

Monash Student Association

**Election Regulations**

Adopted by Monash Student Council on 18 August 2000

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<b>Definitions and Interpretation</b>	<b>4</b>
<b>Status</b>	<b>4</b>
<b>Authorising Provisions</b>	<b>4</b>
<b>Applicability</b>	<b>5</b>
<b>Appointment of Returning Officer</b>	<b>5</b>
<b>Responsibilities of Returning Officer</b>	<b>5</b>
<b>Deputy and Assistant Returning Officers, Poll Clerks</b>	<b>6</b>
<b>The Electoral Roll and Mail Distribution.</b>	<b>6</b>
<b>Opening of Nominations</b>	<b>6</b>
<b>Notice of Election</b>	<b>6</b>
<b>Eligibility to Stand</b>	<b>7</b>
<b>Form of Nominations</b>	<b>8</b>
<b>Receipt of Nominations</b>	<b>8</b>
<b>Close of nominations</b>	<b>9</b>
<b>Verification of Eligibility</b>	<b>9</b>
<b>Uncontested Positions</b>	<b>9</b>
<b>Draw for Ballot Paper</b>	<b>9</b>
<b>List of Candidates and Registered Ticket Names</b>	<b>9</b>
<b>Withdrawal of Nomination</b>	<b>10</b>
<b>Tickets</b>	<b>10</b>
<b>Club and Society Ticket Names</b>	<b>12</b>
<b>Sharing of Positions</b>	<b>12</b>
<b>Do Not Approach Badge</b>	<b>12</b>
<b>Election Guide</b>	<b>13</b>
<b>Publicity</b>	<b>13</b>
<b>Publicity by “Lot’s Wife”</b>	<b>15</b>

<b>Authorisation of Digital Content</b>	<b>15</b>
<b>Defamation</b>	<b>15</b>
<b>Dates of Polling</b>	<b>15</b>
<b>Polling times</b>	<b>16</b>
<b>Voting</b>	<b>16</b>
<b>Ballot</b>	<b>16</b>
<b>Issuing of Ballot Papers</b>	<b>17</b>
<b>Method of Voting</b>	<b>17</b>
<b>Security of Ballot Papers and the Electoral Roll</b>	<b>18</b>
<b>Counting of Votes</b>	<b>18</b>
<b>Informal Votes</b>	<b>18</b>
<b>Method of Counting</b>	<b>19</b>
<b>Statement of Preference of Nominated Positions</b>	<b>19</b>
<b>Declaration of Election</b>	<b>20</b>
<b>Recounts</b>	<b>20</b>
<b>Notification of Result</b>	<b>20</b>
<b>Prohibited Conduct</b>	<b>20</b>
<b>Appointment of Electoral Tribunal</b>	<b>22</b>
<b>Procedure of Electoral Tribunal</b>	<b>23</b>
<b>Appeals against the Decision of the Returning Officer</b>	<b>23</b>
<b>Reports of Prohibited Conduct or Material</b>	<b>23</b>
<b>Appeals Against Results of Elections</b>	<b>24</b>
<b>Filling of Vacancies</b>	<b>25</b>
<b>Validation</b>	<b>25</b>
<b>Modification of regulations</b>	<b>25</b>
<b>Transitional Clause</b>	<b>25</b>
<b>Schedule 1.1: Affirmative Action Counting Method</b>	<b>27</b>
<b>Schedule 1.2: Notice of Election</b>	<b>29</b>
<b>Schedule 1.3: Email to Indigenous Students Giving Notice of Election</b>	<b>30</b>
<b>Schedule 1.4: Nomination Form</b>	<b>32</b>

<b>Schedule 1.4A: Attachment for Lot's Wife</b>	<b>34</b>
<b>Schedule 1.5 – Withdrawal of Nomination Form</b>	<b>35</b>
<b>Schedule 1.6 - Application to Register a Ticket Name</b>	<b>36</b>
<b>Schedule 1.7 - Application to be set out as a ticket</b>	<b>38</b>
<b>Schedule 1.8 – Statement of Preference of Nominated Positions</b>	<b>40</b>
<b>Schedule 1.9 - Declaration of Election</b>	<b>41</b>
<b>Schedule 1.10 - Vacancy Appointment</b>	<b>42</b>

## **1. Definitions and Interpretation**

- 1.1.** For the purposes of these regulations, terms defined in the MSA Constitution and other MSA regulations are applicable to these regulations. In addition, unless the contrary appears:
- 1.1.1.** 'Constitution' means the MSA Constitution
  - 1.1.2.** "before" in reference to an election means before the first day of polling in that election;
  - 1.1.3.** "autonomous position" means those positions specified in clauses 32(2), 32(3), 32(4), 32(5) and 32(6) of the Constitution, and any committees that are established under clause 26(1) of the Constitution whose membership is limited to persons who self-identify with the criteria required for the related office-bearer under the Constitution;
  - 1.1.4.** "campus" means the Clayton campus of the University;
  - 1.1.5.** "club" and "society" mean a club or society respectively affiliated to MSA through the Clubs & Societies Council;
  - 1.1.6.** "publicity" means any material, action or other thing that comments, either literally or figuratively, on a candidate or group of candidates that the Returning Officer considers is intended, or likely intended, to advantage a candidate in an election;
  - 1.1.7.** "individual candidate" means any candidate not running on a ticket;
  - 1.1.8.** "campaigning" means any activity intended to influence voting in an election to which these regulations apply or to provide support to a ticket during the hours of polling during the MSA election. This includes but is not limited to manning a ticket's table. "Campaign" and "campaigner" have related meanings;
  - 1.1.9.** "ticket" means a group of candidates who have registered to have their names set out on the ballot paper under a common name in accordance with these regulations;
  - 1.1.10.** a reference to a time means that time by the Telstra dial-it time service.
  - 1.1.11.** "unique candidate" means a candidate, running either on a ticket or as an individual, who is a single individual for the purposes of front-page voting. For the avoidance of doubt, an individual who nominates for multiple positions is considered to be only a unique candidate and not multiple candidates.
  - 1.1.12.** "ballot" is a mechanism, electronically or otherwise, of voting secretly on a particular issue or for a particular candidate.

## **2. Status**

- 2.1.** These regulations govern the manner in which MSA elections should be conducted, in addition to what is prescribed in the Constitution.

## **3. Authorising Provisions**

- 3.1.** These regulations are made under sub-clause 38(1) and clause 58 of the Constitution.

#### **4. Applicability**

- 4.1. This Part applies to elections held in accordance with Part 10 of the Constitution.
- 4.2. This Part applies, in so far as it is applicable and with any necessary modifications, to referenda held in accordance with Part 4 of the Constitution.
- 4.3. These regulations are effective immediately on adoption or amendment by MSC.

#### **5. Appointment of Returning Officer**

- 5.1. The MSC must appoint the Returning Officer no later than the Monday 9 weeks before the annual elections.
- 5.2. A temporary Returning Officer can be appointed while the appointment of a Returning Officer is finalised.
  - 5.2.1. where a temporary Returning Officer has been appointed an official Returning Officer must be appointed before nominations open
- 5.3. For by-elections MSC is to appoint a Returning Officer by an absolute majority at least 11 academic days before the by-election. If this cannot be reached, the Secretary is the Returning Officer.
- 5.4. The Returning Officer must not:
  - 5.4.1. be a candidate in any election for which they are returning officer;
  - 5.4.2. be a currently enrolled student of the University, unless the Secretary is Returning Officer for a by-election; and
  - 5.4.3. have contested any MSA election in the two academic years prior to the year of the election, unless the Secretary is Returning Officer for a by-election.
- 5.5. If the Returning Officer resigns or is unable to act, the MSC must as soon as practicable appoint another Returning Officer.
- 5.6. The Returning Officer may only be removed by the MSC by a resolution passed by an absolute majority.

#### **6. Responsibilities of Returning Officer**

- 6.1. The Returning Officer
  - 6.1.1. is responsible for the conduct of the election;
  - 6.1.2. may decide all matters not provided for in the Constitution or these regulations; and
  - 6.1.3. is subject only to the Electoral Tribunal.
- 6.2. Any decision of the Returning Officer may be appealed to the Electoral Tribunal in accordance with regulation 47.
- 6.3. The Returning Officer must send the National Union of Students (NUS) General Secretary and/or Accreditation Committee a report within two weeks of the declaration of the election which states the election was conducted in accordance with NUS By-laws B3-B5, sets out the names and details of NUS delegates elected including their details, the order in which they were elected, details of notice and polling and the rules under which the election was conducted.
- 6.4. The Secretary must provide the facilities, resources and assistance necessary to enable the Returning Officer to carry out the responsibilities under these regulations.
- 6.5. The Returning Officer must, within 30 days of the close of polling, prepare a written report on the conduct of the elections and the result, and provide the report to the Monash Student Council. The Returning Officer's report must contain:
  - 6.5.1. The results of the election as placed under regulation 41;

- 6.5.2. Details of the conduct of the election;
  - 6.5.3. Any recommendations of the Returning Officer;
  - 6.5.4. A summary of complaints and rulings made over the election period; and
  - 6.5.5. Such other information as the Returning Officer considers appropriate.
- 6.6. The Secretary of the MSA must make available the Returning Officer's report on the MSA website.

## **7. Deputy and Assistant Returning Officers, Poll Clerks**

- 7.1. The Returning Officer may appoint and remove Deputy and Assistant Returning Officers and poll clerks
- 7.2. Deputy and Assistant Returning Officers and poll clerks must not:
  - 7.2.1. be candidates in the election;
  - 7.2.2. be currently enrolled students of the University; and
  - 7.2.3. have contested any MSA election in the two academic years prior to the year of election.
- 7.3. Deputy and Assistant Returning Officers and poll clerks are subject to the direction of and have the duties determined by the Returning Officer.
- 7.4. The Returning Officer may delegate any responsibilities under this Part to a Deputy or Assistant Returning Officer.

## **8. The Electoral Roll and Mail Distribution.**

- 8.1. 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 the elections.
- 8.2. The Returning Officer must request access to Monash University bulk e-mail facilities to send a secure voting link to students.
- 8.3. The Returning Officer must use a two factor authentication voting system for the purpose of maintaining security of the voting system.

## **9. Opening of Nominations**

- 9.1. For the annual elections nominations open at 9.00am on the Wednesday 5 weeks before the annual elections.
- 9.2. For by-elections nominations open 8 academic days before the by-election.

## **10. Notice of Election**

- 10.1. At 9.00am on the Monday 7 weeks before the annual elections the Returning Officer must give notice of the election, by placing notice on the MSA website and posters on MSA notice-boards and poster kiosks, and by distributing notice via the Monash University bulk e-mail facilities where available;
- 10.2. At 9.00am 10 academic days before a by-election the Returning Officer must give notice of the election, by placing notice on the MSA website and posters on MSA notice-boards and poster kiosks;
- 10.3. On the Monday 7 weeks before the annual elections (and 10 academic days before a by-election if at least one of the vacant positions is the Indigenous Officer) the

Returning Officer, in consultation with Yulendj Indigenous Engagement Unit, will prepare and send an email to all Indigenous Australian students at Monash University (Clayton) campus as set out in Schedule 1.3, that will

- 10.3.1.** give notice of the election;
- 10.3.2.** explain the role of the Indigenous Officer;
- 10.3.3.** call for nominations specifying the opening date of nominations, and provide a nomination form as shown in Schedule 1.4;
- 10.3.4.** explain the process of election;
- 10.3.5.** emphasise the requirement stipulated in regulation 11.4.2, specifying the exact date for this requirement.
- 10.4.** The Returning Officer must give notice of the annual elections in each edition of “Lot’s Wife” and any regular MSA news between the opening and closing of nominations.
- 10.5.** The notice of the election must be in the form of Schedule 1.2

## **11. Eligibility to Stand**

- 11.1.** Subject to sub-clause 64(1)(v) of the Constitution, and this regulation, all students may stand in elections unless
  - 11.1.1.** disqualified from participation for serious misconduct for a period to be determined by the Returning Officer or Electoral Tribunal;
  - 11.1.2.** prohibited under clause 39(1) of the Constitution.
- 11.2.** Only students who indicate that they are a woman on their nomination form may run for Women’s Officer or the Women’s Affairs Committee.
- 11.3.** Only students who indicate that they are a person of colour on their nomination form may run for People of Colour Officer or the People of Colour Collective.
- 11.4.** Only students who indicate that they are disabled or a carer on their nomination form may run for Disabilities and Carers Officer.
- 11.5.** Only students who indicate that they are queer on their nomination form may run for Queer Officer.
- 11.6.** Only students who are registered with the Yulendj Indigenous Engagement Unit as an Indigenous student may run for Indigenous Officer.
- 11.7.** A student who is not registered with the Yulendj Indigenous Engagement Unit and wishes to stand and/or vote for Indigenous Officer and/or the Indigenous Affairs Collective may do so provided they;
  - 11.7.1.** satisfy the standard process for identifying as an Indigenous Australian as recognised by Yulendj Indigenous Engagement Unit; and
  - 11.7.2.** are accordingly registered with Yulendj Indigenous Engagement Unit at least one week before the close of nominations.
- 11.8.** From the opening of nominations until the close of nominations, a student can request via email that the Returning Officer check the Electoral Roll to determine if they are eligible to stand in elections. The Returning Officer is required to give written confirmation of a student’s eligibility status within 48 hours of the student contacting them with a valid request. A request is valid only if:
  - 11.8.1.** the student requests the Returning Officer check their own eligibility to stand and no other student’s eligibility to stand;
  - 11.8.2.** the student provides their student number; and
  - 11.8.3.** the request is made via the student’s university student email account.

## **12. Form of Nominations**

- 12.1.** Nominations must be in the form of Schedule 1.4
  - 12.1.1.** Candidates nominating to share the position of “Lot’s Wife” Editors must submit a separate statement in the form of Schedule 1.4A
- 12.2.** All nominations must be signed by the nominee, nominator, and seconder, all of whom must be qualified to stand and vote in the election in accordance with sub-clauses 39(1) and 39(2) of the Constitution
  - 12.2.1.** Nominators and seconders of candidates for Women’s Officer or Women’s Affairs Committee must indicate that they are a woman on the nomination form.
  - 12.2.2.** Nominators and seconders of candidates for People of Colour Officer or the People of Colour Collective must indicate that they are a person of colour on the nomination form.
  - 12.2.3.** Nominators and seconders of candidates for Disabilities and Carers Officer must indicate that they are disabled or a carer on the nomination form.
  - 12.2.4.** Nominators and seconders of candidates for Queer Officer must indicate that they are queer on the nomination form.
  - 12.2.5.** Nominators and seconders of candidates for Indigenous Officer must be students who are registered with the Yulendj Indigenous Engagement Unit as an Indigenous student.
- 12.3.** Candidates must not nominate or second their own nomination.
- 12.4.** Students may only nominate or second one candidate.
  - 12.4.1.** If a student nominates two or more candidates, it does not count for any of the candidates they nominated.
  - 12.4.2.** If a student seconds two or more candidates, it does not count for any of the candidates they seconded
  - 12.4.3.** If a student nominates a candidate and seconds another candidate or the same candidate, it does not count for any of the candidates they nominated or seconded.
- 12.5.** The Returning Officer must make nomination forms available at the MSA office and via the internet from the opening of nominations.

## **13. Receipt of Nominations**

- 13.1.** Nominations must be given or sent to the Returning Officer or left for the Returning Officer in the locked box provided for that purpose at a location determined by the Returning Officer and publicised.
  - 13.1.1.** Nominations for the Indigenous Officer may be left for the Returning Officer in the locked box provided for that purpose in the Indigenous Student Lounge.
- 13.2.** The Returning Officer must provide the student nominating with:
  - 13.2.1.** an acknowledgment of the receipt of their nomination,
  - 13.2.2.** a copy of these regulations, and
  - 13.2.3.** a copy of the MSA constitution;
 on the close of nominations in electronic format.
- 13.3.** If a nomination is rejected, the Returning Officer must immediately notify the person concerned, and state the reason for the rejection. If a contact telephone number has



been given on the nomination form, the Returning Officer must first attempt to notify the person concerned by telephone.

- 13.4.** No decision of the Returning Officer to reject a nomination may be appealed more than one academic day after the list of candidates and registered ticket names is published in accordance with regulation 18.

#### **14. Close of nominations**

- 14.1.** For the annual elections nominations must be received by the Returning Officer no later than 5.00pm on the Friday 4 weeks before the annual elections.
- 14.2.** For by-elections nominations must be received by the Returning Officer no later than 12.00 midday on the day 5 academic days before the by-election.
- 14.3.** Nomination forms may not be amended or altered after nominations have closed with the exception that nominations may be withdrawn as allowed by regulation 19.

#### **15. Verification of Eligibility**

- 15.1.** Immediately after the close of nominations the Returning Officer must verify that each person who has nominated is eligible to stand under sub-clause 39(1) of the Constitution.

#### **16. Uncontested Positions**

- 16.1.** 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.
- 16.2.** 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:
- 16.2.1.** for the annual elections – until 5.00pm on the Friday 2 weeks before the annual elections;
- 16.2.2.** for by-elections – until 12.00 midday the day before the by-election.

#### **17. Draw for Ballot Paper**

- 17.1.** If the number of candidates for any position exceeds the number to be elected, the Returning Officer must, at 12.00 midday on the Wednesday 3 weeks before the annual elections and 5pm 5 academic days before a by-election, provided their eligibility has been verified, determine by lot the order of those candidates on the ballot paper.
- 17.2.** Any student may observe the draw.
- 17.3.** The Returning Officer must place a notice on the MSA notice-board and internet stating when and where the draw will take place.

#### **18. List of Candidates and Registered Ticket Names**

- 18.1.** The Returning Officer must by 12.00 midday on the Thursday 3 weeks before the annual elections and 4 academic days before a by-election, place on the MSA notice-board and the MSA website a list of candidates in the order they will appear

on the ballot paper and a list of registered ticket names including the authorised officers.

## **19. Withdrawal of Nomination**

- 19.1.** Candidates may withdraw their nomination at any time before the close of polling.
- 19.2.** Withdrawals must be in the form of Schedule 1.5
  - 19.2.1.** A candidate running for multiple positions must use separate forms to withdraw from each position
- 19.3.** The withdrawal takes effect on its receipt by the Returning Officer.
- 19.4.** If a candidate withdraws, the Returning Officer must proceed as if that student had never nominated.
- 19.5.** If a candidate withdraws, the Returning Officer may modify ballot papers as necessary or appropriate.
- 19.6.** Any ballot paper showing a preference for a withdrawn candidate must be allocated under regulation 38 as if the candidate had been eliminated.

## **20. Tickets**

- 20.1.** Any student may apply to have a ticket name registered in the form of Schedule 1.6 if:
  - 20.1.1.** they have found at least 30 students who supported the registration or re-registration of the ticket who must sign and provide their student numbers on Schedule 1.6; and
  - 20.1.2.** the student has submitted the names, signatures and student numbers of those students before the deadline to submit a registration or registration of a ticket name expires.
- 20.2.** A student may only be a signatory to 1 ticket.
  - 20.2.1.** 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.
- 20.3.** If the ticket incorporates the name of a club or society, all signatures must be Ordinary Members of the relevant club or society.
- 20.4.** Applications under regulation 20.1 for the annual elections:
  - 20.4.1.** open at 9.00am on the Tuesday 6 weeks before the annual elections; and
  - 20.4.2.** close at 5.00pm on the Monday 5 weeks before the annual elections.
- 20.5.** Applications under regulation 20.1 for a by election:
  - 20.5.1.** Open at 9.00am 10 academic days before the by-election; and
  - 20.5.2.** Close at 5.00pm 9 academic days before the by-election.
- 20.6.** For the annual elections, the Returning Officer must publish a full list of all registered tickets on the MSA notice-board and website by 5.00pm on the Tuesday 5 weeks before the annual elections.
- 20.7.** For a by-election, the Returning Officer must publish a full list of all registered tickets on the MSA notice-board and website by 9.00am 8 academic days before the by-election.
- 20.8.** Any group of candidates may apply to have their names set out on the ballot paper under the name of a ticket in the form of Schedule 1.7.
- 20.9.** Applications under regulation 20.8 for the annual elections:
  - 20.9.1.** open at 9.00am on the Wednesday 5 weeks before the annual elections;

- 20.9.2.** close at 5:00pm on the Friday 4 weeks before the annual elections; and
- 20.9.3.** may not be amended or altered after nominations have closed.
- 20.10.** Applications under regulation 20.8 for by-elections:
  - 20.10.1.** open at 9.00am 8 academic days before the by-election;
  - 20.10.2.** close at 12.00 midday 5 academic days before the by-election; and
  - 20.10.3.** may not be amended or altered after nominations have closed.
- 20.11.** A proposed ticket name may only be registered if:
  - 20.11.1.** it does not contain the name of an organisation (including a club or society) unless the consent of the governing body of that organisation is given in writing to the Returning Officer, and the Returning Officer is satisfied that the organisation is bona fide (this regulation will not be applicable to political parties, unless the political party is registered as a club or society);
  - 20.11.2.** it is not the same or does not incorporate another registered ticket name;
  - 20.11.3.** it is not so similar to any other registered ticket name as to be confused with or mistaken for that name;
  - 20.11.4.** it does not contain the word 'independent';
  - 20.11.5.** it is not so similar to the name of any department or division of MSA or department or division of the University as to be confused with or mistaken for that name;
  - 20.11.6.** it is no longer than four words;
  - 20.11.7.** it is not misleading or deceptive;
  - 20.11.8.** it is not contrary to law; and
  - 20.11.9.** it is not racist, sexist, militaristic, queerphobic, ableist
  - 20.11.10.** it does not contain the name of any person, or is not so similar to the name of any person as to be confused with or mistaken for, or be reasonably associated with, that person
- 20.12.** The student who registers the ticket name is the initial authorised officer, and the ticket name remains registered until:
  - 20.12.1.** the authorised officer requests that ticket name to be de-registered;
  - 20.12.2.** the authorised officer ceases to be a student; or
  - 20.12.3.** the ticket name lapses because it has not been reregistered.
- 20.13.** The authorised officer of a ticket name remains the authorised officer unless:
  - 20.13.1.** they nominate another student to be the authorised officer by lodging a statement with the Returning Officer; or
  - 20.13.2.** the ticket is reregistered with a different authorised officer in line with Schedule 1.6
- 20.14.** A student cannot be an authorised officer for more than one ticket and may not be a signatory to any ticket apart from the ticket of which they are the authorised officer.
- 20.15.** 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.
- 20.16.** The authorised officer of a ticket contesting an election for multiple positions must notify the Returning Officer by writing the order in which they want the names of the members to be printed on the ballot paper by the close of nominations.
- 20.17.** The reregistration period opens at 9.00am on the Monday 7 weeks before the annual elections. There is no reregistration period for by-elections – all tickets registered at the previous Annual Elections are considered reregistered automatically.

- 20.18.** The reregistration period closes at 5.00pm on the Friday 7 weeks before the annual elections.
- 20.19.** During the reregistration period any student, or club or society may reregister any name registered in the name of that student, club, or society.
- 20.20.** The registration of any ticket name not reregistered during the reregistration period lapses.
- 20.21.** By 5.00pm on the Monday 6 weeks before the annual elections, the Returning Officer must publish a list of all reregistered ticket names on the MSA notice-board and website.
- 20.22.** By 9.00am 10 academic days before a by-election, the Returning Officer must publish a list of all reregistered ticket names on the MSA notice-board and website.
- 20.23.** The Returning Officer must include a separate list of all registered ticket names and authorised officers in the Returning Officer's report under regulation 6.3.
- 20.24.** Tickets may only submit one nomination per individual position to be elected.

## **21. Club and Society Ticket Names**

- 21.1.** Only a club or society may apply in accordance with this regulation and regulation 20 to have its name or trading name registered as a ticket name.
- 21.2.** If an application is made by a club or society in accordance with regulation 20.1, the Returning Officer must register that ticket name in the name of the club or society.
- 21.3.** If a club or society applies to have its name or trading name registered as a ticket name under this regulation:
  - 21.3.1.** regulation 20.11.3 does not apply;
  - 21.3.2.** 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.
- 21.4.** If a ticket name is registered and a club or society subsequently formed with that same name, the club or society may only register the ticket name
  - 21.4.1.** if the prior registration of the ticket name has lapsed; and
  - 21.4.2.** in accordance with regulation 20.
- 21.5.** 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.

## **22. Sharing of Positions**

- 22.1.** Students may jointly stand for and hold office-bearer positions in accordance with section 33 of the Constitution.
  - 22.1.1.** Students may jointly run for office-bearer positions from different tickets.
- 22.2.** The candidates must sign a declaration acknowledging that they are jointly standing for an office-bearer position on each other's nomination form per Schedule 1.4.

## **23. Do Not Approach Badge**

- 23.1.** There must be a badge students with disabilities can wear should they require the accommodation of not being approached by campaigners during election week due to the detrimental physical, mental and emotional consequences suffered.
- 23.2.** The badge must be designed in such a way that will be visible to campaigners from a reasonable distance, i.e use of bright colours.
- 23.3.** The Returning Officer must approve the design prior to distribution.
- 23.4.** The badges will be made available at the Disabilities and Carers lounge and office.

## **24. Election Guide**

- 24.1.** Candidates may submit by 5.00pm on the Monday 3 weeks before the annual elections a policy speech and photograph for each position for which they nominate.
- 24.2.** Policy speeches and photographs must be submitted electronically in a form specified at the opening of nominations by the editors of “Lot’s Wife” before or at the time nominations close.
- 24.3.** Two or more candidates who nominate to share an office-bearer position may submit only one policy speech for that position.
- 24.4.** Candidates standing as a ticket for proportionally elected positions may submit only one policy speech for all candidates on that ticket.
- 24.5.** Policy speeches for two or more candidates standing as a ticket proportionally elected positions must be no longer than 300 words. Policy speeches for all other candidates, including co-office-bearers running for directly elected positions must not be longer than 200 words.
- 24.6.** If the number of words in a policy speech exceeds the number permitted by regulation 23.5, the excess words must not be published under regulation 23.7.
- 24.7.** For the annual elections the editors of “Lot’s Wife” must produce an election guide, which must
  - 24.7.1.** be at least A4 size;
  - 24.7.2.** include a brief description of each position to be elected;
  - 24.7.3.** not have any candidate material on the front or back covers, inside the front or back covers, or on the two centre pages;
  - 24.7.4.** give the candidate photographs and policy speeches for each position in reverse ballot order;
  - 24.7.5.** use the same colour, font, font style and font size for all names and policy speeches;
  - 24.7.6.** reproduce candidate photographs at least passport size;
  - 24.7.7.** be available for viewing in electronic format from 12pm – 5pm on the Friday 2 weeks before the annual election;
  - 24.7.8.** be able to be amended at the request of a candidate with the approval of the Returning Officer;
  - 24.7.9.** be distributed on or before Wednesday in the week before the annual elections; and
  - 24.7.10.** be approved by the Returning Officer before publication.
- 24.8.** The names of candidates who do not submit a policy speech or photo will be published in the election guide, with a note that the other speech and/or photo was not submitted.
- 24.9.** 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”.

## **25. Publicity**

- 25.1.** This regulation applies from the appointment of the Returning Officer to the end of polling.
- 25.2.** All publicity must:
  - 25.2.1.** be fair and honest;
  - 25.2.2.** not contain the word ‘independent’;
  - 25.2.3.** not be intended or likely to mislead a student;
- 25.3.** The only distributed materials allowable are posters, pamphlets and clothing.
- 25.4.** Posters and pamphlets must:

- 25.4.1. be of 80gsm or lighter, 100% post-consumer recycled and with a matte finish;
- 25.4.2. not be laminated;
- 25.4.3. not be adhesive;
- 25.4.4. in the case of posters, not exceed A3 in size;
- 25.4.5. in the case of pamphlets; not exceed A4 in size; and
- 25.4.6. be printed on paper received from the Returning Officer in accordance with regulation 24.6
- 25.5. The Returning Officer must supply tickets and individual candidates with identifiably marked and 'copy-proofed' paper.
  - 25.5.1. Paper must be given to individuals and tickets in the following quantities:
    - 25.5.1.1. for individual candidates (not standing as part of a group of candidates) – 1,000 A4 sheets and 100 A3 posters;
    - 25.5.1.2. for all groups of candidates – 1,500 A4 sheets and 100 A3 posters for the first candidate, and a further 300 A4 sheets and 20 A3 posters for each additional candidate, up to a maximum of 6000 A4 sheets and 400 A3 posters.
- 25.6. The marking on paper supplied by the Returning Officer in accordance with regulation 24.5 must be of sufficient size and visibility to enable the paper to be identified if it is divided.
- 25.7. Clothing is limited to a maximum of three colours in total.
- 25.8. Use of electronic communication must conform as far as practicable to the regulations for printed material.
- 25.9. Electronic communication on social networking mediums is limited to comments, statuses and other like forms of communication being made on one page, profile, or other group established by tickets or individual candidates with the explicit purpose of promoting that ticket or individual candidate.
- 25.10. The authorised officer of each ticket or individual candidates making use of social networking mediums or websites must provide the Returning Officer the URL of each social networking medium page, profile, website or other group established for the purposes of promoting that ticket or individual candidate prior to its use for publicity.
- 25.11. Regulations 24.9 – 24.10 do not apply to personal social networking profiles in the name of candidates, where such communication has occurred within the confines of the profile itself;
- 25.12. Without limiting the generality of regulation 24.2, the following is prohibited:
  - 25.12.1. badges, stickers, balloons, videos, films, music, sound recordings, food, drink, drugs or any other give away consumables
    - 25.12.1.1. For the avoidance of doubt, T-shirts are not consumables
  - 25.12.2. advertisements in newspapers, radio, television, electronic print and any other broadcast communications (including "Lot's Wife" and Radio Monash);
  - 25.12.3. using chalk to promote a ticket or candidate;
  - 25.12.4. using an A-Frame;
  - 25.12.5. banners;
  - 25.12.6. publicity that does not comply with regulation 26;
  - 25.12.7. publicity in contravention of regulation 42.
- 25.13. A copy of every pamphlet, item or clothing, poster and electronic publicity must be given to the Returning Officer for their approval before it is distributed or displayed. Acceptance of publicity material by the Returning Officer does not indicate that the material does not breach the regulations. Any such material may be ordered withdrawn by the Returning Officer at some later point if it becomes clear that it contains content in breach of the regulations.
- 25.14. The Returning Officer must keep a register of all pamphlets and posters.

**25.15.** This regulation does not apply to publicity by the Returning Officer.

**26. Publicity by “Lot’s Wife”**

- 26.1.** Editions of “Lot’s Wife” published from the opening of nominations to the end of polling must not:
- 26.1.1.** advantage one or more candidate/s and/or ticket/s;
  - 26.1.2.** disadvantage one or more candidate/s and/or ticket/s;
  - 26.1.3.** contain any misleading or deceptive information about the election and/or any candidate/s and/or tickets involved in the election;
  - 26.1.4.** contain anything prohibited under regulation 42; and
  - 26.1.5.** be in contravention of regulation 24.
- 26.2.** Any editions of “Lot’s Wife” published from the opening of nominations to the end of polling must be reviewed by the Returning Officer.
- 26.3.** If the Returning Officer determines that the edition of “Lot’s Wife” is in breach of regulation 26.1, the Returning Officer must ban the edition from being published until the end of polling. If the edition has already been published, the Returning Officer must ban the edition from circulation until the end of polling.
- 26.4.** The Returning Officer must be given at least 48 hours to review any edition of “Lot’s Wife” as required by regulation 25.2 before it is published.
- 26.4.1.** If the Editors of “Lot’s Wife” fail to give the Returning Officer at least 48 hours to review any edition of “Lot’s Wife” before publication, the Returning Officer must ban the edition from being published until the end of polling. If the edition has already been published without the Returning Officer being given at least 48 hours to check it, the Returning Officer must ban the edition from circulation until the end of polling.

**27. Authorisation of Digital Content**

- 27.1.** All digital content must be authorised by the authorised officer of that ticket.
- 27.2.** The authorising officer’s name must appear legibly on the digital content.

**28. Defamation**

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

**29. Dates of Polling**

- 29.1.** The annual elections must be held in the second semester.
- 29.2.** The annual elections must be held over the number of academic days prescribed under sub-clause 38(4) of the Constitution.
- 29.3.** The annual elections must be held on consecutive academic days determined by the MSC, subject to this regulation.
- 29.4.** By-elections must be held on an academic day determined by the MSC.

### **30. Polling times**

- 30.1.** Hours of polling for the annual elections must be set by MSC when fixing the dates of polling.
- 30.2.** Hours of polling for by-elections must be set by MSC when fixing the dates of polling.
- 30.3.** For the annual elections there must be polling places:
  - 30.3.1.** every day for at least 4 hours between 10am-4pm in the ground floor of Campus Centre
  - 30.3.2.** for at least two days at a minimum of 3 hours between 10am-4pm each day in:
    - 30.3.2.1.** the ground floor of the Hargrave Library
    - 30.3.2.2.** the ground floor of the Learning and Teaching Building
- 30.4.** Campaigners are permitted to solicit votes via conversation in-person on campus on polling days between 10am and 4pm.
  - 30.4.1.** For the purposes of 29.4 and 42.4.28, 'soliciting votes via in-person conversation' includes but is not limited to pamphleting and wearing clothing advertising a ticket or candidate.

### **31. Voting**

- 31.1.** Under sub-clause 39(1) of the Constitution all students may vote in elections.
- 31.2.** Under sub-clause 38(2) of the Constitution all elections must be conducted by secret ballot.

### **32. Ballot**

- 32.1.** 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.
- 32.2.** A ticket qualifies for the front page voting where it has completed a valid registration and has nominated at least 15 unique candidates as part of that ticket.
- 32.3.** The front page voting option must:
  - 32.3.1.** list each ticket that has satisfied regulation 31.1;
  - 32.3.2.** provide instructions that give effect to the method of casting a vote pursuant to Regulation 33.2.2; and
  - 32.3.3.** make provisions for voters to identify as a member of their relevant autonomous group for the purposes of voting for an autonomous position.
- 32.4.** The individual candidates option must:
  - 32.4.1.** be separately segmented for each office-bearer position provided for in clauses 32.2-32.6 of the Constitution;
  - 32.4.2.** list the candidates (and ticket if applicable) for each office-bearer position in the corresponding segment for that position; and
  - 32.4.3.** provide instructions that give effect to the method of casting a candidate vote pursuant to 33.2.1
    - 32.4.3.1.** The segment on the second page to vote for Queer Officer must have writing either above or below the ballot that says "Please only vote in this ballot if you are queer"
    - 32.4.3.2.** The segment on the second page to vote for Disabilities and Carers Officer must have writing either above or below the



ballot that says “Please only vote in this ballot if you are disabled or a carer”

**32.4.3.3.** The segment on the second page to vote for People of Colour Officer and People of Colour Collective must have writing either above or below the ballot that says “Please only vote in this ballot if you are a person of colour”

**32.4.3.4.** The segment on the second page to vote for Women’s Officer and Women’s Committee must have writing either above or below the ballot that says “Please only vote in this ballot if you are a woman”

**32.5.** Only students who are registered with the Yulendj Indigenous Engagement Unit as Indigenous students may vote for the Indigenous Officer.

**32.6.** For every other position where more than one position is to be elected:

**32.6.1.** a separate page must be contained in the ballot for that position

**32.6.2.** the page must list the candidates (and ticket if applicable) for that position; and

**32.6.3.** the page must contain instructions that give effect to the method of counting candidate votes

### **33. Issuing of Ballot Papers**

**33.1.** All voting must be conducted using a digital ballot.

**33.2.** All students eligible to vote must be issued a digital ballot via their student email.

**33.3.** The digital ballot must be accessible to all students. This requires the Returning Officer to consider the following, but not limited to –

**33.3.1.** The ballot’s compatibility with screen readers.

### **34. Method of Voting**

**34.1.** Under sub-clause 38(2) of the Constitution all elections must be conducted using optional preferential proportional representation.

**34.2.** Voters must indicate their order of preference for candidates by either:

**34.2.1.** 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

**34.2.2.** 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.

**34.3.** For the purposes of regulation 33.2.1:

**34.3.1.** where two candidates for an office-bearer position are running jointly, despite nominating for different tickets, a vote for either ticket will validly flow to both candidates jointly, provided clause 38.4 has been complied with.

**34.4.** For the purposes of regulation 33.2.1:

**34.4.1.** 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;

**34.4.2.** vote is formal even if:

**34.4.2.1.** the lowest number is not 1,

**34.4.2.2.** the numbers are not consecutive,

**34.4.2.3.** numbers are repeated;

- 34.4.3.** 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
- 34.4.4.** 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.
- 34.5.** For the purposes of regulation 33.2.2:
  - 34.5.1.** the number 1 against the name of a ticket, or
  - 34.5.2.** a tick against the name of a ticket where there is no number 1 against the name of another ticket, or
  - 34.5.3.** 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.
- 34.6.** A voter who has voted for a ticket in accordance with regulation 33.2.2 is deemed to have voted in the following manner:
  - 34.6.1.** If at least one candidate has nominated for a position, they will 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.
  - 34.6.2.** 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 will be exhausted with respect to that position.
    - 34.6.2.1.** 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 will be considered to have received that vote in accordance with regulation 33.2.2.
- 34.7.** A voter who has voted in accordance with both regulation 33.2.1 and regulation 33.2.2 is deemed to have voted in accordance with regulation 33.2.1 and not regulation 33.2.2.

## **35. Security of Ballot Papers and the Electoral Roll**

- 35.1.** The election records become the property of MSA after the election result is verified.

## **36. Counting of Votes**

- 36.1.** The Returning Officer must start counting immediately after the close of polling.
- 36.2.** The Returning Officer must place a notice on the MSA notice-board stating when counting will take place at least 24 hours before counting is to commence.

## **37. Informal Votes**

- 37.1.** Only the Returning Officer may rule a vote informal.
- 37.2.** A vote is only informal when it does not comply with regulation 33 and the voter's intention is not clear.

### **38. Method of Counting**

- 38.1.** Votes must be counted in accordance with the following procedure:
- 38.1.1.** Each ballot must first be given the value of 1.
  - 38.1.2.** The value of each ballot must be allocated to the continuing candidate against whose name appears the lowest number on the ballot paper.
  - 38.1.3.** A ballot which does not show a valid preference for at least one continuing candidate is exhausted and may not be allocated further.
  - 38.1.4.** A quota must be calculated at each state of counting by dividing the total value of ballots 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.
  - 38.1.5.** If at any stage of counting a continuing candidate is allocated a value in excess of the quota, that candidate must be declared elected and each ballot allocated to that candidate must be given a new value obtained by multiplying its current value by the candidate's transfer value.
  - 38.1.6.** If at any stage of counting no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated. If there are two or more candidates with an equal value and no candidate has a lower value at an earlier stage of counting, the Returning Officer must determine by lot which of these candidates is to be eliminated.
  - 38.1.7.** The procedure in regulations 37.1.2 – 37.1.6 must be repeated in order until the number of positions to be filled is filled.
  - 38.1.8.** If at any stage during the counting, affirmative action needs to be applied under sub-clause 39(4) of the Constitution then the method followed for this election is outlined in Schedule 1.1
- 38.2.** In this regulation:
- 38.2.1.** "continuing candidate" means a candidate who has neither been elected nor eliminated;
  - 38.2.2.** "stage of counting" means when all ballots which have not been exhausted have been allocated to continuing candidates;
  - 38.2.3.** "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.

### **39. Statement of Preference of Nominated Positions**

- 39.1.** If a candidate has nominated for two or more positions, they may submit a statement of preference of nominated positions in line with Schedule 1.8 to indicate their preference of positions that they have nominated.
- 39.2.** In the event that a candidate is elected to multiple positions that they are ineligible to hold concurrently, the Returning Officer must declare them elected in accordance with the preferences submitted on the statement of preference of nominated positions.
- 39.3.** Statements of preference of nominated positions must be accepted by the Returning Officer until the close of polling.
- 39.4.** Two candidates from different tickets running for an office bearer position together will be considered as running together as if from the same ticket so long as their nomination forms reference one another.

- 39.4.1.** Each candidate will be considered a 'unique candidate' of their respective ticket for the purposes of regulation 33.2.1.

#### **40. Declaration of Election**

- 40.1.** The Returning Officer must declare each election immediately after counting it.
- 40.2.** In the event that a candidate is elected to multiple positions that they are ineligible to hold concurrently and has not submitted a statement of preference of nominated positions, the Returning Officer must determine the positions that the candidate is to be declared elected to by way of lot.
- 40.3.** The Returning Officer must place a notice of the declaration of the election in the form of Schedule 1.9 on the MSA notice-board, the MSA website and posters on the MSA notice-boards and poster kiosks; as soon as practicable after declaring the election.

#### **41. Recounts**

- 41.1.** Following the declaration of an election, any candidate in that election can call for a recount if they so desire. If a candidate wants to call for a recount, they must lodge a written request with the Returning Officer for a recount within 24 hours after the election has been declared.
- 41.2.** If the Returning Officer receives a written request for a recount in accordance with regulation 45.1, they must hold a recount as soon as practicable.
- 41.3.** The Returning Officer must give at least 24 hours written notice of a recount to all of the candidates involved in that election. The Returning Officer must also place a notice on the MSA notice-board stating when and where the recount will take place at least 12 hours before the recount is to commence.
- 41.3.1.** This regulation does not apply if the Returning Officer receives a statement in writing from all candidates involved in the election to be recounted that gives their consent for the notice period being waived.
- 41.4.** Once a recount has been held and the election is declared, no candidate can call for any further recounts of that election.

#### **42. Notification of Result**

- 42.1.** The Returning Officer must as soon as practicable after the election:
- 42.1.1.** notify each candidate of the result by email;
- 42.1.2.** place the results on the MSA notice-board and the MSA website.

#### **43. Prohibited Conduct**

- 43.1.** This regulation applies from the appointment of the Returning Officer until the end of polling.
- 43.2.** Any dishonest conduct in an election is prohibited.
- 43.3.** Any conduct intended or likely to mislead or deceive a student is prohibited.
- 43.4.** Without limiting the generality of regulations 42.2 and 42.3, the following are specifically prohibited:

- 43.4.1.** breaching social distancing and personal protective equipment requirements whilst campaigning;
- 43.4.2.** any violent, abusive or threatening conduct;
- 43.4.3.** providing false information in or interfering with any form lodged with the Returning Officer;
- 43.4.4.** voting or attempting to vote except in accordance with this Part;
- 43.4.5.** interfering with ballots, or voters' rolls;
- 43.4.6.** violating the secrecy of the ballot;
- 43.4.7.** publicity not in accordance with regulation 24;
- 43.4.8.** unfairly interfering with other candidates' publicity;
- 43.4.9.** campaigning in MSA spaces, including but not limited to Sir John's Bar, the Wholefoods Restaurant, the Clubs & Societies Office, the MUISS Lounge, the MAPS lounge, Radio Monash and MSA offices;
- 43.4.10.** soliciting votes via in person conversation other than in accordance with regulation 29.4
- 43.4.11.** campaigning unless a student;
- 43.4.12.** campaigning if an employee of the MSA other than a casual employee;
- 43.4.13.** campaigning for a candidate without the approval of that candidate, or for a ticket without the approval of the authorised officer for that ticket;
- 43.4.14.** paying a person to campaign;
- 43.4.15.** offering gifts;
- 43.4.16.** selling or exchanging goods during the week of polling;
- 43.4.17.** using MSA or University facilities not generally available to all students (this includes the facilities provided by the Clubs & Societies Office for use by club, with the use of club printing accounts for the printing of election material expressly prohibited);
- 43.4.18.** using the noticeboard, letterhead or logo of MSA or any committee, department or division of MSA to promote a candidate or ticket;
- 43.4.19.** damaging MSA or University property;
- 43.4.20.** placing promotional material on:
  - 43.4.20.1.** 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;
  - 43.4.20.2.** a noticeboard that is reserved for use by a specific group;
  - 43.4.20.3.** any outside pillar which exists within the University;
  - 43.4.20.4.** any glass within the University;
  - 43.4.20.5.** the ground anywhere within the University;
  - 43.4.20.6.** 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;
  - 43.4.20.7.** under the doors of voters' bedroom or in letter boxes in the Halls of Residence (including Urban Community, Jackomos and Briggs Halls), South East Flats, Mannix College and any other formal accommodation on campus; or
  - 43.4.20.8.** in the letterboxes of clubs and societies.
- 43.4.21.** making comments, posts or other like forms of electronic communication on social networking mediums other than pages, profiles and groups established

by tickets and individual candidates and personal social medium profiles, with the exception of 24.11; in particular;

- 43.4.21.1.** posting election, ticket or campaign material, authorised or unauthorised, on Monash Stalkerspace or other equivalent Monash University related public forums with the intent of incentivising voters to vote for or against a particular ticket or prejudicing voters in a particular fashion with respect to the election;
- 43.4.22.** using a social networking medium to promote a ticket or individual candidate without providing the URL to the Returning Officer in line with regulation 24.9 and regulation 24.10;
- 43.4.23.** email clubs and societies at their official clubs and societies email;
- 43.4.24.** failing to comply with a direction of the Returning Officer, or a ruling or direction of the Election Tribunal;
- 43.4.25.** impeding the conduct of the election; and
- 43.4.26.** participating in an MSA election while also holding a National Office in the National Union of Students.
  - 43.4.26.1.** For the purposes of 42.4.26. 'participating' means any conduct likely to directly affect the casting of a vote, including campaigning or interacting with a campaigner, and 'office' has the same meaning as C38 of the National Union of Students Incorporated Constitution 2017.
- 43.4.27.** campaigning within the lines marked by the Returning Officer, to be no closer to the polling place than three (3) metres and no further from the polling place than ten (10) metres at any given point;
- 43.4.28.** soliciting votes via in-person conversation or postering on polling days while inside of any building on campus other than the ground floor of Campus Centre;
- 43.4.29.** Voting digitally on behalf of or for someone else, with the use of their electronic device;
- 43.4.30.** Blocking doors, lifts, stairways and the pathway of students with disabilities, whether or not they utilise mobility devices;
- 43.4.31.** Approaching a student who wears a 'Do Not Approach Badge' per regulation 23 for campaigning purposes, unless that student first approaches and speaks to the campaigner themselves.
- 43.5.** Bullying behaviour by candidates or campaigners is prohibited.
- 43.6.** Without limiting regulation 42.5, discrimination based on race, gender identity, religion, disability or sexual orientation is prohibited.

#### **44. Appointment of Electoral Tribunal**

- 44.1.** The Election Tribunal must be constituted by an individual who:
  - 44.1.1.** has been admitted to practice as a barrister and solicitor of the Supreme Court of Victoria for at least 5 years;
  - 44.1.2.** is not a candidate in the election;
  - 44.1.3.** is not currently an enrolled student of the University; and
  - 44.1.4.** has not contested any MSA election in the 5 years before the election.
- 44.2.** The MSC must by resolution pass by an absolute majority appoint the Electoral Tribunal no later than the Monday 9 weeks before the annual elections.

#### **45. Procedure of Electoral Tribunal**

- 45.1.** The Electoral Tribunal may conduct hearings by telephone and, subject to regulations 44.2-44.5, regulate its own proceedings.
- 45.2.** The Electoral Tribunal must conduct hearings in camera.
- 45.3.** Parties may not be represented unless the Electoral Tribunal decides that without representation a party will be unable to fairly put its case.
- 45.4.** Proceedings of the Electoral Tribunal, other than its formal decisions, are confidential and may not be reported.
- 45.5.** Where in the view of the Electoral Tribunal it is unnecessary that a hearing be held, the Tribunal must as soon as practicable give a direction or ruling without holding a hearing.
- 45.6.** Subject to subsection 67(2) of the Associations Incorporation Reform Act 2012, decisions of the Electoral Tribunal are final.

#### **46. Appeals against the Decision of the Returning Officer**

- 46.1.** A student may appeal against a decision of the Returning Officer by writing to the Returning Officer within 24 hours after the original decision who will then refer the matter to the Electoral Tribunal.
- 46.2.** If the Electoral Tribunal considers that the Returning Officer's decision should be reviewed, they must as a matter of urgency:
  - 46.2.1.** Give the student appealing an opportunity to present their case; and
  - 46.2.2.** Give the returning officer an opportunity to respond.
- 46.3.** The Electoral Tribunal may call upon submissions from any other interested person.
- 46.4.** The Electoral Tribunal must then rule on the matter. The Election Tribunal must then rule on the matter and prepare a decision in writing for each matter it considers.
- 46.5.** The Election Tribunal must make the decision available to the Returning Officer and the appellant as soon as is practicable.
- 46.6.** The Returning Officer must display the decision on the MSA notice board and the MSA website as soon as is practicable.
- 46.7.** The Electoral Tribunal may make declaratory rulings under this regulation.
- 46.8.** The Electoral Tribunal may not make any ruling under this regulation which alters the result of an election which has been declared if the appeal has been brought after the time set in regulation 45.1.
- 46.9.** 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.
- 46.10.** In this regulation "decision" includes omission and failure to act.

#### **47. Reports of Prohibited Conduct or Material**

- 47.1.** The person who has reported the breach must be given an opportunity to present their case.
- 47.2.** Any person who has been reported must be given an opportunity to respond.
- 47.3.** The Returning Officer may, whether they find there has been a breach or not, give such directions as they see fit;
- 47.4.** If the Returning Officer finds that there has been a breach they may formally reprimand the person reported.
- 47.5.** If the Returning Officer finds there is breach of regulations 42.4.20 or 42.4.21 and the

responsible individual is a candidate of a registered ticket, the Returning Officer must;

- 47.5.1.** Direct the candidate to immediately remove their post, comment, or status, and;
- 47.5.2.** Direct the ticket to which that candidate belongs to make a formal post on their approved and authorised social media, that the Returning Officer will outline and approve the contents of, acknowledging a breach of the electoral regulations.
- 47.6.** Without limiting the Returning Officer's powers under this regulation, if the Returning Officer finds that a student has breached any part of these regulations, the Returning Officer may suspend that student from campaigning for a period of time determined by the Returning Officer.
- 47.7.** If the Returning Officer finds that there has been a serious breach they may disqualify the person and/or ticket from:
  - 47.7.1.** campaigning, or
  - 47.7.2.** standing or
  - 47.7.3.** standing and campaigning, in
    - 47.7.3.1.** that election, or
    - 47.7.3.2.** that election and a specified number of future elections, or
    - 47.7.3.3.** all elections.
- 47.8.** For the purposes of regulation 46.7 and without limiting the generality of the words "serious breach", a breach of regulations 42.4.1 – 42.4.5 or failure to comply with a direction or ruling of the Returning Officer is automatically a serious breach.
- 47.9.** Without limiting regulation 19.4, if a candidate is disqualified, the Returning Officer must proceed as if that person had never nominated.
- 47.10.** The Electoral Tribunal may not disqualify a person from standing in an election which has been declared if the report has been made after the time set in regulation 47.1.

## **48. Appeals Against Results of Elections**

- 48.1.** A student may appeal against the result of an election by writing to the Returning Officer within three academic days or one week, whichever is the lesser, of the declaration of the election.
- 48.2.** A student may only appeal against the result of an election on the ground that there has been a defect in the conduct of the election which has materially affected the result.
- 48.3.** The Returning Officer must contact the Electoral Tribunal to advise of the appeal within one week of being contacted.
- 48.4.** The Electoral Tribunal may only hear an appeal if they are satisfied there is a prima facie case.
- 48.5.** The student appealing must be given an opportunity to present their case to the Electoral Tribunal.
- 48.6.** The Electoral Tribunal may call upon submissions from any interested person.
- 48.7.** If the Electoral Tribunal is satisfied that there has been a defect in the conduct of the election which has materially affected the result it may order a new poll or polls or election or elections.
- 48.8.** The Electoral Tribunal may determine the timetable for a new poll or election ordered under regulation 47.7.



#### **49. Filling of Vacancies**

- 49.1.** If a vacancy occurs in an office-bearer position directly elected by students more than 3 months before the annual elections, a by-election for the position must be held within 30 days, as required by clause 42 of the Constitution.
- 49.2.** If a vacancy occurs in a position directly elected by students that is not an office-bearer position the Secretary will contact the authorised officer of the ticket on which the individual who vacated the position ran on when elected to the position, requesting them to lodge a statement in the form of Schedule 1.14, nominating an individual to fill the vacancy.
  - 49.2.1.** If the individual who vacated the position did not run on a ticket they will act as the authorised officer of the ticket for this process.
  - 49.2.2.** If the ticket appointment form is not submitted within one week the Secretary giving notice of the vacancy, then the vacancy shall be filled by resolution of MSC.
  - 49.2.3.** The appointment must be noted at the next meeting of the body on which the vacancy occurred.

#### **50. Validation**

- 50.1.** Under the Constitution no act, decision or election is invalid only because it was done, made or held after the time required by the Constitution.
- 50.2.** No act, decision or election is invalid only because it was done, made or held after the time required by these regulations.
- 50.3.** For the purposes of regulations 50.1 and 50.2 “act” does not include appeal(s).

#### **51. Modification of regulations**

- 51.1.** These regulations can be modified by a resolution of MSC passed by an absolute majority. However, for the motion to be considered at an MSC:
  - 51.1.1.** the motion must include the particulars in writing of the proposed change;
  - 51.1.2.** the motion must be distributed to all members of the MSC at least seven days before the meeting; and
  - 51.1.3.** the wording of the proposed changes cannot be modified once it has been distributed to all members of the MSC.

#### **52. Transitional Clause**

- 52.1.** Where a student referendum which seeks to establish a new office bearer position or multiple office bearer positions or a new committee and committee positions and the referendum is conducted concurrently with the general elections of the MSA, the Returning Officer must:
  - 52.1.1.** Open nominations for the prospective office-bearer and committee positions as per s.9.1 of these regulations. Subject to there being limitations on the students who are able to nominate for such a position, contained in the proposal for referendum, all students will be eligible to nominate for the prospective positions(s);

- 52.1.2.** Conduct an election for the prospective position(s) as per these regulations, and consistently with all other positions open for election.
- 52.2.** Where the referendum is successful, and the MSA Constitution accordingly is to be amended to reflect the result of the referendum, the Returning Officer must declare that the victorious candidate for the prospective position(s) has been elected according to s.41(1) of the MSA Constitution as the officer(s) responsible for the newly-created position(s) for the term of the following 1 December to 31 December of the next year.
- 52.3.** Where the referendum is unsuccessful, all candidates for the prospective position(s) will have not been elected to that position.
- 52.4.** These regulations cannot be modified from the appointment of the Returning Officer until the Returning Officer has presented their written report to MSC in line with regulation 6.3.

#### Amendment History

Adopted by the Monash Student Council on 18 August, 2000; and  
Amended by the Monash Student Council on 9 August 2001; and  
Amended by the Monash Student Council on 21 August 2001; and  
Amended by the Monash Student Council on 6 December, 2001; and  
Amended by the Monash Student Council on 29 July, 2002; and  
Amended by the Monash Student Council on 6 August, 2002; and  
Amended by the Monash Student Council on 15 September, 2003; and  
Amended by the Monash Student Council on 31 July, 2008; and  
Amended by the Monash Student Council on 27 April, 2009; and  
Amended by the Monash Student Council on 29 May, 2009; and  
Amended by the Monash Student Council on 17 June, 2010; and  
Amended by the Monash Student Council on 10 March, 2011; and  
Amended by the Monash Student Council on 20 December, 2011; and  
Amended by the Monash Student Council on 26 June, 2013; and  
Amended by the Monash Student Council on 28 April, 2016; and  
Amended by the Monash Student Council on 7 December, 2017; and  
Amended by the Monash Student Council on 28 June, 2018; and  
Amended by the Monash Student Council on 26 July, 2019; and  
Amended by the Monash Student Council on 19 July 2020; and  
Amended by the Monash Student Council on 19 July 2021; and  
Amended by the Monash Student Council on 29 July 2022; and  
Last amended by the Monash Student Council on 7 August 2023.

### **Schedule 1.1: Affirmative Action Counting Method**

As stipulated by sub-paragraph 39(4)(a) of the MSA Constitution, where there are multiple positions to be elected in the same ballot, at least half of the candidates elected must be woman identifying provided sufficient woman candidates have nominated. If the filling of a vacancy in one of a number of positions to which the above applied at the time of the original election by a cisgender man would result in less than half of those positions being held by a woman, the vacancy must be filled by a woman candidate. When this situation occurs, the following counting method must be applied:

- Exclude the remaining cisgender man candidates;
- Take all the ballot papers off the table (including those of unelected woman candidates);
- Make a new place marker for each woman not yet elected, and a new count-sheet for the affirmative action count carrying forward previous quotas, remainders, etc. (note: all such candidates are reintroduced to the count at zero votes, regardless of how many votes they had earlier in the count), then re-introduce any defeated woman candidates into the count at a zero number of points;
- Distribute any surpluses not previously distributed from the already elected candidates, in the order they were declared elected, between the woman candidates on the table. If a candidate is elected on this surplus, they are not allocated any further ballot papers;
- Re-distribute any previously exhausted ballot papers bundle by bundle in the order in which they were previously declared exhausted. Each continuing woman candidate is allotted those ballot papers on which they indicated as preferred to any other continuing woman identifying candidate, at the same values at which the papers were originally excluded, keeping every bundle of ballot papers separate. Once a candidate reaches the quota they are not allocated any further ballot papers beyond the bundle that elected them;
- Re-distribute in an order determined by lot the ballot papers of any woman candidate still in the count at the time affirmative action was applied, bundle by bundle in the order in which they were received by the woman candidate. Each continuing woman candidate is allotted those ballot papers on which they indicated as preferred to any other continuing woman candidate, at the same values at which the ballot papers were originally received by the first mentioned woman candidate, keeping every bundle of ballot papers separate. Once a candidate reaches the quota they are not allocated any further ballot papers beyond the bundle that elected them;
- Re-distribute in an order determined by lot the ballot papers of the excluded non-woman candidate, bundle by bundle in the order in which they were received by the cisgender man candidate. Each continuing woman candidate is allotted those ballot papers on which they indicated as preferred to any other continuing woman candidate, at the same values at which the ballot papers were originally received by the excluded non-woman candidate, keeping every bundle of ballot papers separate. Once a candidate reaches the quota they are not allocated any further ballot papers beyond the bundle that elected them;
- After all the votes taken off the table under this clause have been allocated, commence the distribution of any surpluses of the woman elected by virtue of the Affirmative Action provisions;

- Continue the count until the required number of woman candidates are elected in accordance with the standing rules applying to quota and exclusion as practised in optional preferential proportional ballots.

## **Schedule 1.2: Notice of Election**

Monash Student Association (Clayton) Incorporated

ANNUAL ELECTIONS, MONDAY (DATE) – THURSDAY (DATE) SEPTEMBER (YEAR)  
(or)

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

### NOTICE OF ELECTION

#### Nominations

Nominations are now open for:  
(list all positions to be elected)

Nomination forms are available via the MSA website [[www.msa.monash.edu.au](http://www.msa.monash.edu.au)]

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

Copies of the regulations governing the election are available via the MSA website  
[[www.msa.monash.edu.au](http://www.msa.monash.edu.au)]

#### Voting

Polling will be held on:

Monday (date) – Thursday (date) September

All voting will be conducted via digital ballot sent to all students who are eligible to vote via their student email.

(name)

Returning Officer

### **Schedule 1.3: Email to Indigenous Students Giving Notice of Election**

Dear student,

This letter is to inform you of the upcoming Monash Student Association (MSA) Elections (or) By-Election, and the opening of nominations for the position of Indigenous Officer. These positions are elected by and from Indigenous Australian students.

The Indigenous Officer is a member of Monash Student Council (MSC) and chairs the Indigenous Affairs Collective. They are responsible for raising awareness of Indigenous issues amongst students, staff and the wider community; and representing the interests of Indigenous students on University Committees.

The positions commence on (DAY) (MONTH) (YEAR), and conclude on the (DAY) (MONTH) (YEAR). Two people may share the Indigenous Officer position.

Nominations will open from (DAY) (MONTH) (YEAR), and will close (DAY) (MONTH) (YEAR).

To nominate for the position, you need to fill in a nomination form (attached) and be nominated and seconded by 2 other Indigenous Australian students. Every student may only nominate another person once, and second someone else once. If sharing the position, the nomination form must also include the signature of the person you wish to share with. Please see the Election Regulations for further information on the nomination process, or contact one of the people below for more information. Once complete, nomination forms can be submitted to the Returning Officer either by e-mail; or by leaving in the locked box provided for that purpose at the Indigenous Student Lounge no later than (DAY) (MONTH) (YEAR).

Polling times and places are as follows:

(POLLING PLACE)  
(DATE) (TIME OPENS) – (TIME CLOSES)  
(DATE) (TIME OPENS) – (TIME CLOSES)

(POLLING PLACE)  
(DATE) (TIME OPENS) – (TIME CLOSES)

Please note that if you intend on standing or voting for the position, you must be registered with the William Cooper Institute as an Indigenous Australian student by: (DAY) (MONTH) (YEAR)

Full details of the election process are outlined in the Election Regulations (attached), and further information can be sought from the Coordinator, Indigenous Academic Engagement (name) in the William Cooper Institute, the MSA Secretary (name), or from the Returning Officer (name).

Sincerely,

(name)

Returning Officer

## Schedule 1.4: Nomination Form

# NOMINATION FORM

*By signing this form you give consent to the Returning Officer to verify your personal details with the University to ensure you are eligible to stand as a candidate, and you agree to adhere to the MSA Election Regulations, MSA Constitution and the directions of the Election staff.*

***Nominations close [insert date]. Nominations must be signed by the candidate, and the students nominating and seconding. Nominations must be submitted to the Returning Officer.***

Candidate Details							
First Name:				Last Name:			
Student ID:				Email Address:			
Address:							
If you are standing for Residential Community Officer, are you currently or have you been in this calendar year, a resident of Monash Student Accommodation? (Y/N)							
Are you? (Y/N)							
A Woman		A Person of Colour		A Queer Student		Disabled or a carer	
Mobile Phone Number:							
Position:							
Signature:							

CONSENT OF AUTHORISING OFFICER TO STAND ON A TICKET <i>(if applicable)</i>			
Ticket Name:			Signature of Authorised Officer:



Nominated By							
First Name:				Last Name:			
Student ID:				Signature:			
Address:							
Are you? (Y/N)							
A Woman		A Person of Colour		A Queer Student		Disabled or a carer	
Seconded By							
First Name:				Last Name:			
Student ID:				Signature:			
Address:							
Are you? (Y/N)							
A Woman		A Person of Colour		A Queer Student		Disabled or a carer	

I NOMINATE TO SHARE THIS POSITION WITH (if sharing a position other than Lot's Wife):			
First Name:			Last Name:
Student ID:			Signature:

*[Name of Returning Officer]*  
**Returning Officer**  
*[Mobile Phone Number]*  
 msa.returningofficer@gmail.com

Office Use Only	
Date Received: .....	Time Received: ..... Received By: .....

**Schedule 1.4A: Attachment for Lot's Wife**

We collectively nominate to share this position with each other:			
First Name	Last Name	Student ID	Signature

<p align="center"><b><u>Office Use Only</u></b></p> <p>Date Received: ..... Time Received: ..... Received By: .....</p>
---

### Schedule 1.5 – Withdrawal of Nomination Form

I hereby withdraw my nomination for the indicated position.	
Name	
Address	
Student Number	
Mobile Number	
Position withdrawing from	
Signature	

<b><u>Office Use Only</u></b>		
Date Received: .....	Time Received: .....	Received By: .....

**Schedule 1.6 - Application to Register a Ticket Name**

# APPLICATION TO REGISTER A TICKET NAME

NAME OF TICKET	
-------------------	--

AUTHORISED OFFICER DETAILS			
First Name:		Last Name:	
Student ID:		Email address	
Address:			
Mobile phone number		Signature	

RE-REGISTRATION DETAILS (if applicable)	
Name of most recent authorising officer	
Signature of most recent authorising officer	

We, the below signed, support the (re) registration of this ticket name per the details above, and give consent to the Returning officer verifying our enrolment details with the University to determine our eligibility to participate in the election			
First name	Last name	Student ID	Signature

[illegible]

**Office Use Only**

Date Received: ..... Time Received: ..... Received By: .....



Name:		Signature:	
Name:		Signature:	

<b>EXECUTION</b>	
Signature of Authorised Officer:	

<b><u>Office Use Only</u></b>		
Date Received: .....	Time Received: .....	Received By: .....

**Schedule 1.8 – Statement of Preference of Nominated Positions**

# STATEMENT OF PREFERENCE OF NOMINATED POSITIONS

Candidate details			
First Name:		Last Name:	
Student ID:		Mobile number:	
Address:			
Signature			

As per my details above, I declare that, in the event I am elected to multiple positions that I am ineligible to hold concurrently, I wish to be elected to the following positions in order of preference	
Position 1	
Position 2	
Position 3	
Position 4	
Position 5	
Position 6	
Position 7	
Position 8	
Position 9	
Position 10	



## Schedule 1.9 - Declaration of Election

Monash Student Association (Clayton) Incorporated

ANNUAL ELECTIONS, MONDAY (DATE) - THURSDAY (DATE) SEPTEMBER (YEAR)

(or)

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

### DECLARATION OF ELECTION

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

I declared:

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

(name/s of candidate/s in order)

elected as/to:

.....(name of position)

.....

(signature)

(name),

Returning Officer

### **Schedule 1.10 - Vacancy Appointment**

Monash Student Association (Clayton) Incorporated

Vacancy Appointment

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)

of ..... (current postal address of person filling the vacancy)

..... , (student number 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)