



SWINBURNE STUDENT UNION ELECTION REGULATIONS

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I. Definitions

I.1 Unless otherwise defined in the Constitution:

- a) “Academic period” means days during the Higher Education or TAFE study periods set out by SUT and excludes Saturdays, Sundays or days which fall outside this defined period.
- b) “Authorised Officer” means the student responsible for registering a ticket for the annual election.
- c) “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.
- d) “Constitution” means the SSU Constitution.
- e) “Day” means any working day that is not a Saturday, Sunday or day which falls outside a Teaching Period.
- f) “Election” means an election conducted pursuant to ‘Part 14 – Elections’ of the SSU Constitution and runs from the Notice of Election to the declaration of the ballot.
- g) “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.
- h) “Election period” runs from the issuance of the Notice of Election until the Declaration of Election.
- i) “Eligible voter” means any voter entitled to vote in the election in accordance with ‘Part 14 – Elections’ of the SSU Constitution.
- j) “General Manager” means the Executive Officer in the SSU Constitution.
- k) “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.
- l) “Nominee” means a prospective candidate who has submitted a nomination but has not yet had the nomination accepted by the Returning Officer under clause 11.
- m) “Official election material” means election material that complies with these regulations.
- n) “Polling Day” means any day on which ballots may be cast.
- o) “Poster” means election material displayed or intended for display.
- p) “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.
- q) “SSU” means Swinburne Student Union Inc.
- r) “SSU Roll” means the roll of SSU members.
- s) “Student” means an enrolled student of Swinburne University but is inclusive of exemptions for the office of President and General Secretary set out in the Constitution.

- t) “Student Council” means the Student Council of Swinburne Student Union which includes the President, General Secretary, Education, Welfare, Activities and Communication Officers, Hawthorn, Croydon and Wantirna Campus Coordinators and PAVE, Postgraduate, International, Queer, Women’s, Ethnocultural, First Nations, Health & Accessibility, Environment and General Representatives.
- u) “SUPA” means the Swinburne University Postgraduate Association.
- v) “SISA” means Swinburne University International Students Association
- w) “Continuing candidate” means a candidate who has neither been elected nor eliminated.
- x) “Stage of counting” means when all ballot papers which have not been exhausted have been allocated to continuing candidates.
- y) “Candidates Transfer Value” is the elected candidate’s value, less the quota at the stage of counting, all divided by the elected candidate’s value.
- z) “General Manager” means Executive Officer of SSU.

2. Appointment of the Returning Officer

- 2.1 The Student Council must appoint a person to act as Returning Officer for the annual elections (or where required, a by-election).
- 2.2 The Returning Officer must not be a current Swinburne student or

Swinburne Student Union officebearer in the preceding three terms of office.

2.3 Where Student Council has not appointed a Returning Officer in accordance with Section 60 of the Constitution, the General Manager must appoint a Returning Officer directly.

2.4 The Returning Officer must be appointed at least four weeks prior to the opening of polling.

3. Responsibilities of the Returning Officer

3.1. The Returning Officer is responsible for:

- (a) The conduct of the elections;
- (b) may decide all matters not provided for in the Constitution or these Regulations;
- (c) appoint any Assistant Returning Officer or poll clerks to assist in relation to conducting the election (which may include SSU staff)
- (d) appointments under 3.1.(c) must comply with clause 2.2 of these Regulations.

3.2. The Returning Officer must decide questions of fact on a balance of probabilities basis.

3.3. The Returning Officer must provide a written report to Student Council within 30 days of the Declaration of Results of the election.

4. The Electoral Roll

4.1. The General Manager must make available an electronic form of the SSU and University rolls detailing those eligible to participate in the election for the Returning Officer.

4.2. The Returning Officer, with the assistance of the General Manager, must request the SSU and University rolls no later than the day that nominations open.

4.3. The SSU Roll must contain all current members at the close of the roll.

4.4. All enrolled Swinburne students are eligible to vote in the election. Enrolment status is determined based on the University roll.

4.5. The close of the SSU roll for the purposes of these Regulations is to occur at least 24 hours before the close of nominations.

5. Polling

5.1. The Student Council must either concurrently with or prior to the appointment of the Returning Officer:

(a) Set out the dates and times for the annual election taking into account that:

(i) Polling must be held for at least six hours per day between 8am and 8pm and open for at least five consecutive days during the academic period;

(ii) Each campus must host polling for at least one day for at least six hours between 8am and 8pm; and

(iii) Polling must occur during the Semester two Higher Education academic period set out by Swinburne.

(b) Appoint an independent tribunal member in accordance with clause 25.

5.2. In the event that Student Council does not set out a polling timetable by 30 August of the calendar year, the General Manager must set out a timeline and appoint a Returning Officer in accordance with clause 2 of these Regulations.

5.3. Where postal voting occurs in accordance with Section 60(5) of the Constitution, the Student Council must

also set the opening and closing dates for postal voting for each campus.

5.4. Elections must be conducted via secret ballot using an optional preferential voting method.

6. Election Timetable

6.1. Unless otherwise determined by the Returning Officer:

(i) Notice of Election must be published at least three weeks prior to polling week; and

(ii) Nominations and ticket registrations are open at least three weeks prior to polling week.

7. By-elections

7.1. These regulations apply to any by-elections enacted under Section 63 of the Constitution.

7.2. The Student Council must appoint a Returning Officer by no later than four weeks prior to polling commencing for the vacancy.

7.3. The Notice of Election must be issued at least three weeks prior to polling.

7.4. Polling must occur using the following procedure:

(a) Polling for positions during a by-election other than Campus Chair will only occur on Hawthorn Campus and are required to be open for at least six hours per day between 8am and 8pm in the same academic week; and

(b) In the case of a campus chair vacancy, polling shall be open for six hours between 8am and 8pm only at the respective campus for at least one day.

8. Forms

8.1. Unless otherwise provided for in these Regulations or the Constitution, where a form may be required to be

completed by participants in the annual election or by-election, it must be:

- (a) Published on the SSU website;
- (b) Available from the SSU Hawthorn office; and
- (c) Available from the Returning Officer upon written request.

8.2 Where a form may be submitted to the Returning Officer, it must be:

- (a) Submitted directly to the Returning Officer in electronic form by email; or
- (b) hand delivered to the Returning Officer.

9. Notice of Election

9.1. The Returning Officer must give notice of the election by:

- (a) Sending an email to each SSU financial member eligible to participate in the election; and
- (b) publishing a notice on the SSU website.

9.2. The Notice of Election must include the contact details of the Returning Officer, where to access these Regulations, positions to be elected, the process of nominating, dates and times for opening and closing of nominations and ticket registrations, and times and locations of polling.

10. Eligibility to Stand

10.1 Only those persons who are financial members at the time of the close of the SSU roll are eligible to stand for an SSU office-bearer position.

10.2. A person is only eligible to stand for an NUS National Conference delegate if they are:

- (a) A student of the University at the time of the close of the University roll; and

- (b) Not a delegate of another NUS member organisation.

10.3 A person is only eligible to stand for a Campus Chair position if they:

- (a) provide evidence they are studying on that campus. The University roll is considered as the primary evidence for eligibility for this clause.

10.4 A person is only eligible to nominate for President or General Secretary if:

- (a) they are enrolled for at least one contiguous teaching period within the previous two teaching periods.

10.5 No candidate may nominate for or be elected to more than one position on Student Council.

10.6 Candidates may nominate and simultaneously hold a position on Student Council as well as SUPA, SISA and any other committee up for election.

10.7 PAVE students are eligible to nominate and vote for delegates of the National Union of Students (NUS).

11. Nominations

11.1 Nominations must:

- (a) be submitted on an acceptable form prescribed by the Returning Officer under clause 8 of these Regulations;
- (b) state the position that the person is nominating for and include their signature;
- (c) contain the full name, student number, and contact details of the candidate;
- (d) be seconded by another financial member of the SSU; and
- (e) be received in the time allotted via the Notice of Election in accordance with clause 6.

11.2 As soon as practicable after receiving a nomination, the Returning Officer must:

- (a) verify that the person who has nominated is eligible to stand;
- (b) notify the person whether their nomination has been accepted or rejected; and
- (c) Send them a copy of these Regulations and the contact details of the Returning Officer.

11.3 The Returning Officer must reject a nomination if:

- (a) it does not comply with these Regulations or Constitution;
- (b) where the person nominating is not eligible to stand for that position; or
- (c) that has questionable origins and deemed *mala fide* by the Returning Officer.

11.4 If the Returning Officer rejects the nomination, they must:

- (a) inform the candidate as soon as practicable; and
- (b) provide the reason(s) for decision.

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

12. Ballot Draw

12.1 The Returning Officer must determine the order of candidates on the ballot paper as soon as practicable after nominations have closed and all candidates have been determined eligible to stand for election.

12.2 Any enrolled Swinburne student may observe the draw.

12.3 Before the ballot draw, the Returning Officer must:

- (a) email all candidates with the date/time/location; and
- (b) place notice on the SSU website advising when the draw will take place.

13. Withdrawal of Nomination

13.1 Candidates may withdraw their nomination at any time prior to the close of polling.

13.2 The Returning Officer must be satisfied that a withdrawal is *bona fide* and has been completed by the nominating candidate before accepting the withdrawal.

13.3 The withdraw takes effect upon its acceptance by the Returning Officer.

13.4 Where a candidate withdraws, the Returning Officer must proceed as if the candidate had never nominated.

13.5 The Returning Officer may modify ballot papers as necessary to reflect the withdrawal.

13.6 Any ballot paper showing a preference for a withdrawn candidate must be taken as if the candidate had been eliminated.

13.7 A withdrawal of a candidate does not invalidate a ticket by virtue of the withdrawal.

14. Tickets

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

14.2 Ticket registrations must:

- (a) contain the full name, student number and contact details of each candidate;
- (b) Contain at least 10 candidates for positions on the Student Council (except where the ticket includes candidates for standing committees set out in Part 11 of

the Constitution, in which case, the number of candidates for each committee must be equal to or greater than half of the total positions to be elected for that committee); and

(c) be supported by 30 financial members who provide their full name, student number and have signed the form.

14.3 For the purposes of clause 14.2:

(a) a member must not be a signatory for more than one ticket registration; and

(b) regardless of the validity of any ticket, if a member has supported two or more ticket registrations, that person will not count to the number of required supporters for any of the ticket registrations.

14.4 A ticket name must not:

(a) be misleading, deceptive or offensive;

(b) incorporate the name of an organisation (including a club, society or collective)

(c) contain the word 'independent'

(d) be so similar to the name 'SSU' or 'Swinburne' or any department or division as to be confused or mistaken with that name;

(e) be longer than three words;

(f) be the same as, or similar to, any other ticket name; or

(g) be contrary to law.

14.5 As soon as practicably possible, the Returning Officer must after receiving a ticket registration:

(a) verify that the ticket registration complies with clause 14; and

(b) notify the ticket registrant whether the ticket has been accepted or rejected.

15. Publication of Notice – Nomination and Tickets

15.1 Within 24 hours of the close of nominations and ticket registrations, the Returning Officer must produce a notice listing the submissions received.

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

15.3 For the purposes of this clause, the Returning Officer must make the notice available by:

(a) Emailing the notice to ticket registrants and or candidates; and

(b) Publishing the notice on the SSU website.

16. Statement of Distribution of Preferences

16.1 An Authorised Officer may submit a statement of distribution of preferences by submitting the statement in the form prescribed by the Returning Officer.

16.2 The Returning Officer must display the statements received on the SSU website as soon as reasonably possible prior to the commencement of voting.

17. Electoral Conduct

17.1 All conduct in an election that is likely to mislead or deceive a voter is prohibited.

17.2. For the purposes of this section, the following conduct is prohibited:

(a) Engaging in electioneering or display posters within six meters distance, clearly marked, from the polling booth as determined by the Returning Officer;

(b) Tampering with a vote for which he or she is not entitled to cast;

(c) Removing a ballot paper from the immediate vicinity of a polling booth,

unless with the permission of the Returning Officer;

- (d) Interfering with any election materials used to conduct the election without approval by the Returning Officer;
- (e) Engaging in any dishonest, misleading or deceptive conduct.
- (f) Engaging in a manner that impedes or attempts to impede the conduct of the election
- (g) Use any Swinburne Student Union resources for the purpose of any election that is not freely available to all students.
- (h) Pay any person to campaign or offer any form of personal inducement in order to cast or not cast a vote in a certain way.

18. Defamation

18.1 SSU does not indemnify any person against liability for defamation in connection with the election or these electoral regulations.

19. Voting

19.1 Voting must be conducted via secret ballot.

19.2 Ballot papers must only be issued to students who:

- (a) provide photo identification; and
- (b) are listed on the University roll as a currently enrolled Swinburne student.

19.3 The Returning Officer (or election staff delegated by the Returning Officer) must sign the ballot paper marking it as valid and mark the voter off the roll as having voted.

19.4 Ballot papers must take the form of a booklet and each ballot paper must be comprised of the following:

- (a) A cover page listing each valid ticket registered for the election with the option

to vote for all candidates of that ticket and instructions on how to cast a valid vote;

- (b) A ballot for positions relating to the election of Student Council and separate sections for the election of each standing committee; and

- (c) A ballot for the positions of NUS Delegates must be the final page in the booklet.

19.5 The Returning Officer shall by lot determine the order of the candidate's names on the ballot paper.

19.6 All ballot papers shall be placed in a locked ballot box at the polling place. No person shall open the ballot box until the close of voting.

20. Method of Voting

20.1 Elections must be conducted using an optional preferential proportional representation voting method.

20.2 A vote will be considered valid if:

- (a) a voter places a '1' against the name of a ticket of first preference, and, may then consecutively number the name of as many other tickets of a lower preference on the cover page of the ballot paper; or
- (b) a voter places a '1' against the name of the candidate of their first preference for each position to be elected and, may, then consecutively number against the names of as many other candidates of a lower preference in the order they wish.

20.3 For the purposes of clause 19.4(a):

- (a) a voter who places a '1' or subsequent number against a ticket will be taken to have voted for all candidates on that ticket across all positions to be elected.

20.4 Student Council may resolve to conduct a postal ballot in accordance with Section 60 (5) of the SSU Constitution.

20.5 Where the Student Council determines that persons are unable to attend a polling booth and are permitted a postal ballot arising due to pandemic or natural disaster, the Returning Officer has the power to prescribe the form and method to determine the roll of voters in accordance with the procedure set out under this provision.

20.6 Voting via postal ballots must include the following parameters set out as follows:

(a) The Returning Officer must verify the eligibility of each registered person against the relevant roll/s.

(b) As soon as possible after the close of nominations, the Returning Officer must send to the postal address of each member registered to vote:

(i) Voting instructions;

(ii) Ballot papers;

(iii) a link to the SSU website which shall host authorised policy statements and how to votes;

(iv) an envelope large enough to contain all ballot papers, with a declaration form printed on the outside; and e) a pre-addressed postage-paid return envelope.

20.7 The Returning Officer must keep a list of members to whom postal ballots have been sent.

20.8 Postal ballots:

a) received by the Returning Officer before the opening of polling shall still be counted;

b) must be received by the Returning Officer within three business days of the closing of polling; and

c) received by the Returning Officer later than three business days after the closing of polling must be destroyed.

20.9 The Returning Officer will wait at least three business days after the close of polling before proceeding to count the ballot.

20.10 Postal ballots which are returned by any method other than by delivery to the address listed on the return envelope must be destroyed.

21. Counting of Votes

21.1 Votes shall be counted as soon as practically possible by the Returning Officer (and or nominated poll clerks) after the close of polling.

21.2 Each candidate may appoint one scrutineer to be present at the count with each registered ticket able to appoint no more than two scrutineers.

21.3 Scrutineer appointments shall be lodged in a form prescribed by the Returning Officer and must be a current Swinburne student.

21.4 A scrutineer must not:

(a) touch or interfere with ballot papers or any electoral equipment; or

(b) disobey a direction from election staff or act in a manner deemed disorderly or impedes upon the proper conduct of the count.

21.5 The Returning Officer reserves the right to exclude any scrutineer do not adhere to clause 21.4.

21.6 The Returning Officer is empowered to make the final determination on whether a ballot paper is valid or invalid for the purposes of the count.

21.7 In the event of a tie, the Returning Officer must:

(a) recount the ballots for that position;

(b) where the ballots following a recount remain a tie, the Returning Officer must determine by lot which of the candidates

are to be eliminated and declare the remaining candidate elected.

21.8 The value of each ballot paper is counted in accordance with the following procedure:

- (a) Each ballot paper must first be given a value of '1';
- (b) The value of each ballot paper must be allocated to the continuing candidate against whose name appears the lowest number on the ballot paper;
- (c) A ballot paper which does not show a valid preference for at least one continuing candidate is exhausted and may not be allocated further.
- (d) A quota must be calculated at each stage of counting by dividing the total value of ballot papers allocated to continuing candidates by one more than the number of positions remaining to be filled and rounding up the answer so obtained in the sixth decimal place;
- e) If at any stage a continuing candidate is allocated a value in excess of the quota, that candidate must be declared elected and each ballot paper allocated to that candidate must be given a new value obtained by multiplying its current value by the candidates transfer value; and
- f) If at any stage of counting no continuing candidate is allocated a value in excess of quota, the candidate with the lowest value must be eliminated. If there are two or more candidates with an equal value and no candidate has a lower value at an earlier stage of counting the returning officer must determine by lot which of these candidates is to be eliminated.

21.9 The procedure outlined in clause 21.8 must be repeated in order until there are no positions left to be elected.

21.10 The Returning Officer must declare the election as soon as practically possible after the counting of voting is concluded.

22. Recounts

22.1 The Returning Officer shall recount the votes for any position where they determine there is a possibility that a recount may alter the result, or:

- (a) A candidate requests a recount in writing prior to the declaration of the poll.

22.2 The Returning Officer must be satisfied under clause 22.1(a) that a recount will alter the result, and, has the power to decline the request for a recount with no recourse.

23. Declaration of Election

23.1 The notice advising of the election results (Declaration of Election) must be published:

- (a) on the SSU website as soon as practically possible;
- (b) emailed to all candidates in the election; and
- (c) In any means deemed appropriate by the Returning Officer.

24. Objections

24.1 A candidate may subject an objection under this clause where they are of the opinion that:

- (a) A breach of the Electoral Regulations has been discovered.

24.2 Objections must be submitted as soon as practically possible but must not be later than 24 hours after an objection becomes aware of an alleged infraction.

24.3 An objection must:

- (a) Be in writing;

(b) Detail the specific clause/s related to the objection;

(c) Provide a statement of facts and grounds of objection and shall state the remedy sought.

(d) Be lodged directly with the Returning Officer via email or in a form specified by the Returning Officer.

24.4 The Returning Officer must seek to respond to the objection as soon as practically possible.

24.5 Upon receipt of an objection, The Returning Officer must:

(a) determine whether a *prima facie* case can be established;

(b) determine whether or not convening a hearing to hear from parties of the objection is required in order to resolve a position;

(c) seek written submission from any interested parties in relation to the objection; and

(d) make a determination on an objection based on a balance of probabilities basis.

25. Appeals

25.1 This section only applies to the annual elections and does not apply to by-elections.

25.2 The Student Council must, upon calling the annual elections, appoint an independent tribunal member to consider appeals against the Returning Officer under this clause.

25.3 The tribunal member must:

(a) Be a member of the University staff; and

(b) Recommended by the General Manager.

25.4 The Student Council can only remove the tribunal member by an

absolute majority and must establish proven misbehaviour or incapacity.

25.5. The tribunal member must:

(a) only hear matters that have already been considered by the Returning Officer; and

(b) only hear matters provided in the requisite period of time prescribed.

25.6. The procedure for convening a hearing by the tribunal member shall be that:

(a) the appellant submits an appeal to the tribunal member within the requisite period of time prescribed in these Regulations;

(b) a copy of the application is also provided to the Returning Officer at the time of lodgement;

(c) the Returning Officer is provided with an opportunity to respond;

(d) the tribunal member determines it is reasonable to convene a hearing and hear the matter;

25.7. Any appeal to the tribunal member must:

(a) be in writing;

(b) set out a concise statement of facts and all relevant information;

(c) specify the specific breach;

(d) provide a payment of \$300 for costs to be lodged to the SSU office.

25.8 The tribunal member must provide a decision as soon as practically possible.

25.9 For the purposes of this section, “period of time” means within 24 hours of a decision made by the Returning Officer.

26. Validation

26.1 No act, decision or election is invalid only by virtue of a technical breach that did not affect the material outcome of the election.

27. General Provisions

27.1 To the extent of any inconsistency between these regulations and the NUS Constitution, Regulations or By-Laws, relating to the manner in which elections for delegates to the National Union of Students are conducted, the former shall prevail.

27.2 The Returning Officer is empowered to implement any measures to ensure the orderly conduct of the annual election or by-election that are not defined in these Regulations but must not be in contravene of the Constitution.