



## **UMSU INCORPORATED ELECTORAL REGULATIONS**

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## TABLE OF CONTENTS

1. TIMETABLE.....	1
2. RESPONSIBILITIES AND POWERS OF THE RETURNING OFFICER.....	1
3. ASSISTANT RETURNING OFFICERS AND POLLING CLERKS .....	3
4. POSITIONS TO BE ELECTED.....	3
5. JOINT OFFICE .....	6
6. RESTRICTIONS ON STANDING FOR ELECTION .....	6
7. RESTRICTIONS ON VOTING IN ELECTIONS.....	8
8. RESTRICTIONS ON ELECTION .....	9
9. SEPARATE BALLORS .....	10
10. NOTICE OF ELECTIONS .....	11
11. OPENING AND FORM OF NOMINATIONS .....	12
12. RECEIPT OF NOMINATIONS .....	12
13. POLICY STATEMENTS.....	13
14. CLOSE OF NOMINATIONS.....	14
15. BY-ELECTIONS .....	14
16. UNCONTESTED POSITIONS.....	14
17. FILLING CASUAL VACANCIES BY TICKET RECOMMENDATION.....	15
18. FILLING CASUAL VACANCIES BY COUNTBACK ELECTION .....	15
19. FILLING CASUAL VACANCIES OF AND BY NOMINATION OF THE INDIGENOUS CONSTITUENCY .....	17
20. TICKETS.....	18
21. STATEMENTS OF DISTRIBUTION OF PREFERENCES .....	20
22. DRAW FOR BALLOT PAPER.....	20
23. VERIFICATION OF ELIGIBILITY .....	20
24. LIST OF CANDIDATES .....	20
25. WITHDRAWAL OF NOMINATION .....	20
26. PERMITTED ELECTION MATERIAL .....	21
27. AUTHORISATION OF ELECTION MATERIAL .....	22
28. FORM OF ELECTION AND POLLING .....	23
29. VOTING .....	26
30. ONLINE VOTES .....	26
31. POSTAL VOTES .....	26
32. BALLOT PAPERS .....	27

<b>33. ISSUING OF BALLOT PAPERS .....</b>	<b>27</b>
<b>34. SPOILT BALLOT PAPERS .....</b>	<b>28</b>
<b>35. METHOD OF VOTING .....</b>	<b>29</b>
<b>36. CASTING OF VOTES .....</b>	<b>29</b>
<b>37. SECURITY OF BALLOT PAPERS AND VOTERS' ROLLS.....</b>	<b>29</b>
<b>38. COUNTING OF VOTES .....</b>	<b>30</b>
<b>39. SCRUTINEERS .....</b>	<b>31</b>
<b>40. INFORMAL VOTES .....</b>	<b>32</b>
<b>41. METHOD OF COUNTING – OPTIONAL PREFERENTIAL PROPORTIONAL REPRESENTATION.....</b>	<b>32</b>
<b>42. METHOD OF COUNTING FOR AFFIRMATIVE ACTION.....</b>	<b>33</b>
<b>43. DECLARATION OF PROVISIONAL RESULTS .....</b>	<b>33</b>
<b>44. PROHIBITED CONDUCT .....</b>	<b>34</b>
<b>45. REPORTS OF MISCONDUCT BY THE RETURNING OFFICER .....</b>	<b>36</b>
<b>46. REPORTS OF PROHIBITED CONDUCT .....</b>	<b>37</b>
<b>47. APPEALS AGAINST RESULTS OF ELECTIONS .....</b>	<b>37</b>
<b>48. DECLARATION OF THE POLL.....</b>	<b>38</b>
<b>49. DEFINITIONS .....</b>	<b>39</b>
<b>50. INTERPRETATION.....</b>	<b>41</b>

## 1. TIMETABLE

No act or decision is invalid only because it was done, made, or held after the time required by these Regulations.

## 2. RESPONSIBILITIES AND POWERS OF THE RETURNING OFFICER

### 2.1 The Returning Officer:

- (a) is responsible for the conduct of the election of the Students' Council and the UMSU International Committee;
- (b) is responsible for the selection of suitable suppliers to provide services that are required for the election (following receipt of the Electoral Tribunal's directions in relation to the elections). As part of the selection process, must take into consideration the following factors:
  - (i) cost;
  - (ii) service quality;
  - (iii) supplier performance;
  - (iv) reputation; and
  - (v) service history.
- (c) is responsible for interpreting these Regulations from the commencement of election periods until the declaration of provisional results;
- (d) must act at all times in accordance with these Regulations and the Constitution;
- (e) may act and make such determinations with respect to elections as they see fit, where not otherwise provided for in these Regulations or in the Constitution, provided that:
  - (i) they act fairly, and their actions do not bring the conduct of the poll into disrepute. -
- (f) may refer issues of a disciplinary nature regarding the behaviour of Students to the appropriate University bodies;
- (g) must decide questions of fact on the balance of probabilities;
- (h) may act and make rulings with respect to elections as they see fit, where not otherwise provided for in these Regulations or in the

Constitution, to ensure compliance with government or University rules, guidelines or directives relating to public health;

- (i) is responsible for identifying whether a person is disqualified under C6.4(a)(iii) and, to the extent applicable, must:
    - (i) perform a search of the publicly available registers as soon as practicable after becoming aware that a person has been, or may be, elected as a Student Council member; and
    - (ii) must obtain a declaration from each Student Council member to the effect that they are not disqualified under this rule, and that they will notify the General Secretary as soon as possible in the event that they become disqualified.
  - (j) may, if satisfied that it is warranted, because any person involved in the elections has breached these Regulations, committed an act of prohibited conduct, or in any other way acted improperly, dishonestly, or unfairly:
    - (i) require a person or group of persons to cease and desist from any form of campaigning for any period of time the Returning Officer deems appropriate;
    - (ii) recommend the removal of a person or group of persons from the campus, or a specific part of the campus, for any period of time the Returning Officer recommends to the appropriate body; or
    - (iii) require any person or group of persons to pay any expenses resulting from any prohibited conduct on their part.
- 2.2 The Returning Officer must ensure that sanctions listed in R2.1(i) are applied such that the sanction is in proportion to the action(s) or inaction(s) of the person or group of persons in question.
- 2.3 The Returning Officer may only exercise the powers specified in R2.1(i)(ii) where a person has been warned that their continued behaviour may result in their removal from the campus, or a part of the campus.
- 2.4 A written determination of the Returning Officer is conclusive and may only be appealed to the Electoral Tribunal in accordance with R45.3. The Returning Officer must post the decision on the election website.
- 2.5 Any determination of the Returning Officer may be appealed to the Electoral Tribunal at any time before the provisional declaration of results by the procedure specified in R42. Such appeals must specify reasoning for the

appeal, including reasoning as to how the Returning Officer has made a faulty determination.

- 2.6 The Returning Officer must be appointed no later than the end of May in any given year.

### **3. ASSISTANT RETURNING OFFICERS AND POLLING CLERKS**

- 3.1 Deputy and Assistant Returning Officers and Polling Clerks are subject to the direction of and have the duties determined by the Returning Officer and the Electoral Tribunal, however where directions of the Electoral Tribunal and the Returning Officer conflict, the directions of the Electoral Tribunal will prevail.
- 3.2 The Returning Officer may delegate any or all of their responsibilities under these Regulations to a Deputy or Assistant Returning Officer. Any delegation must be posted in writing on the Election Website and provided to the Electoral Tribunal.
- 3.3 No person may be considered for the position of Polling Clerk, Count Assistant, Deputy, and Assistant Returning Officer if:
- (a) they hold or have held within the last three years any elected position or office of UMSU;
  - (b) a member of their immediate family is a candidate for the election; or
  - (c) they are deemed by the Returning Officer to be involved with a candidate or group of candidates in such a way that their integrity may be impaired.

### **4. POSITIONS TO BE ELECTED**

- 4.1 Voting Council Representatives, as provided for in C6.2(a):
- (a) one member elected by each of the following Restricted Constituencies:
    - (i) Graduate Students;
    - (ii) Indigenous Students;
    - (iii) International Students;
    - (iv) Queer Students;
    - (v) Students of Colour;
    - (vi) Students with Disabilities; and

(vii) Southbank Students.

- (b) Fifteen Voting Council Representatives elected by all Students, of whom at least eight must be Women. If at least eight candidates for election are not Women, those places not filled by Women may be filled by other Members.

4.2 Officers, as provided for in C6.2(b):

- (a) President;
- (b) General Secretary;
- (c) Education (Academic Affairs) Officer;
- (d) Education (Public Affairs) Officer;
- (e) Welfare Officer;
- (f) Women's Officer;
- (g) Creative Arts Officer;
- (h) Activities Officer;
- (i) Queer Officer;
- (j) Environment Officer;
- (k) Media Officers;
- (l) Clubs & Societies Officer;
- (m) Indigenous Officer;
- (n) Disabilities Officer;
- (o) People of Colour Officer;
- (p) the Burnley Campus Co-ordinator;
- (q) the Southbank Students Campus Co-ordinator;
- (r) the Southbank Activities Officer; and
- (s) the Southbank Education Officer.

4.3 Members of the following Committees, as established by C10.4. Each Committee consists of seven voting representatives, of whom at least half,

rounded up, must be Women. If there are not enough Women candidates for a Committee to satisfy this requirement, those places not filled by Women may be filled by other candidates.

- (a) Activities Committee;
- (b) Clubs & Societies Committee;
- (c) Creative Arts Committee;
- (d) Disabilities Committee;
- (e) Education Committee;
- (f) Environment Committee;
- (g) Indigenous Committee;
- (h) People of Colour Committee;
- (i) Queer Committee;
- (j) Burnley Students Committee;
- (k) Southbank Students Committee, and.
- (l) Welfare Committee.

- 4.4 Members of the Women's Committee. The committee consists of seven voting representatives who are Women, of whom at least half, rounded down, must be Women of Colour. If there are not enough Women of Colour candidates to satisfy this requirement, those places not filled by Women of Colour may be filled by other candidates.
- 4.5 The Southbank Students Committee, elected by Students enrolled at the Southbank Campus.
- 4.6 The Burnley Students Committee, elected by Students enrolled at the Burnley Campus.
- 4.7 The member of the Council of the University of Melbourne elected by and from Students when a relevant vacancy exists.
- 4.8 The Delegates to the National Conference of the National Union of Students Incorporated as laid out in the National Union of Students' Constitution, Regulations and By-laws.

## 5. JOINT OFFICE

- 5.1 Any Officer position may be held by two persons jointly except the positions of President, General Secretary, Media Officer and the Burnley Campus Co-ordinator.
- 5.2 If more than one person holds the Office of Queer Officer, at least one of them must be a Woman, Trans or Non-Binary.
- 5.3 If more than one person holds the Office of Women's Officer, at least one of them must be a Woman of Colour.
- 5.4 The position of Media Officer will be held jointly by no less than three and no more than four persons, at least one of whom must be a Woman.
- 5.5 If more than one person holds any other office, one of them must be a Woman.

## 6. RESTRICTIONS ON STANDING FOR ELECTION

- 6.1 There are restrictions on standing for election to the following positions:
  - (a) The Women's Officer and the voting representatives of the Women's Committee must be a Woman.
  - (b) The Voting Council Representative elected by Queer Students, the Queer Officer and the voting representatives of the Queer Committee must be Queer Students.
  - (c) If the position of Queer Officer is not held jointly, the Queer Officer must be a Woman, Trans or Non-Binary.
  - (d) If the position of Queer Officer is held jointly, one of the persons holding the position must be a Woman, Trans or Non-Binary.
  - (e) If the position of Women's Officer is held jointly, at least one of the persons holding the position must be a Woman of Colour.
  - (f) If any other Officer position is held jointly, one of the persons holding the position must be a Woman.
  - (g) The Voting Council Representative elected by Indigenous Students, the Indigenous Officer and the voting representatives of the Indigenous Committee must be Indigenous Students.
  - (h) The Voting Council Representative elected by Students with Disabilities, Disabilities Officer and the voting representatives of the Disabilities Committee must be Students with Disabilities.

- (i) The Voting Council Representative elected by Students of Colour, People of Colour Officer and the voting representatives of the People of Colour Committee must be Students of Colour.
  - (j) The Voting Council Representative elected by International Students must be a person who is an International Student.
  - (k) The Voting Council Representative elected by Graduate Students must be a person who is a Graduate Student.
  - (l) The Voting Council Representative elected by Southbank Campus Students, the Southbank Students Campus Co-ordinator, Southbank Activities Officer, Southbank Education Officer, and the voting representatives of the Southbank Students Committee must be Southbank Campus Students or students who are enrolled in courses that are listed under the Faculty of Fine Arts and Music.
- 6.2 Persons who nominate to stand for a position but do not meet the criteria under R6.1 or whose appointment would not meet the composition requirements for a jointly held office under R6.1 at the time of their appointment are not eligible to stand for election.
- 6.3 A person who is employed in at least a 0.5 position by:
- (a) the University;
  - (b) any body corporate controlled by the University;
  - (c) UMSU;
  - (d) the Graduate Student Association;
  - (e) any tenant of the University; or
- a combination of these entities, cannot stand for election to any position.
- 6.4 A person who is currently or has within the past twelve months been a member of the governing body of any organisation (other than UMSU) covered by schedule four of the University of Melbourne Council Regulation as in effect from time to time cannot stand for election to any position.
- 6.5 A person who has ceased to be a Voting Council Representative, Officer or Committee member pursuant to C6.9(a)(ii), (v), (vi) or (vii) cannot, in the same academic year in which they ceased to hold office:
- (a) be appointed by a ticket registrant to any position in accordance with these Regulations; or

- (b) stand for election to any position.
- 6.6 A person who has been removed from a position on the Students' Council or a Committee pursuant to C8.2 or 8.3 cannot, within the same or subsequent academic year in which they were removed:
- (a) be appointed by a ticket registrant to any position in accordance with these Regulations; or
  - (b) stand for election to any position.
- 6.7 A person who has been an Officer (in one or more positions) for two terms of Office (excluding an Officer filling a casual vacancy) in UMSU cannot stand for any further Officer positions.
- 6.8 A person who has been suspended or banned from standing for election by the Electoral Tribunal cannot stand for election during the period of the suspension or ban.
- 6.9 A person who has had any substantiated findings of sexual misconduct made against them following a Formal Investigation, cannot stand for election to any position.
- 6.10 The Burnley Campus Co-ordinator and Burnley Committee members must be Members who are Students at the Burnley Campus.
- 6.11 A person standing for election to any position must be a Student, at the close of nominations. For the avoidance of doubt, a Voting Council Representative or Officer who has taken an approved Leave of Absence under University policy has the same status as a Student for the purpose of these Regulations.

## **7. RESTRICTIONS ON VOTING IN ELECTIONS**

- 7.1 The Women's Officer and each voting representative of the Women's Committee can only be elected by Students who are Women. Ballot Papers for these positions must be provided to all Students, with instructions that only Students who identify as Women can vote for these positions.
- 7.2 The Voting Council Representative elected by Queer Students, the Queer Officer and the voting representatives of the Queer Committee can only be elected by Queer Students. Ballot Papers for these positions must be provided to all Students, with instructions that only Students who identify as queer can vote for these positions.
- 7.3 The Voting Council Representative elected by Indigenous Students, the Indigenous Officer and the voting representatives of the Indigenous Committee can only be elected by Indigenous Students. Ballot Papers for this position must only be provided to Indigenous Students.

- 7.4 The Voting Council Representative elected by International Students can only be elected by Students who are International Students. Ballot Papers for this position must only be provided to International Students.
- 7.5 The Voting Council Representative elected by Graduate Students can only be elected by Graduate Students. Ballot Papers for this position must only be provided to Graduate Students.
- 7.6 The Voting Council Representative elected by Students with Disabilities, the Disabilities Officer and the voting members of the Disabilities Committee can only be elected by Students with Disabilities. Ballot Papers for these positions must be provided to all Students, with instructions that only Students who identify as Students with Disabilities can vote for these positions.
- 7.7 The Voting Council Representative elected by Students of Colour, the People of Colour Officer and the voting representatives of the People of Colour Committee can only be elected by Students of Colour. Ballot Papers for these positions must be provided to all Students, with instructions that only Students who identify as People of Colour can vote for these positions.
- 7.8 The representatives of the Burnley Student Committee can only be elected by Students who are enrolled in a higher education course at Burnley Campus. Ballot Papers for these positions must only be provided to Students who are enrolled in a higher education course at Burnley Campus.
- 7.9 The Voting Council Representative elected by Southbank Students, the Southbank Students Campus Co-ordinator, Southbank Activities Officer, the Southbank Education Officer, and the voting representatives of the Southbank Students Committee can only be elected by Students who are Southbank Campus Students. Ballot Papers for these positions must only be provided to Southbank Campus Students or students who are enrolled in courses that are listed under the Faculty of Fine Arts and Music.

## **8. RESTRICTIONS ON ELECTION**

- 8.1 A person cannot hold:
- (a) more than one voting position on the Students' Council;
  - (b) more than one Officer position (whether permanent or interim);
  - (c) an Officer position and a voting position on the Students' Council;
  - (d) an Officer position and a voting position on any Committee;
  - (e) voting positions on the Students' Council and more than one Committee; or

- (f) voting positions on more than two Committees.
- 8.2 At least the following positions must be Members of UMSU who are Women:
- (a) more than half of all general Representatives of the Students' Council;
  - (b) more than half of all voting representatives of each Committee.
- 8.3 If there are insufficient Women candidates to satisfy this requirement, any shortfall may be made up by Members who are not Women; and half of all voting representatives of the Women's Committee, rounded down, must be members of UMSU who are Women of Colour. If there are insufficient Women of Colour candidates to satisfy this requirement, any shortfall may be made up by women members who are not Women of Colour.
- 8.4 If a person stands for a position or number of positions which could result in that person being elected to a number of positions in breach of R8.1, that person must lodge with the Returning Officer at the time of nomination a list giving, in order, the position or positions which that person wishes to hold, and if the nominee candidate obtains the required votes to be elected into multiple positions the Returning Officer will declare the person elected to one position only in accordance with the preferences indicated of that list. If the person does not provide such a list by the close of nominations, then the Returning Officer will determine that person's nomination to be invalid for all positions.

## **9. SEPARATE BALLORS**

- 9.1 There must be a separate ballot for:
- (a) each Office listed in R4.2;
  - (b) the fifteen general Voting Council Representatives referred to in R4.1(b);
  - (c) each Voting Council Representative elected from a Restricted Constituency as listed in R4.1(a);
  - (d) each other Committee;
  - (e) the position on the Council of the University, if required; and
  - (f) the delegates to the National Union of Students.
- 9.2 Each voter must vote separately for:
- (a) each Officer position;
  - (b) the position on the Council of the University; and

- 9.3 Each voter:
- (a) may vote separately for each candidate to be a general member of the Students' Council and for each candidate to be an elected member of each Committee; or
  - (b) may indicate their preference in relation to:
    - (i) the general members of the Students' Council by voting "above the line" for a ticket; or
    - (ii) each Committee by voting "above the line" for a ticket in relation to that Committee.
- 9.4 A voter may not indicate with one vote "above the line" their preference in relation to more than one multi-member body.
- 9.5 Subject to R9.3 a voter may separately indicate preferences for tickets when voting "above the line" as follows:
- (a) a number against the name of a ticket indicates a preference for that ticket ahead of all tickets with higher numbers, and tickets with numbers will be taken as preferences ahead of those with no number against their name;
  - (b) a voter who has voted for a ticket in accordance with R9.5 is deemed to have voted as if they had placed the number 1 against the name of the first candidate on the ticket and consecutive higher numbers against the names of any other candidates on the ticket, and subsequent tickets, in order.

## 10. NOTICE OF ELECTIONS

- 10.1 For all elections, the Returning Officer must ensure that an appropriate notice advertising the elections and calling for nominations is prepared. This notice must include:
- (a) a list of all positions to be elected;
  - (b) notification of the date and time nominations open;
  - (c) notification of the date and time nominations close;
  - (d) notification of where or how electoral forms may be obtained or lodged; and
  - (e) anything else the Returning Officer deems appropriate.
- 10.2 Copies of this notice must be:

- (a) placed on the Election Website;
- (b) placed on a prominent noticeboard in Building 168, if elections are held on campus;
- (c) sent to the e-mail accounts of Students, where practicable as determined by the Returning Officer;
- (d) published in each edition of Farrago published during the period between the opening and closing of nominations; and
- (e) published on all social media pages of Farrago, during the period between the opening and closing of nomination.

## **11. OPENING AND FORM OF NOMINATIONS**

- 11.1 Nominations must open no later than 12 pm, six weeks before the first day of polling for an annual election, and three weeks before the first day of polling for a by-election.
- 11.2 The Returning Officer must make nomination forms available on the Election Website that include provision for a signed declaration certifying (in the case of the positions of Disabilities Officer, Committee or Voting Council Representative; People of Colour Officer, Committee or Voting Council Representative; Queer Officer, Committee or Voting Council Representative; or Women's Officer, Committee) that the candidate is eligible for the relevant position as per the relevant restrictions in R6.1 of these regulations and C14.7.
- 11.3 Nomination forms must be made available to any Student who requests them in person, or in writing.

## **12. RECEIPT OF NOMINATIONS**

- 12.1 Nominations can be lodged by submitting a validly completed and signed nomination form:
  - (a) in person to the Returning Officer, or their nominee;
  - (b) to the Returning Officer's University of Melbourne or UMSU email address;
  - (c) to the mailing address of UMSU, provided the nomination is sent by registered post and is received by the close of nominations; or
  - (d) in a secure physical drop box, provided that the Returning Officer has make provision for nominations to be deposited in this manner,

before the close of nominations.

12.2 The Returning Officer:

- (a) must, within five Academic Days, give, send or email each candidate (and their Ticket Registrant if any) and provide:
  - (i) an acknowledgment of receipt of the nomination; and
  - (ii) a copy of these Regulations and the Constitution, either provided as an attachment or hyperlink; and
- (b) may contact any candidates (and their Ticket Registrants if any) about matters pertaining to that candidate.

12.3 Other than as provided for in R12.2, the Returning Officer, or their nominee, must not make available or cause to be made available to any other person any information about nominations received prior to the close of nominations.

### **13. POLICY STATEMENTS**

- 13.1 A candidate may submit with their nomination form a policy statement of up to 300 words for all positions listed in R4.2 or one hundred words for all other positions. If the number of words in a policy statement exceeds the limit, the excess words must not be published, or in any other way made available by the Returning Officer. This policy statement must be supplied in the format, and submitted at a time, deemed appropriate by the Returning Officer. Where a candidate has nominated for more than one position, the candidate may submit a different policy statement for each position for which they have nominated. Each policy statement must be clearly identified and include the candidate's name and the position for which they are standing.
- 13.2 The Ticket Registrant for each ticket duly registered subject to R20 may submit, by the close of nominations or any other time determined by the Returning Officer, a policy statement of up to 1000 words. If the number of words in a policy statement exceeds the limit, the excess words must not be published, or in any other way be made available by the Returning Officer. This policy statement must be supplied in the format deemed appropriate by the Returning Officer. Each policy statement must be clearly identified and include the Ticket Registrant's name and the ticket to which the policy statement relates.
- 13.3 The Returning Officer may establish guidelines to allow Ticket Registrants to submit additional information for publication on the Election Website, to ensure compliance with these Regulations, or to otherwise ensure the fairness and integrity of UMSU elections.

- 13.4 Subject to R13.1 and R13.2, the Returning Officer must make copies of all duly received policy statements available:
- (a) on the Election Website; and
  - (b) to the Media Officers for publication, to the satisfaction of the Returning Officer, in an edition of Farrago released before or during the week of the relevant elections.
- 13.5 In conjunction with the Media Officers, the Returning Officer may organise no less than two occasions on which candidate photographs will be taken or direct that candidates submit a photo of themselves. Candidate photographs will be published in conjunction with policy statements in an edition of Farrago released before or during the week of the relevant elections.
- 13.6 Subject to consultation with the Media Officers the Returning Officer may determine any technical or other requirements in relation to candidate photographs.

#### **14. CLOSE OF NOMINATIONS**

- 14.1 For annual elections, nominations must be received by the Returning Officer no later than 12 pm on the Friday four weeks before the Friday that falls in the week of the annual election.
- 14.2 For by-elections, nominations must be received by the Returning Officer no later than 12 pm on the day two weeks before the final day of polling of the by-election.

#### **15. BY-ELECTIONS**

- 15.1 Any casual vacancy (as determined by C6.9) that arises more than 21 days before the start of polling will be filled by a by-election conducted in the manner laid out in these Regulations.
- 15.2 A by-election may also be held to elect members to positions not filled for any reason at a preceding annual or by-election.
- 15.3 Where a by-election is held concurrently with an annual election, the requirements for submission of nominations, timelines and polling hours for the by-election will be the same as those for the annual election, unless the Electoral Tribunal determines to use the separate by-election requirements set out in these Regulations.

#### **16. UNCONTESTED POSITIONS**

- 16.1 If at the close of nominations the number of candidates for any position does not exceed the number of positions to be elected, the Returning Officer must

declare those candidates provisionally elected as soon as their eligibility has been verified. Their election to such positions will be confirmed at the time when the results for contested positions are declared.

## **17. FILLING CASUAL VACANCIES BY TICKET RECOMMENDATION**

- 17.1 Any casual vacancy (as determined by C6.9) of a Voting Representative on Students' Council or a voting representative on a Committee that arises more than 21 days before the start of polling for a by-election or annual election may be filled in the manner prescribed in this regulation.
- 17.2 This regulation will only be used for casual vacancies of Voting Representatives or voting representatives elected in an annual election or by-election as an endorsed Ticket candidate.
- 17.3 The Chief Executive Officer will contact the Ticket Registrant within three Business Days from the date of the casual vacancy, and request that the Ticket Registrant recommend to the Electoral Tribunal a candidate to fill the casual vacancy.
- 17.4 The Ticket Registrant may recommend to the Electoral Tribunal a replacement to fill the casual vacancy and must make any such recommendation within five Business Days from being notified of the casual vacancy by the Chief Executive Officer. The Chief Executive Officer will collect the recommendation and present it to the Electoral Tribunal.
- 17.5 The Electoral Tribunal will have the power to fill the casual vacancy with the recommended candidate, by simple majority vote. The Electoral Tribunal will only fill this vacancy upon recommendation. The Electoral Tribunal may only fill casual vacancies that fulfil the requirements set out in R6 and R8. If the recommended candidate does not fulfil the requirements as laid out in these Regulations and the Constitution, the Electoral Tribunal must request that the Ticket Registrant recommend an eligible candidate.
- 17.6 If the Ticket Registrant does not make a recommendation to the Electoral Tribunal within five Business Days, the casual vacancy will be filled by the process set out in R18 or R19 as appropriate, left vacant if R18 or R19 cannot be applied, or be filled at a by-election (if possible).
- 17.7 The Electoral Tribunal must declare the election of the successful candidate within five Business Days of the vote referred to in R17.4, and the Chief Executive Officer must inform the elected candidate, and the Secretary.
- 17.8 The Chief Executive Officer will be responsible for the administration of this regulation, as required by the Electoral Tribunal.

## **18. FILLING CASUAL VACANCIES BY COUNTBACK ELECTION**

- 18.1 Any casual vacancy (as determined by C6.9) of a Voting Council Representative or a voting representative prior to 21 days before the start of polling for a by-election or annual election may be filled in the manner prescribed in this regulation unless it can first use R17.
- 18.2 This regulation will only be used for casual vacancies of Voting Council Representatives or voting representatives who were not elected as a Ticket Registrant. If the casual vacancy occurs from a Voting Council Representative or voting representative elected as a Ticket Registrant, R17 must first be used to fill the vacancy.
- 18.3 If a casual vacancy arises, the Electoral Tribunal can fill the casual vacancy by a Countback Election as follows:
- (a) all candidates of the election cycle that are eligible at the time of the vacancy to assume the elected representative position, as per R6 and R8, will be contacted by the Chief Executive Officer, or their delegate, within five Business Days from the time at which the Returning Officer became aware of the vacancy.
  - (b) all contacted candidates must respond to the Returning Officer within five Business Days of the contact in R18.3(a) to confirm they will accept the vacant position if they are elected during the Countback Election. Candidates who decline to accept or do not respond within five Business Days will be excluded from the Countback Election.
  - (c) the Chief Executive Officer will provide a list on the UMSU website of all eligible candidates participating in the Countback Election prior to the Countback Election taking place.
  - (d) following the expiration of five Business Days of the contact in R18.3(a), or once all candidates have responded, the Chief Executive Officer will conduct a count within three Business Days using the vote sheets prepared by the Returning Officer for the election in which the vacating representative originally ran. The candidates who receive the highest number of votes will be declared elected. The number of candidates elected under this process will equal the number of vacancies to fill.
  - (e) Each successful candidate will be declared elected by the Electoral Tribunal. The Chief Executive Officer will inform each successful candidate, and the General Secretary, of the results of the Countback Election within five Business Days.
  - (f) The successful candidate will assume their position five Business Days after the declaration of the Electoral Tribunal.

- 18.4 If there are no eligible candidates to fill the casual vacancy, then the positions may:
- (a) be filled by R19;
  - (b) remain vacant until filled by a by-election (if possible); or
  - (c) be left vacant.
- 18.5 The Chief Executive Officer will be responsible for the administration of this regulation, as required by the Electoral Tribunal.

## **19. FILLING CASUAL VACANCIES OF AND BY NOMINATION OF THE INDIGENOUS CONSTITUENCY**

- 19.1 Any casual vacancy (as determined by C6.9) of the Indigenous Council Representative or a voting representative on the Indigenous Committee that arises more than 21 days before the start of polling for a by-election or annual election may be filled in the manner prescribed in this regulation unless it can first be filled by R17 or R18.
- 19.2 This regulation will only be used for casual vacancies of the Indigenous Council Representative or voting representatives who were not elected as a Ticket Registrant and/or if there are no eligible candidates to fill the vacancy through Countback Election.
- 19.3 A casual vacancy under this regulation may be filled by self-nomination of any Indigenous student registered with Murrup Barak.
- 19.4 The Chief Executive Officer will contact Murrup Barak within three Business Days from the date of the casual vacancy, and request that Murrup Barak inform Indigenous students of the opportunity to nominate to fill the casual vacancy.
- 19.5 Indigenous students wishing to nominate themselves to fill the casual vacancy must submit their nomination within ten Business Days of Murrup Barak being notified of the casual vacancy by the Chief Executive Officer. Nominations must be submitted to the Chief Executive Officer, who will present them to the Electoral Tribunal.
- 19.6 Subject to R 19.7, in the case that more nominations are received than there are vacant positions, then the Indigenous Committee will select the final candidate for recommendation to the Electoral Tribunal. Should there be no Indigenous Committee, the Students' Council will make the selection.
- 19.7 Nominations under R19.6 must be determined at the next possible meeting of the Indigenous Committee or Students' Council and either the Committee or

Students' Council must be given at least seven days' written notice prior to the meeting.

- 19.8 The Electoral Tribunal will have the power to fill the casual vacancy with the nominated candidate/s, by simple majority vote. The Electoral Tribunal will only fill this vacancy upon receipt of a nomination.
- 19.9 The Electoral Tribunal may only fill casual vacancies that fulfil the requirements set out in R6 and R8, pertaining specifically to the requirements of the Indigenous Council Representative and voting representative on the Indigenous Committee. If the nominated candidate does not fulfil the requirements as laid out in these Regulations and the Constitution, the Electoral Tribunal must request that an eligible candidate is nominated.
- 19.10 If a nomination is not received by the Electoral Tribunal within ten Business Days, and the processes of R17 and R18 are exhausted, then the position may:
- (a) remain vacant until filled by a by-election (if possible); or
  - (b) be left vacant.
- 19.11 The Electoral Tribunal must declare the election of the successful candidate within five Business Days of the vote referred to in R19.8, and the Chief Executive Officer must inform the elected candidate, and the Secretary.
- 19.12 The Chief Executive Officer will be responsible for the administration of this regulation, as required by the Electoral Tribunal.

## **20. TICKETS**

- 20.1 If a number of General Members wish to stand for election on a common platform, one of those Members may apply to register a ticket name with the Returning Officer.
- 20.2 The application must contain the signatures of at least fifteen General Members.
- 20.3 No General Member may sign more than one application and no candidate standing on a ticket may sign an application for a different ticket.
- 20.4 If the proposed name of a ticket includes the name of a club or society affiliated with UMSU, the application must include:
- (a) the terms of a resolution of that club or society approving the use of the name; and

- (b) the signature or written endorsement of the president or secretary of that club or society certifying the passing of the resolution.
- 20.5 If the proposed name of a ticket includes the name of a ticket used in any UMSU election in the past three years, the application must include the consent of the person who most recently registered the ticket.
- 20.6 The Returning Officer may refuse to permit a ticket name in circumstances where:
  - (a) the ticket name is misleading or offensive, in which case the Returning Officer must give the applicant the option of choosing another name; or
  - (b) an inaccurate translation of the ticket name has been provided under R20.9.
- 20.7 Where a ticket name is proposed that is identical to or similar to another proposed ticket name, the ticket name that was submitted first will be approved. The Ticket Registrant for any other tickets with the same or a similar name will be given a reasonable opportunity to submit an alternative ticket name.
- 20.8 The Returning Officer may refuse to permit a ticket name whose length makes it significantly impractical to produce ballot papers and will give the applicant the option of choosing another name.
- 20.9 All tickets in a non-English language must be submitted with an English translation that will be displayed alongside the ticket name and will be clearly identified as a translation. All regulations will apply to the supplied translation, including R20, and a translation that is not accurate will be subject to the Returning Officer's power of refusal as per R20.6(b).
- 20.10 The Returning Officer must afford the same rights and responsibilities to all tickets.
- 20.11 Each Student standing on a ticket must sign and provide an acknowledgement that their name is included on a ticket to the Returning Officer. This acknowledgement must also be signed by the person who registered the ticket for the purposes of that election.
- 20.12 A Student may not stand on more than one ticket in the same ballot. This does not prevent other candidates or tickets supporting the candidature of that Student in election material.
- 20.13 The list of names of candidates standing on each ticket must be prominently displayed at each polling booth (if elections are held on campus) and in other election publicity. Ballot Papers must also display the ticket a candidate is standing on, if any, next to that candidate's name.

- 20.14 Ticket applications must be received by the Returning Officer no later than 12pm on the Friday four weeks before the Friday that falls in the week of the annual election, or two weeks before the final day of polling of the by-election.

## **21. STATEMENTS OF DISTRIBUTION OF PREFERENCES**

- 21.1 No preferences will be distributed automatically.
- 21.2 There will be no system of automatic preference distribution from group voting tickets.

## **22. DRAW FOR BALLOT PAPER**

- 22.1 If the number of candidates exceeds the number to be elected, the Returning Officer must, after the close of nominations, determine by random draw the order of those candidates and tickets on the ballot paper.
- 22.2 For multimember ballots, the order that the tickets appear on the ballot paper will be determined by random draw. The ticket may submit their preferred order of candidates acknowledged to be on that ticket, which will appear below the name of the ticket.

## **23. VERIFICATION OF ELIGIBILITY**

- 23.1 The Returning Officer must verify by 5pm three Academic Days after the day nominations close that:
- (a) each person who has nominated is eligible to stand; and
  - (b) each ticket name is approved.

## **24. LIST OF CANDIDATES**

- 24.1 The Returning Officer must, no later than 5 pm four Academic Days after the day nominations close, place a list of names of all accepted nominations on the Election Website.

## **25. WITHDRAWAL OF NOMINATION**

- 25.1 A candidate may withdraw at any time prior to the commencement of counting of the ballots for that position by submitting a signed notice of withdrawal to the Returning Officer. A withdrawal is accepted on receipt by the Returning Officer. If a candidate withdraws, the Returning Officer must proceed as if that Student had never nominated. Notwithstanding this, any preferences will be distributed accordingly.
- 25.2 Notice of the candidate's withdrawal will be prominently displayed on the Election Website, at polling places (if elections are held on campus) and on

the candidate's or ticket's publicity (if any). Where a ticket has no candidates contesting any position (due to withdrawal), Students will be prohibited from distributing material in support of, or otherwise encouraging Students to vote for, that ticket.

## **26. PERMITTED ELECTION MATERIAL**

- 26.1 Permitted election material includes the following as approved by the Returning Officer:
- (a) advertising;
  - (b) websites;
  - (c) clothing;
  - (d) leaflets;
  - (e) badges;
  - (f) other types of material.
- 26.2 Unless specifically permitted by the Returning Officer, all other types of material will be prohibited.
- 26.3 Notwithstanding R26.2 the following material can never be permitted election material:
- (a) stickers;
  - (b) publicity reproduced on paper larger than A3 size (297mm x 420mm) (for the purpose of this R26.3(b), multiple pieces of publicity displayed in immediate proximity will be interpreted as a single display);
  - (c) publicity that uses or incorporates a shade of purple that is identical or substantially similar to the purple used in the UMSU logo, such that, in the sole assessment of the Returning Officer, it may reasonably be mistaken for that colour, or any logo or trademarked images used by or associated with UMSU;
  - (d) any material distributed in libraries, tutorial rooms, computer laboratories and lecture theatres or other places of tuition or study that is not taken directly by a Student from the campaigner; or
  - (e) the use of chalk or chalking.
- 26.4 All paper used as election material must be recycled and recyclable.

- 26.5 The Returning Officer must provide facilities at the polling booth for election material to be recycled or re-used if elections are held on campus.
- 26.6 The Returning Officer may allocate spaces for, or in any other way control the placement of election material, in any way that the Returning Officer sees fit.

## **27. AUTHORISATION OF ELECTION MATERIAL**

- 27.1 Any print or electronic material concerning the elections, produced, displayed, or distributed during the election period, that either explicitly mentions, or comments visually, literally, or figuratively on the elections, the candidates, or the issues involved, must be authorised before that material is displayed or distributed. Only permitted election material may be authorised.
- 27.2 Material which is deemed by the Returning Officer to be sexist, racist, militaristic, ableist or queerphobic will not be authorised.
- 27.3 Material that is deemed by the Returning Officer in their sole discretion to be misleading or deceptive in any way will not be authorised.
- 27.4 Material that is deemed by the Returning Officer in their sole discretion to be material distributed by a campaigner, campaigners, candidate, candidates, ticket, tickets or otherwise, to voters for the purpose of instructing supporters of a candidate or ticket how to mark their ballot paper (a “how-to-vote card”), will require authorisation from the Returning Officer prior to distribution.
- 27.5 Any material otherwise not contravening R26.3, R26.4, R27.2, R27.3, or R27.4 will be authorised automatically.
- 27.6 The Returning Officer may require any person submitting material for authorisation to sign an indemnity in such form as may be required by the Returning Officer before the Returning Officer authorises that material.
- 27.7 Prior to distribution all Authorised Material must have the words “Registered with the Returning Officer” displayed on it. The Returning Officer must retain an electronic copy of all Authorised Material. The Returning Officer must make this material accessible for Students to inspect as soon as possible after it is registered.
- 27.8 All Authorised Material must display the words ‘Published by’ followed by the name and Student number of the Student who is the publisher.
- 27.9 The words ‘Please Recycle’ must be on all material printed on paper products.
- 27.10 If material that is not Authorised Material is circulated, the Returning Officer may require that the material be taken down and/or removed from circulation by a candidate or ticket.

27.11 Where the Returning Officer considers that the size or nature of any publicity makes it impractical to allow the words as stated in R27.8 and R27.9, the Returning Officer may grant a waiver provided that the publisher:

- (a) provides a detailed written description of the publicity to the Returning Officer; and
- (b) allows the Returning Officer to inspect the publicity.

All such material provided to the Returning Officer can be inspected by, and referred to by, other candidates or publishers, provided any such references are not misleading or deceptive in any way. Any waiver will also apply to other material of a similar nature for all candidates and publishers.

27.12 Authorised Material may be republished in different formats (including electronically) without being separately authorised, provided that the change in format does not alter the content or message originally authorised and the material carries the statements required by these Regulations.

27.13 The Returning Officer may prohibit the use of specific online sites or social media services for election material.

27.14 The Returning Officer's sole discretion in this section will not be construed as infallible in the event of an appeal, and the Electoral Tribunal in considering an appeal of a decision made through this section will consider whether the material does or does not breach these Regulations.

## **28. FORM OF ELECTION AND POLLING**

28.1 All elections must:

- (a) be conducted by secret ballot, using optional preferential proportional representation;
- (b) include physical Polling Booths on campus unless campus has been shut down; and
- (c) be conducted digitally where possible to save paper, having regard to the factors listed under R28.3.

28.2 The Electoral Tribunal may determine:

- (a) that all or part of an election will take place online or by physical ballot; and
- (b) in the case of an online ballot, whether Polling Booths will be made available for online voting on campus.

- 28.3 In making any determination under R28.2, the Electoral Tribunal must consider all relevant factors, including (without limitation):
- (a) the integrity of the election;
  - (b) the protection of ballot secrecy;
  - (c) voting accessibility for all cohorts of Members;
  - (d) any relevant public health orders, laws or regulations affecting the student body;
  - (e) the financial and administrative burden on UMSU;
  - (f) the legitimacy of UMSU as the representative body for students of the University of Melbourne;
  - (g) environmental impacts;
  - (h) common practice among comparable not-for-profit organisations; and
  - (i) any recommendations of the Returning Officer.
- 28.4 In circumstances where Students from only one campus (e.g. Southbank Students) may vote in an election, the Electoral Tribunal may determine that polling only needs to be conducted at the relevant campus.
- 28.5 In circumstances where only a proportion of all Students can vote in an election (e.g. Indigenous Students voting for an Indigenous Officer or Indigenous Committee), the Electoral Tribunal may determine at its discretion where polling should be conducted.
- 28.6 The election must be held in the first full academic week in September, where it falls no earlier than the fifth week of the second Semester. If there are no academic weeks in September, it must be held in the first academic week following that period.
- 28.7 A by-election:
- (a) if held in first Semester, must be held no later than the first week in May or if there are no academic weeks in May) no later than the week commencing one week before the mid-Semester non- instruction period; and
  - (b) otherwise, may be held when determined by the Returning Officer.
- 28.8 Polling Booths during an annual election will be open as follows:
- (a) Monday, Wednesday, Thursday, and Friday from 10 am until 5 pm; and

- (b) Tuesday from 10 am until 6.30 pm.
- 28.9 Polling Booths during a by-election will be open as follows:
- (a) Monday and Tuesday from 10 am until 5 pm; and
  - (b) Wednesday from 10 am until 1 pm.
- 28.10 If the Electoral Tribunal determines that all or part of an election will take place online in accordance with R28.2, online voting (that does not take place at a Polling Booth) will be open as follows:
- (a) from 10am on Monday until 5pm on Friday of an annual election; and
  - (b) from 10am on Monday until 1pm on Wednesday of a by-election.
- 28.11 Where possible and subject to determinations of the Returning Officer made pursuant to R2.1(h), in the event that polling is conducted at a Polling Booth, polling must be conducted at:
- (a) Building 168 at the Parkville campus of the University, in a location which is accessible to Murrup Barak;
  - (b) an area in or near the Burnley Student Hub (Building 908);
  - (c) an area at or near the Baillieu Library of the Parkville campus;
  - (d) an area at or near the cafeteria on the Southbank (formerly the VCA) Campus of the University;
  - (e) an area at or near the FBE Building of the Parkville Campus;
  - (f) any other location as approved by the Electoral Tribunal.
- 28.12 For each location listed under R28.11, polling should be conducted at or near the ground floor, or another location as close as practicable as determined by the Returning Officer, without impacting accessibility.
- 28.13 Notwithstanding R28.8 and R28.9, the hours of voting may be restricted in the Polling Places listed under R28.11 (except for the Polling Place in R28.11(a) provided that:
- (a) each Polling Place will be open for at least two days during an annual election and one day during a by-election, for a minimum of three consecutive hours on each day of opening;
  - (b) the Polling Place named in R28.11(c) will be open on each day of polling; and

- (c) for an annual election, polling at the Polling Places named in R28.11(d) and R28.11(e) may not be restricted to less than three days.

## **29. VOTING**

Persons entitled to vote in elections may only vote once in each election. All votes of a Student who votes or attempts to vote more than once are invalid.

## **30. ONLINE VOTES**

- 30.1 Where the Electoral Tribunal determines under R28 that all or part of a ballot is to be conducted online, voting may be conducted electronically at any location using a system approved by the Returning Officer.
- 30.2 Any electronic voting system used under R30.1 must, so far as reasonably practicable:
  - (a) preserve ballot secrecy;
  - (b) ensure the integrity and security of the vote; and
  - (c) allow accurate counting and verification of results.

## **31. POSTAL VOTES**

- 31.1 Postal voting is only permitted in respect of all or part of an election that is conducted by physical ballot.
- 31.2 Any Student may apply in writing to the Returning Officer for a postal vote. The Returning Officer will accept all valid postal vote applications.
- 31.3 Postal vote applications must be received from a student's university email address and contain a signed declaration.
- 31.4 Applications for postal votes must be received by 5pm, four Academic Days before the first day of polling.
- 31.5 The Returning Officer must send a ballot paper and return postage paid envelope by post or any other reasonable method to any person who has applied to vote by postal vote and is eligible to do so as soon as practicable after an application is received.
- 31.6 Each postal vote will be accompanied by:
  - (a) information about eligibility requirements established in the UMSU Constitution;
  - (b) instructions about how to complete and return a postal vote; and,

- (c) information about how to access the policy statements submitted in accordance with R13, by candidates and tickets via the Election Website.
- 31.7 All postal ballots for International Students will be sent via express post by the Returning Officers.
- 31.8 The name of each Student who has been sent a postal vote must be marked as a postal voter on every electoral roll.
- 31.9 For postal votes to be valid they must be received by:
- (a) the end of the thirty-fifth Academic Day after the close of polling on the last day of voting for postal ballots sent to addresses outside of Australia; and
  - (b) the end of the tenth Academic Day after the close of polling on the last day of voting for postal ballots sent to addresses within Australia.
- 31.10 For postal votes to be valid they must include a signed declaration from the Student casting the vote that allows the Student to be identified but does not allow the completed ballot papers returned by the Student to be linked to the Student.

## **32. BALLOT PAPERS**

### **32.1 General**

- (a) The form of Ballot Paper for each election will be determined by the Returning Officer subject to the requirements of these Regulations.
- (b) Elections for more than one position may be included on the Ballot Paper.
- (c) If all or part of an election is conducted by physical ballot, the Returning Officer must arrange for the printing of Ballot Papers. A count must be kept of all Ballot Papers distributed to Polling Booths and issued to postal voters.

## **33. ISSUING OF BALLOT PAPERS**

### **33.1 Online Ballots**

- (a) The Returning Officer may issue Ballot Papers to eligible voters through an online voting software provider or utilise any other electronic platforms for the purposes of conducting an Online Ballot.

- (b) If the Electoral Tribunal determines that Polling Booths for online voting will be made available on campus, the Returning Officer may make Ballot Papers available through the Polling Booths.
- (c) The voter must complete their voting online in accordance with the instructions stipulated.
- (d) Before a voter is permitted to use a Polling Booth, the Polling Clerk must, if required by the Electoral Tribunal or the Returning Officer:
  - (i) obtain the voter's Student number and check it against the roll;
  - (ii) ask to see photographic identification of the voter; and
  - (iii) cross the voter's name off the electoral roll.
- (e) Where a person is unable to provide adequate photographic identification to a Polling Clerk (if required by R33.1(d)), that person will not be permitted to access an online polling booth at that time.
- (f) A person who does not appear on the electoral roll or whose name has been marked off the electoral roll may be issued with a provisional vote, which will be included in the count only if their eligibility to vote is verified by the Returning Officer.

### 33.2 Physical ballots

- (a) Before a voter is issued with a Ballot Paper, the Polling Clerk must:
  - (i) obtain the voter's Student number and check it against the roll;
  - (ii) ask to see photographic identification of the voter;
  - (iii) initial the Ballot Paper; and
  - (iv) cross the voter's name off the electoral roll.
- (b) The voter must complete the Ballot Paper and place it in the ballot box. Where a person is unable to provide adequate photographic identification to a Polling Clerk, that person will not be issued with a Ballot Paper at that time.
- (c) A person who does not appear on the electoral roll or whose name has been marked off the electoral roll may be issued with a provisional vote, which will be included in the count only if their eligibility to vote is verified by the Returning Officer.

## 34. SPOILT BALLOT PAPERS

- 34.1 If a voter spoils their Ballot Paper, and still wishes to record a vote, they must surrender the spoilt Ballot Paper to the Polling Clerk.
- 34.2 The Polling Clerk must mark the Ballot Papers as 'Spoilt' and place it in the ballot box and then issue a fresh Ballot Paper to the voter in accordance with these Regulations.

### **35. METHOD OF VOTING**

- 35.1 Elections must be conducted using optional preferential proportional representation.
- 35.2 Voters must indicate their order of preference for candidates either:
- by placing the number 1 against the name of the candidate of first preference and consecutive higher numbers commencing from the number 2 upwards, against the names of as many other candidates of lower preference in order as they wish (whether or not they choose to allocate a preference to all candidates); or
- (a) where permitted by R9.3(b), by placing the number 1 against the name of a ticket.
- 35.3 For the purposes of R35.2:
- (a) a number against the name of a candidate indicates a preference for that candidate ahead of all candidates with higher numbers, and candidates with numbers will be taken as preferences ahead of those with no number against their name; and
- (b) a tick, cross or other identifying mark against the name of a candidate or ticket where there is no number 1 against the name of another candidate or ticket is deemed to be the number 1.
- 35.4 A voter who has voted for a ticket in accordance with R35.2(b) is deemed to have voted as if they had placed the number one against the name of the first candidate on the ticket and consecutive higher numbers against the names of any other candidates on the ticket in order.

### **36. CASTING OF VOTES**

All votes (other than postal votes) must be cast by the voter personally.

### **37. SECURITY OF BALLOT PAPERS AND VOTERS' ROLLS**

- 37.1 The Returning Officer must keep all election records secure.
- 37.2 If elections are held in person:

- (a) ballot boxes may only be unlocked/unsealed by the Returning Officer;
- (b) the Returning Officer must, whenever a ballot box becomes full, remove the ballot papers, and lock them in a secure place;
- (c) the Returning Officer must lock all unissued ballot papers and voters' rolls in a secure place immediately after the end of polling; and
- (d) Ballot Papers must only be removed from ballot boxes under the direct supervision of the Returning Officer.

## **38. COUNTING OF VOTES**

### **38.1 General**

- (a) Subject to R37.2, counting must commence as soon as is practicable after 12pm on the final day of voting.
- (b) The Returning Officer must delay the commencement of counting in the event that the number of postal votes that have not been returned prior to 12pm on the final day of counting is sufficient to have a determinative impact on the outcomes of the election.
- (c) The Returning Officer may commence counting when the number of postal votes that have not been returned is no longer sufficient to have a determinative impact on the outcomes of the election.
- (d) Notwithstanding R38.1(c), any delay in the commencement of the counting of votes implemented in accordance with R38.1(b) shall not exceed twenty-five Academic Days.

### **38.2 Online Ballot**

Votes may be automatically counted by the online voting software provider or electronic platform used to conduct the election.

### **38.3 Physical ballot**

- (a) When votes are counted physically, the only persons who may be present during counting are:
  - (i) any election staff employed for the purposes of counting and supervision of counting;
  - (ii) any member of the Electoral Tribunal;
  - (iii) scrutineers for the positions being counted at that time; and

- (iv) others specifically authorised by and under the supervision of the Returning Officer.
- (b) Where counting is taking place prior to the close of voting, scrutineers present for the counting of the vote may not leave the venue prior to the close of voting.
- (c) The Returning Officer may exclude from the place of counting any person disrupting or not assisting with counting, other than members of the Electoral Tribunal.
- (d) If counting of any election is adjourned, the Returning Officer must place a notice on or near an entrance to the count room stating when and where counting in that election will resume.

### **39. SCRUTINEERS**

#### 39.1 General

- (a) Each candidate may nominate two scrutineers to observe the vote counting process on behalf of the candidate.
- (b) A Ticket Registrant may nominate two scrutineers to observe all vote counts in which the ticket has an acknowledged candidate on behalf of the ticket and its candidates.
- (c) A candidate may be appointed as a scrutineer, for a position for which they are not standing, by another candidate.
- (d) Scrutineer nominations must be submitted to the Returning Officer prior to counting the votes.

#### 39.2 Online Ballot

Scrutineers are entitled to access the records of votes received by the online voting software provider or electronic platform.

#### 39.3 Physical ballot

- (a) Scrutineers must be clearly identifiable as such whilst in the vote counting area and must wear such identifying marks as determined by the Returning Officer for that purpose.
- (b) Under no circumstances can a scrutineer touch or handle the ballot box, ballot papers or other material assisting in the conduct of the count.

- (c) Cameras or other recording equipment are not allowed in the counting room.
- (d) Alcohol is not allowed in the counting room.

#### **40. INFORMAL VOTES**

A vote is informal only when it does not comply with R35 or the voter's intention is not clear.

#### **41. METHOD OF COUNTING – OPTIONAL PREFERENTIAL PROPORTIONAL REPRESENTATION**

- 41.1 If there are withdrawn candidates who have votes assigned to them, then they are all eliminated simultaneously. Any such ballot papers for withdrawn candidates must then be reallocated to the continuing candidate for which the voter has indicated the highest preference.
- 41.2 Each ballot paper must first be given the value of 1.
- 41.3 Votes must then be counted in accordance with the following procedure:
  - (a) the value of each ballot paper must be allocated to the continuing candidate that the voter has indicated their highest preference;
  - (b) if a ballot paper shows an equal highest preference to more than one continuing candidate or does not show a consecutive preference for at least one continuing candidate, that ballot paper is exhausted and may not be allocated or reallocated to any further candidates;
  - (c) a quota must be calculated by dividing the total value of ballot papers allocated to continuing candidates by one more than the number of positions remaining to be filled;
  - (d) if any continuing candidates are allocated a value in excess of the quota, all such candidates are provisionally elected in order of descending number of votes. Each ballot paper allocated to the candidate who is elected earliest must be given a new value obtained by multiplying its current value by the candidate's transfer value; and
  - (e) if no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated and their ballot papers reallocated to the continuing candidate to whom the voter has indicated the highest preference.
- 41.4 The procedure in R41.3 must be repeated in order until the number of positions to be filled is filled.

41.5 In this Regulation:

- (a) **“continuing candidate”** means a candidate who has neither been provisionally elected nor eliminated;
- (b) **“candidate's transfer value”** is the provisionally elected candidate's value, less the quota at that stage of counting, all divided by the elected candidate's value; and
- (c) **“preference”** means a preference for a continuing candidate.

41.6 For the purpose of this Regulation, all calculations are to be performed to an accuracy of six decimal places or a greater level of accuracy if it is determined appropriate by the Returning Officer.

41.7 If there are two or more candidates with an equal value who are to be eliminated or elected, the candidate who had the higher value at the last stage of counting that their value differed will be deemed to have the higher number of votes. If any candidates have had an equal value at each previous stage of counting, the Returning Officer must determine by lot which of these candidates is deemed to have the higher value.

## **42. METHOD OF COUNTING FOR AFFIRMATIVE ACTION**

42.1 All candidates must be given the opportunity to be elected in their own right before affirmative action applies.

42.2 If ever the next step in the count would result in the election of fewer Women or Women of Colour than are required under the relevant requirements, and there are candidates who are Women or Women of Colour who have not been elected, then the following steps must be taken:

- (a) reintroduce to the count, with zero votes, all candidates who are Women or Women of Colour (as appropriate) who have previously been excluded;
- (b) exclude all remaining candidates who are not Women or Women of Colour (as appropriate), including the candidate who would have been next elected without the affirmative action requirement; and
- (c) the value of any Ballot Paper distributed from a candidate excluded by affirmative action will be distributed to the remaining Women or Women of Colour candidates (as appropriate) with the highest preference on that Ballot Paper.

## **43. DECLARATION OF PROVISIONAL RESULTS**

- 43.1 The Returning Officer must immediately after counting an election provisionally declare the results.
- 43.2 The Returning Officer must, as soon as possible after the results have been provisionally declared, place a notice of the declaration of provisional results on the Election Website and on a noticeboard in Union House if the elections are conducted on campus.

#### **44. PROHIBITED CONDUCT**

- 44.1 Any dishonest conduct in an election is prohibited.
- 44.2 Candidates are responsible for the conduct of their campaigners.
- 44.3 Any conduct intended or likely to mislead or deceive a voter is prohibited.
- 44.4 Any inducement, whether financial or otherwise, to encourage a Student to vote or to vote in a particular way, is prohibited.
- 44.5 Without limiting the generality of R44, the following are specifically prohibited:
- (a) providing false information in or interfering with any form lodged with the Returning Officer;
  - (b) impersonating another person;
  - (c) distributing or making misleading, false, or defamatory statements;
  - (d) casting a vote with the intention to defraud;
  - (e) destroying or defacing a Ballot Paper, ballot box, or election notice; noting that defacing does not include making comments on an otherwise valid Ballot Paper;
  - (f) in the event that physical Ballot Papers are used, removing a Ballot Paper from the Polling Place;
  - (g) interfering with Ballot Papers, ballot boxes, voters' rolls, or any electronic platforms used by the Returning Officer for the purposes of conducting an online ballot
  - (h) violating the secrecy of the ballot, including observing a Ballot Paper during and after a student's vote;
  - (i) supplying Ballot Papers without authority, including providing an electronic device without authority for the purpose of allowing other students to use the device provided to cast their vote;
  - (j) attempting to vote more than once at the same election;

- (k) defacing, mutilating, destroying or removing any notice, list or other document affixed or posted by the Returning Officer;
- (l) defacing, mutilating, destroying or removing any election material without the authority of the publisher of that material;
- (m) producing, distributing, displaying or causing in any way to be made available any materials which is not Authorised Material or is otherwise not in accordance with R27;
- (n) unfairly interfering with a candidate's publicity;
- (o) campaigning within a University computer laboratory, or any building containing a Polling Place;
- (p) paying a person to campaign;
- (q) offering gifts or bribes or attempting to exert undue influence, including attempting to influence the actions of the Returning Officer or other electoral officials, offering bribes to a voter, and offering bribes or gifts to entice a person to nominate as a candidate in any elections held in accordance with these Regulations;
- (r) using for campaign purposes any facilities of UMSU not generally available to all Students, including, office space, computers, photocopiers, stationery, and telephones;
- (s) damaging UMSU or University property;
- (t) failing to comply with a direction of the Returning Officer or Electoral Tribunal;
- (u) obstructing a meeting of the Electoral Tribunal;
- (v) impeding the conduct of the election;
- (w) marking any Ballot Paper issued to another person, other than at the specific direction of the Returning Officer;
- (x) making a false statement in any form, claim, application, return or declaration, or in answer to a question asked in accordance with these Regulations;
- (y) engaging in disruptive conduct at a Polling Place or counting centre;
- (z) physically or verbally harassing or bullying a person;
- (aa) engaging in sexist, racist, homophobic, ableist or militaristic intimidation or abuse;

- (bb) assaulting or attempting to assault a person;
  - (cc) campaigning, directly or indirectly, or aiding in campaigning in the elections, by any persons who are not current Students of the University;
  - (dd) taking photographs or recording in a polling place or of a ballot;
  - (ee) campaigning, directly or indirectly, or aiding in campaigning in the elections without clearly displaying current valid University of Melbourne student ID cards;
    - (i) For the purposes of this R44.5(ee), where the student ID is not displayed, individuals must be able to provide proof of being current Students.
  - (ff) without limiting R10 of the Procedures for Student Representatives, Officers campaigning in any capacity in an UMSU Election in circumstances where they have not taken a leave of absence for the duration of the poll; and
  - (gg) campaigning within the premises of student accommodation or residential college buildings at any time during the election period, including by distributing materials within the premises of student accommodation or residential college buildings at any time during the election period that is not taken directly by a Student from the campaigner.
- 44.6 For the purposes of R44.5, the Polling Place is an area around a ballot box or Polling Booth of up to six metres distance from the ballot box or Polling Booth. An area defining the Polling Place will be allocated at the Returning Officer's discretion, and wherever practicable the Returning Officer must mark a line defining the Polling Place.
- 44.7 The Returning Officer may direct any person breaching any part of these Regulations to cease doing so. The Returning Officer may make any additional directions within the scope of these Regulations.
- 44.8 The Returning Officer may report any acts of alleged prohibited conduct to the Electoral Tribunal.

#### **45. REPORTS OF MISCONDUCT BY THE RETURNING OFFICER**

- 45.1 An individual who alleges that the Returning Officer has in any determination, action, or lack of action committed an act of serious misconduct may make a report of misconduct to the Electoral Tribunal at any time. Any report must be in writing and contain any substantiating material.

- 45.2 If satisfied that the allegation warrants consideration, a member of the Electoral Tribunal may call a meeting of the Electoral Tribunal to consider the report of misconduct.
- 45.3 If satisfied that serious misconduct has occurred, the Electoral Tribunal may dismiss the Returning Officer and appoint a new Returning Officer.

## **46. REPORTS OF PROHIBITED CONDUCT**

### **46.1 Reports prior to the declaration of provisional results**

- (a) Candidates may report prohibited conduct to the Returning Officer at any time before the declaration of provisional results. Any report must be in writing and contain any substantiating material.
- (b) The Returning Officer may act within his or her powers in relation to any report made prior to the declaration of provisional results.
- (c) Candidates may appeal any decision of the Returning Officer to the Electoral Tribunal. Candidates must do so in writing and set out the grounds on which the Returning Officer's decision is inadequate.

### **46.2 Reports following the declaration of provisional results**

- (a) After the declaration of provisional results, candidates may make reports of prohibited conduct to the Electoral Tribunal. Any report must be in writing and must contain any substantiating material.
- (b) Before declaring the final results, the Electoral Tribunal must investigate all reported incidents of prohibited conduct and conduct any hearings the Electoral Tribunal deems necessary.
- (c) The Electoral Tribunal may, whether it finds there has been a breach of these Regulations or not, give directions as it sees fit.
- (d) If the Electoral Tribunal finds there has been a breach, it may formally reprimand the person reported.
- (e) If the Electoral Tribunal finds there has been a serious breach, it may disqualify the person from standing in that and future elections and/or declare that candidate is not elected.

## **47. APPEALS AGAINST RESULTS OF ELECTIONS**

- 47.1 Candidates wishing to request a recount of any election may lodge a written request for a recount with the Returning Officer within three Academic Days of the declaration of provisional results. The Returning Officer will only act upon such a request if the Returning Officer determines that it is warranted. The

Returning Officer must make their determination and (if the Returning Officer determines a recount is warranted) conduct any recount within seven Academic Days of the request being lodged.

- 47.2 After the declaration of provisional results, Students may appeal against the result of the election by making a written submission to the Electoral Tribunal within three Academic Days of the declaration of provisional results or within three Academic Days of the recount of an election, whichever is the latter.
- 47.3 Before declaring the poll, the Electoral Tribunal must investigate all such appeals, and conduct such hearings as the Electoral Tribunal deems necessary. The student appealing must be given an opportunity to present their case before the Tribunal. The onus of proof in any such appeal must lie with the complainant or complainants. A complainant may be assisted by one other individual who must be a Student.
- 47.4 If satisfied that there has been a defect in the conduct of the election which has materially affected the result, the tribunal may:
- (a) order the Returning Officer to conduct a recount or recounts;
  - (b) declare that a candidate not be elected;
  - (c) declare that another candidate be elected; and/or
  - (d) declare that a new poll be conducted.

#### **48. DECLARATION OF THE POLL**

- 48.1 The Returning Officer must prepare a written report on the conduct and result of the elections and provide the report to the Electoral Tribunal, the University Secretary, and the Students' Council. The Returning Officer's report must contain:
- (a) a list of the candidates declared provisionally elected to each position and the order in which they obtained quota;
  - (b) a summary showing the number of votes for each candidate at each level of the count;
  - (c) details of the conduct of the elections;
  - (d) any recommendations of the Returning Officer; and
  - (e) such other information the Electoral Tribunal may require.
- 48.2 A meeting of the Electoral Tribunal must be convened between 7 - 14 Academic Days after the results of an election has been provisionally

declared. This meeting will consider the Returning Officer's report, any reports of prohibited conduct and any appeals against the results of the elections.

- 48.3 The Electoral Tribunal must deal with any:
- (a) reports of prohibited conduct according to the procedure specified in R46; and
  - (b) appeals against the results of the elections according to the procedure specified in R47.
- 48.4 The Electoral Tribunal must declare the final result of an election as per R46.2 within four weeks of the declaration of provisional results. Simultaneous declaration of all elected positions is not required - progressive declaration of positions is permitted.
- 48.5 If matters are still pending before the Electoral Tribunal after four weeks from the declaration of provisional results the matters automatically lapse and cannot be heard.
- 48.6 A copy of the Returning Officer's report must be stored in the archives of the UMSU and made accessible to Students on request.

## 49. DEFINITIONS

- 49.1 Words or expressions defined in the Constitution have the same meaning or effect as set out in the Constitution, unless the context otherwise requires.
- 49.2 For the purpose of these Regulations, the following definitions also apply:
- “Authorised Material”** means any materials authorised under R27, whether by the Returning Officer or automatically as per R27.7.
- “Ballot Paper”** includes the electronic equivalent of a physical ballot paper if the Electoral Tribunal has determined that an online ballot will take place pursuant to R28.2.
- “Business Day”** means any day on which the University is open for business and excludes all Saturdays, Sundays, public holidays that are observed by the University and University holidays declared on an annual basis (such as Easter Tuesday and Christmas shutdown periods).
- “Candidate”** means any person nominating for any position in the elections.
- “Constitution”** means the constitution of UMSU Incorporated (as amended from time to time), and any reference to “C” immediately followed by a number refers to that section or subsection of the constitution.

**“Countback Election”** means the process described in R18.3.

**“Election Material”** means any material or method commenting literally or figuratively on any candidates, or group of candidates, in an election, or on any part of the electoral process, excluding material produced by the Returning Officer.

**“Election Website”** means the website established by the Returning Officer under R10.2(a), on which is posted all information relevant to the election.

**“Electoral Official”** includes the Returning Officer, Assistant Returning Officer, Poll Clerks, Poll Supervisors, Count Assistants, and any other person officially appointed by the Returning Officer in accordance with these Regulations to assist in the electoral process.

**“Electoral Roll”** means a roll of currently enrolled students, noting those students’ names, student numbers and campus of enrolment, as well as whether or not those students are International Students, Indigenous Students and/or Graduate Students, obtained from the University by the Returning Officer.

**“Murrup Barak”** means the University of Melbourne institute of the same name, responsible for the support of the Aboriginal and Torres Strait Islander student cohort.

**“Polling Booth”** means a private physical space at a location specified under R28.11 provided by the Returning Officer where Students can fill out Ballot Papers, which is housed within the area deemed to be the Polling Place.

**“Polling Clerk”** means the person who is authorised to issue ballot papers during an election.

**“Polling Place”** means the area around a ballot box or Polling Booth as established under R44.7.

**“Regulation”** means these electoral regulations, and any reference to “R” immediately followed by a number refers to that regulation or sub regulation of these Electoral Regulations.

**“sign”** includes signing electronically or written text on an email confirming that a person has signed a particular document.

**“signature”** includes electronic signatures or written text on an email confirming that a person has signed a particular document.

**“Students’ Council”** means the body established in accordance with C6.2 and having the responsibilities outlined in C6.1 and elsewhere in the

Constitution. The members of Students' Council are the Voting Council Representatives and Officers.

**“Ticket Registrant”** means a person who has registered a ticket under R20.1. **“UMSU”** means University of Melbourne Student Union Incorporated.

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## **50. INTERPRETATION**

- 50.1 From the time of the appointment of the Returning Officer and until the declaration of provisional results, interpretation of these Regulations is within the jurisdiction of the Returning Officer or, upon appeal, within the jurisdiction of the Electoral Tribunal.
- 50.2 Where these Regulations are inconsistent with the Constitution, the latter prevails and the former to the extent of inconsistency is invalid. The inconsistent Regulation remains valid for all other purposes. All procedures, definitions and actions contained and allowed for in these Regulations are not considered unfair for the purpose of these Regulations.
- 50.3 Where relevant and subject always to R49.2, these Regulations will be taken to interpret those parts of the Constitution coming within the scope of elections.
- 50.4 Provisions in the Constitution dealing with the Electoral Tribunal are incorporated by reference into these Regulations and have the same operation and effect as if set out in these Regulations in the form which they appear in the Constitution.
- 50.5 Provisions in the Constitution dealing with the Returning Officer are incorporated by reference into these Regulations and have the same operation and effect as if set out in these Regulations in the form which they appear in the Constitution.
- 50.6 Unless stated otherwise, all times stated in these Regulations are to be taken as referring to Australian Eastern Standard Time (AEST).