

Deakin University Student Association Incorporated

Reg. No. A0040625Y, ABN 95 022 653 791

ELECTION REGULATIONS

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1. Definitions and Interpretation

1.1 Unless otherwise defined by these regulations or the Constitution:

- (a) A reference to a time means that time in AEST;
- (b) “Ballot paper” means:
 - (i) a physical ballot completed by using a pen or pencil and submitted into ballot box; or
 - (ii) an electronic ballot paper, completed using encryption via a personalised email link or a device installed at the polling place for the purpose of casting a ballot electronically.
- (c) “before” in reference to an election means before the first day of polling in that election;
- (d) “campaigning” means any action that a reasonable person would assume has a purpose of attempting to influence how or whether a member votes in an election;
- (e) “club” or “society” means a club or society formally established at Deakin University;
- (f) “Constitution” means the DUSA Constitution as amended from time to time;
- (g) “DUSA channels” are any official DUSA administrated communication channel, these include but are not limited to DUSA’s:
 - (i) Facebook page/s
 - (ii) Instagram
 - (iii) Twitter account/s
 - (iv) Website
 - (v) emailing list/s
 - (vi) newsletter/s
- (h) “DUSA roll” means the list of members of DUSA;
- (i) “DUSA space” means a DUSA controlled space, be that a building, office or safe space such as a queer room, women’s room or mature age room;
- (j) “election period” means the period of time between the notice of election being given until the deadline for a person to appeal the result of an election as set out in these regulations has elapsed;
- (k) “electoral roll” means an official list of the people entitled to vote in an election;
- (l) “election staff member” means the Returning Officer, Deputy Returning Officer, Poll Clerk or Vote Counter jointly and severally;
- (m) “electronic vote” means a vote completed by a member online, as resolved by the Student Council in accordance with regulation 8.1(b);
- (n) “General Manager” means the General Manager of DUSA or their delegate’;
- (o) “how to vote” is a document or graphic which informs the voter of the order a candidate or ticket would recommend the voter cast their vote;
- (p) “individual candidate” means any candidate not running on a ticket;
- (q) “international student” means a student who holds a student visa issued under the regulations made under the Commonwealth Migration Act;
- (r) “member” has the same meaning as “student member” in the Constitution;
- (s) “nomination” is a formal application to stand as a candidate in any of the elections listed in these regulations;
- (t) “poll clerk” means a person appointed by the Returning Officer to staff a polling place, with duties including but not limited to distributing ballot papers to members and marking members on the Electoral Rolls when they have voted;
- (u) “polling period” means period of time that voting is held, as described by clause 35.4 of the Constitution;
- (v) “Primarily enrolled” means the campus specified in the course the student is enrolled, as determined by the University according to the Deakin University student database.
- (w) “proof of identity documents” include but are not limited to:
 - (i) Deakin issued student identity cards; and
 - (ii) Any category A or B document deemed acceptable by VicRoads.
- (x) “publicity” means any material or information broadcasted or disseminated that a reasonable person would assume has a purpose of attempting to influence how or whether a member votes in an election;
- (y) “Student Representative” means a Student Representative as listed in clause 27 of the DUSA Constitution;
- (z) “queer” means any person who self-identifies as:
 - (i) any part of the LGBTQIA+ community or is questioning; and/or
 - (ii) being of any other identity or expression outside of heterosexuality and cis-gender.
- (aa) “woman” means any person who identifies as a woman;

- (bb) “ticket” means a group of candidates who have registered to have their names set out on the ballot paper under a common name in accordance with these regulations;
- (cc) “vote counter” means a person appointed by the Returning Officer to assist in the counting of votes;
- (dd) “University roll” means a list of all students of the University;

2. Authorising Provisions and Application

- 2.1 These regulations are made under clauses 27.3, 27.4, 29, 35 and 77.2 of the Constitution.
- 2.2 These regulations apply to:
 - (a) the conduct of annual elections as described by clauses 27.3, 27.4 and 35 of the Constitution; and
 - (b) the filling of vacancies arising during the course of the academic year.
- 2.3 In the event of an inconsistency between these regulations and the Constitution, the latter shall prevail.

3. Appointment of Returning Officer

- 3.1 The Student Council must appoint a person to act as Returning Officer.
- 3.2 The Returning Officer must not:
 - (a) be a student of the University;
 - (b) be a member of staff of DUSA in the preceding 5 calendar years; or
 - (c) have been a candidate in any election of a post-Secondary Student Organisation in the preceding 5 calendar years.
- 3.3 Once appointed, the Returning Officer may only be removed by an absolute majority of the Student council during an election period on the grounds of proven misbehaviour or incapacity.
- 3.4 If the Returning Officer resigns, is removed or dies during an election period, the Student Council must appoint a new Returning Officer as soon as is practical.

4. Responsibilities of the Returning Officer

- 4.1 The Returning Officer:
 - (a) is responsible for the conduct of elections;
 - (b) may decide all matters not provided for in the Constitution or these regulations; and
 - (c) is subject only to the Electoral Tribunal.
- 4.2 Any decision of the Returning Officer may be appealed to the Electoral Tribunal in accordance with regulation 33.
- 4.3 The Returning Officer must decide questions of fact on the balance of probabilities.
- 4.4 The Returning Officer must present a written report to the Student Council within 30 days of the declaration of results of the election.
- 4.5 DUSA must provide the facilities, resources and assistance necessary to enable the Returning

Officer to carry out the responsibilities under these regulations.

5. Election Staff

- 5.1 The Returning Officer may appoint and remove election staff (such as Deputy Returning Officers, Poll Clerks and Vote Counters).
- 5.2 Election Staff must not be appointed if they meet one of the categories set out in regulation 3.2.
- 5.3 Election Staff are subject to the direction of and have the responsibilities determined by the Returning Officer.
- 5.4 The Returning Officer may delegate any responsibilities and powers under these regulations to a Deputy Returning Officer.

6. The Electoral Rolls

- 6.1 DUSA must provide the Returning Officer an electronic form of the DUSA roll.
- 6.2 The DUSA roll must include all current members at the close of the roll.
- 6.3 The General Manager must provide an electronic form of those eligible members registered to vote in elections held for Queer Representatives.

** See clause 37 of these regulations.*

- 6.4 The Returning Officer must, with the assistance of DUSA if necessary, request the University roll no later than the day that nominations open.

7. Calculation of Memberships

- 7.1 The Student Council must, either concurrently, or prior to the appointment of the Returning Officer, calculate:
 - (a) the number of students enrolled in accordance with interim enrolment data obtained from the University; and
 - (b) the number of Student members;at each campus.

8. Polling Dates, Times and Method

- 8.1 The Student Council must, either concurrently or prior to the appointment of the Returning Officer:
 - (a) set the dates of the polling period which must:
 - (i) fall within the academic days of Trimester 2 during September or October, and be over no more than two weeks;
 - (ii) ensure that polling is held for at least 5 hours per day;
 - (iii) ensure that polling is held in at least one place per campus;
 - (iv) ensure that polling is held on at least 2 consecutive academic days for campuses at which at least 10% of students are enrolled;
 - (v) ensure that polling is held for at least 1 academic day for campuses at which less than 10% of students are enrolled; and

- (vi) ensure that polling is held in an easily accessible and relatively well patronised area.
 - (b) for each campus, determine whether that campus will conduct their election by way of attendance polling, postal polling or electronic polling; and
 - (c) for online members, determine whether the election will be conducted by electronic polling or postal voting, as required by clause 36.5 of the Constitution.
- 8.2 For campuses that conduct their election by attendance polling, the Student Council must also:
- (a) set the dates and times that polling will occur at that campus, ensuring that polling is held in at least one place per campus;
 - (b) ensure there are separate polling places at Waurn Ponds and Waterfront in the case of the Geelong campus; and
 - (c) specify the location of the polling places.
- 8.3 For campuses that conduct their election by electronic polling, the Student Council must also set the dates that electronic voting will open and close for that campus.
- 8.4 For campus that conduct their election by postal polling, the Student Council must also set the dates that postal polling will open and close for that campus.
- 8.5 For health and safety reasons Student Council may, by absolute majority, transition an election designated to be held by attendance polling to an election held by either electronic polling, postal polling, or hybrid of both.
- 8.6 Elections must be by secret ballot, using the quota-preferential proportional method of election for Electoral Delegates, and the Instant-runoff voting method for each Student Representative position, with optional preferences for both.

9. Election Timeline

- 9.1 Unless otherwise determined by the Returning Officer:
- (a) the notice of election must be issued on the Monday four weeks before polling;
 - (b) the DUSA roll must be closed by midday on the Tuesday of the week notice of election is given;
 - (c) the electoral roll described in clause 38.2 for election of the Queer Representatives will close at 5pm on the penultimate day of polling.
 - (d) re-registration of tickets must open at 9am on the Wednesday and close on the Friday at 4pm of the week notice of election is given;
 - (e) registration of tickets must occur at the same time as the re-registration of tickets;
 - (f) nominations must open at 9am on the Monday three weeks before polling and close at 4pm on the Friday of that week;

- (g) submission of applications to be set out as a ticket must open at 9am on the Monday three weeks before polling and close at 4pm on the Friday of that week;
 - (h) statements of distribution of preferences must open at 9am on the Monday two weeks before polling and close at 4pm on the Friday of that week;
 - (i) postal vote applications must open upon the issue of the notice of election and close at 4pm on the Friday 10 academic days before polling;
 - (j) proxy applications as outlined in clause 27 shall take place concurrently to postal vote applications; and
 - (k) postal polling applications shall take place concurrently to postal vote applications.
- 9.2 The Returning Officer may only change the dates and times for matters prescribed in regulation 8.1 with the agreement of the Electoral Tribunal, if they are both of the view that to not do so would jeopardise the integrity of the election process.

10. Forms

- 10.1 Unless otherwise provided for in these regulations or the Constitution:
- (a) where a form may be completed by participants in the election, it must be:
 - (i) made available on the DUSA website and at DUSA offices;
 - (ii) available from the Returning Officer upon written request.
 - (b) where a form may be submitted to the Returning Officer, it may be:
 - (i) in the case of attendance polling, submitted to a DUSA office;
 - (ii) submitted directly to the Returning Officer in electronic form by email; or
 - (iii) hand-delivered to the Returning Officer.
- 10.2 For the purposes of regulation 10.1(b) (i) the DUSA office must:
- (a) issue the person a receipt upon the submission of the form; and
 - (b) send an electronic copy of the form to the Returning Officer as soon as practicable.
- 10.3 For the purposes of regulation 10.1(b)(ii), a nomination from the verified Deakin student email address of the nominee will require no further proof of identity.
- 10.4 For the purposes of regulation 10.1(b)(ii), if a member is unable to submit a nomination from their verified student email account, they must submit it from an alternate email account, the nomination must be accompanied by proof of identity accepted by the Returning Officer.
- 10.5 For the purpose of regulation 10.1(b)(i),(ii) and (iii), a member may submit nomination forms on behalf of other members if accompanied by proof of identity of the student nominating.

10.6 Regulations 10.3, 10.4 and 10.5 only apply to the submission of all nomination forms for Electoral Delegates, NUS Delegates and/or Student Representative positions.

11. Notice of Election

11.1 The Returning Officer must give notice of the election by:

- (a) sending an email to each member eligible to vote in the election;
- (b) causing posters to be placed at each DUSA office;
- (c) publishing a notice in any DUSA publications where possible; and
- (d) publishing a notice on the DUSA website.

11.2 The Notice of Election must list the contact details of the Returning Officer, where to access election regulations, the positions to be elected, the process for nominating, the dates and times for the opening and closing of nominations, eligibility to vote and dates, times and locations of polling.

12. Eligibility to Stand

12.1 Only those persons who are members at the time of the close of the DUSA roll are eligible to stand for Electoral Delegate and Student Representative positions.

**See clauses 13.2 and 28.1 of the Constitution*

12.2 A person is only eligible to stand for the positions of International Representative if they are:

- (a) a member; and
- (b) an international student.

12.3 A person is only eligible to stand for the positions of Queer Representative if they:

- (a) are a member; and
- (b) identify as Queer.

12.4 A person is only eligible to stand for the positions of Women's Representative, if they:

- (a) are a member; and
- (b) identify as a woman.

12.5 A person is only eligible to stand for the positions of Postgraduate Representative, if they are:

- (a) a member; and
- (b) a postgraduate student.

12.6 A person is only eligible to stand for the positions of Equity Representative, if they are:

- (a) Eligible to stand under one of clauses 12.2, 12.3, 12.4 or 12.5.

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

- (a) a student of the University at the time of the close of the University roll; and *See section 3 of the Deakin University Act 2009 (Vic).*
- (b) not a delegate of another NUS member organisation. *Compare reg. clause 18.3 of the NUS Regulations.*

13. Nominations

13.1 Nominations must:

- (a) state the position the member is nominating for, and include their signature;
- (b) be submitted in accordance with regulation clause 10;
- (c) contain the full name, student number, and contact details of the candidate;
- (d) be seconded by another member (unless the candidate is enrolled at the Cloud campus); and
- (e) be received in the time allotted under the election timeline as stated in clause 9.1(e).

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

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

13.3 The Returning Officer must reject nominations:

- (a) that do not comply with these regulations;
- (b) where the person nominating is not eligible to stand for that position; or
- (c) that have questionable origins and are deemed mala fide by the Returning Officer.

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

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

14. Uncontested Positions

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

15. Ballot Draw

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

15.2 Any member may observe the draw.

15.3 Before the ballot draw the Returning Officer must:

- (a) email all candidates; and
- (b) cause a notice to be published on the DUSA website stating when, where and how the draw will take place.

15.4 The ballot draw may be conducted by way of an online broadcast, so long as the details of the draw are communicated in accordance with regulation 15.3.

16. Withdrawal of nomination

16.1 Candidates may withdraw their nomination at any time before the close of polling.

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

16.3 The withdrawal takes effect on its acceptance by the Returning Officer.

16.4 If a candidate withdraws, the Returning Officer must proceed as if the candidate had never nominated (except any statement of distribution of preferences under regulation 20 lodged by the candidate remains valid).

16.5 If a candidate withdraws, the Returning Officer may modify ballot papers as necessary or appropriate.

16.6 Any ballot paper showing a preference for a withdrawn candidate must be allocated under regulation 27 as if the candidate had been eliminated.

16.7 A Ticket which would otherwise be valid under regulation 19 shall not be ruled invalid because of withdrawals.

17. Tickets

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

17.2 Ticket registrations must:

- (a) contain the full name, student number and contact details of the candidate; and
- (b) be supported by 30 members who have provided their full name and student number and have signed the form.

17.3 For the purposes of regulation 17.2:

- (a) a member must not be a signatory for more than one ticket registration; and
- (b) regardless of the validity of any ticket, if a member has supported two or more ticket registrations, their support must not count for any of the ticket registrations.

17.4 A ticket name must not:

- (a) incorporate the name of an organisation (including a club, society or collective) regardless of the organisation's governing document.
- (b) contain the word 'independent';
- (c) be so similar to the name 'DUSA' or any department or division within DUSA as to be confused with or mistaken for that name;
- (d) be so similar to the name 'Deakin' or any department or division within Deakin as to be confused with or mistaken for that name;
- (e) be no longer than 4 words;
- (f) be the same as, or similar to, any other ticket name;
- (g) be misleading or deceptive;
- (h) be offensive or derogatory; or

- (i) be contrary to law.

17.5 As soon as practicable after receiving a ticket registration, the Returning Officer must:

- (a) verify that the ticket registration complies with regulations 17.2, 17.4; and
- (b) notify the ticket registrant whether their ticket registration has been accepted or rejected.

17.6 A previously registered ticket will be considered to be registered until:

- (a) the authorised officer requests that the ticket name be deregistered or;
- (b) the ticket is not re-registered during the re-registration period.

17.7 A ticket that is already registered must not be registered by another person unless:

- (a) the ticket was not re-registered at the previous election; or
- (b) the ticket has been registered by a new authorised officer, with the consent of the most recent authorised officer of that ticket.

17.8 A member cannot be an authorised officer for more than one ticket.

18. Publication of List of Nominations Received and Tickets Registered

18.1 Within twenty-four hours of the close of:

- (a) ticket re-registrations;
- (b) registrations; and
- (c) nominations;

the Returning Officer must make available a notice that lists the submissions received for each respective period.

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

18.3 For the purpose of regulation 18.1, the Returning Officer must make available a notice by:

- (a) emailing the notice to ticket registrants and/or candidates;
- (b) causing the notice to be published on the DUSA website; and
- (c) causing the notice to be displayed at DUSA offices.

19. Application to be Set Out as a Ticket

19.1 A group of candidates may apply to be set out as a ticket for the election of Electoral Delegates by completing and submitting an application in the form prescribed by the Returning Officer.

19.2 A group of candidates may apply to be set out as a ticket for the elections of Student Representatives (on the ballot of 36.1), by completing and submitting an application in the form prescribed by the Returning Officer.

19.3 An application specified in 19.1 and 19.2 is only valid if it contains at least, and no more than, a single candidate for each position.

19.4 If an application is not submitted, the candidates must appear on the ballot paper in the same way as individual candidates.

20. Statement of Distribution of Preferences

- 20.1 An authorised officer may submit a statement of distribution of preferences by submitting a statement in the form prescribed by the Returning Officer.
- 20.2 The Returning Officer must display the statements:
- (a) on the DUSA website as soon as is reasonably possible before the annual election; and
 - (b) in a clear and accessible location at the polling place during polling hours for attendance polling.

21. Publicity

- 21.1 This regulation applies for all publicity made available during the election period.
- 21.2 All publicity must be authorised by the Returning Officer before it is made public and/or available to members.
- 21.3 Content published before the notice of elections may at the request of a candidate be retroactively assessed by the RO, who may then:
- (a) authorise the publicity and where reasonable and possible have that publicity amended to comply with 21.4;
 - (b) direct that it be removed; or
 - (c) rule the content is not publicity.
- 21.4 All publicity authorised by the Returning Officer must:
- (a) state the name and student ID of the member authorising the publicity in a legible fashion; and
 - (b) include the words "Authorised by the Returning Officer".
- 21.5 A club or society cannot endorse candidates or ticket/s.
- 21.6 A club or society cannot use existing resources to distribute any material related to the election, except for content:
- (a) distributed by DUSA in relation to election processes;
 - (b) distributed publicly by the Returning Officer; or
 - (c) published at the direction of the Returning Officer as outlined in clause 21.9.
- 21.7 The Returning Officer must not authorise any publicity that is:
- (a) Offensive or derogatory;
 - (b) misleading or deceptive; or
 - (c) contrary to law.
- 21.8 If a Returning Officer becomes aware that they have authorised publicity in breach of regulation 21.4:
- (a) they must revoke the authorisation by contacting the member and/or ticket who requested authorisation for the publicity; and
 - (b) the member and/or ticket must immediately cease making that publicity available.

- 21.9 The Returning Officer may specify a standard method or methods under which candidates submit publicity for approval.
- 21.10 The Returning Officer may compel candidates to publish corrections or apologies to any unauthorised publicity.
- 21.11 This regulation clause does not apply to the Returning Officer.
- 21.12 This Regulation clause does not apply to content shared by DUSA through "DUSA channels".

22. Defamation

- 22.1 DUSA does not indemnify any person against liability for defamation in an election.

23. Attendance Polling

- 23.1 These regulations apply to any campuses that the Student Council has resolved to have conducted by attendance polling, in accordance with regulation 8.2
- 23.2 Ballot papers may only be issued to students who:
- (a) provide photo identification; and
 - (b) are listed on the roll.
- 23.3 Before the ballot paper is given to the voter, the election staff member must:
- (a) sign the paper, marking it as valid; and
 - (b) mark the member as having voted.
- 23.4 If a voter does not appear on the roll but claims to be eligible to vote:
- (a) they may be issued with a provisional vote, which must be enveloped with details clearly stated on the outside to be later included in the count if found to be eligible;
 - (b) the Returning Officer will check the eligibility of the voter with the university in the case of the University roll; and
 - (c) the voter will have until the close of polling to provide sufficient proof to the Returning Officer that they are a DUSA member.
- 23.5 For the purpose of regulation 23.4(b), proof may include, but not be limited to:
- (a) a copy of a tax invoice issued by DUSA showing the name of the voter and that they have purchased a membership;
 - (b) any form of membership confirmation issued by DUSA; or
 - (c) a copy of a bank statement showing an amount equal to a membership fee being deducted from the voter's banking facility from DUSA.
- 23.6 If the voter does not provide proof that they are a DUSA member prior to the close of polls, they will be assumed to not be a DUSA member.
- 23.7 Before the commencement of voting on each day, scrutineers may, if ballot boxes are used, inspect the ballot boxes to ensure that they are empty.
- 23.8 The polling place must provide for reasonable security for the conduct of a ballot, including:
- (a) the security of ballot boxes (if used);

- (b) the provision of spaces for private voting; and
- (c) the exclusion of all persons except election staff members or members who are voting.

- 23.9 Campaigning must not take place within six metres of the polling place, as designated by the Returning Officer.
- 23.10 The Returning Officer will make reasonable efforts to clearly define the limit of this exclusion for the benefit of those campaigning.
- 23.11 The Returning Officer must provide, or delegate the providing of stickers that demonstrate students who have voted.

24. Electronic Polling

- 24.1 These regulations apply to any poll that the Student Council has resolved to have conducted by electronic polling, in accordance with regulation 8.
- 24.2 The Returning Officer must ensure to the extent practicable that:
- (a) software is configured in such a way to ensure that:
 - (i) votes are secure and only able to be made by the person eligible in line with all applicable restrictions set down;
 - (ii) only they are able to access administrative functions beyond those necessary to verify a voter on the DUSA roll is able to access their online vote; and
 - (iii) that the results of the election are suppressed to anybody (including themselves) until the close of polling.
- 24.3 When an election is conducted by electronic ballot, the Returning Officer must provide each candidate with an opportunity to submit:
- (a) a 200-word policy statement;
 - (b) a photo; and
 - (c) a how to vote.
- 24.4 In the case of voting via electronic polling, every eligible voter in that poll must be sent an email to their student email address before the opening of the poll that contains:
- (a) a link to complete their online vote which is only active after polls are open;
 - (b) instructions for completing their online vote;
 - (c) a message that provides the contact details of the Returning Officer and states that they should be contacted if a member is unable to cast their online vote; and
 - (d) A link to the DUSA website which shall host authorised policy statements, candidate photos and how to votes for both registered tickets and individual candidates.
- 24.5 The Returning Officer must, to the extent practicable, liaise with staff of the University to ensure that the software is able to distribute emails to student email accounts without any interference from University's anti-spam software.

25. Postal Voting

- 25.1 These regulations apply to any poll that the Student Council has resolved to have conducted by any means other than postal polling, in accordance with clause 8.
- 25.2 In the case of any mode of election other than postal polling, any member eligible to vote may apply for a postal vote.
- 25.3 Applications must be:
- (a) in the form as prescribed by the Returning Officer;
 - (b) signed by the member requesting the postal vote; and
 - (c) submitted directly by the member to the Returning Officer and not via another person.
- 25.4 The Returning Officer must verify that each person who has applied is eligible to vote.
- 25.5 As soon as possible after the close of postal vote applications, the Returning Officer must send to the postal address of each member eligible to vote:
- (a) voting instructions;
 - (b) ballot papers;
 - (c) a link to the DUSA website which shall host authorised policy statements, candidate photos and How to Votes;
 - (d) an envelope large enough to contain all ballot papers, with a declaration form printed on the outside; and
 - (e) a pre-addressed postage-paid return envelope.
- 25.6 The Returning Officer must keep a list of members to whom postal votes have been sent.
- 25.7 Postal votes must be received by the Returning Officer before the close of polling.
- 25.8 Postal votes received by the Returning Officer after the close of polling must be destroyed.
- 25.9 The Returning Officer must compare the signature on the application form with the signature on the voter declaration to verify that the person who has voted is the member who made the application. If the signatures do not match, the envelope and its contents must be destroyed.
- 25.10 Before postal votes are included in the count the Returning Officer must verify that the member has not already voted in that election.
- 25.11 If the member has both voted in the election and returned a postal vote, their postal vote must be destroyed.

26. Postal Polling

- 26.1 These regulations apply to any election that the Student Council has resolved to have conducted exclusively via postal polling, in accordance with clause 8.
- 26.2 In the case of the election of Student Representatives via postal polling, the Returning Officer has the power to require that member students register before a

deadline set in accordance with clause 9.1(k).
The form or method shall be prescribed by the Returning Officer.

- 26.3 In the case of the election of Electoral Delegates via postal polling, the Returning Officer has the power to require that member students register before a deadline set in accordance with Clause 9.1(k). The form or method shall be prescribed by the Returning Officer.
- 26.4 In the case of the election of NUS Delegates via postal polling, the Returning Officer has the power to require that students register before a deadline set in accordance with Clause 9.1(k). The form or method shall be prescribed by the Returning Officer.
- 26.5 If a member or non-member fails to register, as outlined in clause 26.2, 26.3 and 26.4, before the cut-off date defined in clause 9.1(k), they will not be eligible to receive a ballot or cast their vote.
- 26.6 The Returning Officer must verify the eligibility of each registered person against the relevant roll/s.
- 26.7 As soon as possible after the close of nominations, the Returning Officer must send to the postal address of each member registered to vote:
- (a) Voting instructions;
 - (b) Ballot papers;
 - (c) a link to the DUSA website which shall host authorised policy statements, candidate photos and how to votes;
 - (d) an envelope large enough to contain all ballot papers, with a declaration form printed on the outside; and
 - (e) a pre-addressed postage-paid return envelope.
- 26.8 The Returning Officer must keep a list of members to whom postal ballots have been sent.
- 26.9 Postal ballots:
- (a) received by the Returning Officer before the opening of polling shall still be counted;
 - (b) must be received by the Returning Officer within three business days of the closing of polling; and
 - (c) received by the Returning Officer later than three business days after the closing of polling must be destroyed.
- 26.10 The Returning Officer will wait at least three business days after the close of polling in accordance with regulation 26.9 before proceeding with regulation 28 to count the ballot.
- 26.11 Postal ballots which are returned by any method other than by delivery to the address listed on the return envelope must be destroyed.

27. Proxy Votes

- 27.1 In the case of any election held by postal polling as per clause 26, proxy votes will be allowable under the circumstances set out by this clause.
- 27.2 Student members residing outside of Australia for any time during the election period are eligible to proxy their ballot to another student member pursuant to clause 27.
- 27.3 The burden of proof for clause 27.2 shall fall wholly on the student member applying.
- 27.4 The form or method of the application to delegate a proxy shall be prescribed by the Returning Officer.
- 27.5 Applications to proxy received by the Returning officer after the closing of applications specified in clause 9.1(j) must be denied.
- 27.6 The Returning Officer must reject applications that fail to, in the Returning Officer's opinion, meet the requirements set out in clause 27.2.
- 27.7 A student member receiving a proxy vote is entitled to receive a proxy from no more than 1 student member per election period.
- 27.8 In the case more than one student member proxy their vote to the same student member, only the first application shall be valid.
- 27.9 A student member holding a proxy for another member shall receive that member's ballot and is entitled to vote on their behalf.
- 27.10 A student member shall be exempt from punishment under clause 33.3(o) for possession of another votes ballot paper if they hold a valid proxy for that ballot.

28. Method of Voting

- 28.1 Elections must use:
- (a) The quota – preferential proportional method of election for Electoral Delegates;
 - (b) the Instant-runoff voting method of election for each Student Representative position; and
 - (c) Both methods must use optional preferences and be by secret ballot.
- 28.2 In the case of a voter who indicates a preference for both the name of a candidate and a preference for the name of a ticket, the preference for the ticket will stand and the preference for the candidates must be treated as if it were left blank.
- 28.3 For the purposes of regulation 42.5(a) and 38.5(a):
- (a) a number against the name of a candidate indicates a preference for that candidate ahead of all candidates with higher numbers or no number against their name;
 - (b) a vote is formal even if:
 - (i) the lowest number is not 1;
 - (ii) the numbers are not consecutive or;
 - (iii) numbers are repeated
 - (c) a vote is deemed formal until the voter's intention becomes unclear;
 - (d) a cross against the name of a candidate where there is no number 1 or tick

against the name of another candidate is to be taken to be the number 1;

- (e) a tick against the name of a candidate where there is no number 1 against the name of another candidate is to be taken to be the number 1; and
- (f) a letter against the name of a candidate indicates a preference for that candidate ahead of all candidates with alphabetically subsequent letters or no letter against their name.

28.4 For the purposes of regulations 42.5(b) and 38.5(b):

- (a) a tick against the name of a ticket; or
- (b) a cross against the name of a ticket where there is no number 1 or tick against the name of another ticket is to be taken to be the number 1;
- (c) a tick against the name of a ticket where there is no number 1 against the name of another ticket is to be taken to be the number 1; and
- (d) "a" indicates a preference for that ticket ahead of all other tickets.

28.5 If the voter's intention is clear, the vote ought to be counted in that way.

28.6 If a group of candidates have lodged a statement under regulation 20, voters who have voted for that ticket are deemed to have voted for other candidates in that election in accordance with the statement.

29. Counting of Votes

29.1 Votes must be counted in accordance with the following procedure:

- (a) each ballot paper must first be given the value of 1;
- (b) the value of each ballot paper must be allocated to the continuing candidate against whose name appears the lowest number on the ballot paper;
- (c) a ballot paper which does not show a valid preference for at least one continuing candidate is exhausted and may not be allocated further;
- (d) a quota must be calculated at each stage of counting by dividing the total value of ballot papers allocated to continuing candidates by one more than the number of positions remaining to be filled and rounding up the answer so obtained in the sixth decimal place;
- (e) if at any stage 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;
- (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) in the event a candidate withdraws, dies or resigns their membership after the closure of registrations – the value of each ballot paper showing a current preference for that candidate will be allocated to the continuing candidate as if that candidate did not exist, unless the ballot paper does not show a valid preference and would therefore exhaust and not be allocated further.

29.2 The procedure in this regulation must be repeated in order until the number of positions to be filled is filled.

29.3 Informal votes:

- (a) may only be ruled informal by the Returning Officer; and
- (b) must only be ruled informal if:
 - (i) it does not comply with regulation 26.2; and
 - (ii) the voter's intention is not clear.

29.4 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; and
- (c) "candidate's transfer value" is the elected candidate's value, less the quota at that stage of counting, all divided by the elected candidate's value.

30. Scrutineers

30.1 Each candidate may appoint a person as scrutineer by notice to the Returning Officer in the method and form prescribed by the Returning Officer.

30.2 Each registered ticket may appoint no more than two people as scrutineers by notice to the Returning Officer in the method and form prescribed by the Returning Officer.

30.3 A candidate may not be appointed as a scrutineer for an election which that member is a candidate for.

30.4 A scrutineer must not:

- (a) touch or interfere with ballot papers, electoral rolls or any other election equipment; or
- (b) disobey the instructions of election staff or act in a manner that is disorderly or impedes the proper conduct of the count.

31. Declaration of Election and Notification of Results

31.1 The Returning Officer must provisionally declare the result of the election immediately after counting.

31.2 As soon as is practicable after the results are provisionally declared, the Returning Officer must:

- (a) cause a notice of results to be posted on the DUSA website; and

(b) email all candidates the notice of results.
31.3 The result of the election shall be automatically formally declared in accordance with the provisional declaration (or a subsequent declaration following a recount, if applicable) if:

- (a) the deadline for appeals against the result in accordance with regulation 34 passes and no appeal is submitted; or
- (b) any appeals against the result of the election in accordance with regulation 34 are dismissed by the Electoral Tribunal.

32. Recounts

- 32.1 A member may lodge a written request with the Returning Officer for a recount of an election they are a candidate in within 12 hours after the election has been provisionally declared.
- 32.2 If the Returning Officer receives a written request for a recount in accordance with regulation 30.1, they must hold a recount as soon as practicable if in the Returning Officer's view, the member has raised legitimate grounds for requesting a recount.
- 32.3 The Returning Officer must give at least 24 hours written notice of a recount to all of the candidates involved in that election.
- 32.4 Once a recount has been held and the election is declared, no candidate can call for any further recounts of that election.

33. Prohibited Conduct

- 33.1 All dishonest conduct in an election is prohibited.
- 33.2 All conduct in an election that is misleading or deceptive, or that is likely to mislead or deceive a voter is prohibited;
- 33.3 Without limiting regulations 31.1 – 31.2, the following are specifically prohibited:
- (a) providing false information in or interfering with any form lodged with the Returning Officer;
 - (b) voting or attempting to vote except in accordance with this Part;
 - (c) interfering with ballot papers, votes or the electoral roll;
 - (d) interfering with any document, record or equipment used to conduct the election;
 - (e) violating the secrecy of the ballot;
 - (f) making any publicity available that is not authorised in accordance with regulation 21.2;
 - (g) interfering with other candidates' election publicity;
 - (h) campaigning within the area described by regulation 23.9;
 - (i) campaigning by persons who are not members;
 - (j) campaigning by persons within a recognised DUSA space;
 - (k) paying a person to campaign;
 - (l) offering gifts;
 - (m) selling or exchanging goods;
 - (n) requesting another voter's filled or unfilled ballot paper;

- (o) having possession of another voter's filled or unfilled ballot paper;
- (p) using DUSA facilities not generally available to members;
- (q) using the resources of a club or society;
- (r) damaging DUSA or University property;
- (s) failing to comply with a direction of the Returning Officer, or a decision of the Electoral Tribunal;
- (t) campaigning in a University library;
- (u) impeding the conduct of the election; and
- (v) in the case of electronic polling:
 - (i) campaigning in a University computer laboratory;
 - (ii) being within six metres of a member casting their vote after having campaigned to them; or
 - (iii) campaigning with a computer, tablet or other like device for the purpose of allowing other members to use the device to cast their vote.

- 33.4 The Returning Officer may direct any person breaching regulations 31.1 – 31.3, to cease doing so.
- 33.5 Any student may report a breach to the Returning Officer, and this must be done in writing.
- 33.6 The student who has reported the breach must be given an opportunity to present their case.
- 33.7 Any person who has been reported must be given an opportunity to respond.
- 33.8 The Returning Officer may hear submissions from any other interested person.
- 33.9 The Returning Officer may, whether they find that there has been a breach or not, give such directions as it thinks appropriate.
- 33.10 If the Returning Officer finds that there has been a breach they may formally reprimand the student reported.
- 33.11 Without limiting regulation 31.10, if the Returning Officer finds that there has been a serious breach, they may temporarily or permanently disqualify the person or ticket reported from:
- (a) campaigning or;
 - (b) standing in:
 - (i) that election; or
 - (ii) all future elections.
- 33.12 The following conduct is specifically permitted:
- (a) campaigning by a NUS Officer Bearer who is a student member under these regulations and, for no reason other than their position in the NUS, would be entitled to campaign.

34. Electoral Tribunal

- 34.1 The General Secretary shall provide the Student Council a list (which may contain only one name) of persons who may be appointed as Electoral Tribunal.
- 34.2 The Electoral Tribunal must be a registered Australian Legal Practitioner for at least five (5) years.

34.3 The Electoral Tribunal must not, in the year of the annual elections or the five (5) calendar years prior to that year, have been:

- (a) a student of Deakin or a member of staff of DUSA or the University;
- (b) a candidate in any election of a post-secondary student organisation; or
- (c) have any conflict of interest in any capacity.

34.4 Once appointed, the Electoral Tribunal may only be removed by an absolute majority of the Student Council during an election period on the grounds of proven misbehaviour or incapacity.

34.5 If the Election Tribunal resigns, is removed or dies during an election period, the Student Council must appoint a new Electoral Tribunal as soon as is practical

34.6 The Electoral Tribunal:

- (a) must only hear matters that have been considered by the Returning Officer;
- (b) must only hear matters that are brought within the requisite period of time prescribed;
- (c) must only consider matters that have grounds as prescribed in 32.7;
- (d) may conduct hearings by telephone;
- (e) must conduct its proceedings as expeditiously as practicable;
- (f) must hold its deliberations in camera;
- (g) must decide questions of fact on the balance of probabilities;
- (h) must issue a written record of its decisions to any parties to a hearing (including the Returning Officer) and DUSA; and
- (i) must not allow parties to be represented.

34.7 An appeal to the Electoral Tribunal may only be made on one or more of the following grounds:

- (a) there is new evidence which was not available or not known to the Returning Officer at the time the allegation was initially investigated;
- (b) the penalty imposed was too severe;
- (c) there was a misapplication of election procedures or regulations either resulting in severe disadvantage to the subject of the decision, or where the decision was reaffirmed after request to reconsider the misapplication;
- (d) the decision is unreasonable in all the circumstances or cannot be supported by the evidence that was available at the time the decision was made;
- (e) relevant evidence was not considered, or irrelevant evidence was relied on in reaching the decision.

34.8 The procedure of the Election Tribunal shall be that:

- (a) the appellant submits an appeal to the Tribunal within the requisite period of time prescribed by the regulations;
- (b) the appellant must be given an opportunity to present their case;
- (c) if the Electoral Tribunal considers that the Returning Officer's decision should

be reviewed, they must convene a hearing of the Electoral Tribunal;

- (d) the Returning Officer must be then given an opportunity to respond;
- (e) the appellant submits an appeal to the Tribunal within the requisite period of time prescribed by the regulations;
- (f) the appellant must be given an opportunity to present their case;
- (g) if the Electoral Tribunal considers that the Returning Officer's decision should be reviewed, they must convene a hearing of the Electoral Tribunal;
- (h) the Returning Officer must be then given an opportunity to respond;
- (i) the Electoral Tribunal may hear submissions from any other interested person; and
- (j) the Electoral Tribunal must then rule on the matter.

34.9 Any appeal made to the Electoral Tribunal:

- (a) must be in writing;
- (b) state the specific grounds on which the appeal is based as per 32.7;
- (c) set out a concise statement of the facts;
- (d) include copies of all relevant documents; and
- (e) be accompanied by a bond of \$50.00 to be lodged at any DUSA Reception.

34.10 If the appeal is upheld by the Electoral Tribunal, the appellant is entitled to be refunded the bond required to be paid by regulation 32.9(e).

34.11 Regulation 32.9(e) does not apply to appeals submitted by the Returning Officer.

34.12 Decisions of the Electoral Tribunal are final, subject only to the Act.

35. Appeals Against Decisions of Returning Officer

35.1 A member may appeal a decision of the Returning Officer within twenty-four hours of that decision being communicated to all parties.

35.2 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.

35.3 In this regulation "decision" includes omission and failure to act.

36. Appeals Against Result of Election

36.1 A member may appeal the result of an election within forty-eight hours of the provisional result of the election being declared.

36.2 If the Returning Officer is satisfied that there has been a defect in the conduct of the election, that has materially affected the result, they may order a new election.

36.3 The Returning Officer must decide the timetable for any new election under regulation 34.2.

37. Vacancies

37.1 If a Student Representative or Officer elected after the Annual Student Elections resigns, or the position becomes otherwise vacant, the

position can only be filled by co-option after November 1 of the year following their election.

**See clause 29 of the Constitution*

38. Election of the Student Representatives

- 38.1 All Student Representatives are to be directly elected by the student members of their respective campuses.
- 38.2 The elections of Student Representatives of the same campus* must be set out on a single ballot, with the exclusion of that campus' Women's Representative and Queer Representative, and must be conducted in accordance with clause 28.1(b).
- 38.3 When another regulation is inconsistent with clause 37, the former shall, to the extent of the inconsistency, not apply to elections held for positions laid out on the ballot in clause 37.2.
- 38.4 A person is only eligible to vote in elections held for the positions set out on the ballot under 37.2 if they are a student member primarily enrolled on the campus of that ballot.
- 38.5 For each position, voters must indicate their order of preference for candidates under 37.2 by either:
- (a) placing the number 1 against the name of the candidate of first preference and consecutively higher numbers against the names of as many other candidates of lower preference in order as they wish; or
 - (b) placing the number 1 against the name of a ticket, after which all candidates named under that ticket in each position shall receive a first preference vote.
- 38.6 A voter who has voted for a ticket in accordance with regulation 37.5(b) is deemed to have voted as if they had placed the number 1 against the name of each candidate named under that ticket, on that ballot.
- 38.7 A voter who has voted in accordance with both regulations 37.5(a) and 37.5(b) is deemed to have voted in accordance with regulation 37.5(b) and not regulation 37.5(a), such as consistent with regulation 27.2.

39. Election of the Women's Representative

- 39.1 A person is only eligible to vote in elections held for the positions of Women's Representative if they:
- (a) are a student member primarily enrolled on the campus of the position; and
 - (b) identify as a Woman; and
 - (c) in the case of an election held by postal polling, have registered their intention to vote as per clause 26.2.
- 39.2 A separate ballot paper must be used for direct elections held for the positions of Women's Representative.
- 39.3 Ballot papers may only be distributed to those persons who are eligible to vote.
- 39.4 The Returning Officer may collate data from the DUSA and University rolls for the purpose

of conducting elections held for the positions of Women's Representative.

- 39.5 When another regulation is inconsistent with regulation clause 37, the former shall, to the extent of the inconsistency, not apply to elections held for the positions of Women's Representative.

40. Election of the Queer Representative

- 40.1 Elections held for the positions of Queer Representative must be conducted electronically.
- 40.2 A separate, securely stored register of voters ("electoral roll") must be kept and used for elections held for positions of Queer Representative.
- 40.3 The electoral roll referred to in clause 38.2 must list the names, student numbers and email addresses of all those persons who:
- (a) are a member primarily enrolled on the campus of the position; and
 - (b) identify as Queer; and
 - (c) are registered to vote in elections held for the positions of Queer Representative prior to the close of the roll as described in clause 9.1(c).
- 40.4 A person may register to vote:
- (a) online via DUSA's website; or
 - (b) by lodging a hard copy application in person, in the form prescribed by the General Manager.
- 40.5 A person may only vote in annual elections held for the positions of Queer Representative if they:
- (a) are a member;
 - (b) identify as Queer; and
 - (c) are listed on the electoral roll created and maintained pursuant to this regulation.
- 40.6 A person must not access, use or disclose information about another person obtained from the electoral roll.
- 40.7 Clause 38.6 does not apply to use by:
- (a) the General Manager;
 - (b) the Returning Officer; or
 - (c) the Election Tribunal
- acting in good faith and for the proper purpose of conducting an election in accordance with the regulations.
- 40.8 The electoral roll must be managed in accordance with the provisions of the:
- (a) Victorian Equal Opportunity Act; and
 - (b) Australian Privacy Principles (APPs).
- 40.9 All candidates for election to the positions of Queer Representative must run as individual candidates.
- 40.10 When another regulation is inconsistent with regulation clause 38, the former shall, to the extent of the inconsistency, not apply to elections held for the position of Queer Representative.
- 40.11 The Returning Officer must use the membership emails of the Queer Club, or its counterpart, of each campus to give notice of the registration for the electoral roll.

41. Election of Delegates to the National Union of Students

- 41.1 All provisions relating to the conduct of elections shall apply equally to the annual election of delegates to the National Union of Students.
- 41.2 Any provision relating to the election of delegates to the National Union of Students that refers to members should be read as referring to members and students, unless otherwise provided for in this regulation.
- 41.3 The Returning Officer may adapt the regulations as reasonably necessary to regulate the conduct of the election of delegates to the National Union of Students, with exceptions to ensure:
- (a) delegates to the National Union of Students are elected by a separate ballot paper to any other positions;
 - (b) only members may nominate for the position of delegate to the National Union of Students; and
 - (c) any student is eligible to vote in the election of delegates to the National Union of Students;
- 41.4 To the extent of any inconsistency between these regulations and the NUS Constitution, Regulations or By-Laws, relating to the manner in which elections for delegates to the National Union of Students are conducted, the former shall prevail.

42. Election of the Electoral Delegates

- 42.1 All Electoral Delegates are to be directly elected by the student members of their respective campuses.
- 42.2 The elections of Electoral Delegates of the same campus* must be set out on a single ballot and must be conducted in accordance with clause 28.1(a).
- 42.3 When another regulation is inconsistent with clause 41, the former shall, to the extent of the inconsistency, not apply to elections held for positions laid out on the ballot in clause 41.2.
- 42.4 A person is only eligible to vote in elections held for the positions set out on the ballot under 41.2 if they are a student member primarily enrolled on the campus of that ballot.
- 42.5 For each position, voters must indicate their order of preference for candidates under 41.2 by either:
- (a) placing the number 1 against the name of the candidate of first preference and consecutively higher numbers against the names of as many other candidates of lower preference in order as they wish; or
 - (b) placing the number 1 against the name of a ticket, after which all candidates named under that ticket in each position shall receive a first preference vote.
- 42.6 A voter who has voted for a ticket in accordance with regulation 41.5(b) is deemed to have voted as if they had placed the number 1 against the name of each candidate named under that ticket, on that ballot.

- 42.7 A voter who has voted in accordance with both regulations 41.5(a) and 41.5(b) is deemed to have voted in accordance with regulation 41.5(b) and not regulation 41.5(a), such as consistent with regulation 28.2.

43. Co-option

- 43.1 Subject to clause 35.1, positions that become vacant may be filled by co-option during an academic period of the University year.
- 43.2 When an Officer or Student Representative position becomes vacant, it must be filled by co-option within 28 days.
- 43.3 Applications for co-option must be received by the General Secretary.
- 43.4 The following clauses, 40.5-40.9, are applicable to co-option of all Student Representative and Officer positions.
- 43.5 Co-option applications must be received by the general secretary at least 5 business days before the monthly meeting of the applicant's relevant DUSA body, where:
- (a) If there are no more than one co-option application for the vacant position, the applicant is admitted into that DUSA body after a motion of approval by the DUSA body;
 - (b) If there are more than one application, they are taken to a meeting of that DUSA body to be reviewed, and subsequently approved by resolution of an absolute majority;
 - (c) The Chair of the DUSA body may decide the method of voting between show of hands, or secret ballot.

44. Validation

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

45. Clarification

- 45.1 As per the constitution, DUELI and Deakin College Students are for the purposes of these Regulations not Students or Student Members and are therefore not entitled to vote or stand in any of the elections described in these Regulations.
- 45.2 As it is not specifically restricted by the Constitution, student members may nominate for the positions of Electoral Delegate, NUS Delegate and Student Representative in the same election period.
- 45.3 A student member elected as an Electoral Delegate and Student Representative in the same election period may not nominate for an Officer position, however, they are still entitled to vote in the Electoral College.
- 45.4 As per clause 28.8 of the Constitution, no student member may hold an Officer position and Student Representative position at the same time.