

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 Authority

- (1) These regulations are made under clause 58 of the Constitution to give effect to the following provisions of the Constitution—
 - (a) clauses 17 and 18; and
 - (b) clause 33; and
 - (c) Part 10.
- (2) In addition—
 - (a) regulations relating to the conduct of MSA elections are made under subclause 38(1) of the Constitution; and
 - (b) regulations relating to the conduct of student referenda are made under subclause 17(7) of the Constitution; and
 - (c) regulations limiting who may stand or vote for the Residential Community Officer are made under subclause 39(3) of the Constitution; and
 - (d) regulations relating to sharing of positions and joint candidates are made under subclause 33(3) of the Constitution.

112 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 intention 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.

113 Interpretation

- (1) Unless the contrary intention appears, terms defined in the Constitution and *Administration Regulations* have the same meaning in these regulations.
- (2) In addition, unless the contrary intention appears—
 - (a) **autonomous position** means—
 - (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; and
 - (vi) the Residential Community Officer;
 - (b) **before**, in reference to an election, means before the first day of polling in that election;

- (c) **campaign** or **campaigning** includes any activity intended to or likely to—
 - (i) influence the registration of tickets or the nomination of candidates; or
 - (ii) influence voting in an election or a referendum to which these regulations apply; or
 - (iii) 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;
- (d) **campus** means the Clayton campus of the University;
- (e) **Constitution** or **constitution** means the MSA Constitution;
- (f) **club** means a club, society, association, group or other organisation affiliated to MSA by the Clubs & Societies Council;
- (g) **decision** includes—
 - (i) an omission; or
 - (ii) failure to act;
- (h) **distinct**, in reference to a candidate, means a candidate regardless of—
 - (i) whether they are running on a ticket or as an unaffiliated candidate; or
 - (ii) how many positions they nominate for;

Example 1: A person who nominates for multiple positions is a single distinct candidate and not multiple distinct candidates.

Example 2: Each candidate nominating for a shared office-bearer position is a distinct candidate.
- (i) **election official** means—
 - (i) the Returning Officer; and
 - (ii) any Deputy Returning Officers; and
 - (iii) any 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 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 where no campaigning is permitted as—
 - (i) defined by these regulations; or
 - (ii) declared by the Returning Officer;

- (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**, in reference to a candidate, means a candidate jointly standing for an office-bearer position with at least one other candidate;
- (n) **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 offices; and
 - (vii) *Lot’s Wife* stands and MSA screens; and
 - (viii) MGA, MONSU and MPSU spaces;
- (o) **NUS** means the National Union of Students Incorporated;
- (p) **NUS delegate** means a delegate of the MSA to the national conference of NUS;
- (q) **NUS officer** means any person currently holding, or having held within the 12 months prior to 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, information, action or other thing, whether broadcast, distributed or disseminated, that is intended to influence how or whether a person votes in an election or a referendum, excluding—
 - (i) verbal and nonverbal communication; and
 - (ii) text messaging or direct instant messaging, other than group messaging or bulk messaging;
- (t) **social media** means a website or app that allows a user to create and share content online, including online social networks;

Examples: Facebook, Instagram, Discord, LinkedIn, YouTube, Reddit, TikTok, WeChat, X (Twitter), Snapchat, RedNote and Line.
- (u) **solicit votes in-person** includes while being on campus or in on-campus accommodation, campaigning for a ticket, candidate, result or outcome by—
 - (i) encouraging students to vote in a specific manner; or
 - (ii) handing out pamphlets; or
 - (iii) postering; or
 - (iv) wearing clothing;

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- (v) **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;
 - (w) **unaffiliated**, in reference to a candidate, means a candidate not running on a ticket;
 - (x) **William Cooper Institute** means the department of that name within the University or its successor department.
- (3) The headings form part of these regulations.
 - (4) In these regulations—
 - (a) words in the singular include the plural; and
 - (b) words in the plural include the singular.
 - (5) A reference to a time means 24-hour Victorian Time.
 - (6) Where a form is prescribed by or under these regulations for any purpose, any form in or to the like effect of the prescribed form is sufficient.
 - (7) These regulations, unless the contrary intention appears, must be interpreted in accordance with Part 2 of the *Administration Regulations*.
 - (8) The Executive Officer may delegate their responsibilities under these regulations, in part or in whole, to any non-casual employee of MSA.

114 Defamation

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

115 Security of 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) may resolve any discrepancies that arise under these regulations; and
 - (d) is subject only to the Electoral Tribunal.
- (2) Decisions of the Returning Officer may only be appealed to the Electoral Tribunal in accordance with regulation 223.
- (3) To comply with B6 of the *NUS By-laws*, the Returning Officer must send the NUS General Secretary or Accreditation Committee a report within 2 weeks of—
 - (a) if the NUS delegates are elected unopposed at the annual elections, the close of nominations for the annual elections, which must—
 - (i) state that B4 of the *NUS By-laws* was complied with; and
 - (ii) set out an order of election agreed to and signed by each delegate; or
 - (b) otherwise, the declaration of the annual elections, which must—
 - (i) state the election was conducted in accordance with B3-B5 of the *NUS By-laws*; and
 - (ii) set out the names of NUS delegates elected including their details and the order in which they were elected; and
 - (iii) contain details of notice, polling and the rules under which the election was conducted.
- (4) In addition to subregulation (3), the Returning Officer must—
 - (a) request from the University; and
 - (b) include in their report to NUS—

the total Equivalent Full-Time Student Load (EFTSL) of all students that were eligible to vote in the annual elections.
- (5) The Secretary and Executive Officer must provide the facilities, resources and assistance necessary to enable the Returning Officer to carry out their responsibilities under these regulations.

212 Appointment

- (1) The MSC must appoint a Returning Officer, by an absolute majority, no later than—
 - (a) for the annual elections, the Monday 9 weeks before the annual elections; or
 - (b) for by-elections, 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 the Returning Officer must be appointed—

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- (a) as soon as practicable; and
 - (b) before nominations open.
 - (3) The Returning Officer must not—
 - (a) be a candidate in any election for which they are Returning Officer; or
 - (b) unless the Secretary is Returning Officer for a by-election or referendum—
 - (i) be a currently enrolled student of the University or have been enrolled at the University within the previous 5 academic years; or
 - (ii) have contested any student organisation election in the 5 academic years prior to the year of the election.
 - (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 5 academic years; or
 - (c) have contested any student organisation election in the 5 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 Communications

- (1) The Executive Officer must provide the Returning Officer with—
 - (a) MSA logo files; and
 - (b) any other relevant MSA branding.
- (2) The Returning Officer must, if practicable, ensure all election or referendum communication contains MSA branding.

- (3) The Executive Officer must produce and the Returning Officer must approve content for MSA social media outlining key information and dates for each election or referendum.

215 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, the Secretary and Executive Officer.
- (2) The Secretary must then place consideration of the report on an agenda of a regular meeting of the MSC as soon as practicable.
- (3) 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 if applicable, associated tickets; 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.
- (4) The Secretary must make the Returning Officer's report available on the 'Elections' page of the MSA website for a period of not less than 7 years.

216 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 referenda.
Note: The Returning Officer must ensure the request is made within a timeframe compliant with University policy and any agreement between the MSA and the University.
- (2) If the Returning Officer determines the electoral roll to be incomplete, they may make any additions to the electoral roll they determine to be appropriate.
- (3) The Returning Officer must request access to the University's bulk email facilities to send a secure voting link to students.
- (4) The Returning Officer must use two-factor authentication or unique voting links for the purpose of maintaining security of the voting system.

Division 2 Electoral Tribunal

221 Appointment

- (1) The Electoral Tribunal must be constituted by an individual who—
 - (a) has been admitted to practise 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 5 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, 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.
- (6) Subject to subsection 67(2) of the *Victorian 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 of the annual elections, 3 academic days after the original decision; or
 - (b) for matters occurring outside the polling period of a by-election, 1 academic day after the original decision; or
 - (c) for matters occurring during the polling period of the annual elections or a by-election, 24 hours of the original decision.
- (2) The Returning Officer must then refer the matter to the Electoral Tribunal as soon as practicable.
- (3) If the Electoral Tribunal determines that the Returning Officer's decision should be reviewed, they must as soon as practicable—
 - (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—

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- (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 then—
 - (a) make the decision available to each authorised officer and unaffiliated candidate; and
 - (b) publish the decision on the ‘Elections’ page of the MSA website—
as soon as 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.

Part 3 Elections

Division 1 Voters and Positions

311 Eligibility to Vote

- (1) Under subclause 39(2) of the Constitution all students may vote in elections.
- (2) Each student is only entitled to one vote for each position in an election.

312 Positions to 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) To comply with R18 of the *NUS Regulations*, NUS delegates must be elected at annual elections.
- (3) 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) subclauses 42(4) and 42(5) of the Constitution; and
 - (ii) these regulations.
- (4) 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) NUS delegates.

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 on the day 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) publishing the notice on MSA social media; and
- (c) where available, distributing notice via Monash University bulk email facilities.
- (3) The notice of election must—
 - (a) state all positions to be elected in the order listed in subregulation 312(4); and
 - (b) state the dates and times of polling; and
 - (c) contain links to—
 - (i) the ‘Elections’ page of the MSA website; and
 - (ii) these Regulations; and
 - (iii) the *Student Representative Regulations*; and
 - (iv) the *Committee Regulations*; and
 - (v) the *Administration Regulations*; and
 - (d) state the name of and contact details for the Returning Officer; and
 - (e) include an election timetable; and
 - (f) 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 on the day 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 the 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 on the day 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 **Error! Reference source not found.**(3), specifying the exact date for this requirement.

Division 3 Tickets

331 Authorised Officers

- (1) Each ticket must be managed by a student eligible to vote as its 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; or
 - (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, delegate responsibility to another student eligible to vote to act on their behalf.
- (7) If the authorised officer of a ticket is not contactable by the Returning Officer for a reasonable period of time or is otherwise unable to fulfil their responsibilities, the Returning Officer may transfer the registration of a ticket to their last appointed delegate.

332 Names

- (1) A proposed ticket name must not—
 - (a) be the same as, contain or be so similar to any other registered ticket name as to be confused with or mistaken for the name of—
 - (i) another registered ticket name; or
 - (ii) another ticket registered in any MSA election in the past 5 years, unless agreed to by the most recent authorised officer of that ticket; or
 - (iii) any department or division of the MSA or the University; or
 - (iv) the name of a body affiliated to the MSA under clause 31 of the Constitution; or

- (v) the name of any service provided by or used by the MSA or the University; or
- (b) be the same as, contain or be so similar to as to be confused with or mistaken for the name of an organisation, including a club, 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
- (c) contain the word ‘independent’; or
- (d) contain the word ‘Monash’; or
- (e) contain the initialism ‘MSA’; or
- (f) be longer than—
 - (i) 4 words; or
 - (ii) 20 characters, including spaces and special characters; or
- (g) be misleading or deceptive; or
- (h) be contrary to law; or
- (i) be racist, sexist, militaristic, queerphobic, ableist; or
- (j) be violent, abusive or threatening.
- (2) Where a proposed ticket name is rejected under subregulation (1), the ticket applicant must be given the opportunity to submit a different name.

333 Clubs

- (1) Only an authorised representative of a club 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, the Returning Officer must register that ticket name in the name of the club.
- (3) If a club applies to have its name or trading name registered as a ticket name under this regulation the registration of any other ticket name that is so similar to the proposed ticket name of the club, as to be confused with or mistaken for that name, lapses.
- (4) Despite subregulation (3), if a ticket name is registered and a club subsequently affiliated with that same name, the club may only register the ticket name if the prior registration of the ticket name has lapsed.
- (5) In the case of a club, the authorised officer is the president or equivalent office-bearer of that club, unless the committee or equivalent body of the club resolves that another member should be the authorised officer.

334 Signatories

- (1) A student may only be a signatory to 1 ticket.
- (2) If a student is a signatory for more than 1 ticket, then they do not count as a signatory for any ticket.
- (3) If a ticket name incorporates the name of a club, all signatories must be ordinary members of that club.
- (4) The Executive of the Clubs & Societies Council must provide a list of ordinary members of a club, as soon as practicable, on request by the Returning Officer.

335 Registration

- (1) Ticket registrations must be in a form approved by the Returning Officer.
- (2) Ticket registration forms must require registrants to provide—
 - (a) the name of the ticket; and
 - (b) their full name; and
 - (c) their student number; and
 - (d) their student email address; and
 - (e) their postal address; and
 - (f) their mobile phone number; and
 - (g) if applicable, the name and signature of the previous authorised officer; and
 - (h) the names, student numbers and signatures of at least 100 students who support the registration or re-registration of the ticket.
- (3) 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.
- (4) Ticket registrations open at—
 - (a) for the annual elections, 10:00 on the Monday 7 weeks before the annual elections; or
 - (b) for by-elections, 10:00 on the day 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 Wednesday 6 weeks before the annual elections; or
 - (b) for by-elections, 18:00 on the day 9 academic days before the by-election.
- (6) Where multiple valid registrations for a ticket name are received—
 - (a) before the opening of ticket registrations, the Returning Officer must determine by lot which registrant will be successful; or
 - (b) after the opening of ticket registrations, the registrant who submitted a form first will be successful.
- (7) An unsuccessful ticket registrant under subregulation (6) may provide a different ticket name to the Returning Officer for registration.
- (8) Ticket names may be re-registered.
- (9) For by-elections all tickets registered at the previous annual elections are re-registered automatically with the same authorised officers.
- (10) 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 on the day 8 academic days before the by-election.
- (2) The list must contain—

- (a) the name of each registered ticket; and
 - (b) the name of the authorised officer of each ticket; and
 - (c) the number of valid signatures obtained by each ticket.
- (3) Objections to the registration of a ticket name or the rejection of a ticket name must be made to the Returning Officer within—
 - (a) for tickets in the annual elections, 3 academic days after the publication of all registered tickets; or
 - (b) for tickets in a by-election, 1 academic day after the publication of all registered tickets.
- (4) The Returning Officer must then—
 - (a) determine whether to accept or reject the objection; and
 - (b) make any corrections or changes as they determine.
- (5) Any objection made outside the period prescribed in subregulation (3) may only be upheld if failing to do so would be materially unfair.

Division 4 Nominations

341 Eligibility to Stand

- (1) All students may stand in elections unless they—
 - (a) are disqualified from participation for a serious breach for—
 - (i) a period determined by the Returning Officer or Electoral Tribunal; or
 - (ii) indefinitely; or
 - (b) are an NUS officer; or
 - (c) are prohibited from standing under subclause 39(1) of the Constitution; or

Note: Subclause 39(1) of the Constitution prohibits students who are full-time staff of the MSA or the University and office-bearers who have ceased to be enrolled students of the University, and to whom the definition of “student” in subparagraph 64(1)(v)(ii) of the Constitution does not apply from standing.
 - (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, excluding subparagraph 42(1)(e)(ii); 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 in 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.
- (5) From the opening of nominations until the close of nominations, a student may request that the Returning Officer check the electoral roll to determine if they are eligible to stand in elections.
- (6) A request is valid only if the student—
 - (a) requests the Returning Officer check their own eligibility to stand and no other student's eligibility to stand;
 - (b) provides their student number; and
 - (c) makes the request using their student email.
- (7) The Returning Officer must give written confirmation of a student's eligibility status within 2 academic days of the student making a valid request.

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 on the day 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) Nomination 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; and
- (f) the position for which they are nominating; and
- (g) the groups for autonomous positions with which they identify with; and
- (h) their signature; and
- (i) if they are standing as a joint candidate, the name 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 names, student numbers and signatures of at least 10 students who support their nomination.
- (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 standing for multiple positions must submit a separate nomination form for each position.

344 Signatories

- (1) Unaffiliated candidates must not be signatories to their own nominations.
- (2) A student may only be a signatory to 1 nomination for an unaffiliated candidate.
- (3) A student may only be a signatory to a nomination if they are not a signatory to a ticket.
- (4) If a student is a signatory for more than 1 nomination or is a signatory to a ticket, then that student's signature does not count as a signatory for any nomination.

345 Sharing of Positions

- (1) Students may jointly stand for and hold office-bearer positions in accordance with clause 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.

346 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.
- (4) Objections to the acceptance of a nomination on grounds other than eligibility or the rejection of a nomination must be made to the Returning Officer within—
 - (a) for nominations in the annual elections, 3 academic days after notice is given in accordance with subregulation (3); or
 - (b) for nominations in a by-election, 1 academic day after notice is given in accordance with subregulation (3).
- (5) The Returning Officer must then—
 - (a) determine whether to accept or reject the objection; and
 - (b) make any corrections or changes as they determine.
- (6) Any objection made outside the period prescribed in subregulation (4) will only be upheld if failing to do so would be materially unfair.
- (7) Without limiting regulation 636, an objection to a nomination on eligibility grounds may be made at any time prior to the declaration of results.

347 Withdrawal

- (1) Withdrawals of nomination must be in a form approved by the Returning Officer.
- (2) The Returning Officer must make withdrawal of nomination 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 who has nominated for multiple positions must use separate forms to withdraw from each position.
- (6) Withdrawals of nomination 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.

348 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 there are positions to be elected.

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 fewer 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 day 2 academic days before the by-election.

352 Candidate Statements

- (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 statement for all candidates on that ticket; and
 - (ii) only one photograph or ticket image.
- (2) Tickets that qualify for 'front-page' voting may submit a policy statement and photograph.
- (3) Policy statement and photographs must be submitted electronically—
 - (a) in a form approved by the Returning Officer; or
Example: The Returning Officer may set up a Google Form.
 - (b) by email to the Returning Officer.
- (4) The authorised officer of a ticket is responsible for submitting statements and photographs on behalf of each candidate on the ticket.
- (5) Policy statements must not—
 - (a) be longer than 200 words; or
 - (b) contain emojis, emoticons or other pictograms.

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- (6) If the number of words in a policy statement exceeds the number permitted by paragraph (5)(a), the excess words must not be published.
 - (7) The Returning Officer must, as soon as practicable, make candidate statements available to the Editors of *Lot's Wife*.

353 Publication

- (1) 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 those candidates will appear on the election guide.
- (2) 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 on the day 4 academic days before the by-election.

Part 4 Student Referenda

Division 1 Convening

411 Wording

- (1) Under subclause 17(2) of the Constitution the MSC may by resolution passed by an absolute majority hold a student referendum.
- (2) Referenda may only be convened by a resolution of MSC, provided that—
 - (a) the motion must include the particulars in writing of the proposed referendum question;
 - (b) the motion must be distributed to all office-bearers and members of MSA bodies at least 48 hours before the meeting; and
 - (c) the wording of the proposed referendum question must not be altered once it has been distributed.

412 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) publishing the notice on MSA social media; and
 - (c) where available, distributing notice via Monash University bulk email 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) if applicable, the proposed changes to the Constitution if the referendum is successful; 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 a referendum timetable; and
 - (f) 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 referendum 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 week before the referendum.

Division 2 Voters

421 Eligibility to Vote

- (1) All students may vote in student referenda.

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- (2) Under subclause 17(5) of the Constitution each student is entitled to one vote in a student referendum.

Division 3 Transitional Arrangements

431 Establishment of New Positions

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

Part 5 Publicity

511 Publicity Generally

- (1) This part applies from the appointment of the Returning Officer to the close 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 giveaway 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 a megaphone, public address system or similar; and
 - (d) using chalk to promote a ticket or candidate; and
 - (e) using an A-Frame; and
 - (f) banners and flags; and
 - (g) publicity that does not comply with this Part; and
 - (h) publicity in contravention of regulation 721.
- (5) Campaign spending must not exceed—
 - (a) in the case of unaffiliated distinct candidates, \$500; or
 - (b) in the case of tickets, \$500 plus an additional \$25 per candidate affiliated with the ticket.

512 Physical Publicity

- (1) Physical publicity may only be in the form of—
 - (a) posters; or
 - (b) pamphlets; or
 - (c) items of clothing.
- (2) The Returning Officer must keep a register of all physical publicity.
- (3) The Returning Officer must make copies of physical publicity available for students to inspect upon request.
- (4) The Returning Officer must provide tickets and unaffiliated candidates with paper that—
 - (a) is identifiably marked and ‘copy-proofed’; and
 - (b) has a matte finish; and

- (c) is 80gsm or lighter; and
 - (d) is 100% post-consumer recycled.
- (5) Paper must be provided to unaffiliated candidates and tickets in the following quantities—
 - (a) in the case of unaffiliated distinct candidates—
 - (i) 400 A4 sheets; and
 - (ii) 10 A3 posters; or
 - (b) in the case of tickets—
 - (i) 400 A4 sheets plus an additional 100 A4 sheets per candidate affiliated with the ticket; and
 - (ii) 10 A3 posters plus 2 additional A3 posters per candidate affiliated with the ticket.
- (6) Paper provided by the Returning Officer may only be used by the ticket or unaffiliated candidate to which it was given.
- (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) not be laminated; and
 - (b) not be adhesive; and
 - (c) in the case of posters, not exceed A3 in size; and
 - (d) in the case of pamphlets, not exceed A4 in size; and
 - (e) be printed on paper provided by the Returning Officer; and
 - (f) be printed with the statement “Please Recycle” and the universal recycling symbol.

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 media 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 media 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 media 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 in writing on the publicity in the form “Authorised by [Name]”.

- (3) Multimedia publicity is properly authorised if authorised in at least one medium.

Example: An authorisation may appear in a caption associated with an image posted on social media but not the image itself.

515 Provisional Approval

- (1) The Returning Officer must, on request, provisionally approve or reject any publicity submitted by an unaffiliated candidate or the authorised officer of a ticket.
- (2) 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.
- (3) Candidates and tickets must—
 - (a) not be penalised for publicity that has been provisionally approved, except where the candidate or ticket has failed to remove the content within a reasonable timeframe at the direction of the Returning Officer; and
 - (b) be given replacement paper and reimbursed where provisionally approved physical publicity is later found to be in breach of these regulations; and
 - (c) not have costs associated with the production of the provisionally approved physical publicity that is later found to be in breach of these regulations counted against their spending cap.
- (4) Subregulation (3) does not apply where the Returning Officer determines the publicity was likely to be an intentional breach of these regulations.

516 Publicity by *Lot's Wife*

- (1) Publications of *Lot's Wife* published from the appointment of the Returning Officer to the close 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 721; 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 close of polling; or
 - (b) if the publication has already been released, the Returning Officer must ban the publication from circulation until the close of polling.
- (3) Any publications of *Lot's Wife* published from the appointment of the Returning Officer to the close 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 72 hours to review an edition before release, the Returning Officer must ban the publication from being released until the close 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 close of polling.

517 Election Guide for Annual Elections

- (1) The Editors of *Lot's Wife* and any other persons nominated by the MSC—
 - (a) must produce an election guide for the annual elections; and
 - (b) may produce an election guide for any by-election.
- (2) The election guide must—
 - (a) include—
 - (i) the notice of election; and
 - (ii) a brief description of each position to be elected; and
 - (iii) instructions on how to complete a ballot-paper in accordance with these regulations; and
 - (iv) a segment for each position to be elected in the same order as regulation 312(4); and
 - (v) candidate photographs and policy statements for each position in the order drawn by the Returning Officer; and
 - (b) not have any candidate material on the front or back covers; and
 - (c) use the same colour, font, font style and font size for all names and policy statements; and
 - (d) reproduce candidate photographs in a uniform size; and
 - (e) be available for viewing—
 - (i) in digital format no later than 18:00 on the Monday 1 week before the annual elections; and
 - (ii) in physical format at the election help desk; and
 - (f) be approved by the Returning Officer before publication.
- (3) The names of candidates who do not submit a policy statement or photograph must be published in the election guide, with a note that the policy statement or photograph was not submitted.

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) If the MSC—
 - (a) does not otherwise determine the dates on which the annual elections are to be held, the elections will be held during the Monday to Thursday of the final full academic week of the second semester; and
 - (b) has not appointed a Returning Officer by the Monday 9 weeks before the elections, the previous Returning Officer is taken to be reappointed; and
 - (c) has not appointed an Electoral Tribunal by the Monday 9 weeks before the elections, the previous Electoral Tribunal is taken to be reappointed.
- (4) By-elections must be held on an academic day determined by the MSC.
- (5) Referenda must be held on consecutive academic days determined by the MSC and may be held concurrently with elections.
- (6) 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.

- (3) The Residential Community Officer must be directly elected by and from students who—
 - (a) currently reside in on-campus accommodation; or
 - (b) have resided in on-campus accommodation within the past 12 months.

Note: This subregulation is made under subclause 39(3) of the Constitution.
- (4) Only students who are registered with the William Cooper Institute as Indigenous students may vote for the Indigenous Officer.

614 Daily Turnout Updates

- (1) The Returning Officer must provide to each authorised officer and unaffiliated candidate the number of front-page votes cast in total and for each autonomous position—
 - (a) as of 10:00 on each day of polling, except for the first day of polling; and
 - (b) as of 16:00 on each day of polling, except for the last day of polling.

Division 2 Ballot

621 Ballot-papers Generally

- (1) The order of candidates appearing on ballot-papers must—
 - (a) where practicable, be in a rotating random order; or
Example: A Robson rotation may be used.
 - (b) otherwise, be in the same random order as the election guide.
- (2) The Returning Officer must, if practicable, link to or make available to view policy statements and photographs on each ballot-paper.
- (3) 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.
- (4) A ticket qualifies for front-page voting if it has at least 7 distinct candidates, who must be contesting at least—
 - (a) 1 office-bearer position; and
 - (b) 4 positions on committees.
- (5) The front-page voting option must—
 - (a) list each ticket that has qualified under subregulation (4); and
 - (b) provide instructions that give effect to the method of casting a vote under regulation 623(2)(b) for all positions simultaneously; and
 - (c) make provisions for voters to identify as a member of relevant groups for the purposes of voting for autonomous positions.
- (6) 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.

622 Issuing of Ballot-papers

- (1) All voting must be conducted using a digital ballot.
- (2) All students must be issued a ballot-paper to their student email.
- (3) Ballot-papers must—
 - (a) only accept formal ballots; and
 - (b) prevent voters from submitting an informal ballot.
- (4) The Returning Officer must take reasonable steps to ensure the ballot is accessible to all students, including considering at least the ballot-paper's—
 - (a) compatibility with screen readers; and
 - (b) navigability by use of a keyboard.
- (5) 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.
- (6) 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 any 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 any other tickets of lower preference in order as they wish.
- (3) A voter who has voted in accordance with paragraph (2)(b) is deemed to have voted in the following manner—
 - (a) for the first ticket numbered that has nominated at least 1 candidate for a position, they must be taken to have placed—
 - (i) the number “1” against the name of the first candidate on the ticket; and
 - (ii) consecutive higher numbers against the names of any other candidates on the ticket in order; then
 - (b) if a voter has indicated a preference for more than 1 ticket, for each further numbered ticket that has nominated at least 1 candidate for the position, in order of numbering, they must be taken to have placed—
 - (i) the next consecutive higher number against the name of the first candidate on the ticket; and
 - (ii) consecutive higher numbers against the names of any other candidates on the ticket in order; then
 - (c) their ballot-paper must be exhausted with respect to that position.

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- (4) A voter who has voted in accordance with both paragraphs (2)(a) and (2)(b) is deemed to have voted in accordance with paragraph (2)(a) but not paragraph (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 recorded for each election.

632 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 to 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) to (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 set out in regulation 633.
- (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.

633 Affirmative Action

- (1) All candidates must be given the opportunity to be elected in their own right before affirmative action applies.
- (2) If the next step in a count would result in the election of fewer women than are required under the relevant requirements, and there are candidates 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.

634 Eligibility to Hold Multiple Positions

- (1) Under clause 40 of the Constitution—
 - (a) a person may stand for but not hold more than one office-bearer position; and
 - (b) a person may stand for but not hold more than one voting position on the same MSA body; and
 - (c) a person may stand for but not hold more than 2 separate positions as an office-bearer or member of the MSC or Committees; and
 - (d) a person who holds the position of Editor of *Lot's Wife* may not hold a voting position on any MSC body.
- (2) 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 312(4).

635 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 and count sheets on the 'Elections' page of the MSA website.

636 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.

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- (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 or referendum 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

Division 1 Restrictions

711 Exclusion Zones

- (1) Election participants must not campaign or solicit votes in-person 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 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 if they prefer not to be approached by election participants in an election or referendum.
- (2) The badge must be visible to election participants from a reasonable distance.
- (3) The Returning Officer must approve the design of the badge 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.

Division 2 Prohibitions

721 Prohibited Conduct and Material

- (1) This regulation applies from the appointment of the Returning Officer until the close 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 conduct that is—
 - (i) dishonest; or

- (ii) defamatory; or
- (iii) racist, sexist, queerphobic, ableist or militaristic; or
- (iv) violent, abusive or threatening; or
- (v) bullying behaviour; or
- (b) discrimination based on race, gender identity, sexual orientation or disability; or
- (c) campaigning unless a student; or
- (d) campaigning while disqualified; or
- (e) being an election participant holding office as an NUS officer; or
- (f) 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.
- (g) providing false information to the Returning Officer, including in forms lodged with the Returning Officer; or
- (h) voting or attempting to vote except in accordance with Part 6; or
- (i) interfering with forms lodged with the Returning Officer, ballot-papers or the electoral roll; or
- (j) violating the secrecy of the ballot; or
- Example:** Voting digitally on behalf of or for someone else, by using their electronic device.
- (k) failing to comply with a direction of the Returning Officer or the Electoral Tribunal; or
- (l) impeding the conduct of an election; or
- (m) attempting to gain, solicit or exercise an unfair advantage in an election; or
- Example:** Using paper for physical publicity that was not provided by the Returning Officer.
- (n) 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
 - Note:** A person is not an employee of the MSA by reason only of being a member of an MSA body, receiving an Honorarium or being an MSA Volunteer.
 - (f) attempting to solicit votes in-person 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 or member 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 publicity—
 - (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 2 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
 - (viii) on the MSA noticeboard; or
- (l) printing the universal recycling symbol in any colour other than blue; or
- (m) making comments, posts or other like forms of electronic communication on social media 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 influencing voters in the election or referendum.
- (n) using social media to promote a ticket or unaffiliated candidate without providing the URL to the Returning Officer; or
- (o) 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
- (p) directly campaigning to a student who is wearing a 'Do Not Approach Badge' for campaigning purposes, unless that student approaches and speaks first; or
- (q) campaigning or attempting to solicit votes in-person while wearing or otherwise displaying a 'Do Not Approach Badge'; or
- (r) emailing a club at their official email; or
- (s) using a bulk email list; or
- (t) using contact details or information gained through engagement with the MSA, whether as employee or a volunteer, for election purposes;
Example: Taking contact details of students from a list of student representatives or volunteers.

- (u) attempting to solicit votes in-person on polling days while inside of any building or car park on campus other than the ground floor of Campus Centre; or
- (v) using the first floor of the Campus Centre for any purpose relating to MSA elections unless permitted by these regulations or the Returning Officer; or
- (w) blocking doors, lifts, stairways or the pathway of students, regardless of whether they have a disability or utilise mobility devices.

722 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) Reports may be submitted by—
 - (a) email; or
 - (b) through a digital form approved by the Returning Officer; or
 - (c) where not otherwise practicable during polling, orally to an election official.
Note: A complaint made orally should generally be accompanied by physical or digital evidence provided to the Returning Officer.
- (3) When reporting a breach the complaint must—
 - (a) state which regulations the complainant believes may have been breached; and
 - (b) where possible, provide evidence to support the complaint.
- (4) The person who has reported the breach must be given an opportunity to present their case.
- (5) Any person or ticket who has been reported must be given an opportunity to respond.
- (6) The Returning Officer may, regardless of whether they find there has been a breach, give such directions as they determine to be appropriate.
- (7) 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 authorised social media, that the Returning Officer will outline and approve the contents of, acknowledging the breach.
- (8) If the Returning Officer finds that there has been a serious breach, they may disqualify the person or ticket from any combination of campaigning, standing or participating in—
 - (a) that election or referendum; or
 - (b) that election or referendum and a specified number of future elections; or
 - (c) all elections or referenda.

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- (9) If the MSC has not resolved to appoint an Electoral Tribunal for a referendum, the Returning Officer must not disqualify a person or ticket under subregulation (8) for a serious breach relating to the referendum.
 - (10) If a candidate is disqualified from standing, the Returning Officer must proceed as if that person had never nominated.

Part 8 General

811 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—
 - (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, that person—requesting they nominate a student to fill the vacancy.
- (3) The vacancy appointment must contain—
 - (a) the name of the person making the nomination; and
 - (b) if applicable, the name of the relevant ticket; and
 - (c) the name of the person who has caused the vacancy; and
 - (d) the name of the body on which the vacancy has arisen; and
 - (e) the name, student number, postal address, mobile phone number and student email of the person who will fill the vacancy.
- (4) If the vacancy nomination is not submitted within 7 days of the Secretary giving notice of the vacancy, then the vacancy must be filled by resolution of MSC.
- (5) The appointment must then be noted at the next meeting of the body on which the vacancy occurred.
- (6) Under paragraph 39(4)(b) of the Constitution, if the filling of a vacancy in one of a number of positions to which paragraph 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.
- (7) Under paragraph 39(4)(c) of the Constitution, for the purposes of subregulation (6), in calculating half of a number, fractions must be rounded down.
- (8) Students filling a vacancy must satisfy the same eligibility requirements as if the vacancy was subject to election.

812 Validation

- (1) No act or decision of an election official or the Electoral Tribunal, election or referendum 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

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- (b) decisions of meetings of the Electoral Tribunal in which that person has participated.

813 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; and
 - (b) the motion must be distributed to all office-bearers and members of MSA bodies at least 14 days before the meeting; and
 - (c) the wording of the proposed alterations must not be amended once they have been distributed.
- (2) These regulations must not be altered from the appointment of the Returning Officer until the MSC has considered the report of the Returning Officer.

814 Transitional Provisions

- (1) Despite regulation 212, the MSC must appoint a Returning Officer for the annual elections, no later than the Wednesday 8 weeks before the annual elections.
- (2) This regulation and references to it in the table of contents are automatically deleted on 1 January 2027.

Schedule 1 Document History

Date Approved	Approved By
2 July 2025	Monash Student Council 6/25
15 July 2026	Monash Student Council 6 /26