



UMSU Electoral Regulations

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## **UMSU Electoral Regulations**

**UMSU Inc**

**The University of Melbourne**

**MU Student Union Ltd**

## Contents

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

30. VOTING..... 25

31. POSTAL VOTES..... 25

32. BALLOT PAPERS..... 26

33. ISSUING OF BALLOT PAPERS ..... 26

34. SPOILT BALLOT PAPERS..... 27

35. METHOD OF VOTING ..... 27

36. CASTING OF VOTES ..... 27

37. SECURITY OF BALLOT PAPERS AND VOTERS’ ROLLS ..... 28

38. COUNTING OF VOTES..... 28

39. SCRUTINEERS ..... 28

40. INFORMAL VOTES ..... 29

41. METHOD OF COUNTING – OPTIONAL PREFERENTIAL PROPORTIONAL REPRESENTATION..... 29

42. METHOD OF COUNTING FOR AFFIRMATIVE ACTION ..... 30

43. DECLARATION OF PROVISIONAL RESULTS ..... 31

44. PROHIBITED CONDUCT ..... 31

45. REPORTS OF MISCONDUCT BY THE RETURNING OFFICER..... 33

46. REPORTS OF PROHIBITED CONDUCT ..... 33

47. APPEALS AGAINST RESULTS OF ELECTIONS ..... 34

48. DECLARATION OF THE POLL..... 35

49. VICTORIAN COLLEGE OF THE ARTS DEPARTMENT COMMITTEE. .... 35

## 1. DEFINITIONS

1.1. The definitions in C2.1 of the Constitution, and rules of construction in C2.2 of the Constitution, are applicable to these Regulations.

1.2. "Candidate" means any person nominating for any position in the elections.

1.3. "Constitution" means the current constitution of the UMSU Incorporated, and any reference to "C" immediately followed by a number refers to that section or subsection of the constitution.

1.4. "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.

1.5. "Election Website" means the website established by the Returning Officer under R12.2.1, on which is posted all information relevant to the election.

1.6. "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.

1.7. "Electoral Roll" means a roll of currently enrolled students, noting those students' names, student numbers and campus of enrollment, 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.

1.8. "Graduate Student" means any Student who is admitted in a graduate coursework or research higher degree..

1.9. "UMSUI" means University of Melbourne Student Union Incorporated.

1.10. "MUSUL" means MU Student Union Ltd.

1.11. "Polling Booth" means a private enclave in which to fill out ballot papers which is housed within the area deemed to be the polling place.

1.12. "Regulation" means these electoral regulations, and any reference to "R" immediately followed by a number refers to that regulation or subregulation of these election regulations.

1.13. "Returning Officer" refers to the individual providing supervision and management of elections, as described in R4.

1.14. "Student Union" or "UMSU" means UMSU Incorporated.

1.15. "Student" is as defined under the University of Melbourne Act 2009 (Vic).

1.16. "People of Colour" means people who identify as people of colour due to their African, Asian, Pacific Islander, Aboriginal, Indigenous, Latinx, Arab, multiracial or other relevant non-white background.

1.17. "Students of Colour" means students who identify as people of colour due to their African, Asian, Pacific Islander, Aboriginal, Indigenous, Latinx, Arab, multiracial or other relevant non-white background.

1.18. "Queer Students" means those persons who identify as being within the category of Queer. Queer includes, but is not limited to, being same-sex attracted, homosexual, bisexual, pansexual, asexual, intersex, Trans, or sex and/or gender diverse.

1.19. "Students with Disabilities" means those students who identify as being within the category of Students with Disabilities, in accordance with the definition of Disability.

1.20. "Disability" means an ongoing experience of one or more of, but not limited to, the following: physical, intellectual, psychiatric, mental health, sensory or neurological impairment, learning disabilities, chronic medical conditions, developmental and/or autism spectrum disorders.

1.21. "Trans" means a person who identifies with a gender, or genders, other than that which they were assigned at birth, including, but not limited to, those who identify as transgender, transsexual, genderqueer, agender or sex and/or gender diverse.

1.22. "Woman" means a person who identifies as a Woman regardless of gender assigned at birth, including but not limited to trans women, cis women and intersex women.

1.23. "Woman of Colour" means those who identify as being both a Woman and a Person of Colour

1.24. "Indigenous Student" means all Students recorded as being indigenous as evidenced by the roll kept at the Centre for Indigenous Education.

1.25. "International Student" means a person who has the enrolment status of an international student.

## **2. INTERPRETATION**

2.1. From the time of the appointment of the Returning Officer and until the declaration of provisional results, interpretation of these Regulations are within the jurisdiction of the Returning Officer or, upon appeal, within the jurisdiction of the Electoral Tribunal.

2.2. 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.

2.3. Where relevant and subject always to R2.2, these Regulations shall be taken to interpret those parts of the Constitution coming within the scope of elections.

2.4. Words or expressions defined in the Constitution have the same meaning or effect as set out in the Constitution, unless the context otherwise requires.

2.5. 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.

2.6. 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.

### **3. TIMETABLE**

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

### **4. RESPONSIBILITIES AND POWERS OF THE RETURNING OFFICER**

4.1. The Returning Officer:

4.1.1. Is responsible for the conduct of the election;

4.1.2. Is responsible from the commencement of the election period until the declaration of provisional results, for interpreting these Regulations,

4.1.3. Must act at all times in accordance with these Regulations and the Constitution;

4.1.4. May act and make such determinations with respect to the elections as they see fit, where not otherwise provided for in these Regulations or in the Constitution, provided that they act fairly and their actions do not bring the conduct of the poll into disrepute.

4.1.5. May refer issues of a disciplinary nature regarding the behavior of Students to the appropriate University bodies.

4.1.6. Must decide questions of fact on the balance of probabilities.

4.1.7. The Returning Officer 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:

4.1.8. 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;

4.1.9. 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; and

4.1.10. Charge any person or group of persons for the expenses resulting from any prohibited conduct on their part;

4.2. The Returning Officer must ensure that sanctions listed in R4.1 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.

4.3. The Returning Officer may only exercise the powers specified in R4.1.9 where a person has been warned that their continued behavior may result in their removal from the campus, or a part of the campus.

4.4. A written determination of the Returning Officer is conclusive, and may only be appealed to the Electoral Tribunal in accordance with R46.1.3. The Returning Officer must post the decision on the election website and on a prominent notice board in Union House.

4.5. 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 R46.1.3. Such appeals must specify reasoning for the appeal, including reasoning as to how the Returning Officer has made a faulty determination.

## **5. ASSISTANT RETURNING OFFICERS AND POLL CLERKS**

5.1. Deputy and Assistant Returning Officers and poll 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 shall prevail.

5.2. The Returning Officer may delegate any or all responsibilities of these Regulations to a Deputy or Assistant Returning Officer. Such delegation must be made in writing, posted on the Election Website and provided to the Electoral Tribunal.

5.3. No person may be considered for the position of Polling Clerk, Count Assistant, Deputy and Assistant Returning Officer if:

5.3.1. he or she holds or has held within the last three years any elected position or office of UMSU, any elected position or office of MUSUI, or any elected position or office of MUSUL; and/or

5.3.2. a member of his/her immediate family is a candidate for the election; and/or

5.3.3. they is deemed by the Returning Officer to be involved with a candidate or group of candidates to the extent that his/her integrity may be impaired.

## 6. POSITIONS TO BE ELECTED

6.1. The following positions are to be elected in all annual elections:

6.2. The following voting members of Students' Council, as provided for in C49.1:

6.2.1. one member elected by each of the following Restricted Constituencies:

6.2.1.1. Queer Students

6.2.1.2. Indigenous Students

6.2.1.3. International Students

6.2.1.4. Graduate Students

6.2.1.5 Students with Disabilities

6.2.1.6 Students of Colour

6.2.2. Fifteen general members 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 candidates.

6.3. The following Officers, as provided for in C52:

6.3.1. President;

6.3.2. General Secretary;

6.3.3. Education (Academic Affairs) Officer;

6.3.4. Education (Public Affairs) Officer;

6.3.5. Welfare Officer;

6.3.6. Women's Officer;

6.3.7. Creative Arts Officer;

6.3.8. Activities Officer

6.3.9. Queer Officer;

6.3.10. Environment Officer;

6.3.11. Media Officers;

6.3.12. Clubs & Societies Officer;

6.3.13. Indigenous Officer;

6.3.14. Disabilities Officer; and



6.3.15. People of Colour Officer.

6.4. Members of the following Committees, as established by C67. Each Committee consists of seven voting Representatives, of whom at least four must be Women. If at least four candidates for each Committee are not Women, those places not filled by Women may be filled by other candidates.

6.4.1. Activities Committee

6.4.2. Creative Arts Committee

6.4.3. Disabilities Committee

6.4.4. Education Committee

6.4.5. Environment Committee

6.4.6. Indigenous Committee

6.4.7. Queer Committee

6.4.8. Welfare Committee

6.4.9. People of Colour Committee

6.5. Members of the Women's Committee, as established by C67. The committee consists of seven voting representatives who are Women, of whom at least three must be Women of Colour. If at least three candidates for the committee are not Women of Colour, those places not filled by Women of Colour may be filled by other candidates.

6.6. The officers and committee of the Victorian College of the Arts Department, as set out in C69, elected by Students enrolled at the Victorian College of the Arts.

6.7. The officers and committee of the Burnley Students Department, as set out in C70, elected by Students enrolled at the Burnley Campus.

6.8. The member of the Council of the University of Melbourne elected by and from Students.

6.9. The members of the board of MU Student Union Ltd elected by and from Students. The MU Student Union Ltd board includes three members who are Students, of whom at least one must be a Postgraduate Student. If at least one candidate is not a Postgraduate Student, that place not filled by a Postgraduate Student may be filled by other candidates who are Students.

6.10. 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.

## **7. JOINT OFFICE**

7.1. Any Officer position may be held by two persons jointly except the positions of President, General Secretary and Media Officer.

7.2. If more than one person holds the office of Queer Officer, one of them must be a Woman or Trans.

7.3. If only one person holds the office of Queer Officer, the Queer Officer must be a Women or Trans.

7.4. The position of Media Officer shall be held jointly by no less than three and no more than four persons, at least one of whom must be a Woman.

7.5. If more than one person holds and other office, one of them must be a Woman.

## **8. RESTRICTIONS ON STANDING FOR ELECTION**

8.1. There are restrictions on standing for election to the following positions:

8.1.1. The Women's Officer and each member of the Women's Committee must be a Woman.

8.1.2. The member of the Students' Council elected by Queer Students, the Queer Officer and the voting members of the Queer Committee must be Queer Students.

8.1.3. If the position of Queer Officer is not held jointly, the Queer Officer must be a Woman or Trans.

8.1.4. If the position of Queer Officer is held jointly, one of the persons holding the position must be a Woman or Trans.

8.1.5. The member of the Students' Council elected by Indigenous Students, the Indigenous Officer and the voting members of the Indigenous Committee must be Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education.

8.1.6. The member of the Students' Council elected by Students with Disabilities, Disabilities Officer and the voting members of the Disabilities Committee must be Students with Disabilities.

8.1.7. The member of the Students' Council elected by Students of Colour, People of Colour Officer and the voting members of the People of Colour Committee must be Students of Colour.

8.1.8. The member of the Students' Council elected by International Students must be a person who is an International Student.

8.1.8. The member of the Students' Council elected by Graduate Students must be a person who is a Graduate Student.

8.2. A person who is employed in at least a .5 position by:

8.2.1. the University;

8.2.2. any body corporate controlled by the University;

8.2.3. MU Student Union Limited;

8.2.4. UMSU, other than an UMSU Office Bearer;

8.2.5. any tenant of MU Student Union Limited; or

8.2.6. a combination of these entities cannot stand for election to any position

8.3. A person who has been an Officer (in one or more positions) for two terms of Office (excluding casual vacancies) cannot stand for an Officer position.

8.4. 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.

8.5. The officers and committee representatives of the Burnley Students Department must be Students at the Burnley Campus.

8.6. The officers and committee representatives of the Victorian College of the Arts Department must be Students at the Victorian College of the Arts Campus.

8.7. A person standing for election to any position must be a member of UMSU at the close of nominations. This rule does not apply for election to the Council of the University of Melbourne or the MU Student Union Ltd Board.

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

9.1. The following positions have restricted electorates:

9.1.1. The Women's Officer and each member of the Women's Committee are elected by Students who are Women. Polling clerks must give ballot papers for these positions to all Students, with a verbal instruction that only Students who identify as Women can vote for these positions.

9.1.2. The member of the Students' Council elected by Queer Students, the Queer Officer and the voting member of the Queer Committee are elected by Students who are Queer Students. Polling clerks must give ballot papers for these positions to all Students, with a verbal instruction that only Students who identify as queer can vote for these positions.

9.1.3. The member of the Students' Council elected by Indigenous Students, the Indigenous Officer and the voting members of the Indigenous Committee are elected by Students who are Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education. Polling clerks must only give ballot papers for these positions to Indigenous Students.

9.1.4. The member of the Students' Council elected by International Students is elected by Students who are International Students. Polling clerks must only give ballot papers for this position to International Students.

9.1.5. The member of the Students' Council elected by Graduate Students is elected by Students who are Graduate Students. Polling clerks must only give ballot papers for these positions to Graduate Students.

9.1.6. The member of Students' Council elected by Students with Disabilities, the Disabilities Officer and the voting member of the Disabilities Committee are elected by Students with Disabilities. Polling clerks must give ballot papers for these positions to all Students, with a verbal instruction that only Students who identify as being within the category of Students with Disabilities can vote for these positions.

9.1.7. The member of the Students' Council elected by Students of Colour, the People of Colour Officer and the voting members of the People of Colour Committee are elected by Students of Colour. Polling clerks must give ballot papers for these positions to all Students, with a verbal instruction that only Students who identify as People of Colour can vote for these positions.

9.2. Subject to the additional restrictions specified in R53, all Students are entitled to vote for other positions to be elected, whether standing for election to any position or not.

## **10. RESTRICTIONS ON ELECTION**

10.1. A person cannot hold:

10.1.1. more than one voting position on the Students' Council;

10.1.2. more than one Officer position;

10.1.3. an Officer position and a voting position on the Students' Council;

10.1.4. an Officer position and a voting position on any Committee;

10.1.5. voting positions on the Students' Council and more than one Committee; or

10.1.6. voting positions on more than two Committees.

10.2. At least:

10.2.1. eight general members of the Students' Council; and

10.2.2. four voting members of each Committee,

10.2.3. must be Students who are Women. If there are insufficient Women candidates to satisfy this requirement, any shortfall may be made up by Students who are not Women.

10.3. At least three members of the Women's Committee must be students 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 students who are not Women of Colour.

10.4. 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 R10.1, 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 the Returning Officer shall declare the person elected in accordance with that list. If the person does not provide such a list by the close of nominations, then the Returning Officer shall determine randomly the order of preference of election before the start of the ballot count.

10.5. A person cannot hold an Officer position in UMSU and an officer position in the Burnley Student Association Department. The Burnley Students Department committee is considered a Committee for the purposes of the restrictions laid out in R10.1.

10.6. A person must be an UMSU Member at the close of nominations in order to be elected to any position. This rule does not apply for election to the Council of the University of Melbourne or the MU Student Union Ltd Board.

## **11. SEPARATE BALLOTS**

11.1. There must be a separate ballot for:

11.1.1. Each Officer position;

11.1.2. The general members of the Students' Council;

11.1.3. Each member elected to the Students' Council from a Restricted Constituency as listed in R6.1.1;

11.1.4. Each Committee, including the committee of the Burnley Student Association Department;

11.1.5. The position on the Council of the University;

11.1.6. The Student members of the MU Student Union Ltd board;

11.1.7. The delegates to the National Union of Students; and

11.1.8. Each officer position of the Burnley Students Department.

11.2. Each voter must vote separately for:

11.2.1. Each Officer position;

11.2.2. The position on the Council of the University;

11.2.3. The positions on the MU Student Union Ltd board; and

11.2.4. If eligible, for each member elected to the Students' Council from a Restricted Constituency as listed in R6.1.1.

11.3. Each voter:

11.3.1. 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

11.3.2. may indicate their preference in relation to:

11.3.2.1. the general members of the Students' Council by voting "above the line" for a ticket; or

11.3.2.2. each Committee by voting "above the line" for a ticket in relation to that Committee.

11.4. A voter may not indicate with one vote "above the line" their preference in relation to more than one multi-member body.

11.5. Subject to rule 11.3 a voter may separately indicate preferences for tickets when voting "above the line."

11.5.1. 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 shall be taken as preferences ahead of those with no number against their name;

11.5.2. A voter who has voted for a ticket in accordance with R11.5 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.

11.6. R35.5 does not apply to votes cast subject to R11.5

## 12. NOTICE OF ELECTIONS

12.1. 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:-

12.1.1. a list of all positions to be elected

12.1.2. notification of the date and time nominations open

12.1.3. notification of the date and time nominations close

12.1.4. notification of where all electoral forms may be obtained or lodged

12.1.5. anything else the Returning Officer deems appropriate.

12.2. Copies of this notice must be placed:

- 12.2.1. on the Election Website;
- 12.2.2. on a prominent noticeboard in Union House;
- 12.2.3. on e-mail accounts of Students where practicable; and
- 12.2.4. in each edition of Farrago published during the period between the opening and closing of nominations.

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

- 13.1. Nominations must open no later than 12 midday, 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.
- 13.2. All nominations must contain the Students' University of Melbourne student email address and the Returning Officer must acknowledge all nominations by email within 5 Academic Days..
- 13.3. The Returning Officer must make nomination forms available on the Election Website.
- 13.4. Students wishing to nominate for the positions of Disabilities Officer, Committee or Representative on Students Council; People of Colour Officer, Committee or Representative on Students Council; Queer Officer, Committee or Representative on Students Council; or Women's Officer, Committee or Representative on Students Council, must additionally sign a formal declaration in a form provided by the Returning Officer certifying that they are eligible for that position as per the relevant restrictions in R8.1 of these regulations and C130.113.5. Nomination forms must be made available to any Student who requests them in person, or who writes to the Returning Officer.

### **14. RECEIPT OF NOMINATIONS**

- 14.1. Nominations must be given in person to the Returning Officer, or a person authorised by the Returning Officer to receive nominations, before the close of nominations. Nominations may also be sent by registered mail to the Returning Officer provided the nominations are received by the close of nominations. The Returning Officer may make provisions for nominations to be deposited in a secure location.
- 14.2. The Returning Officer must, within five academic days, give, send or email the Student nominating:
  - 14.2.1. an acknowledgment of receipt of the nomination;
  - 14.2.2. a copy of these Regulations, and the constitution (or its web link).
- 14.3. The Returning Officer, or any person authorised by the Returning Officer to receive nominations, must not, prior to the close of nominations, make available or cause to be made available to any other person any information about nominations received. This does not apply to the acknowledgment of receipt of nomination to a nominee personally.

## **15. POLICY STATEMENTS**

15.1. A candidate may submit with her/his nomination form a policy statement not exceeding three hundred words for all positions listed in R6.2 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 any format deemed appropriate by the Returning Officer and submitted at the same time as the candidate's nomination form. Where a candidate has nominated for more than one position, the candidate should 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.

15.2. Subject to R15.1, the Returning Officer must make copies of all duly received policy statements available:

15.2.1. on the Election Website;

15.2.2. on a prominent noticeboard in Union House;

15.2.3. 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.

15.3. In conjunction with the Media Officers, the Returning Officer shall organise no less than two occasions to allow candidate photographs to be taken for publication, in conjunction with policy statements, in an edition of Farrago released before or during the week of the relevant elections

15.4. Subject to consultation with the Media Officers the Returning Officer may determine any technical or other requirements in relation to candidate photographs.

## **16. CLOSE OF NOMINATIONS**

16.1. Nominations must be received by the Returning officer no later than 12 midday on the Friday four weeks before the Friday in the week of the annual elections.

16.2. For by-elections, nominations must be received no later than 12 midday on the day two weeks before the final day of polling of the by-election.

## **16A. BY-ELECTIONS**

16A.1 Any casual vacancy (as determined by C51) prior to twenty-one days before the start of polling shall be elected at a by-election in the manner laid out in these Regulations. A by-election may also be held to elect members to positions which were not filled for any reason at a preceding annual or by-election.

16A.2 Where a by-election is held concurrently with an Annual Election the 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 timeline set out in these regulations.



## **17. UNCONTESTED POSITIONS**

17.1. If the number of candidates for any position does not exceed the number 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 shall be confirmed at the time when the results for contested positions are finally declared, whether or not reference to such uncontested positions has been made at that time.

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

18.1. Any casual vacancy (as determined by C51) of a voting representative on Students' Council or a Committee prior to twenty one days before the start of polling for a by-election or annual election may be filled in the manner prescribed in this regulation.

18.2. This regulation shall only be used for casual vacancies of voting representatives elected in an annual election or by-election as an endorsed Ticket candidate.

18.3. The Senior Staff Member shall contact the Ticket registrant within three academic 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.

18.4. The Ticket registrant may recommend to the Electoral Tribunal a replacement to fill the casual vacancy, and must make any such recommendation within five academic days from being notified of the casual vacancy by the Senior Staff Member. The Senior Staff Member shall collect the recommendation and present it to the Electoral Tribunal.

18.5. The Electoral Tribunal shall have the power to fill the casual vacancy with the recommended candidate, by simple majority vote. The Electoral Tribunal shall only fill this vacancy upon recommendation.

18.6. The Electoral Tribunal may only fill casual vacancies that fulfil the requirements set out in R8 and R10. 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.

18.7. If the Ticket registrant does not make a recommendation to the Electoral Tribunal within five academic days, the casual vacancy shall be filled by the process set out in R19, left vacant if R19 cannot be applied, or be filled at a by-election (if possible).

18.8. The Electoral Tribunal shall declare the election of the successful candidate within five academic days of the vote referred to in R18.4, and the Senior Staff Member shall inform the elected candidate, and the Secretary.

18.9. The Senior Staff Member shall be responsible for the administration of this regulation, as required by the Electoral Tribunal.

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

19.1. Any casual vacancy (as determined by C58) of a voting representative on Students' Council or a Committee prior to twenty one 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 R18.

19.2. This regulation shall only be used for casual vacancies of voting representatives elected in an annual election or by-election who were elected not as a Ticket candidate. If the casual vacancy occurs from a voting representative elected as a Ticket candidate, R18 must first be used to fill the vacancy.

19.3. The Electoral Tribunal has the power to fill the casual vacancy by a countback, using the vote sheets prepared by the Returning Officer for the election in which the vacating representative originally ran.

19.3.1. In the event of a vacancy or vacancies, all candidates of the election cycle that are eligible to assume the elected representative position and that are not otherwise ineligible to be elected, as per R8 and R10, shall be contacted by the Senior Staff Member within five academic days from the time at which the vacancy or vacancies occurred.

19.3.2. All contacted candidates will be given five academic days from the time at which they were contacted to respond as to whether or not they are willing to accept the vacant position should they be elected during the Countback Election. All candidates who decline to serve, or do not respond within the five academic days period shall be excluded from the Countback Election.

19.3.3. The Senior Staff Member shall provide a public list, on the UMSU Website and noticeboard of all candidates participating in the Countback Election prior to the Countback Election.

19.3.4. After the five academic days response period, or once all candidates have responded, the Senior Staff Member shall conduct a count, within three (3) academic days, in which the last eligible candidate(s) who had a highest value at the last stage of counting that there were still candidate(s) eligible to be elected, will be declared elected. The number of elected candidates for this process shall equal the number of vacancies to fill.

19.3.5. Each winning candidate will be declared elected by the Electoral Tribunal, and the Senior Staff Member will inform the winning candidate(s), and the General Secretary, of the results of the Countback Election within five academic days.

19.3.6. The winning candidate(s) shall assume their representative role five academic days after the declaration of the Electoral Tribunal.

19.4. If there are no eligible candidates to fill the casual vacancy, then the positions shall remain vacant until filled by a by-election (if possible), or left vacant.

19.5. The Senior Staff Member shall be responsible for the administration of this regulation, as required by the Electoral Tribunal.

## **20. FILLING COORDINATOR VACANCIES**

20.1. Any casual vacancy (as determined by C58) of a Burnley Students Department Coordinator prior to twenty one 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 R18 or R19.

20.2. The General Secretary shall be responsible for the drawing up of advertising for casual vacancies arising amongst Coordinators and the advertising of such vacancies on the UMSU Website, notice boards, and any other places that the Secretary sees fit.

20.2.1. There shall be two academic weeks' notice given for a casual vacancy of a Coordinator.

20.3. The Burnley Students Department Committee shall meet within three academic days after the final day of notice for the casual vacancy to recommend a candidate to the Electoral Tribunal to fill the casual vacancy.

20.4. The Committee shall only recommend a candidate that is eligible to hold the Coordinator position, and all recommendations must be by simple majority vote if no consensus exists.

20.5. The Electoral Tribunal shall have the power to fill the casual vacancy with the recommended candidate, by simple majority vote.

20.6. If the Committee does not make a recommendation to the Electoral Tribunal, the casual vacancy shall be filled by the process set out in R19, left vacant if R19 cannot be applied, or be filled

20.7. The Electoral Tribunal shall declare the election of the successful candidate within five academic days of the vote referred to in R18.5 and inform the elected candidate, and the Secretary.

20.8. The Senior Staff Member shall be responsible for the administration of this regulation, as directed by the Electoral Tribunal and General Secretary.

## **21. TICKETS**

21.1. If a number of 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.

21.2. The application must contain the signatures of at least fifteen Members.

21.3. No Member may sign more than one application and no candidate standing on a ticket may sign an application for a different ticket.

21.4. If the proposed name of a ticket includes the name of a club or society affiliated with UMSU or MUSUL, the application must include:

21.4.1. the terms of a resolution of that club or society approving the use of the name; and

21.4.2. the signature of the president or secretary of that club or society certifying the passing of the resolution.

21.5. 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.

21.6. The Returning Officer may refuse to permit a ticket name which is misleading or offensive, and shall give the applicant the option of choosing another name. 21.7. If a ticket name which is not the name of a club or society is proposed by more than one person, the person who first submitted the name may be approved, all other criteria being in order as determined by the Returning officer.

21.7.1. Where a ticket name is proposed that is identical to or so similar to another proposed ticket name or names, as potentially to cause confusion amongst voters, the ticket name that was submitted first will be approved, all other criteria being in order as determined by the Returning Officer, and the Ticket Registrant for the second and any subsequent purported tickets with the same or a similar name will be given a reasonable opportunity to submit an alternative ticket name.

21.8. The Returning Officer must afford the same rights and responsibilities to all tickets.

21.9. Each Member standing on a ticket must sign and give to the Returning Officer an acknowledgement that their name is included on a ticket.

21.9.1. This acknowledgement must also be signed by the person who registered the ticket for the purposes of that election.

21.10. A Member 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 Member in election material.

21.11. The list of names of candidates standing on each ticket must be prominently displayed at each polling booth 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.

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

## **22. STATEMENTS OF DISTRIBUTION OF PREFERENCES**

22.1. A ticket may lodge a statement setting out the order in which preferences are to be distributed after being distributed to the ticket in accordance with R35.2.

22.2. Preferences may not be split.

22.3. Each ticket must preference candidates registered with their own ticket before another candidate.

22.4. Statements must be received by the Returning Officer by 12 (midday) on the Friday two weeks before the Friday during the week of the elections, or one week before the day of the last day of polling for a by-election.

22.5. The Returning Officer must make the statements available for inspection on the Election Website and in each polling booth.

22.6. The Returning Officer must provide a form for preferences submitted by a ticket.

### **23. DRAW FOR BALLOT PAPER**

23.1. 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 where appropriate on the ballot paper.

23.2. For multimember ballots, the order that the tickets appear on the ballot paper shall be determined by random draw. The ticket may submit their preferred order of candidates acknowledged to be on that ticket, which shall appear below the name of the ticket on the ballot page.

### **24. VERIFICATION OF ELIGIBILITY**

24.1. The Returning Officer must verify that each person who has nominated is eligible to stand no later than 5.00pm three academic days after the day nominations close, and that each ticket name is approved by such time.

### **25. LIST OF CANDIDATES**

25.1. For annual elections, or by-elections, the Returning Officer must, no later than 5.00pm four academic days after the day nominations close, place a poster that lists the names of all accepted nominations:

25.2. on the Student Union noticeboard in Union House;

25.3. on the Election Website;

### **26. WITHDRAWAL OF NOMINATION**

26.1. A candidate may withdraw at any time prior to the commencement of counting of the ballots for that position. Withdrawals must be signed by the candidate. A withdrawal will take effect upon its 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 shall be distributed accordingly.

26.2. Notice of the candidate's withdrawal shall be prominently displayed on the Election Website, at polling places and on the candidate's or ticket's publicity (if any). Where a ticket has no candidates contesting any position (due to withdrawal), Students shall be prohibited from distributing material in support of, or otherwise encouraging Students to vote for, that ticket.

26.3. If in a multi-member ballot (as set out in R11.3.2) all candidates for a registered ticket are withdrawn, then preferences of above-the-line votes for that ticket (in accordance with R35.2.2) will still be distributed to other candidates as per the preference schedule of that ticket.

## **27. PERMITTED ELECTION MATERIAL**

27.1. Permitted election material shall include the following:

27.1.1. advertising, where the Returning Officer has approved the content;

27.1.2. websites;

27.1.3. clothing;

27.1.4. leaflets;

27.1.5. badges;

27.1.6. chalking (solid block) in areas exposed to the weather on horizontal surfaces;

27.1.7. other types of material, where they have been specifically permitted by the Returning Officer.

27.2. Unless specifically permitted by the Returning Officer all other types of material will be prohibited.

27.3. Notwithstanding R27.2 the following material can never be permitted election material:

27.3.1. stickers

27.3.2. publicity reproduced on paper larger than A3 size (297mm x 420mm);

27.3.3. 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;

27.4. All paper used as election material must be recycled and recyclable.

27.5. The Returning Officer must provide facilities at the polling booth for election material to be recycled or re-used.

27.6. 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.

## **28. AUTHORISATION OF ELECTION MATERIAL**

28.1. Any 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 by the Returning Officer before that material is displayed or distributed. Only permitted election material may be authorised by the Returning Officer.

28.2. Material which is deemed to be sexist, racist, militaristic or queerphobic must not be authorised by Returning Officer.

28.3. Any material not contravening R27.3, R27.4 or R28.2, and which is not otherwise deemed by the Returning Officer in his sole discretion to be misleading or deceptive in any way, shall be authorised by the Returning Officer.

28.4. The Returning Officer may require any person submitting material for authorisation to sign an indemnity in such forms as may be required by the Returning Officer, before the Returning Officer authorises that material.

28.5. All material authorised by the Returning Officer must have the words "Authorised by the Returning Officer" displayed on it and every copy made of it. One copy, or a facsimile, of any authorised material must be kept and reproduced by the Returning Officer. The Returning Officer must make this material accessible for Students to inspect as soon as possible after it is authorised.

28.6. All material authorised by the Returning Officer must have the words 'Published by' followed by the name and Student number of a Student who is to be publisher displayed on it and every copy of it that is distributed or displayed The words 'Please Recycle' must be on all material printed on paper products

28.7. In the case that material for which authorisation has not been given, or for which authorisation has been withdrawn, has been circulated, the Returning Officer may, if satisfied that it is warranted, require that the material be taken down and/or removed from circulation by a candidate or ticket.

28.8. Where the Returning Officer considers that the size or nature of any publicity makes it impractical to allow the words as stated in R28.5 and R28.6, the Returning Officer may grant a waiver provided that the publisher provides a detailed written description of the publicity to the Returning Officer, and 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 ruling granting such a waiver shall also apply to other material of a similar nature, whether referable to the same candidate or publisher, or not.

28.9 Where material has been authorised, it may be republished in different formats (including electronically) without being separately authorised, as long as the change in format does not alter the content or message originally authorised, and the material carries the publisher and authorisation lines required by these Regulations."

28.10 The creation of pages, websites, social media accounts, online public fora relating to the election need to be authorised by the Returning Officer, and carry the authorisation described in R28.5 and R28.6.

28.11 In online media (particularly social media) where it is customary to post short updates; separate authorisation and the authorisation and publishing lines in R28.5 and R28.6, are not required when:

- (a) the item is limited to encouragement to vote for a particular candidate and/or ticket and does not introduce any new material beyond what has already been authorised;
- (b) the item does not comment on any opposing candidate or ticket; and
- (c) the item is clearly identified as being posted by a particular candidate or ticket, and contains a link to or appears on the main site of that candidate or ticket which has itself been authorised.

28.12 The Returning Officer may ban the use of specific online sites or social media services for election material

## **29. DATES, TIMES AND LOCATIONS OF POLLING**

- 29.1. The election must be held in the first full academic week in September, where it falls no earlier than the fifth week of Semester. Should there be no academic weeks in September, it will be held in the first academic week following that period.
- 29.2. A by-election, if held in First Semester, is to be held no later than the week commencing one week before the mid-semester non-instruction period.
- 29.3. Polling during an annual election is to be open as follows:
  - 29.3.1. Monday, Wednesday, Thursday AND Friday 10:00 am until 5:00 pm,
  - 29.3.2. Tuesday 10:00 am until 6:30 pm,
  - 29.3.3. Polling for a by-election held in First Semester shall be open on Monday and Tuesday from 10:00 am until 5:00 pm and on Wednesday from 10:00 am until 1:00 pm.
- 29.4. Polling is to be conducted in or near the ground level of:
  - 29.4.1. Union House at the Parkville campus of the University;
  - 29.4.2. An area in or near the Burnley Student Association Campus Centre;



29.4.3. An area at or near the Baillieu Library of the Parkville campus; and

29.4.4. An area at or near the cafeteria on the Southbank (formerly the VCA) Campus of the University.

29.4.5. An area at or near the FBE Building of the Parkville Campus

29.4.6. An area at or near Murrup Barak on the Parkville Campus, to be defined by the Returning Officer with the assistance of Murrup Barak Staff

29.5. Notwithstanding R29.3 and R29.3.1, the hours of voting may be restricted in the polling places named in R29.4.2, R29.4.3., R29.4.4., 29.4.5 and 29.4.6 but shall not be fewer than three consecutive hours at no less than four of the locations, excepting for a by-election, and polling during an annual election at the polling places named in 29.4.4, 29.4.5 and 29.4.6 may not be restricted to less than three days. The polling place named in R29.4.3 shall open at 10.30 am on each day of polling during an annual election.

### **30. VOTING**

30.1. 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.

30.2. Votes cast at a polling place other than where the master electoral roll is kept must be sealed in an unmarked envelope, which shall be placed a separate envelope with the Student's name and Student number upon it, and shall be treated as a provisional vote.

30.2.1. This name and Student number shall then be reconciled against the master roll at the end of the polling period.

30.2.2. If the Student has not already cast a vote in the election, the vote shall be counted.

### **31. POSTAL VOTES**

31.1. Any Student may apply in writing to the Returning Officer for a postal vote. The Returning Officer is obliged to accept all postal vote applications where the postal vote application has been completed correctly.

31.2. Applications for postal votes must be received by 5:00pm, at least 3 academic days before the first day of polling.

31.3. The Returning Officer must send a ballot paper, return postage paid envelope by post or any other reasonable method, to any person eligible to vote by postal vote, who applies in accordance with these Regulations for a postal vote, as soon as practicable after that application is received.

31.4. The name of each Student who has been sent a postal vote must be marked as a postal voter on every electoral roll.

31.5. Postal votes must be received by the close of polling on the last day of voting. Postal votes received after this time will be invalid.

## **32. BALLOT PAPERS**

32.1. The form of ballot papers for each election shall be determined by the Returning Officer subject to requirements of these Regulations.

32.2. Elections for more than one position may be included on one page of the ballot paper.

32.3. 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.

32.4 – The ballot for all Queer positions must not be attached to any other ballot, and must include the following words in a prominent location on the ballot: “Only persons who identify as being within the category of Queer (includes, but is not limited to, being same-sex attracted, homosexual, bisexual, pansexual, asexual, intersex, Trans\*, or sex and/or gender diverse) can vote for these positions”

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

33.1. Before a voter is issued with a ballot paper, the Polling Clerk must:

33.1.1. obtain the voter’s Student number and check it against the roll;

33.1.2. ask to see photographic identification of the voter;

33.1.3. initial the ballot paper;

33.1.4. cross the voter’s name off the electoral roll;

33.2. Once a voter has been crossed off the electoral roll they will be issued with a ballot paper with a verbal instruction that “Queer includes those persons who identify as being within the category of Queer. Only students who identify as Queer can vote for these positions”

33.3. The voter must complete the ballot paper within the polling station and place it in the ballot box.

33.4. Where a person is unable to provide adequate photographic identification to a Polling Clerk, that person may not vote.

33.5. 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 her/his 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. In accordance with C112(a) elections must be conducted using optional preferential proportional representation.

35.2. Voters must indicate their order of preference for candidates either:

35.2.1. by placing the number 1 against the name of the candidate of first preference and consecutive higher numbers commencing from the number 2 upwards as applicable, 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

35.2.2. where permitted by R11.3.2, by placing the number 1 against the name of a ticket.

35.3. For the purposes of R35.2:

35.3.1. 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 shall be taken as preferences ahead of those with no number against their name;

35.3.2. a tick 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;

35.3.3. a cross or any other distinct identifying mark against the name of a candidate or ticket where there is no number 1 or tick or other distinct identifying mark against the name of another candidate is deemed to be the number 1.

35.4. A voter who has voted for a ticket in accordance with R35.2.2 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 in order.

35.5. If a ticket has lodged a statement of preferences in accordance with R21, voters who have voted for that ticket are deemed to have voted for other candidates in that election in accordance with that statement.

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

36.1. Votes (other than postal votes) must be cast by the voter personally placing the ballot papers in a locked/sealed ballot box provided for that purpose at each polling place.

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

- 37.1. Ballot boxes may only be unlocked/unsealed by the Returning Officer.
- 37.2. The Returning Officer must, whenever a ballot box becomes full, remove the ballot papers and lock them in a secure place.
- 37.3. Immediately after the end of polling, the Returning Officer must lock all unissued ballot papers and voters' rolls in a secure place.

### **38. COUNTING OF VOTES**

- 38.1. Counting must commence as soon as is practicable after 12pm on the final day of voting.
- 38.2. Ballot papers must only be removed from ballot boxes under the direct supervision of the Returning Officer.
- 38.3. The only persons who may be present during counting are:
- 38.3.1. any election staff employed for the purposes of counting and supervision of counting;
  - 38.3.2. any member of the Electoral Tribunal;
  - 38.3.3. scrutineers for the positions being counted at that time; and,
  - 38.3.4. others specifically authorised by and under the supervision of the Returning Officer.
  - 38.3.5. 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.
- 38.4. 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.
- 38.5. 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. Each candidate who is not part of a ticket is able to nominate two scrutineers, who must in each case be Students, to observe the vote counting process on behalf of the candidate.
- 39.2. The person who has registered a ticket may nominate two scrutineers, who must be Students, to observe all vote counts in which the ticket has an acknowledged candidate on behalf of the ticket and its candidates.
- 39.3. A candidate may be appointed as a scrutineer, for a position for which they are not standing, by another candidate.

39.4. Scrutineer nominations must be submitted to the Returning Officer prior to their entry to the count room.

39.5. 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.

39.6. Under no circumstances can a scrutineer touch or handle either the ballot box, ballot papers or other material assisting in the conduct of the count.

39.7. No cameras or other recording equipment shall be allowed in the counting room.

39.8. No alcohol shall be allowed in the counting room.

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

40.1. 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. Each ballot paper must first be given the value of 1.

41.2. Votes must then be counted in accordance with the following procedure:

41.2.1. The value of each ballot paper must be allocated to the continuing candidate that the voter has indicated their highest preference.

41.2.2. If a ballot paper:

41.2.2.1. shows an equal highest preference to more than one continuing candidate, or,

41.2.2.2. does not show a consecutive preference for at least one continuing candidate,

41.2.2.3. that ballot paper is exhausted and may not be allocated or reallocated to any further candidates.

41.2.2.4. 4A quota must be calculated by dividing the total value of ballot papers allocated to continuing candidates by one more than the number of position remaining to be filled.

41.2.2.5. If there are withdrawn candidates who have votes assigned to them, then they are all eliminated simultaneously and steps R38.2.5 and R38.2.6 are initially omitted. Any such ballot papers for withdrawn candidates must then be reallocated to the continuing candidate for which the voter has indicated the highest preference.

41.2.2.6.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.

41.2.2.7.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.

41.3. The procedure in R41.2 must be repeated in order until the number of positions to be filled is filled.

41.4. In this Regulation:

41.4.1. "continuing candidate" means a candidate who has neither been provisionally elected nor eliminated;

41.4.2. "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.

41.4.3. "preference" means a preference for a continuing candidate, as defined in R38.4.1.

41.5. 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.

41.6. 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 is required under the relevant affirmative action requirement, and there are candidates who are Women or Women of Colour, as appropriate, who have not yet been elected, then the following steps must be taken:

42.2.1. Reintroduce to the count, with zero votes, all candidates who are Women or Women of Colour (as appropriate) who have previously been excluded;

42.2.2. 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;

42.2.3. 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 of all elections to be counted have been provisionally declared, place a notice of the declaration of provisional results on the Election Website and on a noticeboard in Union House.

### **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 Member to vote or to vote in a particular way, is prohibited.

44.5. Without limiting the generality of R44, the following are specifically prohibited:

44.5.1. Providing false information in or interfering with any form lodged with the Returning Officer;

44.5.2. Impersonating another person;

44.5.3. Distributing misleading, false, or defamatory statements;

44.5.4. Casting a vote with the intention to defraud;

44.5.5. Destroying or defacing a ballot paper, ballot box, or election notice; defacing does not mean making comments on an otherwise valid ballot paper.

44.5.6. Removing a ballot paper from the polling place;

44.5.7. Interfering with ballot papers, ballot boxes, or voters' rolls;

44.5.8. Violating the secrecy of the ballot;

44.5.9. Supplying ballot papers without authority;

- 44. 5.10 Attempting to vote more than once at the same election;
- 44.5.11. Defacing, mutilating, destroying or removing any notice, list or other document affixed or posted by the Returning Officer;
- 44.5.12. Defacing, mutilating, destroying or removing any election material without the authority of the publisher of that material;
- 44.5.13. Producing, distributing, or causing in any way to be made available any publicity not in accordance with R28;
- 44.5.14. Unfairly interfering with a candidates' publicity;
- 44.5.15. Campaigning within the defined area of a polling place;
- 44.5.16. Paying a person to campaign;
- 44.5.17. Offering gifts or bribes or attempting to exert undue influence, including but not limited to 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;
- 44.5.18. Using for campaign purposes any facilities of UMSU or MUSUL not generally available to all Students, including, but not limited to, office space, computers, photocopiers, stationery, cars, telephones and facsimile machines;
- 44.5.19. Damaging UMSU, MUSUL or University property;
- 44.5.20. Failing to comply with a direction of the Returning Officer or Electoral Tribunal;
- 44.5.21. Obstructing a meeting of the Electoral Tribunal
- 44.5.22. Impeding the conduct of the election;
- 44.5.23. Marking any ballot paper issued to another person, other than at the specific direction of the Returning Officer;
- 44.5.24. Making a false statement in any form, claim, application, return or declaration, or in answer to a question asked in accordance with these Regulations;
- 44.5.25. Engaging in disruptive conduct at a polling place or counting centre;
- 44.5.26. Physically or verbally harassing a person.
- 44.5.27. Engaging in sexist, racist, homophobic or militaristic intimidation or abuse.
- 44.5.28. Assaulting or attempting to assault a person.
- 44.5.29. Campaigning, directly or indirectly, or aiding in campaigning in the elections, by any persons who are not current Students of the University.



44.5.30. Without limiting R12 of the Procedures for Student Representatives, UMSU Office bearers in receipt of a full-time or part-time honorarium, and who have not taken a leave of absence for the duration of the poll, may not campaign in an UMSU Election in any capacity.

44.6. For the purposes of R44.5, a Polling Place will be an area around the ballot boxes of no less than six metres distance from the ballot box. 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. If it is perceived that the Returning Officer has in any determination, action, or lack of action, committed an act of serious misconduct, an individual or individuals may at any time make a report of misconduct by the Returning Officer to the Electoral Tribunal.

45.2. Such reports must be in writing, and must contain substantiating material.

45.3. If satisfied that it is warranted, a member of the Electoral Tribunal may call a meeting of the Electoral Tribunal to consider the report of misconduct by the Returning Officer.

45.4. The Electoral Tribunal may, if satisfied that serious electoral misconduct has occurred, dismiss the Returning Officer, and appoint a new Returning Officer

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

46.1. Candidates may make reports of prohibited conduct to the Returning Officer at any time before the declaration of provisional results.

46.1.1. Such reports must be in writing and contain substantiating material.

46.1.2. The Returning Officer may act within his or her powers in relation to such reports.

46.1.3. Candidates may appeal any decision of the Returning Officer to the Electoral Tribunal.

Candidates must do so in writing and provide substantiating material regarding how it is alleged the Returning Officer has made a faulty decision.

46.1.4. Notwithstanding Rule 4.1.2, the Returning Officer may act within his or her powers in relation to any report made prior to the declaration of provisional results.

46.2. After the declaration of provisional results, candidates may make reports of prohibited conduct to the Electoral Tribunal.

46.2.1. Such reports must be in writing, and must contain substantiating material.

46.2.2. Before declaring the poll, the Electoral Tribunal must investigate all reported incidents of prohibited conduct, and conduct such hearings as the Electoral Tribunal deems necessary.

46.2.3. The Electoral Tribunal may, whether it finds there has been a breach of these Regulations or not, give such directions as it sees fit.

46.2.4. If the Electoral Tribunal finds there has been a breach, it may formally reprimand the person reported.

46.2.5. If the Electoral Tribunal finds there has been a serious breach, it may disqualify the person from standing in that and future elections, and may as a result declare that candidate not be 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 working days of the declaration of provisional results. The Returning Officer will only act upon such a request if satisfied that it is warranted. The Returning Officer must conduct the recount within seven working days of the request being approved.

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 working days of the declaration of provisional results or within three working 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:

47.4.1. Order the Returning Officer to conduct a recount or recounts;

47.4.2. Declare that a candidate not be elected;

47.4.3. Declare that another candidate be elected;

47.4.4. 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 of the elections and the result, and provide the report to the Electoral Tribunal, the MUSUL Chief Executive Officer, the University Secretary, and the Students' Council. The Returning Officer's report must contain:

48.1.1. A list of the candidates declared provisionally elected to each position and the order in which they obtained quota;

48.1.2. A summary showing the number of votes for each candidate at each level of the count;

48.1.3. Details of the conduct of the elections;

48.1.4. Any recommendations of the Returning Officer; and

48.1.5. Such other information the Electoral Tribunal may require.

48.2. A meeting of the Electoral Tribunal must be convened not less than seven days and not more than fourteen days after the results of all elections to be counted have been provisionally declared, to consider the Returning Officer's report and consider any reports of prohibited conduct, or any appeals against the results of the elections.

48.3. The Electoral Tribunal must deal with any reports of prohibited conduct according to the procedure specified in R43.

48.4. The Electoral Tribunal must deal with any appeals against the results of the elections according to the procedure specified in R44.

48.5. The Electoral Tribunal must declare the final result of the election within four weeks of the declaration of provisional results.

48.6. 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.

48.7. A copy of the official Election Report must be stored in the archives of the Student Union and made accessible to Students.

## **49. VICTORIAN COLLEGE OF THE ARTS DEPARTMENT COMMITTEE.**

49.1. The Returning Officer will conduct an annual election, and by-elections as determined by the Electoral Tribunal, subject to these rules for the positions set out in R49.2, for the Victorian College of the Arts Department Committee.

49.2. The Victorian College of the Arts Department Committee consists of the following voting members

49.2.1.1. Campus Co-ordinator

49.2.1.2 Campaigns Co-ordinator

49.2.1.3. Activities and Events Co-ordinator; and

49.2.1.4 Seven general representatives.

49.2.4. To be eligible to stand for election, or cast a ballot, in relation to the positions set out in R49 a student must comply with criteria set out in these Regulations and must be enrolled as a student of the Faculty of the VCA and Music.

49.2.5 Should a vacancy occur in either of the Co-ordinator positions set out in R49.2, then the VCA Department Committee by resolution may appoint an interim Co-ordinator.

49.2.6 Should a general representative of the VCA Department Committee cease to be a member of the Committee, then a ticket appointment shall occur.