

## **WUSA REGULATIONS GOVERNING ELECTION**

### **1. NAME AND TERMS OF REFERENCE**

- 1.1. Name
  - 1.1.1. 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 4.6 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. 'Electronic Voting Portal' shall refer to the website developed by the contracted online election provider to receive votes from eligible voters.
  - 2.1.3. 'How to Vote material' shall refer to material presented in a ballot paper style by listing the names of all candidates for an election and putting a number beside each candidate in the suggested order that a voter should allocate his or her preferences.
  - 2.1.4. 'Undergraduate Student' shall refer to a student actively enrolled during the semester of the election in subjects leading to the award of a diploma, advanced diploma, associate degree, or Bachelor or integral Honours Bachelor degree. Students on a leave of absence, enrolled at an offshore site, enrolled at UOW College, or enrolled in an 'end on' Honours Bachelor degrees are excluded from the definition of an undergraduate student.
  - 2.1.5. 'University Election Website' shall refer to the website constructed and maintained by University Governance pertaining to the conduct of elections in the common September-October election period.
  - 2.1.6. 'Group nomination square' shall refer to a square on the online voting screen for candidates registered as a group under Section 4.4. The square shall be above the names of individual candidates.
  - 2.1.7. 'Individual nomination square' shall refer to a square on the online voting screen above the name of candidates who have not been nominated as part of a group.
  - 2.1.8. 'Bribery' shall refer to the offer of physical or material goods in order to influence or manipulate another person. This definition excludes campaign promises and commitments.
  - 2.1.9. 'Voting booth' shall refer to an area set up by any candidates or campaigners to allow students to vote.
  - 2.1.10. 'Executive and Office Bearers' shall refer to the offices of President, General Secretary, Treasurer, Education Officer and Assistant Secretary, Tertangala Co-ordinator, Women's Representative, Environment Representative, International Representative, Welfare Co-ordinator, Disabilities Representative, Ethno- Cultural Representative.

### 3. PRE-ELECTION RESPONSIBILITIES

#### 3.1. Appointment of a Returning Officer

- 3.1.1. The Secretary of the University Council shall appoint a Returning Officer in consultation with the WUSA President.
- 3.1.2. The Returning Officer 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 the University elections website. 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.

#### 3.2. Council Responsibilities

- 3.2.1. The Council shall be responsible for advertising nominations for casual vacancy elections within 30 days of notice of the vacancy. The Council will appoint, by a 2/3 Majority vote, a person to fill the vacancy from amongst the nominations for the vacant position.
- 3.2.2. The Council will provide the name of one person to be appointed a Deputy Returning Officer (DRO) for the General election.

#### 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 WUSA 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.
- 3.3.2. The Returning Officer shall be responsible for the management of the Deputy Returning Officers.
- 3.3.3. The Returning Officer shall adhere to the University's Code of Conduct.
- 3.3.4. The Returning Officer shall be responsible for ensuring Deputy Returning Officers have access to copies of the WUSA Constitution, Regulations Governing Elections and the Code of Conduct.
- 3.3.5. The Returning Officer shall be responsible for the Notice of Election which shall specify:
  - a) The positions for election and their qualifications,
  - b) How, when and where nominations may be made,
  - c) The dates, times and means by which polling will occur; and
  - d) Any restrictions on nominations as per Section 4.6 of the WUSA Constitution
- 3.3.6. The Returning Officer may interpret these Regulations in consultation with the outgoing WUSA President and the Secretary of the University Council.

#### 3.4. University Responsibilities

- 3.4.1. The University shall propose an elections calendar listing the key events of the election process, as described in these regulations, for approval by the WUSA President and the Secretary of the University Council.
- 3.4.2. The University shall contract an online election provider to provide polling services for the Association's elections. The online election provider will construct and maintain an electronic voting portal for the purposes of the poll.

- 3.4.3. The University shall meet the costs associated with the contracting of an online election provider and with the employment of the Returning Officer.
- 3.4.4. The University shall host an election website which will include information regarding the following:
  - a) Declaration of intention to appoint a Returning Officer,
  - b) Declaration of appointment of Returning Officer,
  - c) Notices of Election,
  - d) Contact details for appointed Deputy Returning Officers,
  - e) Nomination Forms,
  - f) Date and time of Polling Period; and
  - g) Electronic copies of relevant documents including the Constitution, these Regulations and Regulations Governing Code of Conduct.
- 3.4.5. The University shall advertise the Association's elections using SOLS.
- 3.4.6. The University shall make available SOLS for the online election provider to invite electors to vote on the electronic voting portal.

#### **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. On the first day of the nominations period the RO or a DRO will arrange the production of an electoral roll listing all those undergraduate students who meet the definition of an undergraduate student as defined in 2.1.4.

##### **4.2. The nomination form**

- 4.2.1. A valid nomination form must contain the name, nominating position, address, student number, and signatures of the nominee, and both the nominating student and a seconding student before being submitted to the RO or DRO by the nominee.
- 4.2.2. Nominees must sign a declaration, stating that they have 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 undergraduate students of the University of Wollongong who are actively enrolled at the time of nomination opening and appear on the electoral roll as produced by the RO or DRO.
- 4.3.2. The nominee, the nominating student and the seconding student must all be actively enrolled undergraduate students and appear on the electoral roll as produced by the RO or DRO.
- 4.3.3. Nominations for some positions shall be restricted.
  - 4.3.3.1 An Association employee shall not stand for any position in any election.
  - 4.3.3.2 A student may only serve two (2) terms in the same office bearer position.
  - 4.3.3.3 A student may only serve one (1) term as President.

- 4.3.3.4 Only students identifying as a woman may nominate for Women's Representative.
- 4.3.3.5 Only students identifying as having an ethnically or linguistically diverse background may nominate for Ethno-Cultural representative.
- 4.3.3.6 Only student who identify as being a person with a disability may nominate for the position of Disabilities Representative.
- 4.3.3.7 Only international students may nominate for the position of International Students Representative.
- 4.3.4. The RO shall verify the eligibility of the nominee(s), the nominating student and the seconding student and then issue a receipt of each valid nomination to the nominee(s). At this point the nominee becomes a candidate.
- 4.3.5. On the first academic day after nominations close, the RO shall make available on the election website a list of contested positions and the valid nominees for each position.

#### 4.4. Group Nominations

- 4.4.1. Candidates for election to WUSA may make a joint request that their names be grouped in the ballot papers.
- 4.4.2. A candidate may not be included in more than one group.
- 4.4.3. A group will be entitled to a group nomination square.
- 4.4.4. A group must fulfill at least one of the following combinations of nominations.
  - a) Two (2) or more nominations for positions of the Executive and Office Bearers with at least one contesting any of the following positions:
    - I. President
    - II. General Secretary
    - III. Treasurer
    - IV. Education Officer and Assistant Secretary
  - b) Two (2) General Representatives
- 4.4.5. A group will provide the RO and DRO with:
  - a) The group's name,
  - b) A statement of the names and signatures of all affiliated nominees verifying their consent to be a member of the group,
  - c) The name, email address, and phone number of the convenor of the group, who shall act as the contact person for the group; and
  - d) The campaign statement to be used for all nominees in the group.
- 4.4.6. Following the closing of nominations a group must provide the RO/DRO with an outline of preferred candidates for positions not being contested by the group, within two (2) days of the close of nominations.

#### 4.5. Extreme circumstances

- 4.5.1. If a candidate becomes ineligible for nomination, 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.
  - 4.5.1.1. If a candidate in a group becomes ineligible after the close of nominations, the group of which they were a part will still be entitled to a group nominating square.

#### 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 Returning Officer.
- 4.6.2. The ballot draw will be conducted in the WUSA offices at 10.00am on the day following the close of nominations.
- 4.6.3. 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. All undergraduate students of the University of Wollongong who appear on the electoral roll as at the opening of nominations are eligible to vote.
- 5.1.3. No voter shall be entitled to cast their vote more than once.
- 5.1.4. No proxy or postal voting shall be allowed.
- 5.1.5. A valid vote may be marked on the voting screen by:
  - 5.1.5.1. Numbering at least one (1) group in a group nomination square on the online voting screen; or
  - 5.1.5.2. Numbering at least one (1) individual nomination square for each office bearer position on the online voting screen and at least five (5) individual nomination squares for the general representative position.
- 5.1.6. The voter may indicate an order of preference for more than one candidate or group by placing the number one (1) against the candidate or group of highest preference and consecutive higher numbers against candidates of lower preference.
- 5.1.7. 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
  - 5.2.1.1. Nominees may provide candidate statements for publication on the electronic voting portal.
- 5.2.2. Statements
  - 5.2.2.1. Statements are subject to a strict manual word count of 200 words with words in excess of this limit removed without consultation.
  - 5.2.2.2. Statements shall be provided in an electronic format.
  - 5.2.2.3. Statements shall be published on the electronic voting portal without amendment.
  - 5.2.2.4. All statements shall be published on the electronic voting portal in clear formatting in the same twelve (12) point font.
  - 5.2.2.5. Statements which, in the Returning Officer's opinion, are homophobic, racist, sexist, defamatory, misleading or deceptive shall not be published on the electronic voting portal.
  - 5.2.2.6. Statements are to be lodged with the Returning Officer or a Deputy Returning Officer by the end of the nomination period. Statements received after the nomination period shall not be published on the electronic voting portal.

- 5.2.2.7. Statements may not be amended after the nomination period.
- 5.2.2.8. The non-receipt of a statement does not in any way invalidate the nomination.

### 5.2.3. Photographs

- 5.2.3.1. Nominees may provide a current colour photograph of themselves (passport style, head and shoulders only) in jpg format for publication on the electronic voting portal.
- 5.2.3.2. Photographs shall not be altered. All photographs shall be published at a consistent size.
- 5.2.3.3. Photographs are to be lodged with the Returning Officer or a Deputy Returning Officer by the end of the nomination period. Photographs received after the nomination period shall not be published.
- 5.2.3.4. The non-receipt of a candidate's photograph does not in any way invalidate the nomination.

### 5.3. Authorised Campaigning

- 5.3.1. The Returning Officer may authorise How to Vote material as produced by candidates or groups.
- 5.3.2. A copy of any How to Vote material that candidates wish to distribute during polling days must be authorised by the RO prior to issue and distribution.
- 5.3.3. All other campaign material is produced and distributed at the candidate's own risk.
- 5.3.4. Only students eligible to vote (University of Wollongong enrolled undergraduate students) may campaign. Any breach of this shall result in disciplinary action being taken by the RO against the candidate and/or group.

## 6. BEHAVIOUR AND REMEDIES

### 6.1. Unacceptable Behaviour

- 6.1.1. Tampering or attempting to tamper with any official equipment of the election is prohibited and shall result in disciplinary action.
- 6.1.2. Establishing or using voting booths during the election period is prohibited and shall result in disciplinary action.
- 6.1.3. The use of coercion, intimidation, harassment or bribery in order to influence students to vote for or against a specific candidate or group of candidates in-person and/or online is prohibited and shall result in disciplinary action.
- 6.1.4. The use of WUSA resources for the purpose of an election campaign is prohibited and shall result in disciplinary action.
- 6.1.5. Campaigning in the library or computer labs is prohibited and 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.
- (e) Officially warn the candidate.

## **7. COUNTING OF VOTES**

### **7.1. General requirements**

- 7.1.1. Voting will be conducted via an electronic voting portal provided by UOW.
- 7.1.2. Paper based elections will only occur if the electronic voting portal cannot be provided or if it is unavailable for the duration of the polling period.
- 7.1.3. Voting may take place using computers available at the University or personal computers.
- 7.1.4. No student may be elected to more than one (1) representative position.
- 7.1.5. 'Representative position' per s7.1.4 exclusively refers to Executive/Office Bearing positions and General Representatives.

### **7.2. The method of counting votes**

- 7.2.1. Each ballot shall first be given the transfer value of one.
  - 7.2.1.1. Each ballot shall be allocated to the candidate against whose name appears the lowest number on the ballot.
  - 7.2.1.2. The candidate with the lowest number of allocated ballots shall be eliminated.
  - 7.2.1.3. Where a valid preference is shown on votes cast for an eliminated candidate the value of those preferences shall be allocated to the remaining candidates according to the indicated preference.
  - 7.2.1.4. A ballot which does not show a valid preference is considered exhausted and shall not be allocated further.
  - 7.2.1.5. Candidates shall be eliminated according to the above procedure until one candidate has received fifty percent of the unexhausted votes.
  - 7.2.1.6. When a candidate has received fifty percent of the unexhausted votes that candidate is elected.
  - 7.2.1.7. If there are two or more candidates with an equal value, the Returning Officer shall determine which of these candidates shall be eliminated by lot.
  - 7.2.1.8. Where there is more than one position available for election candidates shall be eliminated according to the above procedure until the number of remaining candidates equals the number of positions available for election.
  - 7.2.1.9. For the purposes of counting votes, a group nomination square marked with a certain preference is to be taken as being that same preference for each nominee in that group for each position.
  - 7.2.1.10. Where a preference is shown for a group which is not contesting all positions, 'vacant' positions will instead presume the candidates following the outline per 4.4.6.

## **8. DECLARATION OF ELECTION**

### **8.1. Result release**

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

### **8.2. Appeals**

- 8.2.1. Any candidate may appeal the election by lodging a written objection to the Returning

- Officer within five (5) academic days after the result release.
- 8.2.2. The objection shall state in writing the grounds for the objection relied on to invalidate the election, and shall ask for some specific remedy to secure justice and equity.
  - 8.2.3. Where the RO determines an objection to be frivolous, vexatious or insubstantial the RO may dismiss the objection without recourse to the Appeals Committee.
  - 8.2.4. The appeals committee shall convene within two (2) weeks of the appeal being lodged with the Returning Officer with the committee's findings being released within one (1) week after its first date of scheduled sitting.
  - 8.2.5. 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 Returning Officer; and
    - c) Any one (1) person authorised to do so by the outgoing WUSA President.
  - 8.2.6. None of these persons shall be members of the Association.
  - 8.2.7. These persons shall adhere to the University's Code of Conduct.
  - 8.2.8. This panel shall remedy each appeal.
  - 8.2.9. The decisions of this panel shall be final.
  - 8.2.10. The decisions of this panel shall be published on the University election website before the end of the financial year.
  - 8.2.11. After all appeals are remedied the Appeals Panel shall release a report on appeals and include the declared election results.
  - 8.2.12. If after five (5) academic days there are no appeals the election results shall be declared by the RO.
  - 8.2.13. The election results shall be published on the University election website 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 one Deputy Returning Officer from the Association and as many Deputy Returning Officers as required by the RO from the Governance Unit of the University of Wollongong to support the Returning Officer in their Responsibilities.
- 9.2.3. At least one (1) Deputy Returning Officer shall be appointed from the Governance Unit of the University of Wollongong.
- 9.2.4. No Deputy Returning Officer shall be a member of the Association.
- 9.2.5. Deputy Returning Officers shall adhere to the University's Code of Conduct.
- 9.2.6. In the Returning Officer's absence, the Deputy Returning Officer(s) shall act in the full capacity of the Returning Officer as delegated by the Returning Officer.

## **10. ASSOCIATION DISCLAIMERS**

### **10.1. Expenses incurred**

- 10.1.1. The Association shall not incur any expenditure on behalf of any candidate or group of candidates.
- 10.1.2. The Association shall not accept responsibility for damage or loss caused by candidates in the election.
- 10.1.3. No election can be challenged due to a procedural irregularity that could not have affected the outcome of the election as determined by the Returning Officer.