



# **Electoral Regulations**

La Trobe Student Association Ltd

ACN: 644 397 160

Version 6

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## 1. PRELIMINARY

### 1.1 Authorising provisions

These Electoral Regulations are made in accordance with Clause 11.2 of the Constitution.

### 1.2 Interpretation

(a) These Electoral Regulations are to be interpreted in the same way as the Constitution.

(b) Terms used in these Electoral Regulations have the same meaning as defined terms

in Clause 14.2, unless the context otherwise requires.

### 1.3 Definitions

In these Electoral Regulations, unless the contrary intention appears:

“**ballot paper**” includes the electronic equivalent of a physical ballot paper;

“**CEO**” means the Chief Executive Officer of LTSA;

“**Clause**” means a clause in the Constitution;

“**Constitution**” means the Constitution of La Trobe Student Association Ltd;

“**Constitutional requirements**” for elections are set out in Clauses 7.3, 7.4 and 9 of the Constitution;

“**days**” means academic days in Semesters One and Two;

“**elections**” means the election of Councillors of LTSA Student Councils;

“**election material**” means all material (including, published, printed or electronic) that is produced by Students in relation to the elections;

“**Election Official**” includes the RO, any Deputy and Assistant RO and any other person authorised by the RO to participate in the conduct of elections;

“**election records**” means all records relating to an election in the possession or under the control of an Election Official, including:

(a) ballot papers and voters’ rolls; and

(b) records in electronic form;

“**exclusion zones**” means a 50 metre radius around all campus LTSA offices;

“**LTSA**” means La Trobe Student Association Ltd (ACN: 644 397 160);

“**Prohibited Conduct**” means the conduct described in Regulation 3.31;

“**RO**” means the Returning Officer;

“**signed**” includes signing electronically;

“**term in office**” means the length of time that an elected Councillor serves;

“**University**” means La Trobe University (ABN: 64 804 735 113);

“**writing**” may be transmitted by post, email, facsimile or any other means of electronic transmission; and

“**voters’ roll**” means a roll of currently enrolled Students, noting those Students’ names, University email addresses and student numbers, obtained from the University by the RO.

### 1.4 Drawing of lots

(a) Where these Electoral Regulations require the drawing of lots, those lots may be drawn by any method that makes a random selection, including an electronic pseudorandom number generator.

- (b) Candidates may request to view the drawing of the lots for the purpose of Regulation 3.21.

### **1.5 Date of election**

In accordance with Clause 9.2 (b), elections must be held annually during the month of September, unless determined otherwise by the Board due to exceptional circumstances.

## **2. ELECTORAL COLLEGE**

- (a) The first elections will be held in March/April 2021 as determined by the Board in accordance with Clause 9.2(b).
- (b) The elections will be held in accordance with these Electoral Regulations.
- (c) All future elections will be held in September in accordance with Regulation 1.5.

### **2.1 Election to Student Councils**

- (a) The following positions are to be elected to in all annual elections, as provided for in Regulation 3.7(b):
  - (i) Nine (9) positions on the Albury-Wodonga Student Council must be enrolled at the Albury-Wodonga campus;
  - (ii) Nine (9) positions on the Bendigo Student Council must be enrolled at the Bendigo campus;
  - (iii) Sixteen (16) positions on the Bundoora Student Council must be enrolled at the Bundoora campus;
  - (iv) Nine (9) positions on the City Student Council must be enrolled at the City campus;
  - (v) Nine (9) positions on the Mildura Student Council must be enrolled at the Mildura campus;
  - (vi) Nine (9) positions on the Shepparton Student Council must be enrolled at the Shepparton campus; and
  - (vii) Nine (9) positions on the International Student Council must be enrolled as an international Student.
- (b) There is the potential for inclusion of two additional campuses, should the LTSA Governing board enact those campuses. These campuses include:
  - (i) Nine (9) positions on a cloud-based/On-line campus, must be enrolled in the "on-line" campus.
  - (ii) Nine (9) positions on the Sydney Campus, must be enrolled in the "Sydney" campus.

### **2.2 Election of the Executive positions on councils**

- (a) Appointment of the executive positions shall occur at the first meeting of the council after elections are held, in accordance with Regulation 1.5.
- (b) The LTSA Secretary is to conduct the initial council meeting to take minutes and supervise the election of the President of each Student Council.
- (c) A single individual can hold only one executive position. Executive positions on each council are as follows:

- (i) President;
  - (ii) Vice President; and
  - (iii) General Secretary.
- (d) Additional portfolio positions may be elected at this time and may include, but are not limited to, the following:
- (i) Residential Officer;
  - (ii) Clubs officer;
  - (iii) Womens Officer;
  - (iv) Welfare Officer; and
  - (v) Social Media and events officer.

### **2.3 Voting of the Executive Positions**

- (a) Only the elected councils may vote on the Executive positions.
- (b) Each council members has one (1) vote
  - (i) Voters may only vote once in each election.
  - (ii) All votes of a voter who votes, or attempts to vote more than once, are invalid.
  - (iii) Votes must be cast by the voter personally.

## **3. ELECTIONS GENERALLY**

### **3.1 Applicability**

These Electoral Regulations:

- (a) apply to all Student Council elections at all campuses; and
- (b) must be read in conjunction with the Constitution.

### **3.2 Appointment of Electoral Tribunal**

- (a) The Board must appoint an election Tribunal for each election.
- (b) The election Tribunal must comprise a minimum of three persons.
- (c) The electoral Tribunal will be sourced through LTU Heads of School by the LTSA CEO.
- (d) The electoral Tribunal must be appointed at least eight (8) weeks before the opening of nominations for an election.
- (e) The electoral Tribunal will not be remunerated.

### **3.3 Responsibilities of Electoral Tribunal**

- (a) The electoral Tribunal is responsible for:
  - (i) Appointing the RO.
  - (ii) supervising the conduct of each election.
  - (iii) sitting as an appeals board for the LTSA election.
  - (iv) confirming the results of the election.
  - (v) All members of the LTSA tribunal must have a legal background.

### **3.4 Appointment of RO**

- (a) The electoral Tribunal must appoint a RO for each election after a tender process run by LTSA Board of Directors.
- (b) The CEO must confirm the RO appointment.
- (c) The RO must not be a candidate in any University election or have any other conflict

of interest.

- (d) The RO must be appointed at least two weeks before the opening of nominations for an election.
- (e) The RO may be remunerated by LTSA as agreed between the RO and the Board or CEO.
- (f) If a position of RO falls vacant at any time during the nomination or election period, the Electoral Tribunal may make a substitute appointment or direct the CEO or their nominee to act as RO.

### **3.5 Responsibilities of RO**

- (a) The CEO must inform the RO of the positions to be filled at the elections.
- (b) The RO:
  - (i) is responsible for supervising the conduct of each election; and
  - (ii) is subject only to the Electoral Tribunal.
- (c) The RO must:
  - (i) provide all candidates with a copy of the Constitution and these Electoral Regulations;
  - (ii) determine the order of the candidates on the ballot paper in the presence of a scrutineer;
  - (iii) display on the LTSA website an election spreadsheet containing:
    - (A) any candidate statements and photos provided;
    - (B) the dates and times of polling; and
    - (C) instructions for voting online; and
  - (iv) present an election report to the Board as soon as practicable and within two months after the elections are complete.
- (d) LTSA must provide the facilities, resources and assistance necessary to enable the RO to carry out the responsibilities set out in these Electoral Regulations.

### **3.6 Powers of RO**

- (a) The RO may decide all matters not provided for in the Constitution or these Electoral Regulations including, but not limited to, disputes pursuant to Regulation 5.1.
- (b) Any decision made in accordance with Regulation 3.6(a) by the RO may be disputed to the Electoral Tribunal pursuant to Regulation 5.2.
- (c) The RO must decide questions of fact on the balance of probabilities.
- (d) If a candidate engages in Prohibited Conduct or otherwise breaches these Electoral Regulations, the RO may email the candidate notifying them of a breach of these Electoral Regulations. Punishments may include:
  - (i) issue an official warning;
  - (ii) suspend the candidate from campaigning; or
  - (iii) disqualify the candidate;

- (e) If the RO imposes discipline under Regulation 3.6(d), the RO must notify the candidate via email within 24 hours of the decision being made.

### **3.7 Deputy and Assistant RO and Election Officials**

- (a) The RO may appoint (and remove) Deputy and Assistant ROs and any other Election Officials.
- (b) Deputy and Assistant ROs and Election Officials must not be candidates in any University election or have any other conflict of interest.
- (c) No person may participate in the conduct of an election unless authorised by the RO.
- (d) Election Officials other than the RO:
  - (i) have the duties determined by the RO;
  - (ii) are subject to the direction of the RO; and
  - (iii) may be remunerated.
- (e) The RO may delegate any responsibilities in accordance with these Electoral Regulations to a Deputy or Assistant RO.

### **3.8 Voters' Roll**

- (a) The RO must compile the voters' roll for an election:
  - (i) before nominations open; and
  - (ii) at the time nominations close.
- (b) The voters' roll must show the name, University email address and student number of each Student.
- (c) The RO may subsequently amend the voters' roll if satisfied it is incorrect.
- (d) The voters' roll must be made available only to the RO and any online voting software provider for the purposes of conducting the online elections.

### **3.9 Eligibility to stand**

- (a) The threshold eligibility criteria for Councillors are set out in Clause 7.3. Nominees must be:
  - (i) Student Members (being individuals whose names appear on the Register of Members as a current Student Member at the time nominations close); and
  - (ii) enrolled Students at the relevant campus (including a Student enrolled for coursework by remote learning).
- (b) Students nominating for a position on the:
  - (i) Albury-Wodonga Student Council must be enrolled at the Albury-Wodonga campus;
  - (ii) Bendigo Student Council must be enrolled at the Bendigo campus;
  - (iii) Bundoora Student Council must be enrolled at the Bundoora campus;
  - (iv) City Student Council must be enrolled at the City campus;
  - (v) Mildura Student Council must be enrolled at the Mildura campus;
  - (vi) Shepparton Student Council must be enrolled at the Shepparton campus; and
  - (vii) International Student Council must be enrolled as an international Student.



- (c) A small number of the LTSA student body hold dual enrolments, across multiple campuses. These students are eligible to hold only one position and may only nominate for the campus upon which they are primarily enrolled by course location.
- (d) The RO must verify the eligibility of a nominee in accordance with Regulation 3.18.

### **3.10 Tickets**

- (a) Tickets are not accepted in any LTSA election. No Tickets will be permitted, and each nominee must run as an individual.
- (b) Candidates must campaign for themselves, rather than for another candidate. Campaign material, including how-to-vote cards, authorised by a candidate must preference that candidate first (although they may go on to preference other candidates), and candidates must hand out only their own material.

### **3.11 Eligibility to vote**

- (a) Students are not eligible to vote unless their name appears in the voters' roll at the commencement of an election.
- (b) Any student entitled to vote may confirm their name appears in the voters' roll by contacting the RO.
- (c) Students may only vote for candidates standing for election at the campus they are enrolled at (save for elections to the International Student Council). For example, Bendigo Students may only vote to elect a candidate standing for election to the Bendigo Student Council.
- (d) Only International Students may vote in elections of the International Student Council.
- (e) Each Student may only vote once in each Student Council election.
- (f) Each voter must enter their Student number into the online voting system. All Student numbers will be encrypted as to protect the privacy of the Student.
- (g) Each voter must declare that they have not previously voted in the election via the online voting system.
- (h) The RO must check a Student's name off the voters' roll once that Student has voted.

### **3.12 Restricted constituencies**

- (a) Restricted constituencies are desirable in order to ensure that Student Councils are diverse and inclusive with respect to gender, People of Colour, First Nations People, people with disabilities and the LGBTQI+ community.
- (b) In accordance with Clause 7.2 (c), the Board may (in its sole discretion or at the request of a Student Council) impose additional eligibility criteria in respect of any position on a Student Council for the purpose of promoting diversity.
- (c) The International Student Council should restrict constituencies to ensure a broad multi-national international student representation.
- (d) The member of the Students' Council elected by International Students can only be elected by Students who are International Students.

### **3.13 Nomination timetable**

- (a) Nominations for election to a Student Council:

- (i) open at least ten days before the date of the relevant election; and
- (ii) close at 5pm five days prior to the relevant election.
- (b) Once nominations close, the RO must display the candidates on the LTSA website for at least five days.
- (c) Pursuant to Regulation 3.20, nominations for election to a Student Council will only reopen in the event that there are insufficient eligible nominees to stand as candidates for the available positions at the end of the initial nomination period.
- (d) When nominations are reopened, they will only be open for the unfilled positions of the council, not the entire council.
- (e) Reopened nominations for election to a Student Council:
  - (i) open at least four days before the date of the relevant election; and
  - (ii) close at 5pm the day prior to the relevant election.
- (f) Once reopened nominations close, the RO must display the additional candidate(s) on the LTSA website (alongside the 3.13(b) candidates) for at least one day.

### **3.14 Election timetable**

- (a) All Student Councils must hold their elections online concurrently for five days.
- (b) In person votes are not permitted in any Student Council election.
- (c) Voting will be open from 10am Monday to 2pm Friday during election week.
- (d) Access to online voting will not be available outside of the designated polling times.
- (e) The exact dates of polling are determined by the Election Tribunal.

### **3.15 Notice of nominations and elections**

- (a) The RO must call for nominations for at least five days.
- (b) On the day that nominations open the RO must give notice of the election to all Students on the voters' roll.
- (c) Notice of nominations and elections must be displayed on the LTSA website for at least five days from the day that nominations open.
- (d) For all elections, the RO must ensure that an appropriate notice is prepared to call for nominations and announce the elections. The notice must include:
  - (i) a list of all Councillor positions to be elected;
  - (ii) the applicable eligibility criteria for all Councillor positions;
  - (iii) the dates and times nominations open and close;
  - (iv) the dates and times the elections open and close;
  - (v) how ballot papers may be obtained and lodged;
  - (vi) the method(s) of voting; and
  - (vii) anything else the RO deems appropriate.
- (e) The positions to be filled at the elections may not be changed after the notice of election is issued.
- (f) The notice must be published on LTSA's website.

### **3.16 Nomination forms**

- (a) All nominations must be on the official online nomination form approved by the RO,

which must set out the following terms:

- (i) compliance with the LTSA Constitution and all LTSA policies and regulations;
  - (ii) compulsory completion of LTSA Student Council induction training;
  - (iii) compulsory attendance at any University Student Leadership Conferences;
  - (iv) compulsory completion of online Board Governance Training provided by a third party within one month of being elected;
  - (v) providing or obtaining a current Victorian volunteer or employee Working With Children Check, prior to taking office; and
  - (vi) unless granted a leave of absence, compulsory attendance:
    - (A) at all general meetings;
    - (B) at not less than 60% of Student Council meetings; and
    - (C) assisting at not less than 60% of LTSA events either on campus or via the use of technology.
- (b) The official nomination form must include the RO's email address.
- (c) Nominees must provide the following information on the nomination form:
- (i) the position to which they are seeking election;
  - (ii) their full name - as it is to appear on the ballot paper;
  - (iii) their expected graduation date;
  - (iv) their student number;
  - (v) their University student email address;
  - (vi) their mobile phone number;
  - (vii) an acknowledgement that the nominee has read the Constitution and these Electoral Regulations; and
  - (viii) an acknowledgement that the nominee agrees to the terms set out in the nomination form.
- (d) Nomination forms must be electronically signed by the nominee.
- (e) The LTSA must make nomination forms accessible through the LTSA website.
- (f) The RO may reject any nomination that does not comply with these Electoral Regulations.

### **3.17 Receipt of nominations**

- (a) All online nomination forms must be received by the RO by close of nominations.
- (b) Nominations received after close of nominations will not be accepted.
- (c) Nominations are only valid if they are:
  - (i) received by the RO before the close of nominations; and
  - (ii) contain the information specified in Regulation 3.16(c).
- (d) The RO must promptly acknowledge all nominations received by email.

### **3.18 Verification of eligibility**

Immediately after the close of nominations, the RO must verify that each person nominated is eligible to stand in accordance with Regulation 3.11. An eligible nominee becomes a candidate.

### **3.19 Uncontested positions**

If the number of candidates for any position does not exceed the number to be elected, the RO must declare those candidates provisionally elected as soon as their eligibility has been verified and nominations have closed.

### **3.20 Reopening of nominations**

- (a) If at the close of nominations there are fewer candidates for a position than the number to be elected, the RO must reopen nominations for the remaining positions to be elected in accordance with Regulation 3.13(d).
- (b) Regulations 3.10–3.19 apply to the reopening of nominations.

### **3.21 Scrutineers**

- (a) Each candidate may appoint one scrutineer for the position for which they are standing.
- (b) The scrutineer must be a LTSA Student Member.
- (c) The scrutineer must not be a candidate for that position.
- (d) The appointment of a scrutineer must be given to the RO in writing and include:
  - (i) the position to which the candidate is seeking election;
  - (ii) the candidate's name and electronic signature; and
  - (iii) the scrutineer's name and electronic signature.
- (e) Scrutineers are entitled to access the records of votes received by online voting software provider in accordance with Regulation 3.32.

### **3.22 Separate ballot**

There must be a separate ballot for election to each Student Council.

### **3.23 Ballot papers**

- (a) Ballot papers will be electronic.
- (b) The RO must, after the close of nominations, determine the order of those candidates on the ballot paper by drawing lots in accordance with Regulation 1.4.
- (c) Each ballot paper must show only:
  - (i) every candidate's given name followed by surname (in the order determined by the RO);
  - (ii) the LTSA logo;
  - (iii) the name of the relevant Student Council; and
  - (iv) instructions on how to vote.

### **3.24 List of candidates**

Immediately after the ballot paper draw, the RO must post on LTSA's website a list of candidates in the order they will appear on each ballot paper.

### **3.25 Withdrawal of nomination**

- (a) A candidate may withdraw their nomination at any time before the result of an election is provisionally declared.
- (b) Withdrawals must be given to the RO in writing and include:
  - (i) the position to which they were seeking election; and

- (ii) the candidate's name and electronic signature.
- (c) The withdrawal takes effect on its receipt by the RO.
- (d) If a candidate withdraws, the RO must proceed as if that Student Member had never nominated.

### **3.26 Voting**

- (a) Voters may only vote once in each election.
- (b) All votes of a voter who votes, or attempts to vote more than once, are invalid.
- (c) Votes must be cast by the voter personally.
- (d) No person, including the RO or online voting software provider, may in any way directly or indirectly disclose or assist to disclose how any voter has voted.

### **3.27 Identification of voters**

The RO must ensure that:

- (a) only Students whose name appears on the voters' roll vote in an election; and
- (b) each voter only votes once in an election.

### **3.28 Method of voting**

- (a) Elections must be conducted using optional preferential proportional representation.
- (b) Voters must indicate their order of preference for candidates by placing the number 1 against the name of the candidate of first preference and consecutive higher numbers commencing from the number 2 upwards, against the names of as many other candidates of lower preference in order as they wish (whether or not they choose to allocate a preference to all candidates).
- (c) For the purpose of Regulation 3.28(b), a number against the name of a candidate indicates a preference for that candidate ahead of all candidates with higher numbers, and candidates with numbers will be taken as preferences ahead of those with no number against their name.

### **3.29 Counting of votes**

- (a) Votes will be automatically counted by the online voting software provider used to conduct the election.
- (b) Votes will not be counted by the RO or any other Election Official.
- (c) Any incomplete or incorrectly marked electronic ballot paper will be disregarded.
- (d) Subject to these Electoral Regulations, the RO may in their sole discretion decide whether any ballot paper is or is not valid.

### **3.30 Method of counting**

- (a) Votes must be counted using the Quota-preferential method of proportional representation used by the Proportional Representation Society of Australia.
- (b) Each ballot paper must first be given the value of 1.
- (c) Votes must then be counted in accordance with the following procedure:
  - (i) The value of each ballot paper must be allocated to the continuing candidate to whom the voter has indicated their highest preference.
  - (ii) A quota must be calculated by dividing the total value of ballot papers allocated

- to continuing candidates by one more than the number of positions remaining to be filled.
- (iii) If there are withdrawn or disqualified candidates who have votes assigned to them, then they are all eliminated simultaneously. Any such ballot papers for withdrawn candidates must then be reallocated to the continuing candidate for which the voter has indicated the highest preference.
  - (iv) If any continuing candidates are allocated a value in excess of the quota, all such candidates are provisionally elected in order of descending number of votes. Each ballot paper allocated to the candidate who is elected earliest must be given a new value obtained by multiplying its current value by the candidate's transfer value.
  - (v) If no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated and their ballot papers reallocated to the continuing candidate to whom the voter has indicated the highest preference.
- (d) The procedure in Regulation 3.30(c) must be repeated in order until the number of positions to be filled are filled.
  - (e) In this Regulation:
    - (i) **"continuing candidate"** means a candidate who has neither been provisionally elected nor eliminated.
    - (ii) **"candidate's transfer value"** is the provisionally elected candidate's value, less the quota at that stage of counting, all divided by the elected candidate's value.
    - (iii) **"preference"** means a preference for a continuing candidate.
  - (f) For the purpose of this Regulation, all calculations are to be performed to an accuracy of six decimal places or a greater level of accuracy if it is determined appropriate by the RO.
  - (g) If there are two or more candidates with an equal value who are to be eliminated or elected, the candidate who had the higher value at the last stage of counting that their value differed will be deemed to have the higher number of votes. If any candidates have had an equal value at each previous stage of counting, the RO must determine by lot which of these candidates is deemed to have the higher value.

### 3.31 Close of voting

- (a) A vote must not be counted unless it is cast by the voter before the close of voting.
- (b) For the purposes of Regulation 3.31(a), a vote is cast if the vote is lodged and acknowledged via the online voting software provider used to conduct the election before voting closes.

### 3.32 Declaration of results

- (a) The RO must:

- (i) notify the Board and the CEO of the provisional results of each election as soon as they are available; and
- (ii) post the provisional results of each election on the LTSA website.
- (b) Subject to any appeal in accordance with Regulation 5.1 or 5.1(f), the Electoral Tribunal must declare the results of each election by posting the results of the elections on the LTSA website as soon as practicable after the appeals period.
- (c) The RO must:
  - (i) notify the Electoral Tribunal of the results of each election as soon as they are available;
  - (ii) post the results of the elections on the LTSA website; and
  - (iii) notify each candidate of the results.

### **3.33 Security of election records**

The RO must keep all election records secure.

### **3.34 Prohibited Conduct**

- (a) Prohibited Conduct includes:
  - (i) any dishonest conduct in an election.
  - (ii) any conduct intended or likely to mislead or deceive a voter.
- (b) Without limiting Regulations 3.34(a) and the following are specific examples of Prohibited Conduct:
  - (i) campaigning or distributing electoral material within exclusion zones on any campus;
  - (ii) providing false information in or interfering with any document given to the RO;
  - (ii) threatening or intimidating the RO, voters or candidates;
  - (iv) impugning the impartiality of the RO;
  - (v) bringing the reputation of LTSA or the University into disrepute;
  - (vi) publicly disseminating false or inaccurate accusations or allegations against any candidate, voter, RO, Election Official, LTSA or the University;
  - (vii) using any public address system for campaigning purposes;
  - (viii) publishing any unauthorised electoral material;
  - (ix) voting or attempting to vote, except in accordance with these Electoral Regulations;
  - (x) interfering with election records or notices;
  - (xi) removing or interfering with any notice without direction from the RO;
  - (xii) violating the secrecy of a ballot;
  - (xiii) interfering with or threatening to interfere with other candidates' publicity;
  - (xiv) campaigning, unless a candidate;
  - (xv) using any LTSA offices at any campus for campaigning;
  - (xvi) paying a person to campaign;
  - (xvii) offering gifts or money, including but not limited to any amount of money exchanged in person, social media or other electronic means;

- (xviii) aggressive or coercive campaigning;
  - (xix) being within three metres of a Student Member casting their vote without a reasonable excuse after having just campaigned to that Student Member;
  - (xx) providing Student Members with a computer, tablet, mobile or other like device for the purpose of allowing Members to cast their vote (as opposed to allowing Student Members to use the devices provided by LTSA);
  - (xxi) using LTSA or University facilities or property (including intellectual property) not generally available to all candidates;
  - (xxii) damaging LTSA or University property;
  - (xxiii) failing to comply with a direction of the RO, or a ruling or direction of the Board;
  - (xxiv) interfering with or impeding the conduct of an election; and
  - (xxv) breaching any government health directives or University public health rules in connection with an election.
  - (xxvi) distributing material authorised by a candidate other than the candidate who is distributing it
  - (xxvii) sending messages, including emails, in bulk without obtaining the explicit informed consent of each recipient.
- (c) The RO may direct any person engaged in Prohibited Conduct to cease doing so.
  - (d) The RO or any Student Member may report any Prohibited Conduct to the Electoral Tribunal.
  - (e) Ignorance will not be an excuse for serious breaches of the Electoral Regulations.

### **3.35 Defamation**

LTSA does not indemnify any person for defamation in an election.

### **3.36 Saving**

- (a) No act, decision or election is invalid only because it was done, made or held after the time required by the Constitution or These Electoral Regulations.
- (b) The validity of an election is not affected by any defect in the conduct of an election if:
  - (i) an election was conducted substantially in accordance with the Constitution and these Electoral Regulations; and
  - (ii) the defect did not materially affect the result.

## **4. ELECTION POLLING, POLLING PLATFORM, MATERIAL AND CANDIDATES FORUM**

### **4.1 Polling & Polling Platform**

- (a) Polling shall be via an independent electronic voting platform, with polls accessible to all eligible students.
- (b) The independent polling platform provider is to be appointed by the LTSA at least four (4) weeks before the election.
- (c) Electronic polling shall be open for no less than five (5) consecutive days for Annual Elections.



- (d) The Returning Officer shall advertise the hours of opening and process to access the online voting platform.
- (e) The Returning Officer shall publicise an appropriate contact point for students who have queries about how to access the voting platform or who experience technical difficulties accessing the platform. The Returning Officer shall respond to such enquiries promptly.

#### **4.2 Candidate statements and photos**

- (a) Candidates may submit with their nomination form a candidate statement of up to 200 words and a photo of themselves.
- (b) Candidate statements and photos must be submitted to the RO and are the property of the RO on behalf of LTSA until the completion of the election.
- (c) Candidate statements and photos may be submitted to the RO by sending a copy to the email address given on the nomination form.
- (d) LTSA may adopt any means of publishing candidate's statements and photos, provided each candidate has an equal opportunity to use the means provided.
- (e) A candidate may seek leave to submit their candidate statement or photo other than with their nomination form if they have obtained approval from the RO.
- (f) The RO may cut candidate statements that are more than 200 words.
- (g) The RO must:
  - (i) post a candidate's statement and photo on the LTSA website before voting opens and until voting closes; and
  - (ii) provide voters with a copy of the candidate statements and photo before they vote (including via a link to the LTSA website).

#### **4.3 Publicity**

- (a) This Regulation applies from the opening of nominations to the close of voting.
- (b) Allowable publicity material shall include:
  - (i) Printed material
  - (ii) Authorised websites
  - (iii) T shirts, badges
  - (iv) Authorised digital video clips
  - (v) Profile frames and digital images
  - (vi) Social media pages and posts as authorised by the Returning Officer. Publicity is not permitted on Twitter or any dating sites or apps.
- (c) Unless specifically permitted by the Returning Officer all other types of material will be prohibited.
- (d) The following election publicity is prohibited:
  - (i) leaflets or posters reproduced on paper larger than A3 size (297mm x 420mm)
  - (ii) multiple sheets of paper that together make up a poster
  - (iii) the distribution of leaflets, posters or badges or other materials in libraries
  - (iv) the use of chalk or chalking

- (v) paid advertisements in newspapers and on radio, television or the internet
- (vi) the use of performers who are not Student Members
- (vii) publicity that does not comply with Regulations 4.3 and 4.4; and
- (viii) publicity in breach of:
  - (A) Regulations 3.34 or 3.35;
  - (B) University legislation or policies, including the Privacy Policy; or
  - (C) Commonwealth or State legislation, including the *Privacy Act 1988* (Cth) and the *Spam Act 2003* (Cth).

(c) This Regulation does not apply to the RO.

#### **4.4 Authorisation of Election Material**

- (a) All candidate publicity material must be registered with by the Returning Officer prior to production, distribution, or broadcast.
- (b) All leaflets, posters must be authorised by a candidate and must include the name and student number of the candidate.
- (c) Candidates may submit material for authorisation immediately following the close of nominations.
- (d) Material which is deemed by the Returning Officer to be sexist, racist, militaristic, ableist or queerphobic will not be authorised.
- (e) Material that is deemed by the Returning Officer in their sole discretion to be misleading or deceptive in any way will not be authorised.
- (f) Material that is deemed by the Returning Officer in their sole discretion to be material distributed by a campaigner, campaigners, candidate, or otherwise to voters for the purpose of instructing supporters of how to mark their ballot paper (a “how-to-vote card”), will require authorisation from the Returning Officer prior to distribution.
- (g) The Returning Officer may prohibit the use of specific online sites or social media services for election material.

#### **4.5 Registration of leaflets and posters**

- (a) Any leaflets or posters, whether hard copy or electronic, must be registered by the RO before being distributed or displayed.
- (b) The RO must not register leaflets or posters that do not comply with these Regulations.
- (c) The RO must keep a register of all leaflets and posters registered by the RO.
- (d) Material must display ‘Registered with the Returning Officer’. The Returning Officer may refuse to authorise any material submitted by a candidate for broadcast, printing as a policy statement, posting or distribution if the Returning Officer believes it contains a statement which if published would breach regulations 3.34 and 4.3 (d).

#### **4.6 Candidates’ forum**

- (a) The RO may arrange a forum where Members have an opportunity to hear from and ask questions of candidates.
- (b) If there is a forum:
  - (i) may be held at any time before the end of the Tuesday of polling week;

- (ii) all candidates must be invited to attend;
- (iii) it must be chaired by the RO; and
- (iv) each candidate attending may make a speech. All attendees are to be treated equitably.
- (v) All candidates must be aware that the forum may be recorded and made available on the election website.

## 5. DISPUTES

### 5.1 Election disputes

- (a) After the results of the inaugural election has been declared, any Student Member in the inaugural election may dispute the validity of the election by written notice to the RO within three days.
- (b) The notice must state the grounds for dispute, the facts relied upon and the remedy sought.
- (c) The RO must conduct a hearing at which each affected party is given an opportunity to be heard.
- (d) If the RO is reasonably satisfied that any candidate has breached these Electoral Regulations, they may;
  - (i) disqualify the candidate from the inaugural election and order a recount of the votes on that basis;
  - (ii) order a new election;
  - (iii) disqualify the candidate from the new election; or
  - (iv) make any other order and take any other action they deem appropriate.
- (e) The decision of the RO will take effect:
  - (i) if a Student Member lodges a dispute pursuant to Regulation 5.2, if and when the dispute is determined and the Electoral Tribunal confirms the RO's decision; and
  - (ii) otherwise, after the time for lodging any dispute pursuant to Regulation 5.2 has expired.
- (f) A Director standing for re-election who is disqualified as a candidate by the RO will forfeit their candidacy but may serve out their current term in office.

### 5.2 Disputes arising from RO decision

- (a) Any Student Member in the inaugural election may dispute a decision (including any omission or failure to act) of the RO under these Electoral Regulations by written notice to the Board within 48 hours of the decision being communicated to the Student Member.
- (b) The notice must include a copy of or details of the decision made by the RO.
- (c) The Electoral Tribunal may conduct a dispute hearing if it considers that the RO's decision has or could materially affected the election result or otherwise in its sole discretion.
- (d) Any dispute hearing must be held as soon as is practicable and necessary given the

urgency of the matter.

- (e) Each affected party (including the RO) must be given an opportunity to be heard at any dispute hearing (verbally or by written statement up to 2000 words).
- (f) Any other interested person may be heard at the discretion of the Electoral Tribunal.
- (g) The dispute hearing shall be by way of rehearing.
- (h) The Electoral Tribunal may:
  - (i) uphold the determination of the RO;
  - (ii) reverse the determination of the RO; or
  - (iii) make any other order and take any other action they deem appropriate, including a declaratory ruling.
- (i) Directors standing for re-election must not participate in any discussion or vote of the Board in relation to a dispute hearing.

### **5.3 Reports of Misconduct by the Returning Officer**

- (a) An individual who alleges that the Returning Officer has in any determination, action, or lack of action committed an act of serious misconduct may make a report of misconduct to the Electoral Tribunal at any time. Any report must be in writing and contain any substantiating material.
- (b) If satisfied that the allegation warrants consideration, a member of the Electoral Tribunal may call a meeting of the Electoral Tribunal to consider the report of misconduct.
- (c) If satisfied that serious misconduct has occurred, the Electoral Tribunal may dismiss the Returning Officer, and appoint a new Returning Officer

### **5.4 Reports of prohibited Conduct**

- (a) Reports prior to the declaration of provisional results
- (b) Candidates may report prohibited conduct to the Returning Officer at any time before the declaration of provisional results. Any report must be in writing and contain any substantiating material.
- (c) The Returning Officer may act within his or her powers in relation to any report made prior to the declaration of provisional results.
- (d) Candidates may appeal any decision of the Returning Officer to the Electoral Tribunal. Candidates must do so in writing and set out the grounds on which the Returning Officer's decision is inadequate. Reports following the declaration of provisional results.
- (e) After the declaration of provisional results, candidates may make reports of prohibited conduct to the Electoral Tribunal. Any report must be in writing and must contain any substantiating material.
- (f) Before declaring the final results, the Electoral Tribunal must investigate all reported incidents of prohibited conduct and conduct any hearings the Electoral Tribunal deems necessary.
- (g) The Electoral Tribunal may, whether it finds there has been a breach of these Regulations or not, give directions it sees fit.

- (h) If the Electoral Tribunal finds there has been a breach, it may formally reprimand the person reported.
- (i) If the Electoral Tribunal finds there has been a serious breach, it may disqualify the person from standing in that and future elections and/or declare that candidate not is elected.

## **5.5 Appeals against results of elections**

- (a) Candidates wishing to request a recount of any election may lodge a written request for a recount with the Returning Officer within three Academic Days of the declaration of provisional results. The Returning Officer will only act upon such a request if the Returning Officer determines that it is warranted. The Returning Officer must make their determination and (if the Returning Officer determines a recount is warranted) conduct any recount within seven Academic Days of the request being lodged.
- (b) After the declaration of provisional results, Students may appeal against the result of the election by making a written submission to the Electoral Tribunal within three Academic Days of the declaration of provisional results or within three Academic Days of the recount of an election, whichever is the latter.
- (c) Before declaring the poll, the Electoral Tribunal must investigate all such appeals, and conduct such hearings as the Electoral Tribunal deems necessary. The student appealing must be given an opportunity to present their case before the Tribunal. The onus of proof in any such appeal must lie with the complainant or complainants. A complainant may be assisted by one other individual who must be a Student.
- (d) If satisfied that there has been a defect in the conduct of the election which has materially affected the result, the Election Tribunal may:
  - (i) Order the Returning Officer to conduct a recount or recounts;
  - (ii) Declare that a candidate not be elected;
  - (iii) Declare that another candidate be elected; and/or
  - (iv) Declare that a new poll be conducted.