

# **MONSU CAULFIELD INC.**

**Reg No. A0043840C | ABN 42 911 556 610**

## **ELECTION REGULATIONS**

### **1. Definition and Interpretation**

**1.1.** Unless otherwise defined by these regulations or the Constitution:

**1.1.1.** “before” in reference to an election means before the first day of polling in that election;

**1.1.2.** “Constitution” means the MONSU Constitution as amended from time to time;

**1.1.3.** “election form” means any submission by a person seeking to participate in the election that is completed by them and provided to the Returning Officer, including but not limited to a nomination form, application to be set out as a ticket form or withdrawal form.

**1.1.4.** “election period” means the period of time between the appointment of a Returning Officer until the deadline for a person to appeal the result of an election as set out in these regulations has elapsed;

**1.1.5.** “election staff member” means the Returning Officer, Deputy Returning Officer, polling clerk or vote counter jointly and severally;

**1.1.6.** “electoral roll” means a list of students prepared by the University in accordance with regulation 7 for the purpose of determining the eligibility of students to stand as candidates or vote in an election;

**1.1.7.** “individual candidate” means any candidate not running on a ticket;

**1.1.8.** “member” and “student” has the same meaning as “member” in the Constitution;

**1.1.9.** “MONSU” refers to MONSU Caulfield Inc

**1.1.10.** “poll clerk” means a person appointed by the Returning Officer to staff a polling place, with duties including but not limited to distributing ballot papers to members and marking members on the Electoral Rolls when they have voted;

- 1.1.11. “polling period” means period of time that students may cast their vote at a polling booth, in accordance with a resolution of the Student Council described in clause 8.1;
- 1.1.12. “publicity” means any material or information broadcasted or disseminated (other than verbal communication between one person directly to another) that a reasonable person would assume has a purpose of attempting to influence how or whether a member votes in an election;
- 1.1.13. “ticket” means a group of candidates who have registered to have their names set out on the ballot paper under a common name in accordance with these regulations;
- 1.1.14. “vote counter” a person appointed by the Returning Officer to assist in the counting of votes; and
- 1.1.15. a reference to a time means that time by the Telstra dial-it time service.

## **2. Authorising Provisions and Application**

- 2.1. These regulations are made under clause 24 of the Constitution.
- 2.2. These regulations apply to the conduct of the annual elections as described by Part 9 of the Constitution.
- 2.3. In the event of an inconsistency between these regulations and the Constitution, the latter shall prevail.

## **3. Appointment of Returning Officer**

- 3.1. The Student Council must appoint a person to act as Returning Officer.
- 3.2. The Returning Officer must not:
  - 3.2.1. be a member of staff of MONSU; or
  - 3.2.2. have contested a MONSU election in the preceding five calendar years.
- 3.3. Once appointed, the Returning Officer may only be removed by an absolute majority of the Student Council during an election period on the grounds of proven misbehaviour or incapacity.
- 3.4. If the Returning Officer, resigns, is removed or dies during an election period, the Student Council must appoint a new Returning Officer as soon as is practical.

## **4. Responsibilities of Returning Officer**

- 4.1. The Returning Officer:
  - 4.1.1. is responsible for the conduct of the election;



- 7.2.3.** award course being undertaken.
- 7.3.** The Returning Officer must comply with any reasonable requests made by the University regarding the use and disposal of the electoral roll during and at the conclusion of the election period respectively.

## **8. Polling Dates, Times and Method**

- 8.1.** The Student Council must, either concurrently or prior to the appointment of the Returning Officer, set the dates of polling and the times of the polling periods for the election.
- 8.2.** The dates of polling must be:
- 8.2.1.** during the second semester of the University teaching calendar; and
  - 8.2.2.** at least three consecutive academic days.
- 8.3.** The times of the polling period must be:
- 8.3.1.** between the hours of 9am and 8pm; and
  - 8.3.2.** for at least five hours each day.

## **9. Election Timeline**

- 9.1.** Unless otherwise determined by the Returning Officer:
- 9.1.1.** the notice of election must be issued on the Monday five weeks before the election;
  - 9.1.2.** registration of tickets must open at 9am on the Monday four weeks before the election and close at 5pm on the Thursday four weeks before the election;
  - 9.1.3.** nominations and applications to be set out as a ticket must open at 9am on the Monday three weeks before the election and close at 4pm on the Monday two weeks before the election;
  - 9.1.4.** policy statements may be submitted from 9 am on the Monday three weeks before the election and close at 4pm on the Monday two weeks before the election;
  - 9.1.5.** applications for postal votes must open at 9am on the Monday 3 weeks before the election and close at 5pm on the Wednesday the week before the election; and
  - 9.1.6.** submission of statements of distribution of preferences must open at 9am on the Monday the week before the election and close at 5pm on the Friday before the election.
- 9.2.** The Returning Officer may only change the dates and times for matters prescribed in regulation 9.1 if:

- 9.2.1.** the delay of either the appointment of the Returning Officer or the setting of the polling period by the Student Council would mean that the timeline prescribed by this regulation, if adhered to:
  - 9.2.1.1.** would cause hardship to potential candidates to participate in the election on the basis of the period of notice provided;
  - 9.2.1.2.** would place the ability for the Returning Officer to properly conduct the election in jeopardy; or
  - 9.2.1.3.** is impossible to abide by on the basis that the date has already occurred; or
- 9.2.2.** factors other than those related to the proper conduct of the Returning Officer, including but not limited to:
  - 9.2.2.1.** delays associated with being provided with either of the Electoral Rolls;
  - 9.2.2.2.** errors (including the failure to act) made by University or MONSU staff in the course of their conduct related to the administration of election; or
  - 9.2.2.3.** an otherwise unforeseen act not contemplated to occur during the election period;
 that would make adhering to the timeline prescribed by this regulation either impossible or, in the view of the Returning Officer, result in the election being improperly conducted.

## **10. Forms**

- 10.1.** Where a form may be completed by participants in the election, it must be:
  - 10.1.1.** made available on the MONSU website and at MONSU offices; and
  - 10.1.2.** available from the Returning Officer upon written request.
- 10.2.** Where a form may be submitted to the Returning Officer, it may be:
  - 10.2.1.** submitted to a MONSU office that has been approved by the Returning Officer;
  - 10.2.2.** submitted directly to the Returning Officer in electronic form by email; or
  - 10.2.3.** hand-delivered to the Returning Officer.
- 10.3.** For the purposes of regulation 10.2.1, the MONSU office must:
  - 10.3.1.** issue the person a receipt upon the submission of the form; and
  - 10.3.2.** send an electronic copy to the Returning Officer as soon as practicable.

## **11. Notice of Election**

- 11.1.** The Returning Officer must give notice of the election by:
- 11.1.1.** causing posters to be placed at each MONSU office;
  - 11.1.2.** publishing a notice in any MONSU publication where possible; and
  - 11.1.3.** publishing a notice on the MONSU website.
- 11.2.** In addition to regulation 11.1 the Returning Officer may also give notice of the election by causing an email to be sent to each student eligible to vote and stand in the election.

## **12. Eligibility to Stand**

- 12.1.** All students shall be eligible to stand in an election, subject to clauses 34 and 35 of the Constitution.
- 12.2.** Only students who identify as a woman on their nomination form shall be eligible to stand for Women's Representative.
- 12.3.** Only students who identify as a queer on their nomination form shall be eligible to stand for Queer Officer.
- 12.4.** Only students who are enrolled in a postgraduate course shall be eligible to stand for Postgraduate Representative.
- 12.5.** Only students who can work the number of hours required for a position, as dictated in the Role Regulations, shall be eligible to stand for that position.
- 12.6.** From the opening of nominations until the close of nominations, a student can request that the Returning Officer check the Electoral Roll to determine if they are eligible to stand in elections.
- 12.7.** The Returning Officer is required to give written confirmation of a student's eligibility status within 48 hours of the student contacting them with a valid request.
- 12.8.** A request is valid only if:
- 12.8.1.** the student requests the Returning Officer check their own eligibility to stand and no other student's eligibility to stand;
  - 12.8.2.** the student provides their student number; and
  - 12.8.3.** the request is made either in person or via e-mail.
- 12.9.** If the request is made in person, the student must produce their student card. If the student is unable to produce their student card, they will only have their eligibility checked if the Returning Officer is satisfied of their identity.
- 12.10.** For the purposes of regulation 12.9, the student must at least produce photo identification.

**12.11.** If the request is made via e-mail the student must use their university student e-mail account.

### **13. Nominations**

**13.1.** Nominations must:

**13.1.1.** contain the full name, student number, email address and contact phone number of the candidate;

**13.1.2.** be nominated by another student; and

**13.1.3.** be seconded by another student.

**13.2.** For the purpose of regulations 13.1.2 and 13.1.3:

**13.2.1.** no student may nominate more than one candidate nominating for each individual position; and

**13.2.2.** no student may second more than one candidate nominating for each individual position.

**13.3.** As soon as practicable after receiving a nomination, the Returning Officer must:

**13.3.1.** verify that the person who has nominated is eligible to stand;

**13.3.2.** notify that person whether their nomination has been accepted or rejected; and

**13.3.3.** send them:

**13.3.3.1.** a copy of these regulations; and

**13.3.3.2.** the contact details for the Returning Officer.

**13.4.** The Returning Officer must reject nominations:

**13.4.1.** that do not comply these regulations; or

**13.4.2.** where the person nominating is not eligible to stand for that position.

**13.5.** If the Returning Officer rejects the nomination, they must:

**13.5.1.** inform the candidate as soon as practicable; and

**13.5.2.** provide the reason for the rejection.

### **14. Uncontested Positions**

**14.1.** If the number of eligible candidates for any position does not exceed the number to be elected, the Returning Officer must declare, as soon as practicable after the close of nominations, those candidates elected.

### **15. Ballot Draw**

**15.1.** The Returning Officer must determine the order of candidates on the ballot paper as soon as practicable after nominations have

closed and all candidates have been determined eligible to stand in the election.

**15.2.** Any member may observe the draw.

**15.3.** The Returning Officer must:

**15.3.1.** email all candidates; and

**15.3.2.** cause a notice to be published on the MONSU website

**15.3.3.** stating when, where and how the draw will take place.

**15.4.** The ballot draw may be conducted by any method that makes a random selection, including an electronic pseudorandom number generator.

**15.5.** The ballot draw may be conducted by way of an online broadcast, so long as the details of the draw are communicated in accordance with regulation 15.3.

## **16. Withdrawal of Nomination**

**16.1.** Candidates may withdraw their nomination at any time before the close of polling.

**16.2.** The Returning Officer must be satisfied that a withdrawal is bona-fide as being completed by the nominating member before accepting the withdrawal.

**16.3.** The withdrawal takes effect on its acceptance by the Returning Officer.

**16.4.** If a candidate withdraws, the Returning Officer must proceed as if the candidate had never nominated (except any statement of distribution of preferences under regulation 20 lodged by the candidate remains valid).

**16.5.** If a candidate withdraws, the Returning Officer may modify ballot papers as necessary or appropriate.

**16.6.** Any ballot paper showing a preference for a withdrawn candidate must be allocated under regulation 32.1 as if the candidate had been eliminated.

## **17. Tickets**

**17.1.** A candidate or group of candidates may apply to have their name or names set out on the ballot paper under the name of the ticket.

**17.2.** Ticket registrations must:

**17.2.1.** contain the full name, student number and contact details of the candidate; and

**17.2.2.** be supported by 30 members who have provided their full name and student number and have signed the form.

**17.3.** For the purposes of regulation 17.2.2:

- 17.3.1.** a member must not be a signatory for more than one ticket registration; and
  - 17.3.2.** if a member has supported two or more ticket registrations, their support must not count for any of the ticket registrations.
- 17.4.** A ticket name must not:
  - 17.4.1.** incorporate the name of an organisation (including a club, society or collective) without the bona-fide consent of the governing body of that organisation being given in writing to the Returning Officer;
  - 17.4.2.** contain the word 'independent';
  - 17.4.3.** be so similar to the name 'MONSU' or any department or division within MONSU as to be confused with or mistaken for that name;
  - 17.4.4.** be longer than 4 words;
  - 17.4.5.** be the same as, or similar to, any other ticket name;
  - 17.4.6.** be misleading or deceptive; or
  - 17.4.7.** be offensive or derogatory.
- 17.5.** As soon as practicable after the receipt of a ticket registration, the Returning Officer must:
  - 17.5.1.** verify that the ticket registration complies with regulations 17.2 - 17.4; and
  - 17.5.2.** notify the ticket registrant whether their ticket registration has been accepted or rejected.
- 17.6.** A previously registered ticket will be considered to be reserved for registration by the previous authorised officer until:
  - 17.6.1.** the authorised officer requests that the ticket name be deregistered;
  - 17.6.2.** the authorised officer ceases to be a member or a student;  
or
  - 17.6.3.** a candidate has not contested an election under the name of the ticket for three years.
- 17.7.** A ticket that is reserved must still be registered in accordance with regulation 17.2 in order to be used at an election.
- 17.8.** A ticket that is already reserved must not be registered by another person unless the ticket has been registered by a new authorised officer, with the consent of the most recent authorised officer of that ticket.
- 17.9.** If more than one student attempt to register the same ticket name:
  - 17.9.1.** the student who submitted the first valid ticket registration for the ticket name will be deemed to be the authorised officer of the ticket in circumstances where the order that the registrations were submitted can be readily ascertained by the Returning Officer; or

17.9.2. the authorised officer will otherwise be determined by a coin toss or other like method.

17.10. A student cannot be an authorised officer for more than one ticket.

## **18. Publication of List of Nominations Received and Tickets Registered**

18.1. Within twenty-four hours after the close of ticket registrations and nominations, the Returning Officer must make available a notice that lists the submissions received for each respective period.

18.2. The list of submissions must include any unsuccessful submissions, and the reason for the unsuccessful submission.

18.3. For the purpose of regulation 18.1, make available may include:

18.3.1. emailing the notice to authorised officers and/or candidates;

18.3.2. causing the notice to be published on the MONSU website;  
and

18.3.3. causing the notice to be displayed at MONSU offices.

## **19. Application to be Set Out as a Ticket**

19.1. An authorised officer of a ticket may apply for candidates who have nominated for a position on that ticket to be set out as a ticket.

19.2. An application to be set out as a ticket provide for a minimum number of candidates for positions to be elected, being:

19.2.1. at least 8 candidates in the case of office-bearer positions as provided for in clauses 20.2(a) – (g) and 20.2(j) – (k) of the Constitution; and

19.2.2. for all other positions, 75% of the number of candidates to be elected for each separate position.

19.3. For the purpose of regulation 19.2.2, decimal places are to be rounded down to the nearest whole number.

19.4. For positions where more than one candidate is to be elected, the candidates must be listed in the order that they are to appear on the ballot paper.

19.5. If an application is not submitted, the candidates must appear on the ballot paper in the same way as individual candidates.

## **20. Statement of Distribution of Preferences**

20.1. An authorised officer may submit a statement of distribution of preferences.

20.2. The Returning Officer must display the completed statements:

- 20.2.1.** on the MONSU website as soon as is reasonably possible before the annual election; and
- 20.2.2.** in a clear and accessible location at the polling place during polling hours.

## **21. Publicity**

- 21.1.** This regulation applies for all publicity made available during the election period.
- 21.2.** All publicity must be submitted by a student for authorisation by the Returning Officer before it is made available to students.
- 21.3.** The Returning Officer must supply tickets and individual candidates with identifiably marked and 'copy-proofed' paper.
- 21.4.** The paper provided by the Returning Officer in accordance with 21.3 must be given in the following quantities:
  - 21.4.1.** for candidates not running as part of a ticket – 1,000 A4 sheets and 20 A3 sheets; and
  - 21.4.2.** for a candidates running as part of a ticket – 1,000 A4 sheets and 10 A3 sheets per candidate up to a maximum of 8,000 A4 sheets and 80 A3 sheets.
- 21.5.** MONSU must provide black and white printing, at no charge to candidates, on the paper supplied by the Returning Officer in accordance with Regulation 21.3.
- 21.6.** All publicity authorised by the Returning Officer must:
  - 21.6.1.** legibly state the name and student ID of the member authorising the publicity; and
  - 21.6.2.** include the words "Authorised by the Returning Officer".
- 21.7.** The Returning Officer must not authorise any publicity that is:
  - 21.7.1.** offensive or derogatory;
  - 21.7.2.** misleading or deceptive;
  - 21.7.3.** written in a language other than English, unless it contains a direct translation in English of all text in a similar style and size to the translated text; or
  - 21.7.4.** branded similarly to MONSU.
    - 21.7.4.1.** Without limiting the generality of regulation 21.4.4, any publicity that is predominantly red or uses any part of the MONSU logo shall be considered to be branded similarly to MONSU.
- 21.8.** If a Returning Officer becomes aware that they have authorised publicity in breach of regulation 21.77:
  - 21.8.1.** they must revoke the authorisation by contacting the member who requested authorisation for the publicity; and

- 21.8.2.** the member must immediately cease making that publicity available.
- 21.9.** Publicity must not be made available:
- 21.9.1.** prior to the close of nominations, in the case of publicity disseminated electronically; and
  - 21.9.2.** prior to 9am on the Sunday before the election for all other forms of publicity.
- 21.10.** Regulation 21.2 does not apply to publicity that is:
- 21.10.1.** published on a social media platform;
  - 21.10.2.** is only text; and
  - 21.10.3.** is fewer than 100 words.
- 21.11.** The authorised officer of each ticket or individual candidates making use of social media platforms for the purpose of the election must provide the Returning Officer the URL of each social media page, profile or other group established for the purposes of promoting that ticket or individual candidate prior to its use for publicity.
- 21.12.** Publicity must not include or otherwise involve:
- 21.12.1.** badges;
  - 21.12.2.** stickers;
  - 21.12.3.** balloons;
  - 21.12.4.** live music;
  - 21.12.5.** food, drink, drugs or any other give away consumables (other than t-shirts);
  - 21.12.6.** the use of chalk; or
  - 21.12.7.** posters, pamphlets or flyers printed not in accordance with Regulation 21.3 – 21.5
- 21.13.** This regulation does not apply to the Returning Officer.

## **22. Defamation**

- 22.1.** Neither MONSU or the Returning Officer indemnifies any person against liability for defamation in an election.

## **23. Publicity by MONSU Publications**

- 23.1.** Any MONSU publication (including Esperanto or other publication produced by MONSU from time to time) must not, from the opening of nominations to the end of polling:
- 23.1.1.** advantage one or more candidate(s) or ticket(s);
  - 23.1.2.** disadvantage one or more candidate(s) or ticket(s);



**24.5.** The Returning Officer must publish an election guide, containing all of the statements submitted in accordance with this regulation.

**24.6.** The election guide must be made available:

**24.6.1.** electronically on the MONSU website; and

**24.6.2.** in hard copy at the MONSU offices and at polling stations during the election.

## **25. Postal Votes**

**25.1.** Any student eligible to vote may apply for a postal vote.

**25.2.** Applications must be:

**25.2.1.** signed by the student requesting the postal vote; and

**25.2.2.** submitted directly by the student to the Returning Officer and not via another person.

**25.3.** The Returning Officer must verify that each person who has applied is eligible to vote.

**25.4.** As soon as possible after the close of postal vote applications, the Returning Officer must send to the postal address of each student eligible to vote:

**25.4.1.** voting instructions;

**25.4.2.** ballot papers;

**25.4.3.** policy statements;

**25.4.4.** an envelope large enough to contain all ballot papers, with a declaration form printed on the outside; and

**25.4.5.** a pre-addressed postage-paid return envelope.

**25.5.** The Returning Officer must keep a list of students to whom postal votes have been sent.

**25.6.** Postal votes must be received by the Returning Officer before the close of polling.

**25.7.** The Returning Officer must compare the signature on the application form with the signature on the voter declaration to verify that the person who has voted is the student who made the application. If the signatures do not match, the envelope and its contents must be destroyed.

**25.8.** Before postal votes are included in the count the Returning Officer must verify that the student has not already voted in that election.

**25.9.** If the student has both voted in the election and returned a postal vote, their postal vote must be destroyed.

## **26. Form of Ballot Paper**

- 26.1.** The ballot paper must be in the form of a booklet, except for the ballot papers for the Queer Officers and Postgraduate Representative which must be printed separately.
- 26.2.** The cover page of the booklet must:
  - 26.2.1.** list each ticket that has completed a valid application to be set out as a ticket; and
  - 26.2.2.** provide instructions that give effect to the method of casting a ticket vote at regulation 29.2.1;
- 26.3.** The second page of the booklet must:
  - 26.3.1.** be separately segmented for each office-bearer position (provided for in clauses 20.2(a) to (g) and 20.2(j) to (k) of the Constitution);
  - 26.3.2.** list the candidates (and ticket if applicable) for each office-bearer position in the corresponding segment for that position; and
  - 26.3.3.** provide instructions that give effect to the method of casting a candidate votes at regulation 29.2.2;
- 26.4.** For every other position where more than one position is to be elected:
  - 26.4.1.** a page must be contained in the ballot booklet for that position;
  - 26.4.2.** the page must list the candidates (and ticket if applicable) for that position; and
  - 26.4.3.** the page must contain instructions that give effect to the method of counting candidate votes at regulation 29.2.2.
- 26.5.** In the event that the application of regulation 26.3 would result in the page being illegible, the Returning Officer may determine that additional pages are to be included in the booklet and that any number of the segments required by regulation 26.3.1 be printed on those pages.
- 26.6.** The ballot paper for the Queer Officers must have in writing either above or below the ballot “Please only vote in this ballot if you identify as queer.”
- 26.7.** The ballot for Postgraduate Representative must be on a separate ballot paper to all other ballots.

## **27. Eligibility to Vote**

- 27.1.** All undergraduate students shall be eligible to vote for each position in the ballot booklet.
- 27.2.** Only undergraduate students that identify as queer shall be eligible to vote for the Queer Officers.

**27.3.** Postgraduate students shall only be eligible to vote for the Postgraduate Representative.

## **28. Issuing Ballot Papers**

**28.1.** Each voter must produce their student card to the polling clerk.

**28.2.** A student who is unable to produce their student card may not vote unless the polling clerk is satisfied of their identity. The student must at least produce photo identification.

**28.3.** The polling clerk must:

**28.3.1.** verify that the voter is the student whose card it is by checking the photograph;

**28.3.2.** verify that the student is eligible to vote by checking the electoral roll, including verifying which ballots the student is entitled to;

**28.3.3.** initial all ballot papers the voter is entitled to;

**28.3.4.** issue the initialled ballot papers; and

**28.3.5.** issue the voter a badge, stamp, sticker or similar identification indicating they have voted.

**28.4.** If a person's name does not appear on the electoral roll then they may only be issued with a provisional vote.

## **29. Method of Voting**

**29.1.** Elections must use the optional preferential proportional representation method of election.

**29.2.** A voter may cast a valid vote by:

**29.2.1.** placing the number 1 against the name of a ticket on the cover page of the ballot booklet; or

**29.2.2.** placing the number 1 against the name of the candidate of first preference for each position to be elected, and consecutively higher numbers against the names of as many other candidates of lower preference in order as they wish.

**29.3.** For the purposes of regulation 29.2:

**29.3.1.** a number against the name of a candidate indicates a preference for that candidate ahead of all candidates with higher numbers or no number against their name;

**29.3.2.** a vote is formal even if:

**29.3.2.1.** the lowest number is not 1;

**29.3.2.2.** the numbers are not consecutive or;

**29.3.2.3.** numbers are repeated.

**29.3.2.4.** a vote is deemed formal until the voter's intention becomes unclear;



**30.5.** The Returning Officer must email all candidates and provide the location that counting will take place at least 24 hours before counting is to commence.

## **31. Scrutineers**

**31.1.** Each candidate may appoint a person as scrutineer for each position for which they are standing, by notice to the Returning Officer.

**31.2.** A candidate may not be appointed as a scrutineer for an election in which that student is a candidate.

**31.3.** A scrutineer must not:

**31.3.1.** touch or interfere with the ballot papers or any other election materials or equipment; or

**31.3.2.** act in a manner that is disorderly or impedes the proper conduct of the count.

## **32. Method of Counting**

**32.1.** Votes must be counted in accordance with the following procedure:

**32.1.1.** each ballot paper must first be given the value of 1;

**32.1.2.** the value of each ballot paper must be allocated to the continuing candidate against whose name appears the lowest number on the ballot paper;

**32.1.3.** a ballot paper which does not show a valid preference for at least one continuing candidate is exhausted and may not be allocated further;

**32.1.4.** a quota must be calculated at each stage of counting by dividing the total value of ballot papers allocated to continuing candidates by one more than the number of positions remaining to be filled and rounding up the answer so obtained in the sixth decimal place;

**32.1.5.** if at any stage of counting a continuing 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 given a new value obtained by multiplying its current value by the candidate's transfer value; and

**32.1.6.** if at any stage of counting no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated. If there are two or more candidates with an equal value and no candidate has a lower value at an earlier stage of counting, the Returning Officer

must determine by lot which of these candidates is to be eliminated.

**32.2.** The procedure in this regulation must be repeated in order until the number of positions to be filled is filled.

**32.3.** Informal votes:

**32.3.1.** may only be ruled informal by the Returning Officer; and

**32.3.2.** must only be ruled informal if:

**32.3.2.1.** it does not comply with regulation 29.2 – 29.4; and

**32.3.2.2.** the voter's intention is not clear.

**32.4.** In this regulation:

**32.4.1.** "continuing candidate" means a candidate who has neither been elected nor eliminated;

**32.4.2.** "stage of counting" means when all ballot papers which have not been exhausted have been allocated to continuing candidates; and

**32.4.3.** "candidate's transfer value" is the elected candidate's value, less the quota at that stage of counting, all divided by the elected candidate's value.

### **33. Declaration of Election and Notification of Results**

**33.1.** The Returning Officer must announce the provisionally declared result of the election immediately after counting.

**33.2.** As soon as is practicable after the results are provisionally declared, the Returning Officer must:

**33.2.1.** cause a notice of results to be posted on the MONSU website; and

**33.2.2.** email all candidates the notice of results.

**33.3.** The result of the election shall be automatically formally declared in accordance with the provisional declaration (or a subsequent declaration following a recount, if applicable) if:

**33.3.1.** the deadline for appeals against the result in accordance with regulation 40.1 passes and no appeal is submitted; or

**33.3.2.** any appeals against the result of the election in accordance with regulation 40 are dismissed by the Election Tribunal.

### **34. Recounts**

**34.1.** A student may lodge a written request with the Returning Officer for a recount of an election they are a candidate in within 24 hours after the election has been provisionally declared.

- 34.2.** If the Returning Officer receives a written request for a recount in accordance with regulation 34.1, they must hold a recount as soon as practicable.
- 34.3.** The Returning Officer must give at least 24 hours written notice of a recount to all of the candidates involved in that election.
- 34.4.** Once a recount has been held and the election is declared, no candidate can call for any further recounts of that election.

## **35. Eligibility to campaign**

- 35.1.** To be eligible to campaign at any point throughout the election period, a student must:
- 35.1.1.** provide their name, student ID number and mobile phone number to the Returning Officer;
  - 35.1.2.** have completed Monash University's Respectful and Responsible module, or equivalent; and
  - 35.1.3.** wear a sticker provided to the student by the Returning Officer that contains the words 'Registered Campaigner' and a number to identify the student.

## **36. Prohibited Conduct**

- 36.1.** This regulation applies from the issue of the notice of election until the provisional declaration of results.
- 36.2.** Any dishonest conduct in an election is prohibited.
- 36.3.** Any conduct in an election that is misleading or deceptive, or that is likely to mislead or deceive a voter is prohibited.
- 36.4.** Any conduct that is violent, abusive or threatening is prohibited.
- 36.5.** Without limiting regulations 36.2 – 36.4, the following are specifically prohibited:
- 36.5.1.** providing false information in or interfering with any form lodged with the Returning Officer;
  - 36.5.2.** failing to comply with a direction of the Returning Officer, or a decision of the Electoral Tribunal;
  - 36.5.3.** voting or attempting to vote except in accordance with these regulations;
  - 36.5.4.** interfering with ballot papers, votes or the electoral roll;
  - 36.5.5.** interfering with any document, record or equipment used to conduct the election;
  - 36.5.6.** paying a person to campaign;
  - 36.5.7.** violating the secrecy of the ballot;
  - 36.5.8.** making any publicity available that is not in accordance with regulation 21;
  - 36.5.9.** interfering with other candidates' election publicity;

- 36.5.10.** campaigning within six metres of the polling area;
  - 36.5.11.** campaigning by persons who are not students;
  - 36.5.12.** offering gifts;
  - 36.5.13.** selling or exchanging goods;
  - 36.5.14.** soliciting postal vote applications from students;
  - 36.5.15.** using MONSU facilities not generally available to students;
  - 36.5.16.** damaging MONSU or University property;
  - 36.5.17.** chalking;
  - 36.5.18.** publicly criticising the Returning Officer or unfairly questioning their impartiality and/or competence;
  - 36.5.19.** campaigning in a University library;
  - 36.5.20.** campaigning in breach of regulation 35.1; and
  - 36.5.21.** otherwise impeding the conduct of the election.
- 36.6.** The Returning Officer may direct any person breaching regulations 36.2 – 36.5, to cease doing so.
- 36.7.** Any student may report a breach to the Returning Officer.
- 36.8.** The person who has reported the breach must be given an opportunity to present their case.
- 36.9.** Any person who has been reported must be given an opportunity to respond.
- 36.10.** The Returning Officer may hear submissions from any other interested person.
- 36.11.** The Returning Officer may, whether they find that there has been a breach or not, give such directions as they think appropriate.
- 36.12.** If the Returning Officer finds that there has been a breach, they may:
- 36.12.1.** reprimand the person or ticket;
  - 36.12.2.** report the person or ticket to the University’s Safer Community Unit;
  - 36.12.3.** suspend the person or ticket from campaigning for a period of time;
  - 36.12.4.** disqualify the person from voting in that election; or
  - 36.12.5.** disqualify the person or ticket reported from campaigning or standing or campaigning and standing in:
    - 36.12.5.1.** that election; or
    - 36.12.5.2.** that election and a specified number of future elections; or
    - 36.12.5.3.** all elections.
- 36.13.** In exercising their power in accordance with regulation 36.122, the Returning Officer must consider:
- 36.13.1.** the severity of the breach;
    - 36.13.1.1.** In judging the severity of the breach, if a serious breach has occurred the Returning Officer shall apply at

least one of regulation 36.12.3 - 36.12.6 to the person or ticket that committed the breach. For the avoidance of doubt a breach of regulations 36.4 or 36.5.1 – 36.5.5 shall be automatically considered to be a serious breach.

**36.13.2.** whether or not the person or ticket was dishonest in the course of their breach of the regulations; and

**36.13.3.** the likely number of votes influenced or affected as a result of the person or ticket's breach of the regulations.

### **37. Appointment of Election Tribunal**

**37.1.** The Electoral Tribunal must be constituted by an individual who:

**37.1.1.** has been admitted to practice as a barrister and solicitor of the Supreme Court of Victoria for at least 5 years.

**37.2.** Members of the the Electoral Tribunal must not:

**37.2.1.** be a candidate in the election;

**37.2.2.** be a currently enrolled student of the University; and

**37.2.3.** have contested any MONSU election in the five academic years prior to the year of election.

### **38. Procedure of Election Tribunal**

**38.1.** The Election Tribunal may, subject to regulations 38.2 – 38.5, regulate its own proceedings.

**38.2.** Parties may not be represented unless the Election Tribunal decides that without representation a party will be unable to fairly put its case.

**38.3.** Proceedings of the Election Tribunal, other than its formal decisions, are confidential and may not be reported.

**38.4.** Where in the view of the Election Tribunal it is unnecessary that a hearing be held, the Tribunal may without meeting give a direction or ruling.

**38.5.** Subject to subsection 67(2) of the *Associations Incorporation Reform Act 2012* (VIC), decisions of the Electoral Tribunal are final.

### **39. Appeals against Decisions of the Returning Officer**

**39.1.** A student may appeal against a decision of the Returning Officer by writing to the Returning Officer within:

**39.1.1.** 4 hours of the decision if it was made during a polling period; and

**39.1.2.** 24 hours for all other decisions.

- 39.2.** The Returning Officer must refer the matter to the Electoral Tribunal properly submitted in accordance with regulation 39.1.
- 39.3.** If a meeting of the Electoral Tribunal is convened, it must be held as soon as is practicable and necessary given the urgency of the matter.
- 39.4.** At the meeting the student appealing must be given an opportunity to present their case.
- 39.5.** The Returning Officer must be given an opportunity to respond.
- 39.6.** The Electoral Tribunal may call upon submissions from any other interested person.
- 39.7.** The Election Tribunal must then rule on the matter.
- 39.8.** The Election Tribunal must make the decision available to the Returning Officer and the appellant as soon as is practicable.
- 39.9.** The Returning Officer must display any decision on the MONSU website as soon as is practicable.
- 39.10.** The Electoral Tribunal may make declaratory rulings under this regulation.
- 39.11.** The Electoral Tribunal may not make any ruling under this regulation which alters the result of an election which has been declared if the appeal has been brought after the time set in regulation 40.1.
- 39.12.** The Returning Officer may appeal under this regulation against their own decision if subsequently satisfied it was wrong and if the decision is not otherwise able to be reversed.
- 39.13.** In this regulation “decision” includes omission and failure to act.

#### **40. Appeals Against Results of Elections**

- 40.1.** A student may appeal against the result of an election by writing to the Returning Officer within five days of the declaration of the election.
- 40.2.** A student may only appeal against the result of an election on the ground that there has been a defect in the conduct of the election which has materially affected the result.
- 40.3.** The Returning Officer must convene a meeting of the Electoral Tribunal within one week of being contacted.
- 40.4.** The Electoral Tribunal may only convene to hear an appeal if the Tribunal is satisfied there is a prima facie case.
- 40.5.** At the meeting the student appealing must be given an opportunity to present their case.
- 40.6.** The Electoral Tribunal may call upon submissions from any interested person.

**40.7.** If the Electoral Tribunal is satisfied that there has been a defect in the conduct of the election that has materially affected the result it may order a new poll or polls or election or elections.

**40.8.** The Electoral Tribunal may determine the timetable for a new poll or election ordered under regulation 40.7.

## **41. Validation**

**41.1.** Subject to regulation 40:

**41.1.1.** no act, decision or election is invalid only because it was done, made or held after the time required by the Constitution;  
and

**41.1.2.** no act, decision or election is invalid only because it was done, made or held after the time required by these regulations.

**41.2.** For the purposes of regulations 41.1 “act” does not include an appeal.