ELECTORAL REGULATIONS FOR THE
MONASH INTERNATIONAL STUDENTS SERVICE (MUISS)

1. ***Application***
	1. These are the principal regulations that affect the conduct of all MUISS elections. These regulations should be read in conjunction with the MUISS Constitution. **Where a situation is not provided for in these regulations, and if the MUISS Constitution is silent on that matter, the relevant sections of the Election Regulations of the Monash Student Association, will, by default, *apply.***
	2. **In cases where the MUISS Constitution is silent and where the Election Regulations of the Monash Student Association does not apply, then the Returning Officer is empowered to make a ruling on the matter at hand, subject to the ratification of MUISSEC.**
2. ***Definitions***

In these regulations, unless the contrary intention appears:

‘academic days’ means upon which undergraduate lectures are given;

‘authorised officer’ means

1. in relation to a registered ticket name, the student authorised as prescribed to be the authorised officer for that registered ticket name, and
2. in relation to a ticket, the authorised officer of the registered ticket name which the members of the ticket are authorised to use;

‘election’ or ‘poll’ means an election to which these regulations apply.

‘full name’ means, in relation to a student, the name under which that student is enrolled.

‘independent candidate’ means a candidate who is not a member of a ticket;

‘member of a ticket’ means a candidate who has been authorised to use a registered ticket name’

‘MUISSEC’ means the Monash University International Students Service Executive Committee;

‘MSA’ means the Monash Student Association and its premises;

‘registered ticket name’ means a ticket name registered as prescribed; and

‘ticket’ means, in relation to an election, the candidates who have been authorised to use a particular registered ticket name during that election.

1. ***Rolls***
	1. The University will provide a roll of all international students enrolled in the Clayton campus for second semester of the year the election is being held. These will constitute as a list of people qualified to vote and to nominate for a position in a poll to which these regulations apply. The roll in relation to a poll shall be closed on the day on which nominations close in respect of that poll.
2. ***Timing and notification of polls***
	1. Annual elections, other than by-elections to fill casual vacancies, shall be called in the second semester, to be held on such academic days as determined by the MUISSEC. The positions to be filled are set out in Clause 2.1 of the MUISS constitution. When fixing the days when the poll shall be held, the MUISSEC shall also fix the period during which nominations for MUISSEC positions shall be open.
	2. Notices calling for nominations shall be placed throughout the university, and shall specify the number and type of vacancies, and the date and time nominations will be closed.
	3. Polling will normally take place at the MUISS lounge at the following times or at any additional time as prescribed by the MUISSEC.

 Monday 12noon to 2:00 pm

 Tuesday 12noon to 2:00 pm

 Wednesday 12noon to 2:00 pm

* 1. Pursuant to the MUISS Constitution – Clause 9.0 Casual Vacancy, any by-election to fill casual vacancies shall be held on such academic days as determined by the MUISSEC.
1. ***Returning Officer***
	1. The MUISSEC shall appoint a disinterested Returning Officer, any disinterested assistant Returning Officers, poll clerks and vote-counters as deemed necessary for any MUISS election.
	2. The Returning Officer shall:
		1. Be ineligible to become a candidate at the elections for which they are appointed;
		2. Take all reasonable steps to advertise the calling of nominations and the date and time when nominations close;
		3. Take all reasonable steps to advertise the ballot;
		4. Be responsible to the MUISSEC for the conduct of the poll for which they are appointed;
		5. Ensure that the poll for which they are appointed is carried out as prescribed by or under this regulation;
		6. Take all reasonable steps which in their opinion are practicable, to facilitate the full participation of all persons eligible to vote at an election regardless of any disability they may have;
		7. Determine the time and means by which written policy speeches may be delivered by candidates;
		8. Issue to each candidate a written **“Information to Candidates”** notice as set out in Schedule 1 of these regulations;
		9. Nominate such disinterested persons as they see fit for appointment by the MUISSEC as assistant Returning Officer(s), if necessary;
		10. Present a report on the election and results to the MUISSEC.
	3. The Returning Officer may delegate any power conferred by or under these regulations on a poll clerk.
	4. A Returning Officer, an assistant Returning Officer, a poll clerk or a vote counter shall not in any way whatsoever directly or indirectly divulge or disclose or aid in divulging or disclosing any information about candidates or in what manner any voter has voted in any election.
	5. **If no Returning Officer has been appointed by the time required to advertise and schedule the election, the MUISS President shall call for nominations and generally take steps to initiate the procedures required under these regulations to meet the dates set as per Clause 4. The MUISS President shall then take reasonable steps to appoint a Returning Officer as soon as possible, and shall not be prevented from nominating for that election.**
2. ***Nominations***
	1. Nominations for MUISS elections shall be open for a period of at least five (5) academic days.
	2. Nominations shall close not less than five (5) academic days or more than (15) academic days before the commencement of polling or as determined by the Returning Officer in consultation with the MUISSEC.
	3. The nomination of a candidate (the nominee) for election shall be made by a nominator and a seconder, both of whom must be international students. The nomination shall be made on a nomination form as set out in Schedule 2 of these regulations, and shall be signed by the nominee.
	4. The nominators and seconders must be qualified to vote at the election for which the nominee is a candidate.
	5. An elector can only be a nominator ONCE for a particular position. That elector may be a nominator again for some other position. Electors may be seconders any number of times.
	6. Where an elector has been found to be a nominator for more than one nominee for a particular position, the Returning Officer shall:

* + 1. accept only the first such nomination form received at the MUISS office; and
		2. notify the unsuccessful nominee/s as soon as possible of the ineligibility of that particular nominator to be nominator for that position.
	1. Nomination forms shall be available at the MUISS Lounge or through the Returning Officer.
	2. Nominations shall be made to the Returning Officer by being received at the MUISS Office. NO nominations will be accepted after the time set down for the close of nominations.
	3. All nominations lodged at the MUISS Office shall be confidential and no person may inspect them before the close of nominations without the expressed permission of the Returning Officer.
	4. The Returning Officer shall check the electoral roll to ensure that all nominations received are in order and genuine, and may reject any nominations deemed not compliant with the provisions of these regulations.
	5. A candidate may withdraw his / her nomination at any time UP TO one (1) academic day before polling begins. Withdrawals submitted after such time will NOT be accepted. Withdrawals shall be made be giving written notice to the Returning Officer who shall then proceed as if such nominations had not been made.
	6. Following verification of nominations by the Returning Officer, he / she shall affix to a notice board in the MUISS Lounge, a list of nominations (valid and invalid) received. In addition:
		1. If the number of eligible candidates does not exceed the number of positions available then those eligible candidates are elected unopposed.
		2. If the number of candidates exceeds the number of members to be elected, a poll of the nature stated in either 14.7 or 14.8 shall then be conducted.
		3. If any positions remain vacant after the close of nominations, then the Returning Officer may extend the period of nominations for the relevant position(s), in consultation with the MUISSEC.

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1. ***Notification of ballot***
	1. Whenever a ballot is to be held the Returning Officer shall within three (3) academic days after nominations close:
		1. Display on a notice board in the MUISS Lounge a notice setting out:
			1. the nature of the election;
			2. the dates and times of the opening and closing of the ballot;
			3. a list showing all currently registered ticket names, the full name of each ticket authorised officer, the full names of the member of each ticket and the full name of each independent candidate;
			4. the places at which a person entitled to vote may apply for a ballot paper and return a completed ballot paper;
			5. that the objections / appeals may be made in the first instance by written notice to the Returning Officer and subsequent appeals may be made to the MUISSEC as the final decision-making body; and
			6. such other matters as are prescribed; and
		2. Notify each nominated candidate of the matters referred to in section 7.1.1 ;
2. ***Publicity of ballot by the Returning Officer***
	1. The Returning Officer shall be responsible for publicising the dates, times and venue of the ballot and also the procedure for the ballot.
	2. The Returning Officer may, in consultation with the MUISSEC, adopt other means of acquainting electors with these electoral regulations.
3. ***Publicity by the candidates and tickets***
	1. Publicity materials for elections must be authorised by the Returning Officer and the ticket authorised officers or candidates, before it is distributed.
	2. All publicity material must, in the view of the Returning Officer, be fair and honest.
	3. The Returning Officer may prescribe the format and/or specification for publicity materials, e.g. the format of a candidate/ticket statement, the size and specifications of candidate/ticket posters.
	4. Any publicity material used before or during the conduct of a MUISS election which does not comply with Clauses 9.1, 9.2 and 9.3 of these regulations may be confiscated by the Returning Officer, or his/her assistants and may constitute grounds for disqualification.
	5. Candidates and their campaigners must not engage in any prohibited publicity methods or any prohibited conduct. Any breach in this regard may constitute grounds for disqualification of that candidate.
4. ***How to vote posters / pamphlets***
	1. Each independent candidate and ticket may submit a ‘how to vote’ poster / pamphlet which indicates to voters their preferences in relation to all other candidates in the election, in an order specified in the poster / pamphlet, to the Returning Officer for authorisation. Such authorisation is required prior to its distribution.
	2. The Returning officer will determine the size and specification of such posters / pamphlets and will ensure that only authorised copies are displayed at the polling booth.

## Prohibited publicity method

* 1. The following methods of publicity are prohibited:
		1. electronic audio amplification within the University other than during election forums organised and authorised by the Returning Officer;
		2. stickers inside the MUISS office or MSA property;
		3. distributing non-printed give-away consumables (other than badges) on behalf of a candidate or ticket including food, drink, laminated objects, balloons or drugs;
		4. free standing symbolic objects placed in or around the Campus Centre;
		5. chalk on Campus Centre building or University building walls;
		6. campaigning within an area too close (e.g. less than 5 meters) to the polling booth, as determined by the Returning Officer.
	2. A person may not place a poster promoting a candidate or ticket:
		1. on a notice board within the university or on ‘poles’ within the Campus Centre building if that notice board or ‘pole’ already has a poster promoting that ticket or candidate on it;
		2. on any outside pillar within the university;
		3. on any glass within the university;
		4. on the ground anywhere in the university;
		5. on tables, chairs on the floor in the cafes, eating or communal venues or in lecture theatres on campus unless given directly to a voter who agrees to accept it;
		6. under the doors of voters’ bedrooms or in letter boxes in the Halls of Residence, South East Flats or Mannix College.
1. ***Prohibited Conduct***
	1. The following conduct is prohibited in connection with any poll:
		1. Providing false information on or interfering with any form lodged with the Returning Officer;
		2. Recording a vote which he or she is not entitled to record;
		3. Removing a ballot paper from the polling booth or interfering with ballot papers, ballot boxes or voters’ roll;
		4. Interfering with another candidate’s publicity material;
		5. Violating the secrecy of the ballot either directly or indirectly;
		6. Campaigning for a candidate without the approval of that candidate;
		7. Paying a person to campaign;
		8. Promoting or publicising a candidate or ticket other than in accordance with these regulations;
		9. Be within a certain minimum space of the polling booth as determined by the Returning Officer during the balloting period;
		10. Furthering the candidature of any person by using any of the MUISS notice boards or using MUISS letterhead or logo without the authorisation of the Returning Officer;
		11. Failing to comply with a direction of the Returning Officer, or a ruling or direction of the MUISSEC;
		12. Damaging university, MSA or MUISS property;
		13. Engaging in any dishonest practice;
		14. Generally impeding the fair and proper conduct of the election.
	2. The MUISS Committee, nor any of its officers or staff, shall not, in their capacity as officers or staff respectively, be liable for any slanderous, defamatory or libellous material pertaining to any MUISS election.
2. ***Ballot Paper***
	1. More than one poll may be included on a single ballot paper.
	2. The order of tickets and independent candidates’ names on any ballot shall be determined by random lot drawn by the Returning Officer
	3. A voter who spoils a ballot paper may, after returning it to the Returning Officer / poll clerk, request for a fresh ballot paper to be issued to him / her.
	4. The Returning Officer or poll clerk who receives a spoiled ballot paper must destroy the spoiled ballot paper before issuing the voter a fresh voting paper.
	5. The Returning Officer and his / her assistants must not accept any ballot paper directly. Instead they must direct the voter to place the ballot paper into the ballot box immediately.
3. ***Procedure for the ballot***
	1. No person may vote at a ballot unless he or she has been issued with a valid ballot paper.
	2. A ballot paper shall not be issued to any person after the time fixed for the closing of the ballot.
	3. An election shall not be invalidated by virtue of any omission by the Returning Officer to issue ballot papers.
	4. All voting shall be by secret ballot.
	5. No voter shall in any circumstances, transfer or part with his or her ballot paper or permit it to be used by any other person.
	6. In the case of a position being contested by two candidates, then a voter may mark his or ballot paper by placing the figure 1 or any other mark on the box opposite the name of the candidate for whom he or she wished to vote for. There would be an option of “I am undecided and abstaining from voting for this position”.
	7. In the case of a position being contested by more than two (2) candidates, then the method of voting shall be by optional proportional representation. A voter may then mark his or her vote on a ballot paper by placing:
		1. The figure 1, or in the case of a voter indicating a first preference only, any other mark, in the rectangle opposite the name of the candidate for whom he or she votes as his or her first preference; and
		2. The figure 2, 3, 4 and so on, as the case requires, in the rectangles opposite the respective names of such of the remaining candidates as he or she desires to vote for, so as to indicate by such numerical sequence the order of his or her preferences for all or any of such candidates.
		3. there would again be an option of “I am undecided and abstaining from voting for this position”
	8. At the close of the ballot if the voter has not placed the figure 1 or any other mark in the rectangle opposite the name of at least one candidate or in a square printed on the ballot paper, that voter is deemed to have abstained from voting on that particular position.
	9. A voter may apply for a postal vote in writing to the Returning Officer. The criteria for the eligibility of postal votes are set out in the Election Regulations of the Monash Student Association Clause 13 – Postal voting. In the case of postal voting, the Returning Officer shall take reasonable steps to ensure that the voter receives his / her ballot as soon as feasible. It will then be the responsibility of the voter to return the postal ballot as soon as possible. The Returning Officer shall accept postal votes up until the close of balloting on the last day of the poll.
	10. At the end of polling day, the Returning Officer must ensure that the ballot box, all fresh ballot paper and the electoral roll are secured against tampering or any risk of tampering. He/she must also take all reasonable steps to ensure that any notices including how to vote posters/pamphlets displayed at the polling booth are not tampered with.
4. ***Vote counting***
	1. Once the polls have closed on the last day of a poll, all ballot boxes must be stored in a locked and secure room until the commencement of counting.
	2. Counting must begin as soon as practicable after the close of the polls on the last day of the poll.
	3. The Returning Officer must place a notice in the MUISS Lounge specifying the location of vote counting.
	4. The votes shall be counted by the Returning Officer, and with the assistance of the assistant Returning Officer and authorised vote counters where applicable.
	5. Persons allowed to be present during counting are the Returning Officer and such other person as are expressly authorised by the Returning Officer including the assistant Returning Officer(s), vote counters and scrutineers.
	6. Each candidate may only have one scrutineer present at any one time during vote counting.
	7. In an event of a challenge to any vote, including postal votes, the vote concerned shall be set aside and the Returning Officer shall determine its validity at a later time after giving the scrutineer challenging the vote and a scrutineer appointed by any candidate who, in the opinion of the Returning Officer might be disadvantaged by the vote being disallowed, an opportunity to make submissions.
	8. The Returning Officer may exclude any person from the counting room who disrupts the counting or fails to obey a lawful direction of the Returning Officer.
	9. Only the Returning Officer can declare a voting paper as invalid.
5. ***Declaration of the poll***
	1. Before completing counting in a poll the Returning Officer must inspect the voters roll for breaches or other irregularities.
	2. The Returning Officer must, as soon as possible, after completing counting in a poll, declare the results of the poll and publish the results on the official MUISS notice board and in the next edition of Lot’s Wife.
6. ***Complaints and objections***
	1. Any complaints and objections lodged prior to and during the election process may be lodged with the Returning Officer either verbally or in writing. The Returning Officer is empowered to rule on these complaints and objections in the first instance.
	2. Appeals against any first instance ruling of the Returning Officer may be lodged in writing, with reasons stated, with the MUISSEC who shall then act as the final decision-making body.
	3. After the results of any election has been declared, any candidate or voter may dispute the validity of it by an objection lodged in writing to the Returning Officer within one (1) academic day of the declaration. This objection shall state the grounds of objection relied on to invalidate the election and shall ask for some specific action to secure justice and equality.
	4. If the Returning Officer should uphold any objection to the conduct o the election or should decide that any candidate(s) has/have infringed or connived at the infringement of these regulations, they may:
		1. disqualify the candidate for the election in question;
		2. order a new election;
		3. disqualify the candidate for any election held in consequence of new election having been ordered;
		4. declare the election void; or
		5. dismiss the matter.
	5. Without limiting Clause 17.4 of these regulations, the Returning Officer may:
		1. reject the ballot paper of a voter whom they find guilty of an infringement of these regulations or of connivance at infringement or direct a recount of votes at the election if he / she orders that any person who has been declared elected is not elected.
	6. An appeal against decisions by the Returning Officer in upholding or dismissing an objection shall only be considered by the MUISSEC, provided such appeals are lodged with the MUISSEC in writing, within one (1) academic day of the Returning Officer’s decision being made.
	7. All decisions of the MUISSEC in relation to a controversial election or any appeals shall be absolutely final and binding.

The electoral regulations were updated in July 2015 by William Wilsmore , DSO, in consultation with the 2014/15 MUISSEC.