

Monash Student Association (Clayton) Inc.

ELECTION REGULATIONS

Adoption & Amendment

These regulations adopted by Monash Student Board on 18/8/2000; and
Modified on 9/8/2001; and
Modified on 21/8/2001; and
Modified on 6/12/2001; and
Modified on 29/7/2002; and
Modified on 6/8/2002; and
Modified on 27/8/2002; and
Modified on 15/9/2003; and
Modified on 31/7/2008.

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100. **Authorising Provisions**

The regulations in this Part are made under subclause 42(1) and clause 59 of the Constitution.

101. **Applicability**

- (1) This Part applies to elections held in accordance with Part 10 of the Constitution.
- (2) This Part applies, in so far as it is applicable and with any necessary modifications, to referenda held in accordance with clause 16 of the Constitution.

102. **Appointment of Returning Officer**

- (1) The MSC must appoint the Returning Officer no later than the Monday nine weeks before the annual elections.
- (2) A temporary Returning Officer can be appointed while the appointment of a Returning Officer is finalised.
- (3) For by-elections MSC is to appoint a Returning Officer by an absolute majority at least nine academic days before the by-election. If this cannot be reached, the Secretary is the Returning Officer.
- (4) The Returning Officer must not:
 - (a) be a candidate in any election for which they are returning officer;
 - (b) be a currently enrolled student of the University, unless the secretary is Returning Officer for a by-election.;
 - (c) have contested any student election in the two academic years prior to the year of the election, unless the secretary is Returning Officer for a by-election.: and
- (5) If the Returning Officer resigns or is unable to act, the MSC must as soon as practicable appoint another Returning Officer.
- (6) The Returning Officer may only be removed by the MSC.

103. **Responsibilities of Returning Officer**

- (1) The Returning Officer:
 - (a) is responsible for the conduct of the election;
 - (b) may decide all matters not provided for in the Constitution or these regulations; and
 - (c) is subject only to the Electoral Tribunal.
- (2) Any decision of the Returning Officer may be appealed to the Electoral Tribunal in accordance with regulation 141.
- (3) The Returning Officer must present a written report to the MSC within 21 days of the polls being declared, which must include a full list of all registered ticket names.
- (4) The Secretary must provide the facilities, resources and assistance necessary to enable the Returning Officer to carry out the responsibilities under these regulations.

104. **Deputy and Assistant Returning Officers, Poll Clerks and Vote Counters**

- (1) The Returning Officer may appoint and remove Deputy and Assistant Returning Officers, poll clerks and vote counters.
- (2) Deputy and Assistant Returning Officers, poll clerks and vote counters must not:
 - (a) be candidates in the election;
 - (b) be currently enrolled students of the University;
 - (c) have contested any student election in the two academic years prior to the year of the election; and

- (3) Deputy and Assistant Returning Officers, poll clerks and vote counters are subject to the direction of and have the duties determined by the Returning Officer.
- (4) The Returning Officer may delegate any responsibilities under this Part to a Deputy or Assistant Returning Officer.

105. Opening of Nominations

- (1) For the annual elections nominations open at 9.00am on the Wednesday five weeks before the annual elections.
- (2) For by-elections nominations open eight academic days before the by-election.

106. Notice of Election

- (1) On the Monday 7 weeks before the annual elections the Returning Officer must give notice of the election, mentioning the possibility of postal votes, by placing notice on the MSA website and posters on MSA notice-boards and poster kiosks, and by distributing notice via the Monash University bulk email facilities where available;
- (2) The Returning Officer must give notice of the election in each edition of "Lot's Wife" and any regular MSA news-sheet or Monash University bulk email (where available) between the opening and closing of nominations.
- (3) The notice of the election must be in the form of Schedule 1.3.

107. Eligibility to Stand

All students may stand in elections, subject to subsection 43(1) of the Constitution.

108. Form of Nominations

- (1) Nominations must be in the form of Schedule 1.4.
- (2) All nominations must be signed by the nominee, nominator, and seconder, all of whom must be qualified to stand and vote in the election in accordance with subsections 43(1) and 43(2) of the Constitution.
- (3) Candidates may not nominate, or second their own nomination.
- (4) Students may only nominate one candidate and second one candidate. Students may not nominate, and second the same candidate.
- (5) The Returning Officer must make nomination forms available at the MSA office and via the internet from the opening of nominations.

109. Receipt of Nominations

- (1) Nominations must be given or sent to the Returning Officer or left for the Returning Officer in the locked box provided for that purpose at the Student Rights Office.
- (2) The Returning Officer must provide the student nominating with:
 - (a) an acknowledgement of the receipt of their nomination,
 - (b) a copy of these regulations, and
 - (c) a copy of the MSA constitution;on the close of nominations in electronic format.
- (3) If a nomination is rejected, the Returning Officer must immediately notify the person concerned, and state the reason for the rejection. If a contact telephone number has been given on the nomination form, the Returning Officer must first attempt to notify the person concerned by telephone.
- (4) No decision of the Returning Officer to reject a nomination may be appealed more than one academic day after the list of candidates and registered ticket names is published in accordance with regulation 114.

110. Close of Nominations

- (1) For the annual elections nominations must be received by the Returning Officer no later than 5.00pm on the Friday four weeks before the annual elections.
- (2) For by-elections nominations must be received by the Returning Officer no later than 12.00md on the day five academic days before the by-election.
- (3) Nomination forms may not be amended or altered after nominations have closed with the exception that nominations may be withdrawn as allowed by regulation 115

111. Verification of Eligibility

Immediately after the close of nominations the Returning Officer must verify that each person who has nominated is eligible to stand under subclause 43(1) of the Constitution.

112. Uncontested Positions

- (1) If the number of candidates for any position does not exceed the number to be elected, the Returning Officer must declare those candidates elected as soon as their eligibility has been verified.
- (2) If at the close of nominations there are less candidates for a position than the number to be elected, the Returning Officer must reopen nominations for the remaining positions to be elected:

- (a) for the annual elections – until 5.00pm on the Friday two weeks before the annual elections; and
- (b) for by-elections – until 12.00md the day before the by-election.

113. Draw for Ballot Paper

- (1) If the number of candidates for any position exceeds the number to be elected, the Returning Officer must, at 12.00 midday on the Wednesday 3 weeks before the annual elections, provided their eligibility has been verified, determine by lot the order of those candidates on the ballot paper.
- (2) Any student may observe the draw.

114. List of Candidates and Registered Ticket names

The Returning Officer must by 12.00md on the Thursday three weeks before the annual elections, place on the MSA notice-board a list of candidates in the order they will appear on the ballot paper and a list of registered ticket names including the authorised officers.

115. Withdrawal of Nomination

- (1) Candidates may withdraw their nomination at any time before the result of the election is declared.
- (2) Withdrawals must be in the form of Schedule 1.5.
- (3) The withdrawal takes effect on its receipt by the Returning Officer.
- (4) If a candidate withdraws, the Returning Officer must proceed as if that student had never nominated (except that any statement of distribution of preferences under regulation 117 lodged by the candidate remains valid).
- (5) Without limiting paragraph 103(1)(b), if a candidate withdraws, the Returning Officer may modify ballot papers as necessary or appropriate.
- (6) Any ballot paper showing a preference for a withdrawn candidate must be allocated under regulation 135 as if the candidate had been eliminated.

116. Tickets

- (1) Any student may apply to have a ticket name registered in the form of Schedule 1.6.
- (2) Applications under subregulation (1):
 - (a) open at 9.00am on the Tuesday 6 weeks before the annual elections; and
 - (b) close at 5.00pm on the Monday 5 weeks before the annual elections.
- (2A) The Returning Officer must charge a fee of \$5.00 for the registration or reregistration of each ticket name, to be refunded to all tickets that submit a policy speech and photo to the election guide in accordance with section 119. This fee shall be refunded within two weeks of the conclusion of the annual elections.
- (2B) The returning officer must publish a full list of all registered tickets by 5.00pm on the Tuesday 5 weeks before the annual elections.
- (3) Any group of candidates for a MSA body may apply to have their names set out on the ballot paper under the name of a ticket in the form of Schedule 1.7.
- (4) Applications under subregulation (3):
 - (a) open at 9.00am on the Wednesday 5 weeks before the annual elections;
 - (b) close at 5.00pm on the Friday four weeks before the annual elections; and
 - (c) may not be amended or altered after nominations have closed.
- (5) A proposed ticket name may only be registered if:
 - (a) If it incorporates the name of an organisation (including a club or society), the consent of the governing body of that organisation is given in writing to the Returning Officer, and the Returning Officer is satisfied that the organisation is bona fide;
 - (b) It is not the same as or does not incorporate another registered ticket name;
 - (c) It is not so similar to any other registered ticket name as to be confused with or mistaken for that name;
 - (d) It does not contain the word 'independent';
 - (e) It is not so similar to the name of any department or division of MSA as to be confused with or mistaken for that name;
 - (f) It is no longer than four words;
 - (g) It is not misleading or deceptive; and
 - (h) It is not contrary to law.
 - (i) It is not racist, sexist, militaristic or queerphobic.
- (6) The student who registers the ticket name is the initial authorised officer, and the ticket name remains registered until:
 - (a) The authorised officer requests that ticket name to be de-registered;
 - (b) The authorised officer ceases to be a student; or
 - (c) The ticket name lapses because it has not been reregistered.
- (7) The authorised officer of a ticket name remains the authorised officer until they nominate another student to be the authorised officer by lodging a statement with the returning officer.

- (8) In the case of a club or society, the authorised officer is the president or equivalent office-bearer of that club or society, unless the governing body of the club or society resolves that another member should be the authorised officer.
- (9) The authorised officer of a ticket contesting an election for multiple positions must notify the returning officer by writing the order in which they want the names of the members to be printed on the ballot paper by the close of nominations.
- (10) All ticket names must be reregistered before each annual election.
- (11) The reregistration period opens at 9.00am on the Monday 7 weeks before the annual elections. There is no reregistration period for by-elections – all tickets registered at the previous Annual Elections are considered reregistered automatically.
- (12) The reregistration period closes at 5pm on the Friday 7 weeks before the annual elections.
- (13) During the reregistration period any student, or club or society may reregister any name registered in the name of that student, club or society.
- (14) The registration of any ticket name not reregistered during the reregistration period lapses.
- (15) By 5.00pm on the Monday 6 weeks before the annual elections, the Returning Officer must publish a list of all registered ticket names.
- (16) The Returning Officer must include a separate list of all registered ticket names and authorised officers in the Returning Officer's report under subregulation 103(3).

116A. Club and Society Ticket Names

- (1) Only a club or society may apply in accordance with this regulation and regulation 116 to have its name registered as a ticket name.
- (2) If an application is made by a club or society in accordance with subregulation (1), the Returning Officer must register that ticket name in the name of the club or society.
- (3) If a club or society applies to have its name registered as a ticket name under this regulation:
 - (a) paragraph 116(5)(c) does not apply; and
 - (b) the registration of any other ticket name that is so similar to the proposed ticket name of the club or society, as to be confused with or mistaken for that name, lapses.
- (4) Except in 2000, if a ticket name is registered and a club or society subsequently formed with that same name, the club or society may only register the ticket name:
 - (a) if the prior registration of the ticket name has lapsed; and
 - (b) in accordance with regulation 116.

117. Statements of Distribution of Preferences

- (1) A candidate or group of candidates applying to be set out as a ticket under regulation 116 may lodge a statement in the form of Schedule 1.8 setting out the order in which preferences are to be distributed after being distributed to the ticket in accordance with subregulation 130(5).
- (2) For the annual elections statements must be received by the Returning Officer by 12.00md on the Friday one week before the annual elections.
- (3) For by-elections statements must be received by the Returning Officer by 12.00md on the day before the by-election.
- (4) The Returning Officer must display the statements on the MSA notice board and the MSA website by 5.00pm on the Friday one week before the annual elections.

118. Sharing of Positions

- (1) Students may jointly stand for and hold office-bearer positions in accordance with section 37 of the Constitution.
- (2) The candidates must sign a statement:
 - (a) acknowledging that they are standing jointly; and
 - (b) specifying who is to be the voting member on all MSA bodies where that office-bearer has a vote.

119. Election Guide

- (1) Candidates may submit by 5.00pm on the Monday 3 weeks before the annual elections a policy speech and photograph for each position for which they nominate.
 - (2) Policy speeches and photographs must be submitted electronically in a form specified at the opening of nominations by the editors of "Lot's Wife" before or at the time nominations close.
 - (3) Two or more candidates who nominate to share an office-bearer position may submit only one policy speech for that position.
 - (4) Candidates standing as a ticket for proportionally elected positions may submit only one policy speech for all candidates on that ticket.
 - (5) Policy speeches for two or more candidates standing as a ticket for proportionally elected positions must be no longer than 300 words. Policy speeches for all other candidates, including co-officebearers running for directly elected positions must not be longer than 200 words.
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- (6) If the number of words in a policy speech exceeds the number permitted by subregulation (5), the excess words must not be published under subregulation (7).
- (7) For the annual elections the Returning Officer must produce an election guide, which must:
 - (a) be at least A4 size;
 - (b) include a brief description of each position to be elected;
 - (c) not have any candidate material on the front or back covers, inside the front or back covers, or on the two centre pages;
 - (d) give the candidate photographs and policy speeches for each position in reverse ballot order;
 - (e) if candidates are standing as a ticket, give the names and candidate photographs under the name of their ticket in reverse ballot order;
 - (f) reproduce candidate photographs at least passport size;
 - (g) be available for viewing in electronic format from 12pm – 2pm on the Friday 2 weeks before the annual election; and
 - (h) be distributed on or before Wednesday in the week before the annual elections.
- (8) The names of candidates who do not submit a policy speech or photo will be published in the election guide, with a note that the speech and/or photo was not submitted.
- (9) The editors of “Lot’s Wife” and any other person nominated by the MSC must assist the Returning Officer to produce the election guide using the facilities of “Lot’s Wife”.

120. **Publicity**

- (1) This regulation applies from the opening of nominations to the end of polling.
- (2) This regulation is subject to subclause 42(5) of the Constitution.
- (2A) The content of all promotional material must be fair and honest.
- (3) Any promotional material that contains the word ‘independent’, or whose content is intended or likely to mislead or deceive a voter is prohibited.
- (4) The only distributed materials allowable are posters, pamphlets and clothing.
- (5) Posters and pamphlets must:
 - (a) be of 80gsm or lighter, 100% post-consumer recycled and with a matte finish;
 - (b) not be laminated;
 - (c) not be adhesive;
 - (d) in the case of posters, not exceed A3 in size;
 - (e) in the case of pamphlets; not exceed A4 in size; and
 - (f) be printed on paper received from the Returning Officer in accordance with subregulation (6).
- (6) The Returning Officer must in accordance with subclause 42(5) of the Constitution supply tickets and individual candidates with identifiably marked and ‘copy-proofed’ paper, at a cost of \$0.10 per A3 sheet and \$0.05 per A4 sheet and subject to the following maximum quotas:
 - (a) for individual candidates (not standing as part of a group of candidates) – 1,000 A4 sheets and 100 A3 posters;
 - (b) for groups of candidates standing for Activities Chairperson or Editors of *Lot’s Wife*; – 3,000 A4 sheets and 150 A3 posters; and
 - (c) for all other groups of candidates – 1,500 A4 sheets and 100 A3 posters for the first candidates and a further 300 A4 sheets and 20 A3 posters for each additional candidate, to a maximum of 6000 A4 sheets and 400 A3 posters.
- (7) Paper supplied by the Returning Officer must not be used to promote any candidate or group of candidates, except those candidates to whom it is supplied. This subregulation does not prevent tickets or individual candidates from including information about the direction of preferences to, or endorsement of, other candidates or group of candidates.
- (8) The marking on paper supplied by the Returning Officer in accordance with paragraph (6) must be of sufficient size and visibility to enable the paper to be identified if it is divided.
- (9) Clothing is limited to a maximum of three colours in total.
- (10) Chalk-ups must:
 - (a) not be within 2 metres of another chalk-up.
 - (b) not exceed 8 square metres in area;
 - (c) not exceed a total of 64 square metres per ticket;
 - (d) not reference any other ticket, and;
 - (c) use only chalk and water.
- (10) All electronic publicity must conform as far as practicable to the subregulations for printed material.
- (11) Without limiting the generality of subregulation (2) and (3), the following are specifically prohibited:
 - (a) badges, stickers, balloons, videos, films, sound recordings, food, drink, drugs or any other give away consumables
 - (b) advertisements in newspapers, radio or on television (including “Lot’s Wife” and Radio Monash);
 - (c) banners;

- (d) publicity that does not comply with regulation 121;
- (e) publicity in contravention of regulation 138;
- (12) For the avoidance of doubt, T-shirts and other clothing are not consumables for the purposes of paragraph (11)(a).
- (13) A copy of every pamphlet, item of clothing, poster and electronic publicity must be given to the Returning Officer for their approval before it is distributed or displayed. Acceptance of publicity material by the Returning Officer does not indicate that the material does not breach the regulations. Any such material may be ordered withdrawn by the Returning Officer at some later point if it becomes clear that it contains content in breach of the regulations
- (14) The Returning Officer must keep a register of all pamphlets and posters.
- (15) This regulation does not apply to publicity by the Returning Officer.

121. Authorisation of Pamphlets and Posters

- (1) All pamphlets and posters must be authorised by a student.
- (2) A student may authorise a pamphlet or poster on behalf of a ticket only if they are the authorised officer of that ticket.
- (3) The student's name must appear legibly on the pamphlet or poster.

122. Defamation

MSA does not indemnify any person in relation to defamation in an election.

123. Postal Votes

- (1) Any student may apply for a postal vote.
- (2) Applications must be in the form of Schedule 1.9.
- (3) The Returning Officer must make application forms available at the MSA office and via the internet from 9.00am on the Wednesday 5 weeks before the annual elections.
- (4) Applicants may not be issued with a postal vote unless the application contains evidence that satisfies the Returning Officer that the student cannot vote in person.
- (5) Applications must be sent or given to the Returning Officer or left for the Returning Officer at the MSA office.
- (6) For the annual elections applications must be received by the Returning Officer by 12.00md on the Wednesday two weeks before the annual elections.
- (7) For by-elections applications must be received by the Returning Officer by 12.00md on the day nominations close for the by-election.
- (8) The Returning Officer must verify that each person who has applied is eligible to vote.
- (9) The Returning Officer must before 12.00 midday on the Friday in two weeks before the annual election send to each student who has successfully applied:
 - (a) instructions in the form of Schedule 1.10;
 - (b) ballot papers;
 - (c) the election guide or the policy speeches received before the close of nominations;
 - (d) any statements of distribution of preferences received in accordance with regulation 117.
 - (e) a plain envelope large enough to contain all ballot papers; and
 - (f) an envelope large enough to contain the envelope referred to in paragraph (e), addressed to the Returning Officer, and with the postage prepaid.
- (10) The Returning Officer must prepare a list of students to whom postal votes have been sent.
- (11) The name of each student who has been sent a postal vote must be marked as such on every voters' roll.
- (12) A student who has been sent a postal vote may only vote in person at a polling place if they first sign a withdrawal of their postal vote in the form of Schedule 1.11.
- (13) Postal votes must be received by the Returning Officer before the close of polling.
- (14) The Returning Officer must compare the signature on the application form with the signature on the envelope flap to verify that the person who has voted is the student who made the application. If the signatures do not correspond the vote is invalid.

124. Dates of Polling

- (1) The annual elections must be held in second semester before the non-teaching period of that semester.
- (2) The annual elections must be held over the number of academic days prescribed under subclause 42(4) of the Constitution.
- (2A) The annual elections must be held on consecutive academic days determined by the MSC, subject to this regulation.
- (3) By-elections must be held on an academic day determined by the MSC in accordance with subclause 46(4) of the Constitution.

125. Polling Times and Places

- (1) For the annual elections there must be polling places:

- (a) every day for at least 4 hours with one late night polling period in the ground floor of the Union Building;
- (b) for at least two days at a minimum of three hours each day in:
 - (i) the ground floor of the Hargrave Library.
- (2) For by-elections there must be polling places in the ground floor of the Union Building.
- (3) For polling places outside the Union Building all votes must be issued as provisional votes.
- (4) Hours of polling must be set by the MSC when fixing the dates of polling.

126. Voting

- (1) Under subclause 43(2) of the Constitution all students may vote in elections.
- (2) Under subclause 42(2) of the Constitution all elections must be conducted by secret ballot.

127. Form of Ballot Papers

More than one election may be included on the one ballot paper.

128. Issuing of Ballot Papers

- (1) Each voter must:
 - (a) produce their student card to the poll clerk; and
 - (b) sign the voters' roll against their name.
- (2) A student who is unable to produce their student card may not vote unless the Returning Officer is satisfied of their identity. The student must at least produce photo identification.
- (3) The poll clerk must:
 - (a) verify that the voter is the student whose card it is by checking the signature and the photograph,
 - (b) initial each ballot paper,
 - (c) issue the ballot papers; and
 - (d) then issue the voter a badge, stamp, sticker or similar identification indicating they have voted.
- (4) If a person's name does not appear on the electoral roll then they may only be issued with a provisional vote.

129. Spoilt Ballot Papers

- (1) A voter who spoils a ballot paper may request a fresh ballot paper from the poll clerk.
- (2) The voter must return the spoilt ballot paper to the poll clerk.
- (3) The poll clerk must:
 - (a) mark the ballot paper as spoilt
 - (b) seal the spoilt ballot paper in an envelope marked "Spoilt Ballot Paper" and place it in the ballot box; and
 - (c) then issue the voter with a fresh ballot paper in accordance with paragraphs 128(3)(b)-(c).

130. Method of Voting

- (1) Under subclause 43(2) of the Constitution all elections must be conducted using optional preferential proportional representation.
- (2) Voters must indicate their order of preference for candidates by either:
 - (a) placing the number 1 against the name of the candidate of first preference and consecutive higher numbers against the names of as many other candidates of lower preference in order as they wish; or
 - (b) placing the number 1 against the name of a ticket
- (3) For the purposes of paragraph (2)(a):
 - (a) 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;
 - (b) a vote is formal even if:
 - (i) the lowest number is not 1,
 - (ii) the numbers are not consecutive,
 - (iii) numbers are repeated;
 - (c) a tick against the name of a candidate where there is no number 1 against the name of another candidate is deemed to be the number 1; and
 - (d) a cross against the name of a candidate where there is no number 1 or tick against the name of another candidate is deemed to be the number 1.
- (4) For the purposes of paragraph (2)(b)
 - (a) the number 1 against the name of a ticket, or
 - (b) a tick against the name of a ticket where there is no number 1 against the name of another ticket, or
 - (c) a cross against the name of a ticket where there is no number 1 or tick against the name of another ticket,
 indicates a preference for that ticket ahead of all other tickets.

- (5) A voter who has voted for a ticket in accordance with paragraph (2)(b) is deemed to have voted as if they had placed the number 1 against the name of the first candidate on the ticket and consecutive higher numbers against the names of any other candidates on the ticket in order.
- (6) If a candidate or a group of candidates have lodged a statement under subregulation 117(1), voters who have voted for that ticket are deemed to have voted for other candidates in that election in accordance with that statement.
- (7) A voter who has voted in accordance with both paragraphs (2)(a) and (2)(b) is deemed to have voted in accordance with paragraph (2)(a) and not paragraph (2)(b).

131. Security of Ballot Papers and Voters' Rolls

- (1) Ballot boxes may only be unlocked by the Returning Officer.
- (2) The Returning Officer must whenever a ballot box becomes full remove the ballot papers and lock them in a secure place.
- (3) For the annual elections the Returning Officer must at the close of polling on each day until the next day of polling or until counting, lock and seal all ballot boxes, unissued ballot papers and voters' rolls in a secure place.
- (4) The ballot papers and voters' rolls become the property of MSA after the election result is verified.
- (5) In this regulation "secure place" means a place or places determined by the Returning Officer and approved by the President and Secretary.
- (6) MSA must destroy all ballot papers and voters rolls at the conclusion of the terms of office of the office bearers elected.

132. Counting of Votes

- (1) For the annual elections the Returning Officer may start counting from five hours prior to the close of polling on the last day of polling if:
 - (a) counting takes place on campus in a locked room; and
 - (b) no person leaves the room or attempts to communicate with a person outside the room until the close of polling, except with the express permission of the Returning Officer, and subject to any undertakings the Returning Officer may require.
- (2) The Returning Officer must start counting immediately after the close of polling.
- (3) The only persons who may be present during counting are:
 - (a) the Returning Officer, Deputy and Assistant Returning Officers and poll clerks; and
 - (b) scrutineers.
- (4) The Returning Officer may exclude from the place of counting any person disrupting or not assisting with counting.
- (5) The Returning Officer must place a notice on the MSA notice-board stating when and where counting will take place.

133. Scrutineers

- (1) Each candidate may appoint a student as scrutineer for each position for which they are standing by notice to the Returning Officer in the form of Schedule 1.12.
- (2) A candidate may not be appointed as a scrutineer for any position for which that student is a candidate.

134. Informal Votes

- (1) Only the Returning Officer may rule a vote informal.
- (2) A vote is only informal when it does not comply with regulation 130 and the voter's intention is not clear.

135. Method of Counting

Votes must be counted in accordance with the following procedure:

- (1) Each ballot paper must first be given the value of 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.
- (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.
- (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.
- (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.
- (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.

- (7) The procedure in subregulations (2)-(6) must be repeated in order until the number of positions to be filled is filled.
- (8) In this regulation:
 - (a) "continuing candidate" means a candidate who has neither been elected nor eliminated;
 - (b) "stage of counting" means when all ballot papers which have not been exhausted have been allocated to continuing candidates;
 - (c) "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

136. Declaration of Election

- (1) The Returning Officer must declare each election immediately after counting it.
- (2) The Returning Officer must place a notice of the declaration of the election in the form of Schedule 1.13 on the MSA notice-board, the MSA website and posters on MSA notice-boards and poster kiosks; as soon as practicable after declaring the election.

137. Notification of Result

The Returning Officer must as soon as practicable after the election:

- (1) notify each candidate of the result;
- (2) publish the results in "Lot's Wife"; and
- (3) place the results on the MSA notice-board and the MSA website

138. Prohibited Conduct

- (1) This regulation applies from the opening of nominations until the end of polling.
- (2) Any dishonest conduct in an election is prohibited.
- (3) Any conduct intended or likely to mislead or deceive a voter is prohibited.
- (4) Without limiting the generality of subregulations (2) and (3), the following are specifically prohibited:
 - (a) providing false information in or interfering with any form lodged with the Returning Officer;
 - (b) voting or attempting to vote except in accordance with this Part;
 - (c) interfering with ballot papers, ballot boxes or voters' rolls;
 - (d) violating the secrecy of the ballot;
 - (e) publicity not in accordance with regulation 120;
 - (f) unfairly interfering with other candidates' publicity;
 - (g) campaigning within 10 m of a polling place;
 - (h) campaigning unless a student;
 - (i) campaigning for a candidate without the approval of that candidate, or for a ticket without the approval of the authorised officer for that ticket.
 - (j) paying a person to campaign;
 - (k) offering gifts;
 - (l) selling or exchanging goods;
 - (m) using MSA or University facilities not generally available to all students, this includes the facilities provided by the Club's & Societies Office for use by clubs, with the use of club charge cards for the printing of election material expressly prohibited
 - (n) Using the noticeboard, letterhead or logo of MSA or any committee, department or division of MSA to promote a candidate or ticket;
 - (o) damaging MSA or University property;
 - (p) placing promotional material on:
 - (i) a noticeboard, notice pole or poster Kiosk of the university if that noticeboard already has a poster promoting that candidate or ticket or if that pole or kiosk already has two posters promoting that candidate or ticket;
 - (ii) a noticeboard that is reserved for use by a specific group
 - (iii) a poster kiosk within the university using staples or adhesive tape
 - (iv) any outside pillar which exists within the University
 - (v) any glass within the University
 - (vi) the ground anywhere within the University
 - (vii) tables, chairs or the floor in cafes, eating or communal venues or in lecture theatres on campus unless given directly to a voter who agrees to accept it
 - (viii) or under the doors of voters' bedroom or in letter boxes in the halls of Residence, South East Flats and Mannix College
 - (ix) or in the letterboxes of clubs and societies.
 - (q) failing to comply with a direction of the Returning Officer, or a ruling or direction of the Electoral Tribunal; and
 - (r) impeding the conduct of the election.

- (5) For the purposes of paragraph 4(g) the Returning Officer must wherever practicable mark a line around the polling place

139. Appointment of Electoral Tribunal

- (1) The members of the Electoral Tribunal are:
- (a) two members of the academic staff of the Faculty of Law of the University nominated by the Dean of that Faculty, one of whom must be nominated as the Chair the Tribunal, and
 - (b) the Equal Opportunity Manager of the University, or nominee.
- (2) No member of the Electoral Tribunal may be a candidate in any current MSA election.

140. Procedure of Electoral Tribunal

- (1) The Electoral Tribunal may meet by conference telephone and, subject to subregulations (2)-(5), regulate its own proceedings
- (2) The Electoral Tribunal must meet in camera.
- (3) Parties may not be represented unless the Electoral Tribunal decides that without representation a party will be unable to fairly put its case.
- (4) Proceedings of the Electoral Tribunal, other than its formal decisions, are confidential and may not be reported.
- (5) Where in the view of the Electoral Tribunal it is unnecessary that a hearing be held, the Tribunal may without meeting give a direction or ruling by unanimous resolution in writing.
- (6) Subject to subsection 14A(2) of the *Associations Incorporation Act* 1981, decisions of the Electoral Tribunal are final.

141. Appeals Against Decisions of the Returning Officer

- (1) A student may appeal against a decision of the Returning Officer by writing to the Returning Officer within 24 hours after the original decision who will then refer the matter to the Electoral Tribunal.
- (2) If the Electoral Tribunal considers that the Returning Officer's decision should be reviewed, they must convene a meeting.
- (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.
- (4) At the meeting the student appealing must be given an opportunity to present their case
- (5) The Returning Officer must be given an opportunity to respond.
- (6) The Electoral Tribunal may call upon submissions from any other interested person
- (7) The Electoral Tribunal must then rule on the matter.
- (8) The Electoral Tribunal may make declaratory rulings under this regulation.
- (9) 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 subregulation 143(1).
- (10) 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.
- (11) In this regulation "decision" includes omission and failure to act.

142. Reports of Prohibited Conduct or Materials

- (1) The person who has reported the breach must be given an opportunity to present their case.
- (2) Any person who has been reported must be given an opportunity to respond.
- (3) The Returning Officer may, whether they find there has been a breach or not, give such directions as they see fit.
- (4) If the Returning Officer finds that there has been a breach they may formally reprimand the person reported
- (4A) Without limiting the Returning Officer's powers under this regulation, if the Returning Officer finds that a student has breached any part of these regulations, the Returning Officer may suspend that student from campaigning for a period of time determined by the Returning Officer.
- (5) If the Returning Officer finds that there has been a serious breach they may disqualify the person and/or ticket reported from:
- (a) voting, or
 - (b) standing, or
 - (c) standing and voting, in:
 - (i) that election, or
 - (ii) that election and a specified number of future elections, or
 - (iii) all elections.
- (6) For the purpose of subregulation (5) and without limiting the generality of the words "serious breach", a breach of paragraphs 138(4)(a)-(d) or failure to comply with a direction or ruling of the Returning Officer is automatically a serious breach.
- (7) Without limiting 115(4), if a candidate is disqualified, the Returning Officer must proceed as if that person had never nominated.

- (8) The Electoral Tribunal may not disqualify a person from standing in an election which has been declared if the report has been made after the time set in subregulation 143(1).

143. Appeals Against Results of Elections

- (1) A student may appeal against the result of an election by writing to the returning officer within three academic days or one week, whichever is the lesser, of the declaration of the election.
- (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
- (3) The Returning Officer must convene a meeting of the Electoral Tribunal within one week of being contacted.
- (3A) The Electoral Tribunal may only convene to hear an appeal if the Chair of the Tribunal is satisfied there is a prima facie case.
- (4) At the meeting the student appealing must be given an opportunity to present their case.
- (5) The Electoral Tribunal may call upon submissions from any interested person.
- (6) If the Electoral Tribunal is satisfied that there has been a defect in the conduct of the election which has materially affected the result it may order a new poll or polls or election or elections.
- (7) The Electoral Tribunal may determine the timetable for any new poll or election ordered under subregulation (6).

144. Validation

- (1) Under the Constitution no act, decision or election is invalid only because it was done, made or held after the time required by the Constitution.
- (2) No act, decision or election is invalid only because it was done, made or held after the time required by these regulations.
- (3) For the purposes of subregulations (1) and (2) "act" does not include appeal(s).

145. Definitions and Interpretation

In these regulations, unless the contrary intention appears:

- (1) "before" in reference to an election means before the first day of polling in that election;
- (2) "campus" means the Clayton campus of the University;
- (3) "club" and "society" mean a club or society respectively affiliated to MSA through the Clubs & Societies Council;
- (4) "individual candidate" means any candidate not running on a ticket;
- (5) "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; and
- (6) a reference to a time means that time by the Telstra dial-it time service.

END OF CONTENTS

Schedule 1.1: TIMETABLE FOR ANNUAL ELECTIONS.

<u>Week 9</u>	
<u>Mon</u>	Last day for MSC to appoint Returning Officer
<u>Tues</u>	
<u>Wed</u>	
<u>Thurs</u>	
<u>Fri</u>	
<u>Sat</u>	
<u>Sun</u>	
<u>Week 8</u>	
<u>Mon</u>	
<u>Tues</u>	
<u>Wed</u>	
<u>Thurs</u>	
<u>Fri</u>	
<u>Sat</u>	
<u>Sun</u>	
<u>Week 7</u>	
<u>Mon</u>	Notice of election given 9.00am Ticket name re-registration opens 9.00am
<u>Tues</u>	
<u>Wed</u>	
<u>Thurs</u>	
<u>Fri</u>	Ticket name re-registration closes 5.00pm
<u>Sat</u>	
<u>Sun</u>	
<u>Week 6</u>	
<u>Mon</u>	Ticket name re-registrations published 5.00pm
<u>Tues</u>	Ticket name registration opens 9.00am
<u>Wed</u>	
<u>Thurs</u>	
<u>Fri</u>	Last day to notify NUS
<u>Sat</u>	
<u>Sun</u>	
<u>Week 5</u>	
<u>Mon</u>	Ticket name registration closes 5.00pm
<u>Tues</u>	Full list of registered tickets published 5.00pm
<u>Wed</u>	Nominations open 9.00am, publicity regulations apply Applications to be set out as a ticket open 9.00am Postal vote applications available 9.00am
<u>Thurs</u>	Tribunal hearings from 2.00pm
<u>Fri</u>	
<u>Sat</u>	
<u>Sun</u>	
<u>Week 4</u>	
<u>Mon</u>	Tribunal decisions published 12.00 midday
<u>Tues</u>	
<u>Wed</u>	
<u>Thurs</u>	
<u>Fri</u>	Nominations close 5.00pm Applications to be set out as a ticket close 5.00pm
<u>Sat</u>	

Sun	
<u>Week 3</u>	
Mon	Policy speeches and photos submitted 5.00pm
Tues	
Wed	Ballot draw 12.00md Last day for IT audit if polling electronically
Thurs	List of candidates with ticket names available by 12.00md
Fri	
Sat	
Sun	
<u>Week 2</u>	
Mon	Tribunal day
Tues	Tribunal day
Wed	Tribunal decisions published by 12.00md Ballot papers printed Postal vote applications close 12.00md
Thurs	
Fri	Preference statements close 12.00md Preference statements displayed by 5 pm Postal ballots posted out by 12.00md
Sat	
Sun	
<u>Week 1</u>	
Mon	Last day for distribution of election guide
Tues	
Wed	
Thurs	
Fri	
Sat	
Sun	Chalk ups
Mon	Polling
Tues	Polling
Wed	Polling
Thurs	Polling; postal votes close, counting starts

Schedule 1.2 TIMETABLE FOR BY-ELECTIONS

Note: In this schedule days are academic days; weekends not included.

-20	Casual vacancy occurs
-19	
-18	
-17	
-16	
-15	
-14	
-13	
-12	
-11	
-10	
- 9	Last day MSC can appoint Returning Officer other than Secretary
- 8	Nominations open; notice of election given; postal vote applications available; publicity regulations apply
- 7	
- 6	
- 5	Nominations, ticket applications, policy speeches, postal vote applications all close 12.00md; list of candidates available 5pm; ballot papers printed; postal ballots posted out
- 4	
- 3	
- 2	
- 1	Preference statements close 12.00md
0	Polling; postal votes close; counting starts

Schedule 1.3 – NOTICE OF ELECTION

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) – THURSDAY (DATE) SEPTEMBER (YEAR)
(or)
BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)
NOTICE OF ELECTION

Nominations

Nominations are now open for:

(list all positions to be elected)

Nomination forms are available at the MSA office, or by telephoning or writing to MSA, or via the internet
[www.msa.monash.edu.au]

Nominations close at (time) (day) (date) (month)

Copies of the regulations governing the election are available from the MSA office or via the internet
[www.msa.monash.edu.au]

Voting

Polling will be held on:

Monday (date) – Thursday (date) September
(or)

(day) (date)(month)

The main polling place will be open in (place) from (time) (date)

Remote polling will be open in (place) from (time) (date)

(name)
Returning Officer

Schedule 1.4 – NOMINATION FORM

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)

(or)

BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)

NOMINATION FORM

I,
of..... (current postal address)...
....., (student number)
....., (contact telephone number)
....., (fax)
....., (email)

nominate for:
(use separate forms for each position)

.....
(signature)

Nominated by:(name)
....., (student number)
..... (signature)

Seconded by:(name)
....., (student number)
.....(signature)

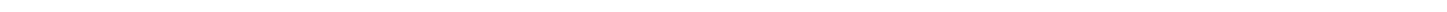
If running on a ticket:
ticket name.....
..... (signature of authorised officer)

If sharing a position:
I nominate to share this position with:
.....(name)
....., (student number)
..... (signature)

If sharing a position:
Where this nomination is for an office-bearer position, the person to be the voting member on all MSA bodies where that office-bearer has a vote will be:
.....(name)

.....
(signature)

Nominations must be signed by the candidate, and the students nominating and seconding.



Schedule 1.5 –WITHDRAWAL OF NOMINATION FORM

Monash Student Association Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)
(or)

BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)

WITHDRAWAL OF NOMINATION FORM

I, (name on nomination form)
of (address on nomination form)
..... (student number),
..... (contact telephone number)
withdraw my nomination for:
(use separate forms for each position)

.....
(signature)

This withdrawal only takes effect upon its receipt by the Returning Officer.

Schedule 1.6 - APPLICATION TO REGISTER A TICKET NAME

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)
(or)

BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)

APPLICATION TO REGISTER A TICKET NAME

I, (name)
of (address)
..... (student number)
..... (contact telephone number)
register the ticket name:

This is/is not (delete applicable) a reregistration of an existing ticket name held in my name
(use separate forms for each name)

.....
(signature)

The person registering the name becomes the authorised officer of that ticket, and must tender \$5.00 at the time of submitting this application.

If incorporating the name of a club or society approval from their governing body with signatures must be attached.

Schedule 1.7 - APPLICATION TO BE SET OUT AS A TICKET

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)
(or)
BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)
APPLICATION TO BE SET OUT AS A TICKET

I/We,.....
.....(names to be set out on ballot paper in order)

candidate/s for:(use separate forms for each body)

apply to have my/our name/s set out on the ballot paper under the name:

..... Ticket

.....
.....
.....
(signatures in order)

Schedule 1.8 - STATEMENT OF DISTRIBUTION OF PREFERENCES

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)
(or)
BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)
STATEMENT OF DISTRIBUTION OF PREFERENCES

Preferences for the: Ticket

for..... (name of body)

are to be distributed in accordance with the preferences set out on the attached sample ballot paper.

.....
(signature of authorised officer)

Schedule 1.9 - POSTAL VOTE APPLICATION

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)
(or)
BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)
POSTAL VOTE APPLICATION

I,
of (current postal address)
..... (current phone number)
....., (student number)

apply for a postal vote.

Reason for application:

.....
.....
.....

.....
(signature)

Schedule 1.10 - POSTAL VOTE INSTRUCTIONS

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)
(or)
BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)
POSTAL VOTE INSTRUCTIONS

Enclosed are:

- 1. ballot paper/s;
- 2. candidates' policy speeches;
- 3. Statements of Distribution of Preferences;
- 4. smaller blank envelope; and
- 5. Larger stamped envelope addressed to the Returning Officer.

Please:

- 1. fill in the ballot paper/s;
- 2. place the ballot paper/s inside the smaller envelope and seal it. Do not write anything on the smaller envelope;
- 3. Place the smaller envelope inside the larger envelope and seal it;
- 4. Print your full name and student number on the back flap of the larger envelope and sign it; and
- 5. post the Larger envelope.

(name),
Returning Officer

Schedule 1.11 - WITHDRAWAL OF POSTAL VOTE

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)
(or)
BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)
WITHDRAWAL OF POSTAL VOTE

I,, (name on application form)
of (address on application form)
....., (student number)
....., (contact telephone number)

have applied for a postal vote and now intend to vote in person. I therefore withdraw my postal vote and authorise its destruction should it be received by the Returning Officer.

.....
(signature)

Schedule 1.12 - APPOINTMENT OF SCRUTINEER

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)

(or)

BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)

APPOINTMENT OF SCRUTINEER

I,, (name)

a candidate for: (position)

appoint:

..... (name of student)

.....,
(student number)

as my scrutineer.

.....
(signature)

Schedule 1.13 - DECLARATION OF ELECTION

Monash Student Association (Clayton) Incorporated
ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)

(or)

BY-ELECTION, (DAY) (DATE) (MONTH) (YEAR)

DECLARATION OF ELECTION

At (time) on(day) (date) (month)

I declared:

.....
.....

(name/s of candidate/s in order)

elected as/to:

.....(name of position)

.....
(signature)
(name),
Returning Officer

END OF SCHEDULES