

La Trobe University Student Union Incorporated

ELECTION REGULATIONS

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2. Authorising Provisions

These regulations are made under clauses 31.4, 33, 52.1, 53, 57.6(a) and 57.6(b) of the Constitution.

3. Application

These regulations:

- (a) apply to all elections of the Student Union; and
- (b) must be read in conjunction with Part 11 of the Constitution.

4. Returning Officers

4.1 In these regulations:

- (a) "RO" means Returning Officer; and
- (b) "DRO" means Deputy Returning Officer.

- 4.2 The Student Union must call for tenders for the positions of RO and DRO.
- 4.3 The Executive must consider the tenders, and may interview tenderers.
- 4.4 The Executive must recommend a tenderer to the Student Council.
- 4.5 The Student Council must appoint the RO and DRO on such terms as it considers appropriate.
- 4.6 The DRO may exercise all the powers of the RO under these regulations.
- 4.7 The RO may delegate some or all of their powers to one or more Assistant ROs.
- 4.8 The RO and all persons authorised by them to assist in the conduct of the election must not be candidates in the election.
- 4.9 No person may participate in the conduct of the election unless authorised by the RO.
- 4.10 The RO must:
 - (a) determine the place or places at which polling must, if necessary, be held; and
 - (b) mark clearly the exclusion zone around each polling booth.
- 4.11 The RO may prescribe and do all things relating to the conduct of the election not provided for in the Constitution and these regulations.
- 4.12 The General Secretary must inform the RO in writing of the positions to be filled at the election.
- 4.13 The RO must present a report of the election in writing to the Student Council as soon as possible, but within 2 months after the election.
- 4.14 Within 2 weeks after the end of the election, the RO must send the NUS Accreditations Committee a report on Student Union letterhead signed by RO:
 - (a) stating that the election was conducted in accordance with NUS By-laws B3–B5;

- (b) setting out the names of the delegates in the order in which they were elected; and
- (c) including:
 - (i) the rules under which the election was conducted, and
 - (ii) details of voting.

5. Poll Clerks

- 5.1 The RO on behalf of the Student Union must employ the poll clerks for the election.
- 5.2 Poll clerks must staff polling booths in pairs.
- 5.3 Poll clerks are prohibited from active involvement in the election, and must therefore not distribute election material, put up posters or actively campaign for candidates.
- 5.4 Poll clerks must not give any person advice on who to vote for or what candidates' policies are but must refer these enquiries to candidates or campaigners.
- 5.5 Any breach of regulations 5.3 and 5.4 will result in automatic dismissal from the position of poll clerk.
- 5.6 Poll clerks who are eligible may vote in the election but not while actually staffing the polling booth.
- 5.7 Poll clerks have the duties set out in regulation 14.
- 5.8 Any complaint about the conduct of a poll clerk must be made to the RO.
- 5.9 The RO, DRO and any Assistant ROs may all carry out the duties of poll clerks if required.

6. Notice of Election

- 6.1 The RO must by notice in writing:
 - (a) give notice of the election; and
 - (b) call for nominations.
- 6.2 The notice must state:
 - (a) the positions to be filled,
 - (b) the qualifications required for candidates and voters, and
 - (c) how nominations can be made.

- 6.3 The notice must be published at least 10 academic days before the close of nominations:
 - (a) on noticeboards on the Melbourne, Mildura, Shepparton and City Campuses, and
 - (b) if possible, in *Rabelais*.
- 6.4 The RO must also publish the provisions of regulation 20 in relation to prohibited conduct in the election before the close of nominations in the same way as for the notice of election.
- 6.5 The positions to be filled at the election may not be changed after the publication of the notice of the election.
- 6.6 In the event that the position of RO is vacant at the time when notice of the election needs to be given, the duties of the RO in this regulation may be undertaken by the General Manager or nominee.

7. Nominations

- 7.1 Nominations must be on the official nomination form, and must include:
 - (a) the full name, student number, and signature of the candidate, and
 - (b) the names and signatures of 20 students as nominators.
- 7.2 Nominations may be accompanied by:
 - (a) a passport sized photo of the candidate; and
 - (b) a policy statement of up to 200 words.
- 7.3 The qualifications for eligibility to nominate are set out in clause 54 of the Constitution.
- 7.4 Nomination forms must be available from the RO and the Student Union office.
- 7.5 Nominations must be given to the RO or may be left for the RO at the Student Union office.
- 7.6 The RO must reject any nomination that does not comply with the Constitution and these regulations.
- 7.7 The RO must check the University records to ensure that all candidates are eligible to nominate.

- 7.8 On the academic day before the day on which nominations close, the RO must publish on the Student Union noticeboard and (with the Vice-Chancellor's permission) the official University noticeboard a list of nominations already received.
- 7.9 Candidates may at any time before the first day of voting withdraw their nomination by giving a signed notice in writing to the RO, who must then proceed as if the nomination had not been made.
- 7.10 If the number of candidates for a position does not exceed the number to be elected, the RO must declare those candidates elected.
- 7.11 Nominations must close at 5.00 pm at least 10 clear academic days before the first day of voting.
- 7.12 Nominations received after the published time and date will not be accepted under any circumstances.
- 7.13 The RO must rule invalid any nomination that does not comply with this regulation.
- 7.14 The RO must give each candidate a copy of the Constitution and these regulations.

8. Teams of Candidates

If 2 candidates wish to nominate together to share an office-bearer position (including the Editor of *Rabelais*) in accordance with clause 47 of the Constitution:

- (a) their nomination must be on a single nomination form with their names in the order they are to appear on the ballot paper;
- (b) the nomination form must be signed by both candidates;
- (c) the nomination form must be accompanied by the signed agreement for sharing positions required by the Committee and Office-Bearer Regulations; and
- (d) unless the contrary intention appears, their nomination is to be treated as a single nomination for the purposes of these regulations, including those relating to nominations, ballot papers and counting of votes.

9. Ballot Papers

- 9.1 Each ballot paper must show the names of candidates as follows:
- (a) given name followed by family name, and
 - (b) a box must be placed immediately to the left of the name of the candidate.
- 9.2 Candidates may opt to be grouped on the ballot paper by giving the RO a list of the candidates' names in an agreed order signed by every candidate.
- 9.3 The RO must determine the order of candidates' names on the ballot paper by drawing lots. In the draw, groups of candidates must have equal status with individual candidates who are not grouped.
- 9.4 Each candidate may by signed notice in writing given to the RO appoint a scrutineer to observe the ballot paper draws.
- 9.5 The ballot papers must be laid out to provide the option of voting "above the line" for tickets and "below the line" for individuals and groupings that are not tickets. A line will be drawn across the ballot paper. Ticket names will appear above the line, while individual names (grouped in accordance with regulations 9.2 and 9.3) will appear directly underneath the ticket name, below the line. Preferences will flow in accordance with the same process as for the election of the Australian Senate.
- 9.6 Nothing else must be printed on the ballot paper, except instructions appropriate to these regulations as determined by the RO.

10. Tickets

- 10.1 A candidate or group of candidates may apply to have their name or names set out on the ballot paper under the name of the ticket.
- 10.2 The name of the ticket must be no longer than 4 words.
- 10.3 The name of the ticket must not:
- (a) be the same as, or similar to, any other ticket name;
 - (b) be misleading or deceptive;
 - (c) contain voting directives; or
 - (d) be offensive or derogatory.

- 10.4 Each ticket must provide the RO with a list of preferences, which must include a first preference for that candidate or group.

11. Registration of Ticket Names

- 11.1 In this regulation:

- (a) “registered” includes reregistered; and
- (b) “ticket registrant” means:
 - (i) the student member who registered the ticket name under regulation 11.2 or 11.3; or
 - (ii) the student member to whom registration of the ticket name has been transferred under regulation 11.5.

- 11.2 If a ticket name was registered the previous year, the ticket registrant may reregister the ticket name by writing to the General Manager or the RO up until 5.00 pm on the day after nominations have opened.

- 11.3 Subject to regulation 11.2, any student member may register a ticket name by writing to the General Manager or the RO up until 5.00 pm on the second day after nominations have opened.

- 11.4 If a ticket name is registered, candidates may only apply to use that ticket name under regulation 10.1 with the consent in writing of the ticket registrant.

- 11.5 The ticket registrant may at any time transfer the registration of the ticket name to another student member by notice in writing to the General Manager or RO.

12. Publication of Policies

- 12.1 Candidates’ policy statements and photos must be published in *Rabelais* or booklet form, or both.
- 12.2 Candidates’ policy statements and photos must be widely published on noticeboards on noticeboards on the Melbourne, Mildura, Shepparton and City Campuses.
- 12.3 The Student Union may adopt other means of publishing the candidates’ policy statements and photos, provided each candidate has an equal opportunity to use the means provided.
- 12.4 Candidates’ policy statements and photos remain the property of the RO on behalf of the Student Union until the completion of the election.

13. Voters’ Roll

The RO must in co-operation with the University prepare a voters’ roll showing the names and student numbers of all students eligible to vote in the election.

14. Polling

- 14.1 Polling for the annual elections must be held on the Melbourne Campus:

- (a) on Monday from 10.00 am to 5.00 pm,
- (b) on Tuesday from 10.00 am to 5.00 pm,
- (c) on Wednesday from 10.00 am to 7.00 pm,
- (d) on Thursday from 10.00 am to 5.00 pm, and
- (e) on Friday from 10.00 am to 2.00 pm.

- 14.2 Polling for the annual elections must be held on the Mildura, Shepparton and City Campuses from 10.00 am to 5.00 pm on at least 1 day polling is held on the Melbourne Campus.

- 14.3 Polling for by-elections must be held on the Melbourne Campus from 10.00 am to 6.00 pm on a minimum of 1 academic day and a maximum of 3 consecutive academic days.

- 14.4 Polling for the annual elections must be held in the Agora.

15. Voting

- 15.1 Students wishing to vote must produce their current student card to the poll clerks.
- 15.2 One poll clerk must check the roll (in this regulation, “the roll keeper”), and the other must issue the ballot papers (in this regulation, “the ballot keeper”).
- 15.3 The roll keeper must:
- (a) check the voter’s student card to ensure that it is current;
 - (b) find the voter’s student number in the roll;
 - (c) check that the voter has not already voted by seeing that their name has not already been crossed off; and
 - (d) rule a line through the voter’s student number and names.

- 15.4 If there is a dispute over whether a student is eligible to vote, the roll keeper must:
- (a) issue the ballot papers and an envelope to the student and ask them to seal the ballot papers in the envelope and write their name and student number on the outside;
 - (b) keep a record of the voter's name and student number to report to the RO; and
 - (c) place the sealed envelope in the ballot box.
- 15.5 The eligibility of the student must be checked by the RO, and, if the student is eligible, their ballot papers must be removed from the envelope and mixed in with all the other ballot papers at the start of counting.
- 15.6 The ballot keeper must:
- (a) keep a record of ballot papers issued,
 - (b) initial and date stamp the ballot papers in the appropriate places; and
 - (c) hand them to the voter as soon as their number and name is ruled off the roll.
- 15.7 The voter must then be able to fill out the ballot papers in private.
- 15.8 Voters must not remove their ballot papers from the exclusion zone.
- 15.9 If a voter spoils a ballot paper it may be replaced by a poll clerk. The spoiled paper must be marked "SPOILT" on both sides, initialled by a poll clerk and placed in the ballot box.
- 15.10 Discarded ballot papers picked up from the floor must be marked "ON FLOOR" on both sides, initialled by a poll clerk and placed in the ballot box.
- 15.11 Poll clerks may give voters administrative advice on how to actually fill in the ballot papers.
- 15.12 After the ballot papers have been filled out by the voter, they must fold them and place them in the ballot box in the presence of the poll clerks.
- 15.13 The poll clerks may give out a "Yes, I've voted" badge to each student as they vote.
- 15.14 Ballot papers must not be issued after the time for the close of voting each day under regulation 14.

- 15.15 The ballot box must be kept locked, and must not be opened by any person until after the close of voting, except by the RO.
- 15.16 At the end of each day's voting, all voters' rolls, unused ballot papers and ballot boxes must be collected and secured by the RO.
- 15.17 Candidates and campaigners are not permitted to campaign or distribute election material within the exclusion zone.
- 15.18 In order to encourage the re-use and recycling of resources, the poll clerks must collect and redistribute to the relevant candidates the how to vote cards and other election material that accumulate in and around the polling booths at the end of their shifts or at other times as necessary.
- 15.19 Any candidate, campaigner, voter or poll clerk with a complaint regarding the election must put the complaint in writing and give it to the RO or DRO.

16. Counting

- 16.1 Counting must commence 2 hours before the time laid down for final close of voting.
- 16.2 The votes must be counted by the RO and those persons appointed by the RO (in this regulation, "the counting staff").
- 16.3 Except with the express permission of the RO:
- (a) no person is allowed out of the counting room; and
 - (b) no person in the counting room must communicate with any other person outside of the counting room;
- until the close of voting.
- 16.4 Except for the DRO, counting staff and scrutineers, no person is permitted in the counting room while counting is in progress without the express permission of the RO.
- 16.5 Only the RO, DRO and counting staff are permitted to touch the ballot papers. Any scrutineers touching ballot papers must be excluded from the counting, and the RO may take further action as required.
- 16.6 The votes must be counted in accordance with the quota-preferential method of proportional representation used by the Proportional Representation Society of Australia, subject to the affirmative action requirements of clauses 31.4 and 53 of the Constitution.

- 16.7 Any mark on a ballot paper not in accordance with these regulations must be disregarded.
- 16.8 If a ballot paper contains a tick, cross or other mark above the line in only one box, then that paper must be counted as a valid vote for the candidate/s indicated.
- 16.9 Subject to these regulations, the RO is the sole judge of whether any ballot paper is or is not to be accepted.
- 16.10 If a candidate has been disqualified, any votes for that candidate must be distributed in accordance with the remaining preferences for other candidates.
- 16.11 No person, including the RO, DRO, counting staff and scrutineers, must in any way whatever directly or indirectly disclose or assist in disclosing how any voter has voted.
- 16.12 The RO may adjourn the count at any time from midnight.
- 16.13 The count must not be adjourned for more than 12 hours.
- 16.14 The RO must declare the result of the election:
- (a) by notice on the Student Union noticeboard as soon as the counting of votes is concluded; and
 - (b) in *Rabelais* as soon as practicable.
- 16.15 The RO must make the full counting sheets available to candidates, scrutineers and students generally from the Student Union office immediately after the declaration of the result.
- 16.16 The RO must notify each candidate of the results of the election as soon as practicable after the declaration of the result.
- 16.17 If any candidate or scrutineer requests, the RO must:
- (a) recalculate the counting sheet; and/or
 - (b) recount the votes, but only once.
- 17. Scrutineers**
- 17.1 Each candidate may nominate in writing a student or past student as a scrutineer to observe the counting.
- 17.2 No candidate may be a scrutineer.

- 17.3 The RO is entitled to limit the numbers of scrutineers to 1 scrutineer per grouping of candidates.
- 17.4 No scrutineer or any other person may disrupt the counting. The RO may exclude any person who disrupts the counting from the counting room.
- 18. Election Material**
- 18.1 All election material must be submitted to the RO for authorisation.
- 18.2 Each individual candidate must receive:
- (a) 1 ream of A4 paper, photocopied (may be double sided), and
 - (b) ½ ream A3 paper, photocopied (may be double sided).
- 18.3 Each group of candidates must receive:
- (a) the same allocation as for individual candidates for the first 5 candidates in the group; and
 - (b) ½ of the allocation for individual candidates for each additional candidate above 5 in the group.
- 18.4 The RO must make the allocation available to candidates from the time they nominate.
- 18.5 Additionally, candidates may print on paper other than that provided by the Student Union so long as the printing is still in black and white on white A4 or A3 paper.
- 18.6 The RO must allow each ticket up to \$80 for the costs of election material such as banners and badges. All such election material must be easily identified as promoting that ticket. The RO may require the ticket to submit the receipts and any other documentation necessary to show that the \$80 limit has not been exceeded.
- 18.7 Stickers and t-shirts must not be used promoting the ticket.
- 18.8 Candidates must not use their own funds for any aspect of the election, except as provided by regulation 18.5.
- 18.9 The RO must ensure that no off-campus funds are used for the election.
- 18.10 If, after being notified that their funds under regulation 18.6 are exhausted, candidates continue to publish election material, the RO must immediately disqualify the candidate from the election.

18.11 If candidates produce or publish election material using funds other than those authorised under regulations 18.5 and 18.6, in the first instance the RO must give them a warning. In any subsequent instance, the RO must immediately disqualify the candidate from the election.

18.12 All printed election material must be printed by the Student Union except:

- (a) election material printed under regulation 18.5; or
- (b) with the approval of the RO.

18.13 The RO must endeavour to have all election material printed on recycled paper.

18.14 Election material submitted for authorisation or printing must not be available until 24 hours after the time it was submitted.

18.15 Student Union bodies and *Rabelais* must not endorse or in any other way support candidates in the election.

18.16 Any associated club or society wishing to endorse or otherwise support or be associated with a candidate or group of candidates must produce to the RO a copy of the minutes of the meeting of the club or society at which the resolution authorising that action was passed.

18.17 Any material produced or published by an affiliated club or society or its members that relates to the election is election material for the purposes of these regulations, and must accordingly be authorised in accordance with regulation 18.1.

19. Offensive Material

19.1 The RO must not authorise any offensive election material.

19.2 The RO must immediately disqualify any candidate who publishes offensive election material.

20. Prohibited Conduct

20.1 No person may, in connection with any election:

- (a) campaign or distribute election material within the exclusion zone;
- (b) remove any ballot paper from the exclusion zone, except with the permission of the RO;

(c) remove or interfere with any notice, except by direction of the RO;

(d) interfere with any ballot box, ballot paper, voters' roll, nomination, or other thing relating to the election;

(e) engage in any dishonest, misleading or deceptive conduct;

(f) impede the conduct of the election;

(g) threaten or intimidate the RO, DRO or poll clerks in the carrying out of their duties;

(h) impugn the impartiality of the RO, DRO or poll clerks, except by formal complaint under regulation 5.8 or 22.6;

(i) use the Student Union office or the facilities of the Student Union except in accordance with these regulations;

(j) coerce, threaten or otherwise interfere with any candidate or voter;

(k) use any public address system not provided by the Student Union for campaigning purposes;

(l) refuse to comply with any direction of the RO in accordance with these regulations; or

(m) publish any unauthorised election material

(n) campaign or distribute election material online from the close of ticket registrations until the close of polling on the final day of the election.

(o) display, distribute or otherwise disseminate any election material printed on paper until the first day of polling.

20.2 No person who is not a student may participate in the election in any way, except as provided by regulation 17.1.

20.3 If the RO determines that a breach of any of the items specified in regulation 20.1 has occurred, their powers include, but are not limited to;

(a) suspend a candidate or campaigner from campaigning for a reasonable period of time; or

(b) disqualify a candidate from standing in the election.

20.4 If the RO determines that a breach of regulation 20.1(o) has occurred, they must also confiscate any election material printed on paper that was distributed and must not return it to candidates until the close of polling.

21. Disputed Elections

21.1 After the result of any election has been declared, any candidate or voter in the election may dispute the validity of the election by notice in writing lodged with the RO within 5 academic days.

21.2 The notice must state:

- (a) the ground of objection,
- (b) the facts relied on, and
- (c) the remedy sought.

- 21.3 The RO must conduct a hearing at which each affected party who wishes to do so is given an opportunity to be heard.
- 21.4 If the RO is reasonably satisfied that any candidate has breached these regulations, the RO may:
- (a) disqualify the candidate from the election;
 - (b) order a new election, including the dates for that election;
 - (c) disqualify the candidate from the new election; and
 - (d) make any other order and take any other action they consider appropriate.
- 21.5 If the RO is reasonably satisfied that any other person has breached these regulations, the RO may:
- (a) order a new election, including the dates for that election; and
 - (b) make any other order and take any other action they consider appropriate.

22. Election Tribunal

- 22.1 Before the annual elections each year, the Student Council must by resolution passed by an absolute majority appoint an Election Tribunal.
- 22.2 The Election Tribunal must be:
- (a) a member of the academic staff of the School of Law of the University,
 - (b) who has been admitted to practise as a barrister and solicitor of the Supreme Court of Victoria for at least 5 years.
- 22.3 Any affected party may appeal the decision of the RO under regulation 20 to the Election Tribunal by notice in writing lodged with the Election Tribunal within 5 academic days.
- 22.4 Regulations 21.2–21.5 apply to the appeal, with “RO” replaced by “Election Tribunal”.
- 22.5 Decisions of the Election Tribunal are final and binding on all affected parties and the Student Union. The grievance procedure in clause 19 of the Constitution does not apply.
- 22.6 The Election Tribunal is also responsible for investigating any complaint about the conduct of the RO and DRO, and may report on that complaint to the Student Council.

23. Filling of Vacancies

- 23.1 If a vacancy occurs in an office-bearer position directly elected by students more than 3 months before the annual elections, a by-election for the position must be held within 30 days, as required by clause 57.6(a) of the Constitution.
- 23.2 For a by-election, the Student Council need not call for tenders for the positions of RO and DRO.
- 23.3 These regulations otherwise apply to the by-election with such modifications as the RO considers necessary.
- 23.4 If a vacancy occurs in a position directly elected by students that is not an office-bearer position, the Student Council must within 30 days elect a student member to fill the vacancy, as required by clause 57.6(b) of the Constitution.

24. Interpretation

In these regulations, unless the contrary intention appears:

- (a) “DRO” has the meaning given in regulation 4.1(b);
- (b) “election material” means all material in relation to the election produced by students;
- (c) “exclusion zone” means the area around each polling booth marked by the RO in accordance with regulation 4.10(b);
- (d) “offensive” means:
 - (i) defamatory, or
 - (ii) racist, sexist or homophobic, or otherwise in breach of the *Victorian Equal Opportunity Act*;
- (e) “publish” includes display and distribute; and
- (f) “RO” has the meaning given in regulation 4.1(a).