was informed that the date for the AGM had been decided on the previous week and set for April the 3rd.

The following two working days I had work and personal commitments and as such was unable to contact the club general manager.

When I did go in on Tuesday the 25th, I was informed that voting would commence the next day, being the 26th. I informed the GM that as the role of the returning officer is to oversee the complete procedure from start to finish, I needed to be brought in as soon as the AGM date was set. There are certain duties that the returning officer is required to perform before voting commences to ensure the organisation for which the election is being held, is not brought into disrepute or shows bias.

During Wednesday the 26th of March and Thursday 27th of March, I was at JEMC trying to determine what processes had been performed and by whom. I came to the conclusion that many clauses, although performed, were not overseen by the returning officer as required. This caused incorrectly numbered ballot papers to be used and the polling officers

(those who give out the ballot papers) to be appointed. Although there is nowhere in the constitution that states staff members cannot be appointed to this position, if I had been given the opportunity to appoint said officers, I would have used independent polling officers to avoid conflict of interest. The ballot papers were being issued before I was given the opportunity to count and record them as per my role.

As in clause 25.1(i) **“The secretary shall post the name of the candidate and his or her proposers on the club notice board.”** However, I was not able to approve this document as required prior to its posting and found it was incorrect by not naming the nominees proposers.

As you know, many of sub clauses of 25.1 were expected to have been performed by me, but due to the lateness of my notification these were done by other parties.

This in itself is not illegal and the process can continue as stated in clause 25.3, however, when I was made aware of the injustice to a nominating candidate, I had the jurisdiction to cease proceedings and call for new dates to be set.

Please let me inform you of what the new format for the election will be. Nominations will open 1st of April 2025 and close 15th of April 2025. During these dates, nomination forms can be obtained from JEMC office staff. The forms are required to be hand delivered to the general manager on the dates and times attached. After the general manager has ceased employment with JEMC, nomination forms will be returned to the returning officer as approved by the Board of Directors.

Voting will commence on Tuesday the 22nd of April.

This delay between nominations and voting is for two reasons: the first being Easter, the second being it will give time for the accepted nominees to put together a more detailed information sheet if they so desire. This will be made available to voters at the polling site. Voting hours will be flexible which enables as many financial members as possible to vote at a time that suits them.

There will also be email voting in place for those who are away from Junee during these dates. Residents of Cooina Court and Junee Hospital who are financial members and wish to vote will be given the opportunity with an institutional vote. People with illness or mobility issues will be able to request an inhouse vote (like a car vote in government elections). This is in lieu of a postal vote which may not arrive back in time for their vote to register. That's why in government elections a final tally may take weeks or months, because of the wait for postal votes. Close of voting will be Wednesday the 30th of April at 1pm.

Each candidate will be able to nominate one scrutineer on their behalf to attend and witness the counting process.

There has been misinformation placed on social media that the voting has to be done at the AGM. Please let me address this. The following has been checked and approved by Club NSW:

Clause 24.2 states **“The Board shall be elected every year in accordance with this constitution at each AGM of the club.”**

Elected means: the end result, the acceptance of, swearing in or announcement of the Board. It is not the process of voting.

Clause 25.1(p) states **“The ballot shall be conducted during such times as shall be determined by the board from time to time.”**

The ballot is the vote or the process of voting. This means the board decides when the polls will be open. The new ballot times have been approved by the existing board.

These voting times, as with pre-poll in a government election, give less restrictive conditions.

Personally, I feel it is inconceivable to expect as many as up to 2000 people could vote within a time limit of only two hours on one specified date, and that all these ballots could be counted (with preferences) by allocated polling staff within the timeframe allotted. I am aware this process has been in place on previous elections, however, because of time restrictions placed on voters having to vote only at an AGM, generally up to 200 voters decide to do this as opposed to as many financial members as possible given the accessibility to vote. The flexibility of my voting strategy allows them this access whilst following the constitution.

The result of the ballot will be reported to the meeting as per 25.1(y).

My goal here is not to lay blame or make excuses, but to provide reasons as to why the election was ceased.

I will not step down as returning officer as I firmly believe in the judicial system's many facets and would like to be given the opportunity to perform my duties per the constitution, whilst also giving consideration to equality, inclusion, democracy and legal concerns.

However, if I am presented with a legal requirement to stand down, I will abide by that decision.

I hope I have been able to answer some of your questions and allay your concerns. While I don't have the authority nor the time to answer questions not related to my role as returning officer and my responsibilities therein, I will happily respond to any related questions that you may have via email. I understand I will more than likely receive pushback on this statement too, but I ask you to consider what approach works best for our club and community whilst maintaining the integrity of the constitution.

Yours sincerely,

Lee Rowe

Returning Officer - Junee Ex Services and Memorial Club

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