

La Trobe University Student Union Incorporated

2021 ELECTION REGULATIONS

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2. Authorising Provisions

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

3. Application

These regulations:

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

4. Returning Officers

4.1. In these regulations:

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

4.2. The Student Union must call for tenders for the positions of RO and DRO.

4.3. The Executive must consider the tenders and may interview tenderers.

4.4. The Executive must recommend a tenderer to the Student Council.

4.5. The Student Council must appoint the RO and DRO on such terms as it considers appropriate.

4.6. The DRO may exercise all the powers of the RO under these regulations.

4.7. The RO may delegate some or all of their powers to one or more Assistant ROs.

4.8. The RO and all persons authorised by them to assist in the conduct of the election must not be candidates in the election.

4.9. No person may participate in the conduct of the election unless authorised by the RO.

4.10. The RO must, in consultation with the President and General Manager of the LTSU:

- a. determine the place or places at which polling must, if necessary, be held; and
- b. mark clearly the exclusion zone around each polling booth.

4.11. The RO may prescribe and do all things relating to the conduct of the election not provided for in the Constitution and these regulations.

4.12. The General Secretary must inform the RO in writing of the positions to be filled at the election.

4.13. The RO must present a report of the election in writing to the Student Council within 2 months of the election.

4.14. Within 2 weeks after the end of the election, the RO must send the NUS Accreditations Committee a report on Student Union letterhead signed by RO:

- a. stating that the election was conducted in accordance with NUS By-laws B3– B5;
- b. setting out the names of the delegates in the order in which they were elected; and

- c. including:
 - i. the rules under which the election was conducted, and
 - ii. details of voting.

5. Poll Clerks

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

6. Notice of Election

- 6.1. The RO must by notice in writing:
 - a. give notice of the election; and
 - b. call for nominations.
- 6.2. The notice must state:
 - a. the positions to be filled,
 - b. the qualifications required for candidates and voters, and
 - c. how nominations can be made.
- 6.3. The notice must be published at least 10 academic days before the close of nominations on the LTSU Website

6.4. The RO must also publish the provisions of regulation 19 in relation to prohibited conduct in the election before the close of nominations in the same way as for the notice of election.

6.5. The positions to be filled at the election may not be changed after the publication of the notice of the election.

6.6. In the event that the position of RO is vacant at the time when notice of the election needs to be given, the duties of the RO in these regulations may be undertaken by the R&O Manager of the LTSU

7. Nominations

- 7.1. Nominations must be on the official nomination form, and must include:
 - a. Full Name
 - b. Current Address
 - c. Email
 - d. Gender
 - e. Student Number
 - f. Mobile Phone Number
 - g. Position Sought
 - h. Ticket Running on, if applicable
 - i. The names and student numbers of 20 students as nominators
- 7.2. Nominations may include
 - a. a passport sized photo of the candidate
 - b. a policy statement of up to 500 words
- 7.3. The qualifications for eligibility to nominate are set out in clause 54 of the Constitution.
- 7.4. Nomination forms must be published on the LTSU Website and emailed to any student upon request.
- 7.5. Nominations must be emailed to the RO. The RO must send an email receipt of the nomination as soon as practical.
- 7.6. The RO must reject any nomination that does not comply with the Constitution and these regulations.
- 7.7. The RO must check the University records to ensure that all candidates are eligible to nominate.

- 7.8.** On the academic day before the day on which nominations close, the RO must publish on the LTSU Website and Facebook page a list of nominations already received.
- 7.9.** Candidates may at any time before the first day of voting withdraw their nomination by giving a signed notice in writing to the RO, who must then proceed as if the nomination had not been made.
- 7.10.** If the number of candidates for a position does not exceed the number to be elected, the RO must declare those candidates elected.
- 7.11.** Nominations must close at 5.00 pm at least 5 clear academic days before the first day of voting
- 7.12.** Nominations received after the published time and date will not be accepted under any circumstances.
- 7.13.** The RO must rule invalid any nomination that does not comply with this regulation.
- 7.14.** The RO must give each candidate a copy of the Constitution and these regulations.

8. Teams of Candidates

- 8.1.** If 2 candidates wish to nominate together to share an office-bearer position (including the Editor of Rabelais) in accordance with clause 47 of the Constitution:
- a.** their nomination must be on a single nomination form with their names in the order they are to appear on the ballot paper;
 - b.** the nomination form must be submitted by both candidates;
 - c.** the nomination form must be accompanied by an agreement for sharing positions required by the Committee and Office-Bearer Regulations which must be submitted by both candidates; and
 - d.** unless the contrary intention appears, their nomination is to be treated as a single nomination for the purposes of these regulations, including those relating to

nominations, ballots and counting of votes.

9. Ballot Papers

- 9.1.** The Returning Officer must conduct the election under these Regulations by way of an electronic voting system which ensures the secrecy of the vote cast by the voter.
- 9.2.** The online ballot must show the names of candidates as follows:
- a.** given name followed by family name, and
 - b.** a box must be placed immediately adjacent to the name of the candidate.
 - c.** Ticket, if applicable
- 9.3.** The RO must determine the order of candidates' names on the ballot paper by drawing lots. In the draw, groups of candidates must have equal status with individual candidates who are not grouped.
- 9.4.** The RO must notify all registered tickets and candidates of the draw no later than 24 hours after it is conducted.
- 9.5.** The online ballot papers must be laid out to provide the option of voting "on the front page" for tickets and "below the line" for individual candidates
- 9.6.** In the case of multi member ballots only, the online ballot paper must be laid out to provide the option of voting "above the line" for tickets
- a.** and "below the line" for individual candidates
 - b.** The voter must either indicate an order of preference for 1 ticket above the line by ticking/crossing the box corresponding to that ticket. Or;
 - c.** Some or all of the candidates below the line by placing the number 1 against the candidate or ticket of first preference and consecutive higher numbers against candidates of lower preference in order. A vote above the line represents a vote in accordance with that tickets preference schedule throughout all applicable ballots.
 - d.** Each ballot paper must be

- given a value of 1;
- e. The value of each paper must be allocated to the candidate against whose name appears the lowest number on the ballot paper among those candidates not elected or eliminated;
 - f. A ballot paper that does not show a valid preference for at least 1 continuing candidate is exhausted and may not be allocated further;
 - g. A “stage of counting” is when all ballot papers have been allocated to candidates not yet elected or eliminated;
 - h. at each stage of counting by dividing the total value of ballot papers allocated to continuing candidates by 1 or more than the number of positions remaining to be filled and rounding up the answer so obtained in at least the 6th decimal place;
 - i. If at any stage of counting a candidate is allocated a value in excess of the quota, that candidate must be declared elected, and each ballot paper allocated to that candidate must be assigned a new value obtained by multiplying its current value by the candidate’s transfer value;
 - j. The “candidate’s transfer value” is an elected candidate’s value, less the quota, all divided by the elected candidate’s value;and
 - k. If at any stage of counting no candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated; If there are 2 or more candidates with an equal value and no candidate has a lower value at an earlier stage of the counting the returning officer must determine by lot which of these candidates is to be eliminated.

9.7. Nothing else must be included on the ballot paper, except instructions appropriate to these regulations

10. Tickets

10.1. Any student eligible to run in the election may, on behalf of a group of candidates, apply to have their names set

out on the ballot paper under the name of the ticket. This student is the ticket registrant.

- 10.2.** The name of the ticket must be no longer than 4 words.
- 10.3.** The name of the ticket must not:
 - a. be the same as, or similar to, any other ticket name;
 - b. be misleading or deceptive;
 - c. contain voting directives; or
 - d. be offensive or derogatory.
- 10.4.** The ticket registrant must provide the RO with a list of preferences, which must include a first preference for each candidate on the ticket.
- 10.5.** In order for the ticket registration to be accepted, it must meet the following requirements:
 - a. Nominate Candidates for at least 3 executive positions
 - b. Nominate at least one candidate for four officebearer positions
 - c. Nominate for at least four general Member Positions
 - d. Have at least 12 unique candidates
- 10.6.** The ticket registrant must submit to the returning officer, via email, a list of all candidates wishing to run on the ticket and their student numbers
- 10.7.** Once accepted by the Returning Officer, the withdrawal of any candidates from the ticket shall not affect the eligibility of said ticket.
- 10.8.** If a tickets registration is not accepted, the candidates that have attempted to nominate under that ticket will not be considered to be candidates running under a ticket for the purposes of these regulations and must not campaign or distribute material under a ticket name.

11. Registration of Ticket Names

- 11.1.** In this regulation:
 - a. “registered” includes reregistered; and
 - b. “ticket registrant” means:
 - i. the student member who registered the ticket name under regulation 11.2 or 11.3; or

- ii. the student member to whom registration of the ticket name has been transferred under regulation 11.5.

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

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

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

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

11.6. The ticket registration, as distinct from the registration of a ticket name, must be made on the official form provided.

11.7. No student member may register more than 1 ticket name

11.8. No candidate running on a ticket may register a ticket name other than the name of the ticket they are running on

12. Publication of Policies

12.1. Candidates' policy statements and photos must be published on the LTSU website and LTSU social media pages, and may be published in Rabelais or booklet form, or both.

12.2. The Student Union may adopt other means of publishing the candidates' policy statements and photos,

12.3. provided each candidate has an equal opportunity to use the means provided.

12.4. Candidates' policy statements and photos remain the property of the RO on behalf of the Student Union until the completion of the election.

12.5. The RO may, in collaboration with the LTSU President, organise a debate between select candidates

13. Voters' Roll

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

14. Polling

14.1. The RO in collaboration with the LTSU will endeavour to hold in person polling on the Melbourne campus at the following times, if government safety regulation allows it:

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

14.2. The RO in collaboration with the LTSU will endeavour to have polling booths for the annual elections in the Agora.

14.3. All polling will be conducted through the electronic polling system (Bigpulse), polling on a campus will be restricted to:

- a. Access to electronic devices for students to complete their electronic ballot
- b. Instructions regarding how to complete electronic ballots
- c. The policy statements and photos of candidates, as required under 12.1

14.4. The electronic polling system will run continuously from 10am Monday through to 2pm on Thursday of the election week.

15. Voting

15.1. The RO must provide all students, eligible to vote, with the electronic ballot paper via their student email at the commencement of polling on the first day

15.2. For the purpose of on campus polling

- a. The poll clerks must provide an electronic device to the student, upon request, in order to facilitate

their access to their student email and therefore the electronic ballot

- b. The voter must then be able to fill out the ballot in private.

15.3. If a student has not received an email containing access to the electronic ballot papers, they must email the RO who must investigate and attempt to resolve this within 1 business day and no later than 2 hours before the close of polling on the last day of polling

- a. about a missing email within 2 hours of the close of polling on the last day of polling, the RO must attempt to resolve this situation before the close of polls.
- b. Should the RO be unable to resolve this situation before the close of polls, this will not affect the outcome of the election.

15.4. Ballot papers must not be issued after the time for the close of voting each day under regulation 14.

15.5. The RO will not attempt to access the results of the election until the close of polling.

15.6. Candidates and campaigners are not permitted to campaign or distribute election material within the exclusion zone.

15.7. Any candidate, campaigner, voter or poll clerk with a complaint regarding the election must put the complaint in writing and email it to the RO or DRO.

16. Counting

16.1. Counting must commence within 1 hour of the close of polling on the last day of polling

16.2. The votes must be counted by the RO and those persons appointed by the RO (in this regulation, “the counting staff”).

16.3. Except for the DRO and counting staff no person is permitted in the counting room while counting is in progress without the express permission of the RO.

16.4. The votes must be counted in accordance with the quota-preferential method of proportional representation

used by the Proportional Representation Society of Australia, subject to the affirmative action requirements of clauses 31.4 and 53 of the Constitution.

16.5. Subject to these regulations, the RO is the sole judge of whether any ballot paper is or is not to be accepted.

16.6. If a candidate has been disqualified, any votes for that candidate must be distributed in accordance with the remaining preferences for other candidates.

16.7. No person, including the RO, DRO and counting staff must in any way whatsoever directly or indirectly disclose or assist in disclosing how any voter has voted.

16.8. The RO may adjourn the count at any time.

16.9. The count must not be adjourned for more than 12 hours.

16.10. The RO must declare the result of the election:

- a. by email to all candidates within 2 hours of the completion of counting;
- b. on the LTSU website within 5 business days of the completion of counting.

16.11. The RO must make the full counting sheets available to candidates, scrutineers and students generally, upon request via email, immediately after the declaration of the result.

16.12. If any candidate or ticket registrant requests, the RO must:

- a. recalculate the counting sheet; and/or
- b. recount the votes, but only once.

17. Election Material

17.1. All election material must be submitted to the RO for authorisation.

- a. All material so authorised must include the candidates name and student number
- b. Material need not include, ‘Authorised by the returning officer’

- 17.2.** For the purpose of these regulations “account” or “page” refers to a public facebook, instagram, Tik Tok, or equivalent social media
- a.** Tickets and Individual candidates may only publish a single page other than their personal accounts
- 17.3.** Candidates and other students may campaign and publish election material on their personal accounts from the opening of nominations to the close of polling, and this material must be authorised in accordance with regulation 17.1
- 17.4.** Any material published outside of the days provided in 18.1(m) need not be authorised by the Returning Officer
- 17.5.** The RO must ensure that no off-campus funds are used for the election.
- 17.6.** Election material to published online must be sent to the returning officer before publishing and is considered automatically authorised, and therefore able to be published, unless the returning officer states otherwise
- 17.7.** If the returning officer deems the material to be unauthorised, they must notify the publisher or ticket registrant between the hours of 9am and 5pm the same day or following day and it must be removed within 1 hour of notification
- 17.8.** Student Union bodies and Rabelais must not endorse or in any other way support candidates in the election.
- 17.9.** Any associated club or society wishing to endorse or otherwise support or be associated with a candidate or group of candidates must produce to the RO a copy of the minutes of the meeting of the club or society at which the resolution authorising that action was passed.
- a.** Any material produced or published by an affiliated club or society or its members that relates to the election is election material for the purposes of these regulations, and must accordingly be authorised in accordance with these regulations
 - b.** Affiliated clubs and societies may also publish on their online

accounts as outlined in clause 17.2, in accordance with these regulations.

18. Prohibited Conduct

- 18.1.** No person may, in connection with the election:
- a.** campaign or distribute election material within the exclusion zone;
 - b.** remove any ballot paper from the exclusion zone, except with the permission of the RO;
 - c.** remove or interfere with any notice, except by direction of the RO;
 - d.** interfere with any ballot box, ballot paper, voters’ roll, nomination, or other thing relating to the election;
 - e.** engage in any dishonest, misleading or deceptive conduct;
 - f.** impede the conduct of the election;
 - g.** threaten or intimidate the RO, DRO or poll clerks in the carrying out of their duties;
 - h.** impugn the impartiality of the RO, DRO or poll clerks, except by formal complaint under regulation 5.7 or 21.6;
 - i.** use the Student Union office or the facilities of the Student Union for the purposes of election campaigning, except in accordance with these regulations;
 - j.** coerce, threaten or otherwise interfere with any candidate or voter;
 - k.** refuse to comply with any direction of the RO in accordance with these regulations; or
 - l.** publish any unauthorised election material
 - m.** Distribute unauthorised election material online from the opening of nominations until the close of polling on the final day of the election.
 - n.** No person who is not a student may participate in the election in any way
 - o.** Liking, commenting, or sharing election material published online is not considered to be participation for the purpose of this regulation

- p. If the RO determines that a breach of any of the items specified in regulation 19.1 has occurred, their powers include, but are not limited to;
 - i. suspend a candidate or campaigner from campaigning for a reasonable period of time; or
 - ii. disqualify a candidate from standing in the election.

18.2. No person or ticker may publish material that is sexist, homophobic, transphobic, racist, or similarly offensive

19. Disputed Elections

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

19.2. The notice must state:

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

19.3. The RO must conduct a hearing at which each affected party who wishes to do so is given an opportunity to be heard.

19.4. If the RO is reasonably satisfied that any candidate has breached these regulations, the RO may:

- a. disqualify the candidate from the election;
- b. order a new election, including the dates for that election;
- c. disqualify the candidate from the new election; and
- d. make any other order and take any other action they consider appropriate.

19.5. If the RO is reasonably satisfied that any other person has breached these regulations, the RO may:

- a. order a new election, including the dates for that election; and
- b. make any other order and take any other action they consider appropriate

20. Election Tribunal

20.1. Before the annual elections each year, the Student Council must by resolution

passed by an absolute majority appoint an Election Tribunal.

20.2. The Election Tribunal must be:

- a. a member of the academic staff of the School of Law of the University,
- b. who has been admitted to practise as a barrister and solicitor of the Supreme Court of Victoria for at least 5 years.

20.3. Any affected party may appeal the decision of the RO under regulation 20 to the Election Tribunal by notice in writing lodged with the Election Tribunal within 5 academic days.

20.4. Regulations 19.2–19.5 apply to the appeal, with “RO” replaced by “Election Tribunal”.

20.5. Decisions of the Election Tribunal are final and binding on all affected parties and the Student Union. The grievance procedure in clause 19 of the Constitution does not apply.

20.6. The Election Tribunal is also responsible for investigating any complaint about the conduct of the RO and DRO, and may report on that complaint to the Student Council.

21. Filling of Vacancies

21.1. If a vacancy occurs in an office-bearer position directly elected by students more than 3 months before the annual elections, a by-election for the position must be held within 30 days, as required by clause 57.6(a) of the Constitution.

21.2. For a by-election, the Student Council need not call for tenders for the positions of RO and DRO.

21.3. These regulations otherwise apply to the byelection with such modifications as the RO considers necessary.

21.4. If a vacancy occurs in a position directly elected by students that is not an office bearer position, the Student Council must within 30 days elect a student member to fill the vacancy, as required by clause 57.6(b) of the Constitution.

22. Interpretation

- 22.1.** In these regulations, unless the contrary intention appears:
- a.** “DRO” has the meaning given in regulation 4.1(b);
 - b.** “election material” means all material in relation to the election produced by students;
 - c.** “exclusion zone” means the area around each polling booth marked by the RO in accordance with regulation 4.10(b);
 - d.** “offensive” means:
 - i.** defamatory, or
 - ii.** racist, sexist or homophobic, or otherwise in breach of the Victorian Equal Opportunity Act;
 - e.** “publish” includes display and distribute; and
 - f.** “RO” has the meaning given in regulation 4.1(a).
 - g.** ‘ticket’ means a group of candidates running under a common name, as articulated in sections 10 and 11, as well as other relevant sections of these regulations.