

**UNIVERSITY OF WOLLONGONG UNDERGRADUATE STUDENTS' ASSOCIATION:
REGULATIONS GOVERNING ELECTIONS**

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1. NAME AND TERMS OF REFERENCE

1.1. Name

1.1.1. By virtue of Section 7 of the Constitution of the University of Wollongong Undergraduate Students' Association, these Regulations shall be known as the 'Regulations Governing Elections' and all elections conducted by a Returning Officer acting on behalf of the Association shall be in accordance with the Constitution and these Regulations.

1.2. Terms of Reference

1.2.1. These Regulations should be read in conjunction with the Constitution. Elections shall be conducted as prescribed by Sections 4.5 and 4.6 of the Constitution of the Association.

2. DEFINITIONS

2.1. In addition to the definitions contained in Section 1.2 of the Constitution, the following definitions shall be used in this Regulation.

2.1.1. 'Academic Day' shall refer to a day in session excluding weekends and public holidays.

2.1.2. 'Trustees' shall refer to the Trustees of the Association as determined under Section 6.3.5 of the Constitution.

3. PRE-ELECTION RESPONSIBILITIES

3.1. Appointment of a Returning Officer (RO)

3.1.1. The Secretary of the University Council shall appoint a RO in consultation with the WUSA Council.

3.1.2. The RO shall not be a member of the Association.

3.1.3. The name of the appointed RO shall be advertised for five (5) academic days on Association Notice Boards. Students wishing to object to the proposed appointment may submit their concerns in writing to the Secretary of the University Council.

3.1.3.1. Upon receipt of any objection at least ten (10) academic days before the nomination period, the Secretary of the University Council will advise the WUSA Council in writing of the nature of the objection and adjudicate on the proposed appointment of said person in consultation with the WUSA Council.

3.2. Council Responsibilities

3.2.1. The dates and times for polling shall be determined by the Council at least one (1) calendar month prior to general elections.

3.2.2. The Council shall be responsible for advertising nominations for casual vacancy elections.

3.2.3. The Council shall be responsible for notifying voters of:

(a) When the election is to be held,

(b) The name of the Returning Officer,

(c) The name of the Deputy Returning Officers (DRO)

for General elections,

(d) Where to find relevant Association documents including Position descriptions, the Constitution, these Regulations and Regulations governing Code of Conduct.

3.2.4. This information will be distributed via SOLS mail and publicised on at least one noticeboard in each University Faculty on 'A3' paper.

3.3. Returning Officer Responsibilities

3.3.1. The RO shall be employed by and responsible to, the Secretary of the University Council for the conduct of the elections for which they are appointed and shall submit a written report to both the Council and the Secretary of the University Council upon declaration of the election results. This report will detail significant decisions made, problems encountered as well as the declaration of election results.

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- 3.3.2. The RO shall be responsible for the management of the DROs and polling clerks.
- 3.3.3. The RO shall adhere to the University's Code of Conduct.
- 3.3.4. The RO shall be responsible for ensuring DROs and Polling clerks receive copies of the Constitution, Regulations Governing Elections and Regulations governing Code of Conduct.
- 3.3.5. The RO may interpret these Regulations in consultation with the interpreters defined in Section 1.3 of the Constitution.
- 3.3.6. The RO shall be responsible for advertising nominations for general elections.

3.4. Notice for nominations

- 3.4.1. Notices for nominations shall specify:
 - (a) The qualifications of each representative position,
 - (b) How, when and where nominations can be made,
 - (c) The dates, times and manner by which polling will take place,
 - (d) Restriction on nominations as described in Section 4.6.6 of the Constitution.

4. NOMINATIONS

4.1. Nomination Period

- 4.1.1. The nomination period shall be open on at least ten (10) academic days.
- 4.1.2. The nomination period shall not open any earlier than twenty (20) academic days prior to polling.
- 4.1.3. The nomination period for general elections shall close at least seven (7) days prior to polling.
- 4.1.4. The nomination period for casual vacancies shall close at least two (2) days prior to polling.

4.2. The nomination form

- 4.2.1. A valid nomination form shall contain the name, address, student number and signature of the nominee.
- 4.2.2. A valid nomination form shall contain the name, student number and signature of both the nominating member and the seconding member.
- 4.2.3. Each nomination form shall be lodged by the nominee to the RO or a DRO.
- 4.2.4. Nomination forms shall not be withdrawn later than two (2) academic days after the close of nominations. This withdrawal needs to be in writing, signed by the Nominee and lodged with the RO or a DRO.
- 4.2.5. Nominees must sign a declaration, stating that they have received, read and understood the Constitution, these Regulations, relevant position descriptions and the Regulations Governing Code of Conduct.

4.3. Valid Nominations

- 4.3.1. Nominations will only be accepted from all undergraduates of the University of Wollongong at the time of nomination closing. This includes the nominee, the nominating member and the seconding member. On election of the nominee, the nominee becomes a member of the Association.
- 4.3.2. The RO shall issue a receipt of each valid nomination to the nominee. At this point the nominee becomes a candidate.
- 4.3.3. On the first academic day after nominations close, the RO shall affix to the Associations notice boards a list of contested positions and the valid nominees for each position.

4.4. Groups of nominees

- 4.4.1. Nominees may choose to nominate in one group only.
- 4.4.2. The nominee who organises that group shall register with the RO or DRO;
 - (a) The group's name,
 - (b) One (1) statement of the names and signatures of affiliated nominees,

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which verifies that those nominees are part of that specific group.

4.5. Extreme circumstances

4.5.1. If a candidate dies or becomes legally incapacitated between the end of nominations and the start of polling, the positions that the candidate nominated for, will be declared as casual vacancies and filled accordingly.

4.6. Ballot order

4.6.1. The Order by which candidates' names appear on the ballot, will be determined by lot and conducted by the RO.

4.6.2. Candidates may be present during this ballot draw.

5. CONDUCT OF ELECTIONS

5.1. Voting

5.1.1. Elections shall be by means of secret ballot.

5.1.2. Proportional preferential voting shall be used.

5.1.2.1. That all undergraduate students of the University of Wollongong are eligible to vote.

5.1.3. The voter shall indicate an order of preference for one (1), some or all candidates by placing the number one (1) against the candidate of highest preference and consecutive higher numbers against candidates of lower preference.

5.1.4. No voter shall be entitled to cast their vote more than once.

5.1.5. No proxy or postal voting shall be allowed.

5.1.6. Votes are to be kept secure and confidential with responsibility resting with the RO.

5.2. Election Campaigning

5.2.1. Candidate Statements and Photographs

5.2.2. Nominees may provide candidate statements for publication.

5.2.3. Additionally, the organiser of a group nomination may submit a group statement on behalf of the group.

5.2.4. Statements

5.2.4.1. Statements are subject to a strict manual word count of 200 words with words in excess of this limit removed without consultation.

5.2.4.2. Statements shall be provided in an electronic format.

5.2.4.3. Statements shall be published exactly as they are submitted including any spelling mistakes, punctuation errors, grammatical errors, and capitalisations.

5.2.4.3.1. All statements shall be published in clear formatting in the same twelve (12) point font.

5.2.4.4. Statements which, in the RO's opinion, is homophobic, racist, sexist, defamatory, misleading or deceptive shall not be published.

5.2.4.5. Statements are to be lodged with the RO or a DRO by the end of the nomination period. Statements received after the nomination period shall not be published.

5.2.4.6. Statements may not be amended after the nomination period.

5.2.4.7. The non-receipt of a statement does not in any way invalidate the nomination.

5.2.5. Nominees may provide a current colour photograph of themselves for publication.

5.2.5.1. Photographs shall not be altered.

5.2.5.1.1. All photographs shall be published at a consistent size.

5.2.5.2. Photographs are to be lodged with the RO or a DRO by the end of the nomination period. Photographs received after the nomination period shall not be published.

5.2.5.3. The non-receipt of a candidate's photograph does not

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in any way invalidate the nomination.

5.3. Authorised Campaigning

- 5.3.1. All campaign material shall be authorised by the candidate responsible for their issue and must be authorised by the RO before issue.
- 5.3.2. Campaign material bearing the name of an organisation, shall not be authorised unless the organisation has officially confirmed in writing its consent to the use of its name on such material.
- 5.3.3. Upon authorisation of campaign material, the RO shall retain a signed copy of the material.
- 5.3.4. The authorised nominee on behalf of a group may be the only person to submit material to the RO for authorisation on behalf of that group. No other authorised person may submit material for authorisation to the RO.
- 5.3.5. Authorisation of campaign material by the RO does not reflect the Association's approval of this material and the Association shall not protect the nominee from any legal or other action, which may result from the issue of the material.

5.4. Unauthorised Campaigning

- 5.4.1. Campaign material which has been proven to be factually untrue or which is designed to be prejudicial to the interests or objects of the Association shall not be authorised.
- 5.4.2. Campaigning that is on white or off-white material, shall not be authorised.
- 5.4.3. Chalking shall not be permitted
- 5.4.4. Campaigning by those other than UOW Undergraduates shall not be permitted.

6. BEHAVIOUR AND REMEDIES

6.1. Unacceptable Behaviour

- 6.1.1. General behaviour
 - 6.1.1.1. The removal or defacing of other candidates campaign material shall result in disciplinary action.
 - 6.1.1.2. Tampering or attempting to tamper with any official equipment of the election shall result in disciplinary action.
 - 6.1.1.3. Coercing, intimidating, harassing or bribing members to vote for a specific candidate or group of candidates shall result in disciplinary action.
 - 6.1.1.4. The use of WUSA resources for the purpose of an election campaign shall result in disciplinary action.
- 6.1.2. Behaviour during paper based elections
 - 6.1.2.1. Campaigning in the polling area shall result in disciplinary action.
 - 6.1.2.1.1. Authorised how-to-vote cards may be carried into the voting area by the voter.
 - 6.1.2.1.2. Nominees shall not enter the polling area except to cast their own vote in the election. They may not campaign whilst voting.
 - 6.1.2.2. Ballot papers shall not be removed from the polling area under any circumstance.
- 6.1.3. Behaviour during online elections
 - 6.1.3.1. Campaigning in computer labs shall result in disciplinary action.

6.2. Potential Remedies

- 6.2.1. If any candidate acts or encourages others to act contrary to the Constitution or these Regulations upon the satisfaction of either the RO or an Appeal Panel, the RO or Appeal panel may:
 - (a) Declare that any person who was declared elected not duly elected,
 - (b) Declare any candidate duly elected who was not declared elected,
 - (c) Disqualify any candidate from the election,
 - (d) Declare the entire election, or parts thereof, void.

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(e) Officially warn the candidate

7. COUNTING OF VOTES

7.1. General requirements

7.1.1. No member may be elected for more than one (1) representative position.

7.1.1.1. Members may be elected as a representative of the Association and as an NUS delegate.

7.1.2. Votes shall be counted after the close of voting by the RO, the DRO and polling clerks.

7.1.3. Candidates shall not be present while the votes are counted.

7.1.3.1. Each individual candidate may appoint one (1) scrutineer to monitor the vote count.

7.1.4. The RO, the DRO, polling clerks and scrutineers, shall not directly or indirectly disclose the manner by which any member has voted in any election.

7.2. The method of counting votes

7.2.1. Each ballot shall first be given the transfer value of one.

7.2.2. The following procedures shall be followed in order until the number of positions available, are filled.

7.2.2.1. The transfer value of each ballot shall be allocated to the candidate against whose name appears the lowest number on the ballot among those candidates not elected or eliminated.

7.2.2.2. A ballot which does not show a valid preference shall not be allocated further.

7.2.2.3. Each stage of counting shall be when all ballot have been allocated to candidates not yet elected or eliminated.

7.2.2.4. A quota shall be calculated at each stage of counting by dividing the total value of ballots allocated to continuing candidates by one (1) more than the number of positions remaining to be filled and rounding up the number so as to obtain the sixth (6th) decimal place.

7.2.2.4.1. If at that stage of counting any candidate is allocated a value in excess of the quota, the candidate shall be declared elected and each ballot allocated to that candidate shall be assigned a new transfer value obtained by multiplying its current transfer value by the candidates value.

7.2.2.4.1.1. The candidates value shall be obtained by subtracting the candidates total number of votes from the quota and dividing the result by the total number of the candidates votes.

7.2.2.4.2. If at that stage of counting no candidate is allocated a value in excess of the quota, the candidate with the lowest value shall be eliminated.

7.2.2.4.2.1. If there are two or more candidates with an equal value, the RO shall determine which of these candidates shall be eliminated by lot.

8. DECLARATION OF ELECTION

8.1. Result release

8.1.1. Within two (2) academic days of the conclusion of polling, the RO shall release the election results to the Candidates.

8.1.2. Appeals

8.1.2.1. Any member may appeal the election by lodging a written objection to the RO within five (5) academic days after the result release.

8.1.2.2. The objection shall state in writing the grounds for the objection relied on to invalidate the election, and shall ask for some

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specific remedy to secure justice and equity.

8.1.2.3. The appeals committee shall convene within three (3) weeks of the appeal being lodged with the RO with the committee's findings being released within one (1) week after its first date of scheduled sitting.

8.1.2.4. The appeals panel shall consist of the following persons to consider appeals against the outcome of the General Election:

- (a) Any one (1) person authorised to do so by the Secretary of the University Council,
- (b) Any one (1) person authorised to do so by the Trustees of the Association,
- (c) Any one (1) person authorised to do so by the Honorary Solicitor of the Association,

8.1.2.4.1. None of these persons shall be members of the Association.

8.1.2.4.2. These persons shall adhere to the University's Code of Conduct.

8.1.2.4.3. This panel shall remedy each appeal.

8.1.2.4.3.1. The decisions of this panel shall be final.

8.1.2.4.3.2. The decisions of this panel shall be published on the Association's website before the end of the financial year.

8.1.2.5. After all appeals are remedied the Appeals Panel shall release a report on appeals and include the declared election results.

8.1.3. If after five (5) academic days there are no appeals the election results shall be declared by the RO.

8.1.4. The election results shall be published in the issue of the Tertangala immediately after the election declaration.

9. MATTERS SPECIFIC TO GENERAL ELECTIONS

9.1. General requirements

9.1.1. General elections shall be conducted as prescribed by Section 4.6 of the Constitution of the Association.

9.1.2. General elections shall be held over at least a three (3) consecutive academic day period, for at least five (5) hours per day.

9.2. Deputy Returning Officers

9.2.1. The Secretary of the University shall appoint an equal number of DROs from the Association and the University Secretariat to support the RO in their responsibilities.

9.2.2. At least one (1) DRO shall be appointed from the Association employees.

9.2.3. At least one (1) DRO shall be appointed from the University Secretariat.

9.2.4. No DRO shall be a member of the Association.

9.2.5. DROs shall adhere to the University's Code of Conduct.

9.2.6. In the RO's absence, the DROs shall act in the full capacity of the RO as delegated by the RO.

9.3. Polling Clerks

9.3.1. The RO may appoint polling clerks to assist in the operation of the election.

9.3.2. Polling clerks may be remunerated at an award rate, at the RO's discretion.

9.3.3. Polling clerks shall adhere to the University's Code of Conduct.

9.3.4. If a candidate objects to the appointment of a specific polling clerk the RO may, at their discretion, remove that polling clerk.

9.3.5. No polling clerk shall be a member of the Association or a member of the Wollongong University Postgraduate Association (WUPA).

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10. MATTERS SPECIFIC TO CASUAL VACANCY ELECTIONS

10.1. General requirements

10.1.1. Casual vacancy elections shall be conducted as prescribed by Section 4.5 of the Constitution of the Association.

10.1.2. Casual vacancies shall be filled by the Council at Council meetings.

10.1.2.1. Tied votes shall be resolved by a further ballot,

10.1.2.2. Candidates may make a five (5) minute election speech to the Council.

11. ASSOCIATION DISCLAIMERS

11.1. Expenses incurred

11.1.1. The Association shall not incur any expenditure on behalf of any candidate or group of candidates.

11.1.2. The Association shall not accept responsibility for damage or loss caused by candidates in the election.

11.1.3. No election can be challenged due to a procedural irregularity that could not have affected the outcome of the election as determined by the RO.

12. ALTERATIONS

12.1. Alterations must be carried out in accordance with clause 7.3 of the Constitution.

Gerard Sutton Ben Jones
Vice Chancellor President, WUSA

Date Date