

SWINBURNE STUDENT UNION ELECTION REGULATIONS

Procedural fairness has been taken into account in writing this schedule

Amendment history

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Part I – Definitions

1) Definitions:

- a)** “Academic day” means a day during a University Teaching Period that is not a Saturday, Sunday or day which falls outside a Teaching Period.
- b)** “By-election” means a by-election conducted pursuant to ‘Part 14 – Elections’ of the SSU Constitution and runs from the close of nominations to the declaration of the ballot.

- c) “Candidate” means a nominee for election whose nomination has been accepted by the Returning Officer pursuant to clause 32.
- d) “Day” means any working day that is not a Saturday, Sunday or day which falls outside a Teaching Period.
- e) “Election” means an election conducted pursuant to ‘Part 14 – Elections’ of the SSU Constitution and runs from the close of nominations to the declaration of the ballot.
- f) “Election material” means material produced by or on behalf of a candidate to be distributed to or made available to eligible voters that is intended to influence the outcome of the election. Election material includes how-to-vote cards.
- g) “Election period” runs from the open of nominations until the submission and publication of the report of the Returning Officer.
- h) “Eligible voter” means any voter entitled to vote in the election in accordance with ‘Part 14 – Elections’ of the SSU Constitution.
- i) “How-to-vote card” means any printed or electronic list of candidates produced by or on behalf of a candidate designed to indicate recommended voting preference/s.
- j) “Nominee” means a prospective candidate who has submitted a nomination but has not yet had the nomination accepted by the Returning Officer under clause 32.
- k) “Official election material” means election material that complies with these regulations, including but not limited to complying with the resource limits defined in subclause 70 (a) or clause 71.
- l) “Polling Day” means any day on which ballots may be cast.
- m) “Poster” means election material displayed or intended for display.
- n) “Publish” means material made available to eligible voters in any form, including printed material such as handouts and posters as well as electronic material including websites, email and electronic presentations.
- o) “Returning Officer” means the Returning Officer, or any Assistant Returning Officers who have been delegated responsibility for implementation of particular clauses by the Returning Officer.
- p) “SSU” means Swinburne Student Union Inc.
- q) “Student” means an enrolled student of Swinburne University, but includes:
 - i) the Student Union President, whether an enrolled student or not;
 - ii) the Student Union General Secretary, whether an enrolled student or not, pursuant to clause 8 (e) (a) of the Student Union Constitution.
- r) “Student Council” means the Student Council of Swinburne Student Union Inc.
- s) “Student Union” means Swinburne Student Union Inc.
- t) “SUPA” means the Swinburne University Postgraduate Association
- u) “SISA” means Swinburne University International Students Association
- v) “Ticket” means a group of candidates running for election under a single name or banner accepted by the Returning Officer pursuant to clause 39.

- w) “Unauthorised election material” means election material that does not otherwise conform to the provisions of these regulations and may include, but shall not be limited to, unauthorised or anonymous material and material distributed by or on behalf of individuals who are not candidates for election, or material which exceeds the resource restrictions defined in subclause 70 (a) or clause 71.

Part II – Returning Officer

- 2) Council shall appoint a Returning Officer for each annual election or by-election.
- 3) The Returning Officer may appoint Assistant Returning Officers if necessary.
- 4) The Returning Officer, and Assistant Returning Officers if any, shall not be students or Swinburne Student Union office bearers within the previous two terms of office.
- 5) The Returning Officer shall be responsible to the SSU Council for the conduct of the election for which he or she is appointed and shall submit a report thereon to the SSU Council.
- 6) Where Council has not appointed a Returning Officer under subclause 64 (12) of the Constitution within 25 days of the open of nominations for annual elections, and within 10 days of the open of nominations for by-elections, the Executive Officer may arrange for the Returning Officer.
 - a) Where Council has not set a timeline for the Annual Elections by 30 July, the Executive Officer may set a timeline and arrange for the Returning Officer under clause 6.
- 7) The Returning Officer shall at all times implement this schedule fairly, without bias and in good faith.
- 8) Union Staff may be appointed as Assistant Returning Officer/s and are to be accountable to the Returning Officer pursuant to clause 4.

Part III – Poll Clerks

- 9) The Returning Officer shall appoint disinterested persons to be poll clerks or to assist in any other capacity at the election and are to be accountable to the Returning Officer.
- 10) Current Swinburne students or Swinburne Student Union office bearers within the previous two terms of office shall not be poll clerks.

Part IV – Annual Elections

- 11) Annual elections shall be held at a time during an academic period when a large proportion of students are likely to be attending classes on campus.
 - a) The timeline for each annual election shall be as follows:
 - i) The Returning Officer shall be appointed no later than the week that is 10 weeks prior to polling week;
 - ii) The notice of election shall be published in the week that is 9 weeks prior to polling week;
 - iii) Nominations and ticket registration shall open in the week that is 8 weeks prior to polling week;
 - iv) Nominations shall close at 12 noon on the Wednesday in the week that is 4 weeks prior to polling week;

- v) Ticket registration shall close at 12 noon on the Wednesday in the week that is 3 weeks prior to polling week;
 - vi) Candidate statements and photographs shall be due at 12 noon on the Wednesday in the week that is 2 weeks prior to polling week;
 - vii) The time and location of candidate forum/s (if any) shall be published no later than the Wednesday of the week prior to polling week.
- 12) The President and General Secretary no later than 30 June will present to Student Council for approval a motion, *inter alia*:
- a) for annual elections to take place, including recommendations for Returning Officer, budget and other administrative arrangements;
 - b) the time and places by which nominations of candidates for the elections shall be made; and
 - c) the times and places at which a poll shall, if necessary, be held.
- 13) The President will consult with relevant standing committees prior to finalising an election proposal in accordance with clause 12.
- 14) As far as is practical, all polling places shall be located at a venue which is central to the student population and is reasonably accessible to both Higher Ed and PAVE Division students.
- 15) The Returning Officer, in consultation with Campus Chairs, other Council members and staff shall determine the times which polling booths at each campus shall be open. Polling booths may be open at different times on different campuses, and may include an hour in which polling is closed each day, subject to Council direction and clause 64 of the Constitution.

Part V – By-Elections

- 16) By-elections shall be held in an academic period when a large proportion of students are likely to be attending classes on campus.
- 17) These regulations shall apply equally to annual elections and by-elections with the following exceptions:
- a) The timeline for by-elections shall be as follows:
 - i) The Returning Officer shall be appointed no later than the week that is 4 weeks prior to polling week;
 - ii) The notice of election shall be published in the week that is 3 weeks prior to polling week;
 - iii) Nominations and ticket registration shall open in the week that is 3 weeks prior to polling week;
 - iv) Nominations shall close at 12 noon on the Monday in the week that is 1 week prior to polling week;
 - v) Ticket registration shall close at 12 noon on the Wednesday in the week that is 1 week prior to polling week;
 - vi) Candidate statements and photographs shall be due at 12 noon on the Wednesday in the week that is 1 weeks prior to polling week;
 - vii) The time and location of candidate forum/s (if any) shall be published no later than the Wednesday of the week prior to polling week.

- b) For by-elections, clauses 45 (Candidate Forums) and 46 (Election Guide) shall not apply.
- c) For by-elections, the part of clause 56 concerning SSU staff shall not apply, notwithstanding that SSU representatives and other students should not have access to ballot papers or boxes at any time.

Part VI – Notification of Election

- 18) The Returning Officer shall by notice publish the fact that an election is to be held and call for nominations, and shall on such notice set forth –
 - a) the qualification required of candidates and voters;
 - b) the times and places the President and/or General Secretary have determined pursuant to clauses 12, 14, 15 and 30;
 - c) how nominations can be made;
 - d) how tickets can be registered;
 - e) information on where to find ‘Part XII - Electoral Conduct’ of this Schedule; and
 - f) any other information approved by the Returning Officer.
- 19) The notice referred to in clause 18 shall be published by being displayed on Student Union noticeboards from the publishing of the notice of election and for the duration of nomination and ticket registration periods, and copies thereof shall be published in the Student Union newspaper, if any, the Student Union website, social media, an email to financial members, making all reasonable attempts to have the information published by Swinburne University of Technology through its communication channels, and such other places as the Returning Officer deems appropriate.
- 20) No candidate may nominate for or simultaneously hold more than one position per Student Union body. Candidates may nominate and simultaneously hold a position on Council as well as SUPA, SISA, Media Committee or any other committee up for election.
- 21) As per the SSU Constitution all currently enrolled Swinburne students will be eligible to vote in the elections. Students who have deferred are not considered as currently enrolled.

Part VII - Nominations

- 22) Nomination of a candidate for election shall be made in writing in a form approved by the Returning Officer.
- 23) Nomination forms shall be available from the Returning Officer at the Hawthorn Campus, Student Union Website and at any other place designated by the Returning Officer.
- 24) In addition to any other information required by the Returning Officer, nomination forms must include provision for candidates to:
 - a) Indicate an email address and contact phone number for distribution to other candidates, at the candidate’s discretion;
 - b) Express interest in attending Candidates Forums in accordance with clause 45.
- 25) Each nominee shall require a financial member of the Student Union to nominate them. A nominee may not nominate themselves for election.
- 26) At the time of close of nominations, the nominee must be qualified to vote at the election for which the nominee is a candidate.

- 27)** PAVE students are eligible to nominate and vote for positions with the National Union of Students (NUS).
- 28)** Where a nominee nominates for a campus based position, such as Campus Chair or for a Campus Committee, that campus must be the campus on which the majority of subjects are reasonably likely to be studied in the Teaching Period following the Teaching Period in which the election is held, or in the case of by-elections, for that Teaching Period. A prospective transfer of course shall not of itself be sufficient to satisfy the requirements of this clause without additional evidence that the university is likely to accept such a transfer.
- 29)** Any student who has been convicted of a criminal offence where the necessary elements of that offence substantially involved SSU is not eligible to become a candidate in an election conducted under these regulations.
- a)** Any student who has had a civil judgement entered against them by a Victorian Court where SSU was named as a complainant is not eligible to become a candidate in an election conducted under these regulations.
- 30)** Nominations shall be made to the Returning Officer;
- a)** At the Hawthorn Campus by being left with the Returning Officer at the Student Union Office at the Hawthorn Campus; or
- b)** Via an electronic submission of the nomination form to the Returning Officer; or
- c)** On the day when nominations close, where the Returning Officer will ensure that staff are available to receive nominations on each campus in accordance with clause 12.
- 31)** Receipt of Nominations
- a)** Nominees submitting a nomination must be issued with an official receipt at the time the nomination is submitted excepting that, where multiple nominations are received around the same time there may be a delay in issuing a receipt while other nominations are processed. Electronic submissions according to subclause 30 (b) shall be issued with an electronic receipt.
- b)** The official receipt must include:
- i)** the time and day on which the nomination is submitted, excepting that, where multiple nominations are received immediately prior to the close of nominations the Returning Officer shall continue to accept and process nominations that had arrived prior to the close of nominations but were unable to be immediately processed;
- ii)** the name and signature of the person issuing the receipt;
- iii)** the name and student number of the candidate; and
- iv)** the position nominated for.
- c)** A separate receipt shall be issued for each position nominated for.
- d)** It is the nominee's responsibility to ensure that a receipt is correctly filled out. If the information on the receipt is incorrect the nominee must immediately advise the issuing officer and ensure that any inaccuracies are corrected.
- 32)** Validity of Nominations
- a)** The Returning Officer shall determine the validity of nominations within one day of the close of nominations as far as is practical.

- b)** Where it is possible the Returning Officer shall check Swinburne records to ensure that all nominations received are genuine and in order. Where it is not possible for the Returning Officer to check Swinburne records by way of the electoral role nominees must supply a valid student identification card and/or documentation from the University confirming they are a currently enrolled student.

 - i)** Nominees for all positions except for Media Committee & NUS Delegate must be financial members of the SSU unless there is no financial membership scheme in place.
 - ii)** Nominees for the positions of President, Education Officer, Welfare Officer and General Secretary must have been enrolled at Swinburne University of Technology for at least one contiguous Teaching Period within the previous two Teaching Periods.
- c)** Nominations shall be rejected if submitted past the time and date specified by the Returning Officer as the close of nominations in accordance with clauses 12 and 30.
- d)** Nominations shall be rejected if not delivered to a location approved by the Returning Officer in accordance with clauses 12 and 30.
- e)** Nominations shall be rejected if they do not comply with the provisions of these regulations, or the Constitution, excepting that the Returning Officer may accept any nomination where the nominee's intention is, in the Returning Officer's opinion, in whole or part clear.
- f)** In applying these regulations the Returning Officer shall be the sole judge of whether a nomination is valid, sub-clauses 32 (c) and 32 (d) notwithstanding.
- g)** A nominee may object to the decision of the Returning Officer and has two days to supply further evidence and/or proof that they are eligible to nominate. The Returning Officer must consider any evidence and/or proof and make a determination within twenty four hours. No further objection or appeal shall be accepted by the Returning Officer once they make this final determination.
- 33)** Any eligible voter may, by appointment with the Returning Officer, inspect a nomination after the close of nominations. Nominations may only be viewed in the presence of the Returning Officer and notes, photocopies or photographs of the nominations may not be taken. Nominations shall not be available for inspection prior to determination of the validity of nominations by the Returning Officer pursuant to sub-clause 32 (a).
- 34)** A candidate may, at any time before the commencement of the count of the ballot for which they are a candidate, withdraw from the election by giving notice in writing, signed by the candidate, to the Returning Officer, who shall then proceed as if such nomination has not been made.
- 35)** Where, prior to the declaration of the poll, it becomes known that a candidate has ceased to be eligible to hold the position for which they are running the Returning Officer shall proceed as if that nomination had not been made.
- 36)** Where a candidate is disqualified from an election as a result of an authorised decision of the Returning Officer or the Appeals Committee under this schedule, votes shall be recounted for that position as if that nomination had not been made. If a declaration of the poll has already been made the original declaration for this position shall become invalid and an amended result shall be declared in accordance with this clause.

- 37) If the number of candidates does not exceed the number of persons to be elected, the Returning Officer shall by notice published on Student Union Noticeboards and as soon as possible in the Student Union newspaper, if any, the Student Union website, social media, an email to financial members, making all reasonable attempts to have the information published by Swinburne University of Technology through its communication channels, and such other places as the Returning Officer deems appropriate, declare such candidates duly elected.
- 38) If the number of candidates exceeds the number of members to be elected there shall be a poll.
- 39) Candidates may choose to organise together under a common banner (ticket).
- a) Tickets are for the purpose of group identification only.
 - i) Voters must still vote for each position separately (there is no group ticket voting).
 - ii) Ballot papers shall include the name of the ticket with the name of each candidate.
 - b) Ticket registration shall be in a form determined by the Returning Officer.
 - c) To register a ticket, the following requirements must be met:
 - i) If the ticket includes any candidates for a position on Council, 5 candidates are required to register a ticket.
 - ii) If the ticket only includes candidates for SISA, SUPA, Media Committee or Campus Committees, 3 candidates are required to register a ticket.
 - d) Acceptance of ticket registration or a particular ticket name is up to the discretion of the Returning Officer.
 - i) Ticket names cannot be misleading, deceptive or offensive.
 - ii) Ticket names may not exceed five (5) words.
 - iii) No candidates may register a ticket named 'independent' or a variant thereof.
 - iv) If any ticket wishes to register a ticket name that is the same or substantially similar to the name of a ticket used in the last two years, then the student who is registering the ticket must be or have the written permission of the most recent registering officer of the ticket.
 - v) In the case of a ticket name being registered that is the same or substantially similar to the name of a ticket used in the last two years, if the Returning Officer receives a petition signed by 50% or more of the candidates who appeared on that ticket in the previous annual election, the Returning Officer shall make a ruling on whether to allow the ticket to be registered.
 - vi) If any ticket wants to register a ticket name of any or a substantially similar name of any club or society at Swinburne University, the registering officer must be or provide written permission of the president of that club or society to the Returning Officer.

Part VIII – Advice to Candidates

- 40) Within three (3) days of the close of nominations the Returning Officer shall email to all valid candidates and publish on the SSU website:
- a) A copy of the SSU Constitution
 - b) A copy of these Regulations

- c) Contact details for the Returning Officer, including postal address, email and phone number
 - d) Details of Candidates Forums scheduled in accordance with clause 45, including time and location
 - e) The preferred format and procedure for lodging objections and appeals, if any
 - f) The procedure for nominating scrutineers and the qualifications required of scrutineers, if any
 - g) The time and place at which ballots will be counted
 - h) The time and place at which it is intended that the poll will be declared
 - i) The name of all other candidates standing for election and the position/s for which they are standing.
 - j) Any other information deemed appropriate by the Returning Officer.
 - k) A copy of the position description/s.
- 41) All mail to candidates shall be sent to the email address listed on that candidate's nomination form.
- 42) Within one (1) day of ticket registration closing the Returning Officer shall e-mail to all valid candidates, publish on the SSU website and place on Student Union Noticeboards and such other places as the Returning officer deems appropriate, the list of tickets registered in addition to the candidates within each ticket, the positions of which they are candidates and any other information deemed appropriate by the Returning Officer.

Part IX – Support for Candidates

- 43) Candidate Statements
- a) A statement by and photograph of each candidate shall be published in a Student Union publication, if any, and on the SSU Website prior to the start of polling;
 - b) Candidate statements and photographs shall be provided at each polling place or, in the case an electronic ballot for online student representatives, accompanying the electronic ballot communication;
 - c) Candidate statements shall not exceed 600 words in length.
- 44) A statement by each ticket shall be published in a Student Union publication, if any, and on the SSU Website prior to the start of polling; provided that they shall not exceed 800 words in length provided further that they have been handed to the Returning Officer on or before ticket registration closes but not before the ticket for which the statement is made has been registered.
- 45) Candidates Forums
- a) the Returning Officer shall make provision for a Candidates Forum on an academic day during the poll other than a Friday. The Candidates Forum shall occur at a time and place that is reasonably accessible to students, and as early during the polling period as is convenient, at the discretion of the Returning Officer in consultation with candidates.
 - b) Candidates Forums shall not be held on the same day on different campuses unless, at the time of nomination, no candidate has expressed an interest in attending Candidates Forums on each campus.

- c) The Returning Officer shall ensure that the time and location of Candidates Forums are publicised through public notice at least three (3) academic days prior to the first day of polling.
- d) The Returning Officer shall require that candidates indicate which forums they will attend, if any, at the time of their nomination.
- e) If by the close of nominations no candidate has indicated that they will attend the forum on particular campus the Returning Officer may cancel the forum on that campus.
- f) The Returning Officer shall set a time limit on speeches, which shall be no more than 5 minutes per candidate.
- g) No candidate shall have more than one opportunity to speak regardless of the number of positions for which they have nominated.
- h) A candidate who has not indicated on their nomination form an interest in attending a particular Candidates Forum shall still be allowed to do so only where, in the Returning Officer's opinion, time permits and where that forum has not been cancelled in accordance with subclause 45 (e).
- i) Candidate speeches may be delivered orally by the candidate at the time and place determined by the Returning Officer in accordance with subclause 45 (a).
- j) Candidate speeches under subclause 45 (h) shall be delivered in the order in which the candidates' names appear on the ballot paper, with the exception that candidates not indicating an interest in participating in that Candidates Forum on their nomination forms, or otherwise as required by the Returning Officer, shall be last.

46) Election Guide

- a) The Returning Officer shall make provisions for an Election Guide to be available for students,
- b) The Election Guide should be available in both online media and physical formats including being placed at the election booths throughout the entire polling period,
- c) The Election Guide shall be entirely non-partisan other than candidate and ticket statements and shall act as a stand-alone document,
- d) The Election Guide shall contain;
 - i) Polling times and locations
 - ii) Position descriptions;
 - iii) Candidate and ticket statements
 - iv) Candidate forums times, locations and speakers
 - v) A general statement of what SSU is, what it does and why it is important.
 - vi) Any other information that the Returning Officer deems relevant and important.

47) Council may devise additional means of acquainting voters with the policies of candidates.

48) The Returning Officer may devise and implement additional means of encouraging participation in the electoral process and promoting the elections.

Part X - Voting

- 49) Voting shall be by secret ballot.
- 50) Ballot papers shall be in a form determined by the Returning Officer and shall show ticket name, if any, surnames, given name and initial of each candidate, unless an alternative is approved under clause 51. The form of the ballot paper may include an electronic ballot in the case of Swinburne Online, Open Universities Australian and NICA student representatives, however all other ballots shall be paper in accordance with the Constitution.
- 51) Where a candidate commonly goes by a variation of their name listed in their student enrolment record the Returning Officer may approve an alternative if that alternative is common and reasonable. Examples of common variations might include use of a second name as given name (eg F. Walter Mitty), or common abbreviations of given names (eg Robert/Rob), or names that are culturally or linguistically appropriate to students from different backgrounds. For the purpose of this clause nicknames shall not be accepted.
- 52) The Returning Officer shall by lot determine the order of the candidates name on the ballot paper.
- 53) At any election each voter:
 - a) shall place the figure '1' against the name of the candidate to whom the voter wishes to give his or her first preference vote;
 - b) may place the figure '2' against the name of the candidate to whom the voter wishes to give his or her second preference vote; and
 - c) may place the figures '3', '4' and so on against the names of some or all of the remaining candidates so as to indicate the order of his or her preference for the candidates against whose names those figures are placed.
- 54) Ballot Handling
 - a) The Poll Clerk shall initial every ballot paper given to a voter.
 - b) The Poll Clerk shall record on a roll or by such other means as the Returning Officer determines the name of each voter.
 - c) If a voter spoils his or her ballot paper he or she may vote again provided that he or she surrenders his or her spoiled ballot paper to the Poll Clerk, who shall write 'spoilt' over such spoiled ballot paper.
- 55) All ballot papers (including spoilt ones) shall be placed in a locked ballot box at the polling place. No person shall open the ballot box until after the close of voting.
- 56) At the end of each session's voting, ballot papers, ballot boxes and roll or other record of voters' names shall be locked in a secure location as approved by the Returning Officer. The ballot boxes are not at any time to be left with or be accessible to SUT students, SSU staff or anyone who has an interest in the outcome of the elections with exception to the Returning Officer and any Assistant Returning Officer/s. The Returning Officer is responsible for the safe keeping of the ballot boxes.

Part XI - Counting of Votes

- 57) Votes shall be counted after the final close of voting by the Returning Officer with the assistance of such other persons as may be appointed by the Returning Officer for the purpose.
- 58) The counting of ballots shall begin as soon as practical following the close of polling, but no later than the next working day.

59) Scrutineers

- a) Each candidate may appoint one scrutineer to be present at the count.
- b) Scrutineer appointments shall be written in a form specified by the Returning Officer.
- c) The Returning Officer has the right to exclude any scrutineer who, in their opinion, is behaving in a way that may compromise the integrity of the count or the electoral process. There shall be no right of appeal against any decision by the Returning Officer to exclude a scrutineer from the count.

60) Neither the Returning Officer, nor any scrutineer, nor or any other person shall in any way whatsoever directly or indirectly divulge or disclose or aid in divulging or disclosing the vote of any voter.

61) The Returning Officer shall be the sole judge of whether any ballot paper is not acceptable and shall accept a ballot paper on which the voter's intention is, in the Returning Officer's opinion, in whole or part clear.

62) Tied Results

- a) When a result is tied in the first instance there shall be a recount.
- b) Where the ballot remains tied following a recount the Returning Officer will call for a by-election where only the tied candidates are able to nominate.
- c) Where the by-election also produces a tie, the Returning Officer shall draw lots to determine the result.

63) Where only one candidate is to be elected at an election, the votes cast in the election shall be counted as follows:-

- a) from all the ballot papers which have not been rejected by the Returning Officer in accordance with these regulations the number of first preference votes for each candidate shall be determined.
- b) the Returning Officer shall determine the number of votes which constitutes an absolute majority for the purposes of the election by dividing the total number of first preference votes by two and (disregarding any remainder) increasing the quotient by one.
- c) If a candidate has received an absolute majority of first preference votes, that candidate shall be declared elected.
- d) If no candidate has received an absolute majority of first preference votes, the candidate who has received the lowest number of first preference votes shall be declared excluded.
- e) Where any ballot paper upon which a vote has been cast for an excluded candidate is so marked as to indicate a preference for a remaining candidate, the ballot paper shall be distributed to the remaining candidate next in order of the voter's preference.
- f) If a candidate has then received an absolute majority, that candidate shall be declared elected; but if not, the process set forth in this clause of excluding the candidate with the lowest candidates in accordance with any preference indicated on them shall be repeated as often as necessary until:
 - i) a candidate has received an absolute majority of votes, in which case that candidate shall be declared elected; or
 - ii) all candidates save one have been excluded; in which case the candidate remaining shall be declared elected.

g) A ballot paper distributed to a candidate who is excluded, which shows no preference for any remaining candidate, shall be put aside as finally dealt with.

64) Where two or more candidates are to be elected in an election the counting shall be as follows:-

a) from all the ballot papers, which have not been rejected by the Returning Officer in accordance with this Schedule, the number of first preference votes for each candidate shall be determined.

b) the Returning Officer shall determine a quota for the purposes of the election by dividing the aggregate number of first preference votes by the number of persons to be elected and (disregarding any remainder) increasing the quotient by one.

c) a candidate who has received a number of first preference votes equal to or greater than the quota shall be declared elected.

d) If no candidate has received a number of votes equal to or greater than the quota

i) the candidate with the lowest number of first preference votes shall be declared excluded, and

ii) where a ballot paper allocated to the excluded candidate indicates a preference for any remaining candidate, the ballot paper shall be distributed to the candidate next in order of the voter's preference.

e) If a candidate has then received a number of votes equal to or greater than the quota then, subject to paragraph (f) that candidate shall be declared elected; but if not the process set forth in this clause of excluding the candidate with the lowest number of votes and distributing his or her ballot papers to the remaining candidates in accordance with any preference indicated on them shall be repeated as often as necessary, until –

i) a candidate has received a number of votes equal to or greater than the quota in which case that candidate shall be declared elected: or

ii) all candidates have been excluded except for a number of candidates equal to the number of candidates who are to be elected at the election, in which case the candidates remaining shall be declared elected.

f) If a candidate is declared excluded and after his or her ballot papers have been distributed to the remaining candidates in accordance with any preference indicated on the ballot paper, the number of remaining candidates who have received a number of votes equal to or greater than the quota exceeds the number of vacancies then remaining to be filled, the candidate which has received the greater number of votes shall be declared elected to fill the first vacancy then remaining to be filled, the candidate who has received second vacancy then remaining to be filled, and so on until all vacancies then remaining to be filled have been filled.

g) If at any stage in the counting of votes in accordance with this clause a candidate is declared elected, any ballot paper distributed to that candidate which indicates a preference for another candidate shall be distributed to the candidate next in the order of the voter's preference, unless that candidate has previously been excluded in accordance with this clause, in which case the ballot paper shall be distributed to the candidate (if any) next following the excluded candidate in the order of the voter's preference.

h) Where any candidate is elected or excluded in accordance with this clause and any ballot paper distributed to the candidate does not indicate a preference for a candidate who has not previously been elected or excluded, the ballot paper shall be put aside as finally dealt with.

- 65)** Where at any time the counting of the votes under clause 63 or 64 it becomes necessary to determine –
- a) which of two or more candidates shall be declared elected; or
 - b) which of two or more candidates shall be declared excluded - and each of those candidates has received the same number of votes, then
 - c) whichever candidate - in case (a) had received the higher; or in case (b) had received the lower - the number of votes at the most recent stage of the counting at which the votes for those candidates were unequal shall be declared elected or excluded as the case may be; but if there be no such most recent stage the Returning Officer shall by lot decide which of the candidates shall be declared elected.
- 66)** Recounts
- a) the Returning Officer shall recount the votes for any position where, in their opinion, there is a possibility that a recount may alter the result.
 - b) A candidate or scrutineer may request a recount in writing prior to the declaration of the poll. Except as specified in clause 66 (c), the Returning Officer is not obliged to accept a request for a recount.
 - c) On request, a recount shall be automatically granted where the difference between the two leading candidates is less than 15 votes or 2% of total votes cast for that position, whichever is greater.
 - d) Unless under exceptional circumstances, as determined by the Returning Officer, no more than one recount will be allowed for any position.
- 67)** As soon as the counting of votes is concluded the Returning Officer shall declare the election.
- 68)** Notice of election results shall be published:
- a) Immediately by notice published in the Student Union Offices
 - b) by notice published in the Student Union newspaper, if any, as soon as possible;
 - c) by notice published on Student Union Noticeboards no later than the next day; and
 - d) by letter informing the candidate/s of the result stating the number of votes received at each stage of counting,
 - e) on the SSU websites and social media as soon as possible,
 - f) in an email sent to all members within 5 days of the election declaration.
 - g) in any means deemed appropriate by the Returning Officer.
- 69)** The Returning Officer shall ensure that all publicity of the result includes the procedure for lodging objections, including contact details for the Returning Officer.

Part XII – Electoral Conduct

- 70)** No person shall in connection with any election;
- a) This section has been removed.
 - b) engage in electioneering or display posters within six meters distance, clearly marked, from the polling booth as determined by the Returning Officer;

- c) record a vote which he or she is not entitled to record;
- d) remove a ballot paper from the immediate vicinity of a polling booth, unless with permission of the Returning Officer;
- e) interfere with any notice, except with the permission of the Returning Officer, which may be given if such notice infringes against this Schedule;
- f) interfere with any ballot paper, ballot box, sheet of election names, nomination, or other things relating to the election;
- g) engage in any dishonest, misleading or deceptive practice. Slander and defamation will be treated as extremely serious by the Returning Office;
- h) in any other manner impede or attempt to impede the proper conduct of an election;
- i) engage in any electioneering unless an enrolled student of Swinburne University of Technology;
- j) engage in any abusive or discriminatory behaviour towards any other person, whether involved in the election or otherwise;
- k) use any Swinburne Student Union resources for the purpose of any election not available for other Swinburne students which would otherwise advantage, disadvantage themselves or others in the election.
- l) pay any person to campaign in an election or offer any voter any form of inducement to cast or not cast a ballot in a particular way.
- m) complete a membership form (either electronic or physical) on behalf of any person for the purposes of satisfying the requirement for them to be a financial member of the SSU in order to nominate for election.

71) This section has been removed.

72) No independent candidates and tickets are allowed to financially endorse or financially support other independent tickets or tickets.

73) If a student is employed by the Student Union and nominates as a candidate the student must cease employment for the entire election period even if they have been declared elected unopposed.

74) Candidates shall comply with any reasonable request or direction of the Returning Officer during the course of an election.

75) Election Material

Notwithstanding the other provisions of this Part:

- a) Election material shall not be libellous or defamatory.
- b) Election material must not be produced in such a way as to cause confusion or so as to deliberately mislead voters into incorrectly attributing the material to any other individual, group or organisation.
- c) Election material must prominently identify the candidate or ticket for whom the material is produced.
- d) Authorisation

- i) All election material must, in addition to what is required by subclause 75 (c), include the words “Authorised by:” followed by the name of the candidate on whose behalf the material has been produced, their primary campus, the position for which they are running and their course of study.
- ii) Election material shall not be authorised by any individual other than the candidate for whom the material is produced, and must not be distributed on behalf of that candidate without their explicit knowledge and endorsement.

Part XIII - Objections

76) Submission of Objections

- a) An eligible voter or candidate may submit an objection under this clause where they are of the opinion that;
 - i) this schedule has not been implemented as required; or
 - ii) a candidate or agent of a candidate has acted in breach of this schedule; or
 - iii) the Returning Officer or other polling official has not acted in good faith.
- b) Objections should be submitted as soon as possible but no later than three (3) days following the day on which an objector becomes aware of an alleged infraction and, in any case, no later than three (3) days following declaration of the poll.
- c) Objections must be in writing, delivered to the Returning Officer either directly, by email or by facsimile, and in a form specified by the Returning Officer in the advice to candidates under clause 40.
- d) The objection shall state the facts and grounds of objection and shall ask for some specific remedial action to secure justice and equity.

77) Hearing of the Objection

- a) The Returning Officer shall as soon as possible hear the parties to the objection as well as any other persons he or she thinks fit, and in determining the objection the Returning Officer shall be guided by good conscience and the substantial merits of the case, without regard to legal forms or technicalities, except as regards the mandatory provisions of this Schedule.
- b) Where the Returning Officer is satisfied that a *prima facie* case has been made out that an infringement against this Schedule has occurred he or she shall attempt to rectify the situation in accordance with ‘Part XIV – Infractions’.

78) The Returning Officer shall attempt to finalise objections within one day of the objection being received.

79) Appeals

- a) A person aggrieved by a decision of the Returning Officer in upholding or dismissing an objection under clause 77, may lodge a notice of appeal with an independent chair (who is to not be a staff or student member of the Union) as nominated by Union Council.
- b) A notice of appeal shall be in writing, shall set forth the grounds of the appeal and shall be lodged no later than three (3) days following the day on which determination of the objection has been advised to the objector and subject of the objection, if any.

- c) Upon receipt of a notice of appeal the independent chair shall constitute an Appeal Committee to hear and determine the appeal or objection within five (5) days of notification, where practical.
- d) The Independent Chair will draw together the Appeal Committee which will consist of at least three (3) members and can be drawn from:
 - i) A member of the University staff
 - ii) An academic staff member of the University
 - iii) An external member of the University
- e) A person shall not be appointed to the Appeal Committee unless the person is:
 - i) associated in some way with Swinburne, however they must not be a student or Union staff member;
 - ii) responsible; and
 - iii) disinterested.
- f) Until an appeal has been determined by the Appeal Committee no action shall be taken which may prejudice the appeal.
- g) Clause 79 shall apply as far as possible to the hearing of the appeal or objection by the Appeal Committee as if any reference in these provisions to the Returning Officer were a reference to the Appeal Committee.
- h) The Appeal Committee may delegate to the Returning Officer power to do anything necessary for the purpose of giving effect to the decision of the Appeal Committee.
- i) The Appeal Committee will determine and notify each appellant of the outcome of their appeal, within five (5) days of the hearing which heard the case.

Part XIV - Infractions

- 80) Unless otherwise specified, references in this clause to the Returning Officer shall apply equally to the Appeals Committee.
- 81) Where the Returning Officer is satisfied that a *prima facie* case has been made that an infringement against this Schedule has occurred he or she shall specify in writing the steps he or she shall take to rectify the infraction and mail or hand deliver a copy to any candidate/s who are the subject of the decision as well as the objector, if any.
- 82) In rectifying an infraction or breach against this schedule the Returning Officer may
 - a) deem the infraction trivial or insignificant and take no action;
 - b) require that a candidate:
 - i) retract or withdraw a statement or publication; or
 - ii) cease a particular behaviour or action; or
 - iii) issue an apology; or
 - c) refer this matter to Council for consideration of whether any disciplinary action should be taken;
 - d) disqualify any candidate;

- e) declare that any person who has been declared elected was not duly elected;
 - f) declare the election absolutely void.
- 83) Any action under this part shall be, as far as possible and reasonable, proportional to the infraction and ensure that fairness of the electoral process is preserved.
- 84) Where the Returning Officer takes action under clause 82 (d), (e) and (f) that decision shall not be implemented until the timeline for appealing that decision has expired, or, where an appeal against that decision is lodged, until the Appeals Committee has made a determination on the appeal.
- 85) Where taking action under 82 (a), (b) or (c) to rectify any imbalance created by an infraction the Returning Officer shall make a judgement based on the balance of probabilities that a candidate has been advantaged or disadvantaged, and may not necessarily find that opposing candidates knowingly encouraged or were involved in the infraction.
- 86) Where taking action under 81 (d), (e) or (f) the Returning Officer must assure themselves beyond reasonable doubt that the candidate/s against whom the action is to be taken either encouraged or were knowingly involved in the infraction.
- 87) Where a previous directive under ‘Part XIV – Infractions’ has not been complied with in a reasonable time, or an offense is repeated, the Returning Officer may escalate penalties as appropriate until such time as the determination is complied with or repeated infractions cease.
- 88) Where an election has been declared absolutely void and a new election has been ordered, the Returning Officer may proceed as if the original election has been avoided, or may direct that only a poll shall be held again, clause 84 notwithstanding.
- 89) Lack of familiarity with, or understanding of, these regulations shall not be a defence to any infraction under or against these regulations.

Part XV – SUPA & SISA

- 90) This schedule shall apply equally to elections for SUPA & SISA positions with the following exceptions:
- a) Advertising for SUPA & SISA positions will be separate from other Student Union body election advertisements including each other and will include the SUPA & SISA logos on their respective advertisements.
 - b) Clause 18 shall be amended such that additional advertising shall be required for SUPA & SISA positions appropriate to the postgraduate and international constituency respectively.
 - c) Clause 40 shall be amended so that, in addition, candidates for SUPA & SISA will be provided with a copy of their respective constitutions.

Part XVI - General

- 91) The Returning Officer shall do and prescribe such things and matters of detail not inconsistent with this Schedule as are necessary for the efficient conduct of the election and are not provided for this by this Schedule.
- 92) Minor deviations from the provisions of the Schedule due to an error or accident, which in the opinion of the Returning Officer do not cause injustice to any candidate, shall not *ipso facto* invalidate any election.
- 93) Referenda shall be conducted in accordance with the provisions of this Schedule so far as they are applicable subject to any direction by the Council.

- 94)** A full report shall be tabled by the Returning Officer to the SSU Council on each election, which will make reference to any irregularities or misconduct or any other outstanding issues.
- 95)** A full report shall be tabled by the President to Council on each election, which will make reference to any irregularities or misconduct or any other outstanding issues.
- 96)** The full report will contain all results from each election, including complaints, outcomes of complaints and count totals for each candidate, shall be kept within the Union for future reference, excluding personal details of the candidate/s.