

Election and Referendum Regulations

Monash Student Association (Clayton) Inc.

Reg. No. A0036131Z ABN 20 147 061 074

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Part 1 Preliminary

111 Purposes

- (1) The purposes of these Regulations are—
 - (a) to govern the way MSA elections are conducted, in addition to what is prescribed in Part 10 of the Constitution; and
 - (b) to govern the way student referenda are conducted, in addition to what is prescribed in Part 4 of the Constitution.

112 Authorising provisions

- (1) These regulations are made under subclause 38(1) and clause 58 of the Constitution.
- (2) In addition—
 - (a) regulations limiting who may nominate or stand for the Residential Community Officer are made under subclause 39(3) of the Constitution; and
 - (b) regulations regarding sharing of positions and joint candidates are made under subclause 33(3) of the Constitution.

113 Applicability

- (1) These regulations, except Part 4, apply to elections held in accordance with Part 10 of the Constitution.
- (2) These regulations, except Part 3, apply to referenda held in accordance with Part 4 of the Constitution.
- (3) Unless the contrary opinion appears, these regulations apply from the appointment of the Returning Officer to the conclusion of the election or referendum, including any appeals and new poll or election.
- (4) These regulations do not apply to the Divisions of the MSA.
- (5) These regulations are effective immediately on adoption or alteration by MSC.

114 Definitions

- (1) For the purposes of these regulations, terms defined in the MSA Constitution and Interpretation Regulations are applicable to these regulations.
- (2) In addition, unless the contrary appears—
 - (a) **autonomous position** includes—
 - (i) the Women's Officer and Women's Affairs Committee; and
 - (ii) the Queer Officer and Queer Affairs Committee; and
 - (iii) the Indigenous Officer; and
 - (iv) the Disabilities and Carers Officer and the Disabilities and Carers Committee; and
 - (v) the People of Colour Officer and the People of Colour Collective;
 - (b) **before** in reference to an election means before the first day of polling in that election;
 - (c) **campus** means the Clayton campus of the University;

- (d) **campaign** or **campaigning** includes any activity intended to or likely to—
 - (i) influence voting in an election or referenda to which these regulations apply; or
 - (ii) provide support to a ticket during the hours of polling during the MSA election, including but not limited to manning a ticket's table, room, headquarters or similar;
- (e) **Constitution** or **constitution** means the MSA Constitution;
- (f) **club** or **society** means a club, society or other organisation affiliated to MSA by the Clubs & Societies Council;
- (g) **decision** includes—
 - (i) an omission; or
 - (ii) failure to act.
- (h) **distinct candidate** means a candidate, running either on a ticket or as an individual, who is a single candidate for the purposes of front-page voting;

Examples: A person who nominates for multiple positions is a single distinct candidate and not multiple distinct candidates and each candidate nominating for a shared office-bearer position is a distinct candidate.
- (i) **election official** includes—
 - (i) the Returning Officer; and
 - (ii) Deputy Returning Officers; and
 - (iii) Polling Assistants; and
 - (iv) the members of the Electoral Tribunal; and
 - (v) any other person designated by the Returning Officer or Electoral Tribunal;
- (j) **election participant** includes but is not limited to any person in an election or referendum who—
 - (i) nominates or seconds a candidate; or
 - (ii) is a candidate; or
 - (iii) is a signatory to a ticket; or
 - (iv) is the authorised officer of a ticket; or
 - (v) campaigns in an election or referendum; or
 - (vi) provides public or material support to a campaign;

Note: A person is not an election participant by reason only of voting in an election or referendum.
- (k) **exclusion zone** means a location, area or event space declared where no campaigning is permitted as—
 - (i) defined by these regulations;
 - (ii) declared by the Returning Officer; or
- (l) **general representative** means the 5 members of the MSC directly elected by and from students under subclauses 21(20)–(24) of the Constitution;
- (m) **joint candidate** means two or more candidates jointly standing for an office-bearer position;

- (n) **MSA elections** means all MSA elections other than those of the Divisions;
 - (o) **MSA spaces** include but are not limited to—
 - (i) Sir John’s Bar; and
 - (ii) Wholefoods Restaurant; and
 - (iii) Uniride Bike Shop; and
 - (iv) Radio Monash; and
 - (v) MSA offices, lounges and other areas, including those of the Divisions; and
 - (vi) club or society offices; and
 - (vii) Lot’s Wife stands or MSA screens; and
 - (viii) MGA, MONSU or MPSU spaces;
 - (p) **NUS** means the National Union of Students Incorporated;
 - (q) **NUS officer** means any person currently holding, or having held within the calendar year of an election or referendum—
 - (i) an officer position of NUS; or
 - (ii) a position on the National Executive of NUS; or
 - (iii) a position on a State Executive of NUS;

Note: A person is not an NUS officer by reason only of being an NUS delegate.
 - (r) **on-campus accommodation** means accommodation managed by Monash Residential Services or Mannix College;
 - (s) **publicity** means any material, action or other thing that comments, either literally or figuratively, on a candidate or ticket that the Returning Officer considers is intended, or likely intended, to advantage or disadvantage—
 - (i) a candidate or ticket in an election; or
 - (ii) an outcome in a referendum;
 - (t) **solicit votes via in-person conversation** includes but is not limited to campaigning for a ticket or candidate by—
 - (i) handing out pamphlets; or
 - (ii) postering; or
 - (iii) wearing clothing;
 - (u) **ticket** means a group of candidates who have registered to have their names set out on the ballot under a common name in accordance with these regulations;
 - (v) **unaffiliated candidate** means any candidate not running on a ticket;
 - (w) **William Cooper Institute** means the department of that name within the University or its successor department.
- (3) A reference to a time means 24-hour Victorian Time.
- (4) These regulations, unless the contrary intention appears, must be interpreted in accordance with the Interpretation Regulations.

115 Defamation

- (1) MSA does not indemnify any person in relation to defamation in an election or referendum.

116 Security of election records and the electoral roll

- (1) The election or referendum records become the property of MSA after the conclusion of the election or referendum.
- (2) Only Election Officials may access the electoral roll.

Part 2 Election Officials

Division 1 Returning Officer

211 Responsibilities

- (1) The Returning Officer—
 - (a) is responsible for the conduct of the election; and
 - (b) may decide all matters not provided for in the Constitution or these regulations; and
 - (c) is subject only to the Electoral Tribunal.
- (2) Any decision of the Returning Officer may only be appealed to the Electoral Tribunal in accordance with regulation 223.
- (3) To comply with B7 of the *NUS By-laws*, the Returning Officer must send the NUS General Secretary or Accreditation Committee a report within two weeks of the declaration of the election which must—
 - (a) state the election was conducted in accordance with B3-B5 of the *NUS By-laws*; and
 - (b) set out the names of NUS delegates elected including their details and the order in which they were elected; and
 - (c) contain details of notice, polling and the rules under which the election was conducted.
- (4) The Secretary and MSA Executive Officer must provide the facilities, resources and assistance necessary to enable the Returning Officer to carry out the responsibilities under these regulations.

212 Appointment

- (1) The MSC must appoint a Returning Officer no later than—
 - (a) for the annual elections, the Monday 9 weeks before the annual elections; or
 - (b) for by-elections, by an absolute majority 11 academic days before the by-election; or
 - (c) for referenda, the Monday 2 weeks before the referendum.
- (2) An acting Returning Officer may be appointed while the appointment of a Returning Officer is finalised, however—
 - (a) an official Returning Officer must be appointed—
 - (i) as soon as practicable; and
 - (ii) before nominations open.
- (3) The Returning Officer must not—
 - (a) be a candidate in any election for which they are Returning Officer; or
 - (b) be a currently enrolled student of the University, or have been enrolled at the University within the previous two academic years, unless the Secretary is Returning Officer for a by-election or referendum; or
 - (c) have contested any student organisation election in the five academic years prior to the year of the election, unless the Secretary is Returning Officer for a by-election or referendum.

- (4) If the Returning Officer resigns or is unable to act, the MSC must, as soon as practicable, appoint another Returning Officer.
- (5) The Returning Officer may only be removed by a resolution passed by an absolute majority of the MSC.

213 Deputy Returning Officers and Polling Assistants

- (1) The Returning Officer may appoint and remove—
 - (a) Deputy Returning Officers; or
 - (b) Polling Assistants.
- (2) Deputy Returning Officers and Polling Assistants must not—
 - (a) be candidates in the election; or
 - (b) be currently enrolled students of the University, or have been enrolled at the University within the previous two academic years; or
 - (c) have contested any student organisation election in the five academic years prior to the year of the election.
- (3) Deputy Returning Officers and Polling Assistants are subject to the direction of and have duties determined by the Returning Officer.
- (4) The Returning Officer may delegate any responsibilities under these regulations to a Deputy Returning Officer.
- (5) The Returning Officer must—
 - (a) publish a list of Deputy Returning Officers with the notice of election on the 'Elections' page of the MSA website; and
 - (b) publish an updated list of Deputy Returning Officers on the 'Elections' page of the MSA website as soon as practicable if a Deputy Returning Officer is appointed after the notice of election.

214 Report

- (1) The Returning Officer must, within 14 days of the close of polling, prepare a written report on the conduct of the election or referendum and the result, and provide the report to the Electoral Tribunal and MSC.
- (2) The Returning Officer's report must contain—
 - (a) a separate list of all registered ticket names and authorised officers; and
 - (b) a separate list of all nominations received and associated tickets (if applicable); and
 - (c) the results of the election or referendum, including the number of front-page votes received by each ticket; and
 - (d) details of the conduct of the election or referendum; and
 - (e) any recommendations of the Returning Officer; and
 - (f) a summary of complaints and rulings made over the election period; and
 - (g) count sheets; and
 - (h) any other information as the Returning Officer considers appropriate; and
 - (i) any information directed to be included by the Electoral Tribunal.

- (3) The Secretary of the MSA must make available the Returning Officer's report on the 'Elections' page of the MSA website for a period of not less than ten years.

Division 2 Electoral Tribunal

221 Appointment

- (1) The Electoral Tribunal must be constituted by an individual who—
 - (a) has been admitted to practice as a barrister and solicitor of the Supreme Court of Victoria for at least 5 years; and
 - (b) is not a candidate in the election; and
 - (c) is not currently an enrolled student of the University and has not been enrolled at the University within the previous two academic years; and
 - (d) has not contested any student organisation election in the 5 academic years before the election.
- (2) The MSC must by resolution passed by an absolute majority appoint the Electoral Tribunal no later than—
 - (a) for the annual elections, the Monday 9 weeks before the annual elections; or
 - (b) for by-elections, by an absolute majority, 11 academic days before the by-election.
- (3) The MSC may resolve to not appoint an Electoral Tribunal for a referendum.
- (4) The Electoral Tribunal may only be removed by a resolution passed by an absolute majority of the MSC.

222 Procedure

- (1) The Electoral Tribunal may conduct hearings in-person or by teleconference and, subject to the provisions of these regulations, regulate its own proceedings.
- (2) The Electoral Tribunal must conduct hearings in camera.
- (3) Parties must not be represented unless the Electoral Tribunal decides that without representation a party will be unable to fairly put its case.
- (4) Proceedings of the Electoral Tribunal, other than its formal decisions, are confidential and must not be reported.
- (5) Where in the view of the Electoral Tribunal it is unnecessary that a hearing be held, the Electoral Tribunal may without meeting give a direction or ruling by unanimous resolution writing.
- (6) Subject to subsection 67(2) of the Associations Incorporation Reform Act 2012, decisions of the Electoral Tribunal are final.

223 Appeals against decisions of the Returning Officer

- (1) A student may appeal against a decision of the Returning Officer by writing to the Returning Officer within—
 - (a) for matters occurring outside the polling period, 3 academic days after the original decision; or
 - (b) for matters occurring during the polling period, 24 hours of the original decision.
- (2) The Returning Officer must then refer the matter to the Electoral Tribunal

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- (3) If the Electoral Tribunal considers that the Returning Officer's decision should be reviewed, they must as a matter of urgency—
 - (a) give the student appealing an opportunity to present their case; and
 - (b) give the Returning Officer an opportunity to respond.
 - (4) The Electoral Tribunal may call upon submissions from any other interested person.
 - (5) The Electoral Tribunal must then—
 - (a) rule on the matter; and
 - (b) prepare a decision in writing for each matter it considers.
 - (6) The Electoral Tribunal must make the decision available to the Returning Officer and the appellant as soon as practicable.
 - (7) The Returning Officer must publish the decision on the 'Elections' page of the MSA website as soon as is practicable.
 - (8) The Electoral Tribunal may make declaratory rulings under this regulation.
 - (9) The Electoral Tribunal must not make any ruling under this regulation which alters the result of an election which has been declared if the appeal has been brought after the time set in subregulation (1).
 - (10) The Returning Officer may appeal under this regulation against their own decision if subsequently satisfied it was wrong and if the decision is not otherwise able to be reversed.

Division 3 Eligibility to vote

231 Electoral roll and mail distribution

- (1) The Returning Officer must request a list of students and their enrolment details from the University for the purpose of establishing an Electoral Roll of those eligible to stand and vote in elections and referendums.
- (2) The Returning Officer must request access to Monash University bulk e-mail facilities to send a secure voting link to students.
- (3) The Returning Officer must use two-factor authentication or unique voting links for the purpose of maintaining security of the voting system.

232 Who is eligible to vote

- (1) Under subclause 39(1) of the Constitution all students may vote in elections.
- (2) All students may only vote once in elections.
- (3) Under subclause 17(5) of the Constitution all students may vote once in referenda.

Part 3 Elections

Division 1 Positions to be elected

311 What positions must be elected

- (1) Under subclause 38(3) of the Constitution the following positions must be elected at the annual elections—
 - (a) office-bearers directly elected by students; and
 - (b) members of the MSC directly elected by students; and
 - (c) committees directly elected by students.
- (2) The positions to be elected at a by-election must be determined by the MSC—
 - (a) no later than the appointment of the Returning Officer; and
 - (b) subject to—
 - (i) subclause 42(4) of the Constitution; and
 - (ii) subclause 42(5) of the Constitution; and
 - (iii) these regulations.
- (3) The order of positions in an election must be—
 - (a) office-bearers, in the order they are listed in subclause 32(1) of the Constitution; then
 - (b) any other office-bearers directly elected by and from students, established by the regulations, in the order they are listed in the regulations; then
 - (c) general representatives; then
 - (d) committees, in the order they are listed in subclause 26(1) of the Constitution; then
 - (e) any other committees directly elected by and from students, established by the regulations, in the order they are listed in the regulations; then
 - (f) MSA's NUS delegates (if any).

Division 2 Notice

321 Notice generally

- (1) The Returning Officer must give notice of an election, no later than—
 - (a) for the annual elections, 18:00 on the Monday 7 weeks before the annual elections; or
 - (b) for by-elections, 18:00 10 academic days before the by-election.
- (2) The notice of the election must be given by—
 - (a) placing notice on the 'Elections' page of the MSA website; and
 - (b) where available, distributing notice via Monash University bulk e-mail facilities.
- (3) The notice of election must—
 - (a) state all positions to be elected in the order listed in 311(3); and
 - (b) contain links to—

- (i) the 'Elections' page of the MSA website; and
 - (ii) role outlines for each office-bearer position; and
 - (iii) an election timetable; and
- (c) state the dates and times of polling; and
- (d) state the name of and contact details for the Returning Officer; and
- (e) include any other content determined by the Returning Officer.
- (4) The Returning Officer must give notice of the annual elections in each edition of Lot's Wife and any regular MSA news released between the notice of election and closing of polls.
- (5) The Editors of Lot's Wife must publish the notice of election on Lot's Wife social media no later than—
 - (a) for the annual elections, 18:00 on the Friday 7 weeks before the annual elections; or
 - (b) for by-elections, 18:00 9 academic days before the by-election.
- (6) To comply with B3 of the *NUS By-laws*, the Returning Officer must give notice of an election for NUS delegates to the NUS General Secretary—
 - (a) by certified mail; and
 - (b) at least 2 weeks before the close of nominations.

322 Notice to Indigenous students

- (1) The Returning Officer, in consultation with William Cooper Institute, must send an email to all Indigenous Australian students at Monash University (Clayton) campus, no later than—
 - (a) for the annual elections, 18:00 on the Monday 7 weeks before the annual elections; or
 - (b) for by-elections if at least one of the vacant positions is Indigenous Officer, 18:00 10 academic days before the by-election.
- (2) The email from the Returning Officer, must—
 - (a) give notice of the election; and
 - (b) explain the role of the Indigenous Officer; and
 - (c) call for nominations specifying the opening date of nominations, and provide a nomination form; and
 - (d) explain the process of election; and
 - (e) emphasise the requirements stipulated in regulation 341(3), specifying the exact date for this requirement.

Division 3 Tickets

331 Authorised officers

- (1) Each ticket must be managed by an authorised officer who is responsible for—
 - (a) ensuring the ticket and candidates running on the ticket comply with these regulations; and
 - (b) all publicity on behalf of the ticket and candidates running on the ticket; and

- (c) communication with the Returning Officer and Electoral Tribunal on behalf of the ticket.
- (2) The student who registers the ticket name is the initial authorised officer, and the ticket name remains registered until—
 - (a) the authorised officer requests that ticket name to be de-registered;
 - (b) the authorised officer ceases to be a student; or
 - (c) the ticket name lapses because it has not been re-registered.
- (3) The authorised officer of a ticket name remains the authorised officer unless—
 - (a) they nominate another student to be the authorised officer by lodging a statement with the Returning Officer; or
 - (b) the ticket is re-registered with a different authorised officer in the form determined by the Returning Officer.
- (4) A student may only be an authorised officer for one ticket and must not be a signatory to any ticket apart from the ticket of which they are the authorised officer.
- (5) If it is found that a student has been an authorised officer for more than 1 ticket or is a signatory of any ticket other than the ticket of which they are the authorised officer, then that student cannot be an authorised officer for any of the tickets and all the tickets the student has registered as an authorised officer for will lapse.
- (6) The authorised officer of a ticket may, for a specified period of time or indefinitely, appoint a person as a deputy authorised officer of the ticket who may then act on their behalf for the ticket.
- (7) If the authorised of a ticket is not contactable by the Returning Officer for a reasonable period of time or is otherwise unable to fulfill their responsibilities, the Returning Officer may transfer the registration of a ticket to their last appointed deputy authorised officer.

332 Names

- (1) A proposed ticket name must not—
 - (a) be the same as or incorporate another registered ticket name; or
 - (b) be so similar to any other registered ticket name as to be confused with or mistaken for that name; or
 - (c) contain the name of an organisation (including a club or society) unless—
 - (i) the consent of the governing body of that organisation is given in writing to the Returning Officer; and
 - (ii) the Returning Officer is satisfied that the organisation is bona fide; or
 - (d) contain the word 'independent'; or
 - (e) contain the word 'Monash'; or
 - (f) contain the initialism 'MSA'; or
 - (g) contain or be so similar to as to be confused with or mistaken for—
 - (i) the name of any department or division of the MSA or the University; or
 - (ii) the name of any service provided or used by the MSA or the University; or
 - (h) be longer than—

- (i) 4 words; or
 - (ii) 20 characters, including spaces; or
- (i) be misleading or deceptive; or
- (j) be contrary to law; or
- (k) be racist, sexist, militaristic, queerphobic, ableist, violent, abusive or threatening; or
- (l) contain the name of any person or be so similar to the name of any person as to be confused with or mistaken for or be reasonably associated with that person, unless the written consent of the person is provided to the Returning Officer.
- (2) Where a proposed ticket name is rejected under subregulation (1), the ticket applicant must be given the opportunity to submit an alternate name.
- (3) If the proposed or re-registered name of a ticket includes or is so similar to as to be confused with or mistaken for the name of a ticket registered in any MSA election in the past five years, the application must include the consent of the most recent authorised officer of the ticket, whether or not they are a student.
- (4) If the proposed or re-registered name of a ticket includes or is so similar to as to be confused with or mistaken for the name of a ticket registered in any MSA election in the past five years but that did not nominate any candidates during all those years, the application must be rejected.
- (5) Where a proposed ticket name is rejected under subregulations (3) or (4), the ticket applicant and signatories must not register or be signatories to another ticket.

333 Club and society names

- (1) Only a club or society may apply to have its name or trading name registered as a ticket name.
- (2) If an application to register a ticket name is made by a club or society, the Returning Officer must register that ticket name in the name of the club or society.
- (3) If a club or society applies to have its name or trading name registered as a ticket name under this regulation—
 - (a) regulation 332(1)(c) does not apply; and
 - (b) the registration of any other ticket name that is so similar to the proposed ticket name of the club or society, as to be confused with or mistaken for that name, lapses.
- (4) If a ticket name is registered and a club or society subsequently affiliated with that same name, the club or society may only register the ticket name if the prior registration of the ticket name has lapsed.
- (5) In the case of a club or society, the authorised officer is the president or equivalent office-bearer of that club or society, unless the governing body of the club or society resolves that another member should be the authorised officer.

334 Signatories

- (1) A student may only be a signatory to 1 ticket.
- (2) If it is found that a student has been a signatory for more than 1 ticket, then that student's signature does not count as a signatory for any ticket.

- (3) If a ticket name incorporates the name of a club or society, all signatories must be Ordinary Members of the relevant club or society.

335 Registration

- (1) Ticket registrations must be in a form approved by the Returning Officer.
- (2) The Returning Officer must make ticket registration forms available on the 'Elections' page of the MSA website no later than the opening of ticket registrations.
- (3) Any student may apply to have a ticket name registered in the form as determined by the Returning Officer if—
 - (a) at least 80 students who support the registration or re-registration of the ticket have sign and provide their student numbers; and
 - (b) the student has submitted the names, signatures and student numbers of those students before the deadline to submit a registration of a ticket name expires.
- (4) Ticket registrations open at—
 - (a) for the annual elections, 10:00 on the Monday 7 weeks before the annual elections.
 - (b) for by-elections, 10:00 10 academic days before the by-election.
- (5) Ticket registrations must be received by the Returning Officer no later than—
 - (a) for the annual elections, 18:00 on the Thursday 6 weeks before the annual elections.
 - (b) for by-elections, 18:00 9 academic days before the by-election.
- (6) Ticket names may be re-registered.
- (7) For by-elections all tickets registered at the previous annual elections are re-registered automatically with the same authorised officers.
- (8) The registration of any ticket name not re-registered during the registration period lapses.

336 Publication

- (1) The Returning Officer must publish a full list of all registered tickets on the 'Elections' page of the MSA website no later than—
 - (a) for the annual elections, 18:00 on the Tuesday 5 weeks before the annual elections; or
 - (b) for a by-election, 18:00 8 academic days before the by-election.

Division 4 Nominations

341 Who is eligible to stand

- (1) Subject to subclause 64(1)(v) of the Constitution, and this regulation, all students may stand in elections unless they—
 - (a) are disqualified from participation for serious misconduct for a period determined by the Returning Officer or Electoral Tribunal or indefinitely; or
 - (b) are an NUS officer; or
 - (c) are prohibited under clause 39(1) of the Constitution; or

- (d) are ineligible to hold or prohibited from holding a Victorian Working With Children Check; or
 - (e) have been removed from office within the calendar year of the election under any of paragraphs 42(1)(d)-(g) of the Constitution; or
 - (f) appear as a disqualified person on either the ACNC or ASIC disqualified persons registers.
- (2) Only students who indicate that they—
- (a) are a woman on their nomination form may nominate for Women's Officer or Women's Affairs Committee; and
 - (b) are a person of colour on their nomination form may nominate for People of Colour Officer or People of Colour Collective; and
 - (c) are disabled or a carer on their nomination form may nominate for Disabilities and Carers Officer or Disabilities and Carers Committee; and
 - (d) are queer on their nomination form may nominate for Queer Officer or Queer Affairs Committee; and
 - (e) currently reside on campus accommodation or have resided in on-campus accommodation within the past 12 months on their nomination form may nominate for Residential Community Officer.
- (3) Only students who are registered with the William Cooper Institute as an Indigenous student may run for Indigenous Officer, except—
- (a) a student who is not registered with the William Cooper Institute and wishes to stand or vote for Indigenous Officer may do so provided they—
 - (i) satisfy the standard process for identifying as an Indigenous Australian as recognised by William Cooper Institute; and
 - (ii) are accordingly registered with William Cooper Institute at least one week before the close of nominations.
- (4) Under subclause 32(3) of the Constitution, no more than 1 cisgender man may hold the position of Queer Officer.

342 Timing

- (1) Nominations must open at—
 - (a) for the annual elections, 10:00 on the Monday 5 weeks before the annual elections; or
 - (b) for by-elections, 10:00 8 academic days before the by-election.
- (2) Nominations must be received by the Returning Officer no later than—
 - (a) for the annual elections, 18:00 on the Friday 4 weeks before the annual elections; or
 - (b) for by-elections, 18:00 on the day 5 academic days before the by-election.
- (3) Nomination forms must not be altered after nominations have closed.
- (4) As soon as practicable after the close of nominations the Returning Officer must verify that each person who has nominated is eligible to stand.

343 Form

- (1) Nominations must be in a form approved by the Returning Officer.

- (2) Nominations forms must require candidates to provide—
 - (a) their full name; and
 - (b) their student number; and
 - (c) their student email address; and
 - (d) their postal address; and
 - (e) their mobile phone number (if any); and
 - (f) the position for which they are nominating; and
 - (g) which groups for autonomous positions they identify with; and
 - (h) their signature; and
 - (i) if they are standing as a joint candidate, the details and signature of the other candidate; and
 - (j) either of—
 - (i) the name and signature of the authorised officer of a ticket on which they will stand; or
 - (ii) the details and signatures of a nominator and seconder.
- (3) The Returning Officer must make nomination forms available on the 'Elections' page of the MSA website no later than the opening of nominations.
- (4) Candidates intending to stand for multiple positions must submit individual nominations forms for each position.
- (5) All nominations must be signed by the candidate who must be qualified to stand and vote in the election in accordance with subclauses 39(1) and 39(2) of the Constitution.
- (6) All nominations for unaffiliated candidates must be signed by a nominator, and a seconder, both of whom must be qualified to stand and vote in the election in accordance with subclauses 39(1) and 39(2) of the Constitution.

Note: Under subrule (2)(j), nominations for candidates standing on a ticket do not require a nominator or seconder.
- (7) Nominators and seconds of candidates—
 - (a) for Women's Officer or Women's Affairs Committee must indicate that they are a woman on the nomination form; and
 - (b) for People of Colour Officer or People of Colour Collective must indicate that they are a person of colour on the nomination form; and
 - (c) for Disabilities and Carers Officer or Disabilities and Carers Committee must indicate that they are disabled or a carer on the nomination form; and
 - (d) for Queer Officer or Queer Affairs Committee must indicate that they are queer on the nomination form; and
 - (e) for Residential Community Officer must indicate that they currently reside in on-campus accommodation or have resided in on-campus accommodation within the past 12 months on the nomination form; and
 - (f) for Indigenous Officer must be students who are registered with the William Cooper Institute as an Indigenous student.
- (8) A student must not be the nominator and seconder for the same nomination.
- (9) Candidates must not be the nominator or seconder for their own nomination.

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- (10) Students may nominate or second any number of nominations, subject to subregulations (5) - (9).

344 Sharing of positions

- (1) Students may jointly stand for and hold office-bearer positions in accordance with section 33 of the Constitution.
- (2) Under subclause 33(1) of the Constitution, any number of students may stand for and hold the position of Editor of Lot's Wife.
- (3) Under subclause 33(2) of the Constitution, 2 students may stand for and hold any other officer position, except President, Secretary and Treasurer.
- (4) Joint candidates must sign a declaration acknowledging that they are jointly standing for an office-bearer position on each other's nomination form.

345 Receipt

- (1) Nominations must be submitted—
- (a) by an electronic form approved by the Returning Officer; or
 - (b) to the Returning Officer by the email published in the Notice of Election.
- (2) The Returning Officer must, as soon as practicable on the close of nominations and in electronic format, provide the student nominating with—
- (a) confirmation of the receipt of their nomination; and
 - (b) a copy of these regulations, and
 - (c) a copy of the MSA constitution.
- (3) If a nomination is rejected, the Returning Officer must as soon as practicable notify, stating the reason for the rejection—
- (a) the person concerned; and
 - (b) if that person is nominating on a ticket, the authorised officer of that ticket.

346 Withdrawal

- (1) Withdrawals must be in a form approved by the Returning Officer.
- (2) The Returning Officer must make withdrawal forms available on the 'Elections' page of the MSA website no later than the opening of nominations.
- (3) Candidates may withdraw their nomination at any time before the close of polling.
- (4) If a candidate has nominated to run on a ticket, the authorised officer of that ticket may submit a withdrawal on the candidate's behalf if they have the candidate's consent to do so.
- (5) A candidate running for multiple positions must use separate forms to withdraw from each position.
- (6) Withdrawals take effect immediately on receipt by the Returning Officer.
- (7) If a candidate withdraws, the Returning Officer—
- (a) must proceed as if that student had never nominated; and
 - (b) may modify ballot-papers as necessary or appropriate.

347 Candidate order for multi-member positions

- (1) A group of candidates standing on a ticket for the same multi-member position must have their names set out on the ballot under the name of the ticket.
- (2) The order of candidates for each ticket must be—
 - (a) submitted by the authorised officer of the ticket under this regulation; or
 - (b) otherwise, in a random order drawn by the Returning Officer.
- (3) The order of candidates for each ticket must be in a form approved by the Returning Officer.
- (4) The Returning Officer must make candidate order forms available on the 'Elections' page of the MSA website no later than the opening of nominations.
- (5) Candidate order submissions—
 - (a) open at the time nominations open; and
 - (b) close at the time nominations close; and
 - (c) must not be altered after nominations have closed.
- (6) Tickets must not submit more nominations for a position than vacancies available irrespective of whether the nomination is for a—
 - (a) single or joint position; or
 - (b) multi-member position.

Division 5 Miscellaneous

351 Uncontested positions

- (1) If the number of candidates for any position does not exceed the number to be elected, the Returning Officer must declare those candidates elected as soon as their eligibility has been verified.
- (2) If at the close of nominations there are less candidates for a position than the number to be elected, the Returning Officer must reopen nominations for the remaining positions to be elected until—
 - (a) for the annual elections, 18:00 on the Friday 3 weeks before the annual elections; or
 - (b) for by-elections, 18:00 on the Friday 1 week before the by-election.

352 Ballot order and election guide order

- (1) The order of candidates appearing on the ballot must, where practicable, be subject to a rotating random order function on the voting platform used for the election.
Example: A Robson Rotation may be used.
- (2) If the number of candidates for any position exceeds the number to be elected, the Returning Officer must, provided their eligibility has been verified, determine by lot the order of those candidates on the election guide, no later than—
 - (a) for the annual elections, 18:00 on the Wednesday 3 weeks before the annual election; or
 - (b) for by-elections, 18:00 5 academic days before the by-election.
- (3) Notice of the draw must be—

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- (a) given to all authorised officers and unaffiliated candidates; and
 - (b) placed on the 'Elections' page of MSA website.
 - (4) Any student may observe the draw.
 - (5) The Returning Officer must place on the 'Elections' page of MSA website a list of candidates in the order they will appear on the election guide and a list of registered ticket names including the authorised officers no later than—
 - (a) for the annual elections, 18:00 on the Thursday 3 weeks before the annual elections; or
 - (b) for by-elections, 18:00 4 academic days before the by-election.

Part 4 Referenda

411 Notice

- (1) The Returning Officer must give notice of a referendum, no later than 18:00 on the Monday 1 week before the referendum.
- (2) The notice of the referendum must be given by—
 - (a) placing notice on the 'Elections' page of the MSA website; and
 - (b) where available, distributing notice via Monash University bulk e-mail facilities.
- (3) The notice of the referendum must—
 - (a) state the wording of the referendum question; and
 - (b) contain links to—
 - (i) the 'Elections' page of the MSA website; and
 - (ii) the proposed changes if the referendum is successful; and
 - (iii) a referendum timetable; and
 - (c) state the dates and times of polling; and
 - (d) state an email address by which students may contact the Returning Officer; and
 - (e) include any other content determined by the Returning Officer.
- (4) The Returning Officer must give notice of the referendum in each edition of Lot's Wife and any regular MSA news released between the notice of election and closing of polls.
- (5) The Editors of Lot's Wife must publish the notice of referendum on Lot's Wife social media no later than 18:00 on the Friday 1 weeks before the referendum.

Part 5 Publicity

511 Publicity generally

- (1) This part applies from the appointment of the Returning Officer to the end of polling.
- (2) This part does not apply to publicity by the Returning Officer.
- (3) All publicity must—
 - (a) be fair and honest; and
 - (b) not contain the word ‘independent’; and
 - (c) not be intended or likely to mislead a student; and
 - (d) not be racist, sexist, militaristic, queerphobic, ableist, violent, abusive or threatening; and
 - (e) not be contrary to law.
- (4) The following publicity is prohibited—
 - (a) badges, stickers, audio or visual content broadcast on campus, balloons, food, drink, drugs and any other give away consumables; and
 - (b) advertisements in newspapers, radio, television, electronic print, websites, social media and any other digital or broadcast communications (including Lot’s Wife and Radio Monash); and
 - (c) using chalk to promote a ticket or candidate; and
 - (d) using an A-Frame; and
 - (e) banners and flags; and
 - (f) publicity that does not comply with this Part; and
 - (g) publicity in contravention of regulation 713.
- (5) The Returning Officer must, on request, provisionally approve for or reject any publicity submitted by an unaffiliated candidate or the authorised officer of a ticket.
- (6) Provisional approval of publicity by the Returning Officer does not indicate that the material does not breach these regulations and any such publicity may be ordered withdrawn by the Returning Officer at a later point if it becomes clear that it contains content in breach of these regulations.

512 Physical publicity

- (1) Physical publicity must in be the form of—
 - (a) posters; or
 - (b) pamphlets; or
 - (c) items of clothing.
- (2) A copy or proof ready design of physical publicity must be provided to the Returning Officer, in a form approved by the Returning Officer, before it is distributed or displayed.
- (3) The Returning Officer must keep a register of all physical publicity.
- (4) The Returning Officer must make copies of physical publicity available for students to inspect upon request.

- (5) The Returning Officer must supply tickets and unaffiliated candidates with identifiably marked and 'copy-proofed' paper and inform tickets of their campaign spending limits.
- (6) Paper must be given to unaffiliated candidates and tickets in the following quantities and their campaign spending must not exceed the following amounts—
 - (a) for unaffiliated distinct candidates or a ticket of less than 21 distinct candidates, 1,500 A4 sheets and 100 A3 posters with campaign spending not exceeding \$1,500; or
 - (b) for a ticket of at least 21 but less than 70 distinct candidates – 4,500 A4 sheets and 150 A3 posters with campaign spending not exceeding \$2,500; or
 - (c) for a group of at least 70 or more distinct candidates – 6,000 A4 sheets and 200 A3 sheets with campaign spending not exceeding \$3,000.
- (7) The marking on paper supplied by the Returning Officer must be of sufficient size and visibility to enable the paper to be identified if it is divided.
- (8) Posters and pamphlets must—
 - (a) be of 80gsm or lighter; and
 - (b) be 100% post-consumer recycled; and
 - (c) have a matte finish; and
 - (d) not be laminated; and
 - (e) not be adhesive; and
 - (f) in the case of posters, not exceed A3 in size; and
 - (g) in the case of pamphlets, not exceed A4 in size; and
 - (h) be printed on paper provided by the Returning Officer; and
 - (i) be printed with the statement "Please Recycle".

513 Digital publicity

- (1) Candidates must provide copies of digital publicity as soon as practicable on request by the Returning Officer.
- (2) Electronic communication on social networking platforms must be limited to one page, profile or other group on each platform established by tickets or unaffiliated candidates with the explicit purpose of promoting that ticket or unaffiliated candidate.
- (3) The authorised officer of each ticket and unaffiliated candidates must provide the Returning Officer the URL of each social networking platform page, profile, website or other group established for the purposes of promoting that ticket or unaffiliated candidate prior to its use for publicity.
- (4) Subregulations (2) and (3) do not apply to personal social networking profiles in the name of candidates.

514 Authorisation

- (1) All publicity must be authorised by an unaffiliated candidate or the authorised officer of a ticket.
- (2) The authorising person's name must appear legibly on the publicity in the form "Authorised by [Name]".

515 Publicity by Lot's Wife

- (1) Publications of Lot's Wife published from the appointment of the Returning Officer to the end of polling must not—
 - (a) advantage one or more candidates or tickets; or
 - (b) disadvantage one or more candidates or tickets; or
 - (c) contain any misleading or deceptive information about the election or any candidates or tickets involved in the election; or
 - (d) contain anything prohibited under regulation 713; or
 - (e) be in contravention of this Part.
- (2) If the Returning Officer determines that a publication of Lot's Wife is in breach of subregulation (1)—
 - (a) the Returning Officer must ban the publication from being released until the end of polling; or
 - (b) if the publication has already been released, the Returning Officer must ban the publication from circulation until the end of polling.
- (3) Any Editions of Lot's Wife published from the appointment of the Returning Officer to the end of polling must be reviewed by the Returning Officer.
- (4) The Returning Officer must be given at least 72 hours to review any edition of Lot's Wife before it is released, furthermore—
 - (a) if the Editors of Lot's Wife fail to give the Returning Officer at least 48 hours to review an edition before release, the Returning Officer must ban the publication from being released until the end of polling; and
 - (b) if an edition has already been released without the Returning Officer being given at least 72 hours to check it, the Returning Officer must ban the edition from circulation until the end of polling.

516 Election guide for annual elections

- (1) Candidates may submit no later than 18:00 on the Wednesday 3 weeks before the annual elections a policy statement and photograph for each position for which they nominate, however—
 - (a) joint candidates who nominate to share office-bearer positions may submit—
 - (i) only one policy statement for that position; and
 - (ii) either individual photographs or a joint photograph; and
 - (b) candidates standing on a ticket for a multi-member position may submit—
 - (i) only one policy speech for all candidates on that ticket; and
 - (ii) only one photograph or ticket logo.
- (2) Tickets that qualify for 'front-page' voting may submit a ticket statement and photo prior to the close of nominations so that it may appear on the Lot's Wife Election guide.
- (3) Policy statement and photographs must be submitted electronically in a form specified at the opening of nominations by the Editors of Lot's Wife.
- (4) Policy statements must not—
 - (a) be longer than 200 words; or

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- (b) contain emojis, emoticons or other pictograms.
 - (5) If the number of words in a policy speech exceeds the number permitted by subregulation (4), the excess words must not be published.
 - (6) For the annual elections the Editors of Lot's Wife must produce a digital election guide, which must—
 - (a) be in the standard format and size of Lot's Wife; and
 - (b) include a brief description of each position to be elected; and
 - (c) not have any candidate material on—
 - (i) the front or back covers; or
 - (ii) inside the front or back covers; and
 - (d) give the candidate photographs and policy statement for each position in the order listed in regulation 311(3); and
 - (e) use the same colour, font, font style and font size for all names and policy speeches; and
 - (f) reproduce candidate photographs in a reasonable uniform size; and
 - (g) be available for viewing in electronic format no later than 18:00 on the Monday 1 week before the annual election; and
 - (h) be available for viewing in physical format at the election help desk; and
 - (i) contain the notice of election; and
 - (j) include instructions on how to complete a ballot-paper in accordance with these regulations; and
 - (k) be approved by the Returning Officer before publication.
 - (7) The names of candidates who do not submit a policy statement or photo must be published in the election guide, with a note that the policy statement or photo was not submitted.
 - (8) The Editors of Lot's Wife and any other person nominated by the MSC must produce the election guide using the facilities of Lot's Wife.

Part 6 Polling

Division 1 Timing

611 Dates

- (1) Under subclause 38(4) of the Constitution the annual elections must be held over at least 4 academic days.
- (2) The annual elections must be held—
 - (a) in the second semester; and
 - (b) over consecutive academic days determined by the MSC, subject to subregulation (1).
- (3) By-elections must be held on an academic day determined by the MSC.
- (4) Referenda must be held on consecutive academic days determined by the MSC and may be held in concurrently with elections.
- (5) For the annual elections there must be an ‘election help desk’ every day of polling between 10:00 and 16:00 on the ground floor of Campus Centre.

612 Times

- (1) The Returning Officer must open polling no later than 10:00 on the first day of polling.
- (2) Polling closes at 17:00 on the last day of polling.

613 Voting

- (1) Under subclause 38(2) of the Constitution all elections must be conducted by secret ballot.
- (2) Under clause 32 of the Constitution—
 - (a) the Women’s Officer must be directly elected by and from women students; and
 - (b) the Queer Officer must be directly elected by and from self-identified queer students; and
 - (c) the Indigenous Officer must be directly elected by and from Indigenous students; and
 - (d) the Disabilities and Carers Officer must be directly elected by and from students with a disability and students who are carers; and
 - (e) the People of Colour Officer must be directly elected by and from students of colour.

Division 2 Ballot-papers

621 Ballot-papers generally

- (1) The ballot must provide an option for students to validly cast a vote for tickets via a ‘front-page’ and an option for students to vote for candidates directly and individually.
- (2) A ticket qualifies for front-page voting if it has at least 7 distinct candidates, who must be contesting—
 - (a) at least one office-bearer position; and

- (b) at least four positions on committees.
- (3) For the purposes of subregulation (2)(b) a general representative or NUS delegate position is considered to be a committee position.
- (4) The front-page voting option must—
 - (a) list each ticket that has qualified under subregulation (2); and
 - (b) provide instructions that give effect to the method of casting a vote under regulation 623(2)(b) for all positions; and
 - (c) make provisions for voters to identify as a member of relevant groups for the purposes of voting for autonomous positions.
- (5) The direct voting option must—
 - (a) be separately segmented for each position; and
 - (b) list the candidates (and ticket if applicable) for each position in the corresponding segment for that position; and
 - (c) provide instructions that give effect to the method of casting a vote under regulations 623(2)(a) or 623(2)(b) for individual positions; and
 - (d) make provisions for voters to identify as a member of relevant groups for the purposes of voting for each autonomous position.
- (6) Only students who are registered with the William Cooper Institute as Indigenous students may vote for the Indigenous Officer.

622 Issuing of ballot-papers

- (1) All voting must be conducted using a digital ballot.
- (2) All students eligible to vote must be issued a digital ballot-paper to their student email.
- (3) The Returning Officer must ensure the ballot is accessible to all students, including considering at least—
 - (a) the ballot-paper's compatibility with screen readers.
- (4) The Returning Officer must distribute reminder emails to students yet to cast their vote at approximately 12:00 on each day of polling except for the first day.
- (5) All ballot-papers may only be cast personally by the student who received the ballot-paper.

623 Method of voting

- (1) Under subclause 38(2) of the Constitution all elections must be conducted using optional preferential proportional representation.
- (2) Voters must indicate their order of preference for candidates by either—
 - (a) placing the number 1 against the name of the candidate of first preference and consecutive higher numbers against the names of as many other candidates of lower preference in order as they wish; or
 - (b) placing the number 1 against the name of a ticket of first preference and consecutive higher numbers against the name of as many other tickets of lower preference in order as they wish.
- (3) For the purposes of subregulation (2)(b)—
 - (a) the number 1 against the name of a ticket; or

- (b) a tick against the name of a ticket where there is no number 1 against the name of another ticket; or
 - (c) a cross against the name of a ticket where there is no number 1 or tick against the name of another ticket, indicates a preference for that ticket ahead of all other tickets.
- (4) A voter who has voted for a ticket in accordance with subregulation (2)(b) is deemed to have voted in the following manner—
- (a) if at least one candidate has nominated for a position, they must be taken to have placed the number 1 against the name of the first candidate on the ticket and consecutive higher numbers against the names of any other candidates on the ticket in order; or
 - (b) if no candidate from the ticket has nominated for a particular position and a voter has not indicated a preference for another ticket where a candidate has nominated for that position, their ballot-paper must be exhausted with respect to that position; or
 - (c) if a voter has indicated a preference for another ticket that has a candidate nominated in a position where the ticket of the voter's first preference has not nominated, the candidate from the highest preferred ticket where a candidate has nominated for that position must be considered to have received that vote in accordance with subregulation (2)(b).
- (5) A voter who has voted in accordance with both regulation subregulation (2)(a) and subregulation (2)(b) is deemed to have voted in accordance with subregulation (2)(a) and not subregulation (2)(b).

Division 3 Results

631 Counting of votes

- (1) The Returning Officer must start counting immediately after the close of polling.
- (2) Count sheets must be placed on the 'Elections' page of the MSA website.

632 Informal votes

- (1) Only the Returning Officer or Electoral Tribunal may rule a vote to be informal.
- (2) A vote must only be ruled to be informal where—
 - (a) it does not comply with regulation 623; and
 - (b) the voter's intention is not clear.
- (3) For the purposes of subregulation (2)—
 - (a) a number against the name of a candidate indicates a preference for that candidate ahead of all candidates with higher numbers or no number against their name; and
 - (b) a vote is formal even if—
 - (i) the lowest number is not 1; or
 - (ii) the numbers are not consecutive; or
 - (iii) numbers are repeated; and
 - (c) a tick against the name of a candidate where there is no number 1 against the name of another candidate is deemed to be the number 1; and

- (d) a cross (X or x) against the name of a candidate where there is no number 1 or tick against the name of another candidate is deemed to be the number 1.

633 Method of counting

- (1) Votes must be counted in accordance with the following procedure—
 - (a) each ballot-paper must first be given the value of 1; and
 - (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; and
 - (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; and
 - (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; and
 - (e) if at any stage of counting a continuing candidate is allocated a value in excess of the quota, that candidate must be declared elected and each ballot-paper allocated to that candidate must be given a new value obtained by multiplying its current value by the candidate's transfer value; and
 - (f) if at any stage of counting no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated. If there are two or more candidates with an equal value and no candidate has a lower value at an earlier stage of counting, the Returning Officer must determine by lot which of these candidates is to be eliminated; and
 - (g) the procedure in paragraphs (b) – (f) must be repeated in order until the number of positions to be filled is filled; and
 - (h) if at any stage during the counting, affirmative action needs to be applied under subclause 39(4) of the Constitution then the method followed for this election is outlined in regulation 634.
- (2) In this regulation—
 - (a) **continuing candidate** means a candidate who has neither been elected nor eliminated;
 - (b) **stage of counting** means when all ballot-papers which have not been exhausted have been allocated to continuing candidates;
 - (c) **candidate's transfer value** is the elected candidate's value, less the quota at stage of counting, all divided by the elected candidate's value.
- (3) Any ballot-paper showing a preference for a withdrawn or disqualified candidate must be allocated as if the candidate had been eliminated.

634 Affirmative action

- (1) All candidates must be given the opportunity to be elected in their own right before affirmative action applies.
- (2) If ever the next step in the count would result in the election of fewer Women than are required under the relevant requirements, and there are candidates who are who have not been elected, then the following steps must be taken—
 - (a) reintroduce to the count, with zero votes, all candidates who are Women who have previously been excluded; and

- (b) exclude all remaining candidates who are not Women, including the candidate who would have been next elected without the affirmative action requirement; and
- (c) the value of any ballot-paper distributed from a candidate excluded by affirmative action will be distributed to the remaining Women with the highest preference on that ballot-paper.

635 Eligibility to hold positions

- (1) Under subclause 40(1) of the Constitution a person may stand for but not hold more than one office-bearer position.
- (2) Under subclause 40(2) of the Constitution a person may stand for but not hold more than one voting position on the same MSA body.
- (3) Under subclause 40(3) of the Constitution a person may stand for but not hold more than 2 separate positions as an office-bearer or member of the MSC or Committees.
- (4) Under subclause 40(4) of the Constitution a person who holds the position of Editor of Lot's Wife may not hold a voting position on any MSC body.
- (5) If a candidate is elected to multiple positions that they are ineligible to hold concurrently, the Returning Officer must declare them elected to the position listed first in regulation 311(3).

636 Declaration of results

- (1) The Returning Officer must immediately after counting all ballot-papers in an election or referendum declare the results.
- (2) The Returning Officer must as soon as practicable after declaring the results—
 - (a) notify each candidate of the result by email; and
 - (b) place the results on the 'Elections' page of the MSA website.

637 Appeals against results

- (1) A student may appeal against the result of an election or referendum by writing to the Returning Officer within 7 days of the declaration of the election or referendum.
- (2) A student may only appeal against the result of an election or referendum on the ground that there has been a defect in the conduct of the election or referendum which has materially affected the result.
- (3) The Returning Officer must contact the Electoral Tribunal to advise of the appeal within 7 days of being contacted.
- (4) The student appealing must be given an opportunity to present their case to the Electoral Tribunal.
- (5) The Electoral Tribunal may call upon submissions from any interested person.
- (6) If the Electoral Tribunal is satisfied that there has been a defect in the conduct of the election which has materially affected the result it may order—
 - (a) a new poll or polls; or
 - (b) a new election or elections.
- (7) The Electoral Tribunal must determine or direct the Returning Officer to determine the timetable for a new poll or election ordered under subregulation (6).

Part 7 Campaigning

711 Exclusion zones

- (1) Election participants must not campaign or solicit votes by in-person conversation within an exclusion zone.
- (2) The following locations are exclusion zones—
 - (a) official MSA events, including those of the Divisions, held during the polling period; and
 - (b) all MSA spaces; and
 - (c) official University events, held during the polling period; and
 - (d) any club or society events, held during the polling period.
- (3) Exclusion zones extend 5 metres beyond the boundary of the event, space or location.
- (4) The Returning Officer may declare any event, space or area on campus to be an exclusion zone.

712 Do Not Approach Badge

- (1) There must be a 'Do Not Approach Badge' that students may wear should they prefer not being approached by election participants an election or referendum.
- (2) The badge must be designed in such a way that will be visible to election participants from a reasonable distance.
- (3) The Returning Officer must approve the design prior to distribution.
- (4) The badge must be made freely available at the election help desk, the Student Union Recreation Library as well as the Disabilities and Carers lounge and office.
- (5) The badge must be available no later than—
 - (a) for the annual elections, the Monday 1 week before the annual elections; or
 - (b) for by-elections, 3 academic days before the by-election.
- (6) The Returning Officer must provide the design of and a reminder of regulations regarding the badge to all authorised officers and unaffiliated candidates—
 - (a) for the annual elections, on the Monday 1 week before the annual elections; or
 - (b) for by-elections, 3 academic days before the by-election.

713 Prohibited conduct and material

- (1) This regulation applies from the appointment of the Returning Officer until the end of polling.
- (2) Conduct by election participants that includes any of the following is prohibited and is a serious breach of these regulations—
 - (a) engaging in dishonest conduct; or
 - (b) engaging in conduct that is defamatory; or
 - (c) engaging in conduct that is racist, sexist, militaristic, queerphobic, ableist, violent, abusive or threatening; or
 - (d) engaging in bullying behaviour; or

- (e) discriminating based on race, gender identity, religion, disability or sexual orientation; or
 - (f) campaigning unless a student; or
 - (g) being an NUS officer; or
 - (h) offering or giving payments, gifts or inducements to campaign or vote; or
Note: Providing food, drink or campaign supplies to campaigners does not breach this regulation.
 - (i) providing false information in or interfering with any form lodged with the Returning Officer; or
 - (j) voting or attempting to vote except in accordance with Part 6; or
 - (k) interfering with ballot-papers or the electoral roll; or
 - (l) violating the secrecy of the ballot; or
Example: Voting digitally on behalf of or for someone else, with the use of their electronic device.
 - (m) failing to comply with a direction of the Returning Officer or the Electoral Tribunal; or
 - (n) impeding the conduct of the election; or
 - (o) damaging MSA or University property.
- (3) Conduct by election participants that includes any of the following is prohibited and is a breach of these regulations—
- (a) engaging in conduct intended or likely to mislead or deceive a student; or
 - (b) breaching social distancing or personal protective equipment requirements whilst campaigning; or
 - (c) distributing publicity not in accordance with Part 5; or
 - (d) unfairly interfering with other candidates' publicity; or
 - (e) campaigning if an employee of the MSA other than a casual employee; or
 - (f) attempting to solicit votes via in person conversation except on polling days between 10:00 and 16:00; or
 - (g) campaigning for an unaffiliated candidate or a ticket without the approval of the candidate or authorised officer; or
 - (h) selling or exchanging goods during the week of polling; or
 - (i) using an MSA or University facility not generally available to all students; or
Example: Using the facilities and email lists provided by the Clubs & Societies Council for use by a club.
 - (j) using the noticeboard, letterhead or logo of MSA or any committee, department or division of MSA to promote a candidate or ticket; or
 - (k) placing promotional material—
 - (i) on a noticeboard, notice pole or poster kiosk of the university if that noticeboard already has a poster promoting that candidate or ticket or if that pole or kiosk already has two posters promoting that candidate or ticket; or
 - (ii) on a noticeboard that is reserved for use by a specific group; or
 - (iii) on any glass within the University; or

- (iv) on the ground anywhere within the University; or
- (v) on tables, chairs or the floors in cafes, eating or communal venues or in lecture theatres on campus unless given directly to a voter who agrees to accept it; or
- (vi) under the doors of students' bedrooms or in letter boxes in on-campus accommodation; or
- (vii) in the letterbox of a club or society; or
- (viii) on the MSA noticeboard; or
- (l) making comments, posts or other like forms of electronic communication on social networking platforms other than pages, profiles and groups established by tickets and unaffiliated candidates and personal social platform profiles; or
Example: Posting election, ticket or campaign material, authorised or unauthorised, on Monash Stalkerspace or other Monash University related public forums with the intent of incentivising voters to vote for or against a particular ticket or candidate or prejudicing voters in a particular fashion with respect to the election or referendum.
- (m) using a social networking platform to promote a ticket or unaffiliated candidate without providing the URL to the Returning Officer; or
- (n) campaigning within—
 - (i) the lines marked by the Returning Officer, to be no closer to the election help desk than 3 metres and no further from the election help desk than 10 metres at any given point; or
 - (ii) an exclusion zone; or
- (o) approaching a student who wears a 'Do Not Approach Badge' for campaigning purposes, unless that student approaches and speaks first; or
- (p) campaigning or attempting to solicit votes via in-person conversation while wearing or otherwise displaying a 'Do Not Approach Badge'; or
- (q) emailing a club or society at their official email; or
- (r) using a bulk email list; or
- (s) attempting to solicit votes via in-person conversation on polling days while inside of any building on campus other than the ground floor of Campus Centre; or
- (t) using the first floor of the campus centre for any purpose relating to the MSA elections unless otherwise stated in these regulations or as determined by the Returning Officer; or
- (u) blocking doors, lifts, stairways or the pathway of students with disabilities, whether or not they utilise mobility devices.

714 Reports of prohibited conduct or material

- (1) Any person may report a breach of these regulations to the Returning Officer.
Note: The Returning Officer may self-refer possible breaches.
- (2) The person who has reported the breach must be given an opportunity to present their case.
- (3) Any person who has been reported must be given an opportunity to respond.
- (4) The Returning Officer may, whether they find there has been a breach or not, give such directions as they see fit.

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- (5) If the Returning Officer finds that there has been a breach they may—
 - (a) take no action; or
 - (b) formally reprimand the person or ticket reported; or
 - (c) suspend the person or ticket reported from campaigning for a period of time; or
 - (d) direct the person or ticket reported to remedy the breach; or
 - (e) direct the person or ticket reported to make a formal post on their approved and authorised social media, that the Returning Officer will outline and approve the contents of, acknowledging the breach.
 - (6) If the Returning Officer finds that there has been a serious breach, they may disqualify the person or ticket from campaigning or standing in—
 - (a) that election or referendum; or
 - (b) that election or referendum and a specified number of future elections; or
 - (c) all elections or referendums.
 - (7) If the MSC has resolved not to appoint an Electoral Tribunal for a referendum, the Returning Officer must not disqualify a person or ticket under subregulation (6) for a serious breach in the referendum.
 - (8) If a candidate is disqualified from standing, the Returning Officer must proceed as if that person had never nominated.

Part 8 General

811 Establishment of new positions

- (1) Where a student referendum which proposes to establish new office-bearer positions or new committees and committee positions and the referendum is conducted concurrently or prior to the annual elections, the Returning Officer must—
 - (a) open nominations for the proposed office-bearer and committee positions; and
 - (b) conduct elections for the proposed positions.
- (2) If the referendum is successful, the Returning Officer must declare that the successful candidates for the proposed positions to be elected.
- (3) If the referendum is unsuccessful, all candidates for the proposed positions have not been elected to that position.

812 Filling of vacancies

- (1) If a vacancy occurs in an office-bearer position directly elected by students—
 - (a) more than 3 months before the annual elections, a by-election for the position must be held within 30 days, under paragraph 42(4)(a) of the Constitution; or
 - (b) within 3 months before the annual elections, the MSC may appoint a person to fill the vacancy, under subclause 42(5) of the Constitution.
- (2) If a vacancy occurs in a position directly elected by students other than under subregulation (1), the Secretary must contact, requesting them to lodge a statement in the form of Schedule 1 nominating a student to fill the vacancy—
 - (a) if the person ran on a ticket when elected to the position, the authorised officer of that ticket; or
 - (b) if the person who vacated the position did not run on a ticket, the relevant person.
- (3) If the appointment form is not submitted within one week of the Secretary giving notice of the vacancy, then the vacancy must be filled by resolution of MSC.
- (4) The appointment must then be noted at the next meeting of the body on which the vacancy occurred.
- (5) Under paragraph 39(4)(b) of the Constitution, if the filling of a vacancy in one of a number of positions to which clause 39(4)(a) of the Constitution applied at the time of the original election by a man would result in less than half of those positions being held by women, the vacancy must be filled by a woman.
- (6) Under paragraph 39(4)(c) of the Constitution, for the purposes of subregulation (5), in calculating half of a number, fractions must be rounded down.
- (7) Students filling a vacancy must satisfy the same eligibility requirements as if the vacancy was subject to election.

813 Validation

- (1) No act of an Election Official or the Electoral Tribunal, decision of an Election Official or the Electoral Tribunal or election is invalid only because it was done, made or held after—
 - (a) the time required by the Constitution; or

- (b) the time required by these regulations.
- (2) Even if it is later found that a person who has acted as an Election Official was not properly appointed, the validity of the following are not affected—
 - (a) the acts of that person as an Election Official, and
 - (b) decisions of meetings of the Electoral Tribunal which that person has participated.
- (3) For the purposes this regulation—
 - (a) **act** does not include—
 - (i) appeals; or
 - (ii) nominations to fill vacancies.

814 Alteration of these regulations

- (1) These regulations may only be altered by a resolution of MSC passed by an absolute majority, provided that—
 - (a) the motion must include the particulars in writing of the proposed alterations;
 - (b) the motion must be distributed to all office-bearers and members of MSA bodies at least fourteen days before the meeting; and
 - (c) the wording of the proposed alterations must not be amended once they have been distributed to all members of the MSC.
- (2) The Secretary must publish notice of any motion under subregulation (1) on the ‘Governance Documents’ MSA website at least seven days before the meeting, however accidental failure to do so does not invalidate—
 - (a) the motion; or
 - (b) alterations to these regulations.
- (3) These regulations must not be altered from the appointment of the Returning Officer until the declaration of results by the Electoral Tribunal.

815 Transitional provisions

- (1) Despite regulation 212, the MSC must appoint a Returning Officer for the annual elections, no later than the Wednesday 9 weeks before the annual elections.
- (2) This regulation and references to it in the table of contents are automatically deleted on 1 January 2026.

Schedule 1 Vacancy Appointment Form

Monash Student Association (Clayton) Inc.

I, (name of authorised officer)

the authorised office for (name of ticket)

authorise the vacancy created due to..... (name of person who has created the vacancy)

no longer holding their position on (name of body on which the vacancy has arisen)

be filled by..... (name of person to fill vacancy)

..... (student number of person filling the vacancy)

of(current postal address of person filling the vacancy)

..... (contact telephone number of person filling the vacancy)

.....(email of person filling the vacancy)

..... (signature of authorised officer)

..... (signature of person filling the vacancy)

Schedule 2 Document history

Date approved	Approved by	Summary
2 July 2025	Monash Student Council	Regulations adopted, replacing previous <i>Election Regulations</i> .