

ELECTION REGULATIONS

**OF THE
UNIVERSITY OF TECHNOLOGY SYDNEY STUDENTS'
ASSOCIATION**

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ELECTION REGULATIONS

1. Objects

The objects of this Regulation are to provide for:

- (a) a method of election which conforms with the principles of fairness, participation and democracy;
- (b) maximising the flow of information and ideas between the students and the candidates;
- (c) maximising the opportunities for student participation and control in the Association;
- (d) impartial administration by the Returning Officer; and
- (e) administrative review of the actions of the Returning Officer by a neutral tribunal.

2. Administration of Elections

2.1 The election is to be administered by the Returning Officer.

2.2 Appointment and removal of Returning Officer

The Returning Officer must be appointed by the SRC and may not be removed from office except by the SRC acting with and in accordance with a recommendation of the Election Tribunal.

2.3 Qualifications of Returning Officer

The Returning Officer must not otherwise be:

- (a) A member or employee of the SRC;
- (b) A descendant, ancestor, sibling cousin, aunt, uncle, spouse, domestic partner or person otherwise closely associated with any election candidate or any sitting member of the SRC;
- (c) A candidate in the UTS Students' Association, ActivateUTS, Faculty Board, Academic Board or University Council Representative elections in the past five years; or
- (d) A candidate in any election comparable to those listed in 2.3(c) at any University in Australia in the past five years.

2.4 Deputies and Assistants of the Returning Officer

The Returning Officer may be assisted by such deputies and assistants as the Returning Officer may authorise for the purpose. Deputies and assistants must also comply with section 2.3.

2.5 Independence of Returning Officer and Deputies or Assistants

The Returning Officer is not subject to instruction by any member or employee of the SRC and the election must be conducted in such manner as the Returning Officer may direct. Only the Returning Officer may give instruction to any deputy or assistant returning officers.

2.6 Review by Election Tribunal

The actions of the Returning Officer are subject to review by the Election Tribunal which may, subject to the rules herein provided with respect to the election Tribunal's procedures, affirm, revoke or vary any action or decision of the Returning Officer. A review of the Returning Officer's actions can be requested by a List Agent, a majority of candidates on a list or an independent candidate. A request must include the actions to be reviewed and the desired result of the review.

2.7 Automatic Funding

The Returning Officer is authorised to spend Association funds in relation to the election.

2.8 Payment of Returning Officer.

The Returning Officer is to be paid at a rate fixed by the SRC; the Returning Officers

deputies and assistants are to be paid at a rate fixed by the President in consultation with the Returning Officer.

2.9 **Challenging the Eligibility of the Returning Officer**

Any member of the Association may challenge the eligibility of the Returning Officer to hold that position under section 2.3. Any such challenge shall be heard by the election Tribunal within seven days of notice being given to the General Secretary of the Association.

- (a) If the Election Tribunal rules that the Returning Officer is ineligible to hold that position, the SRC must remove and replace the Returning Officer pursuant to section 2.2.

3. **Timing**

The Returning Officer is to observe the following intervals in conducting the election:

- (a) the calling of nominations is to be during a session of teaching and followed by the close of nominations within 14 to 21 days;
- (b) confirm the election timetable of the Electoral Tribunal on the day of the opening of nominations if not already elected;
- (c) confirm the election of the Electoral Tribunal on the day of the close of nominations;
- (d) the first day of voting is to be between 25 to 31 days after the close of nominations;
- (e) there will be 3 consecutive days of voting,
- (f) the period of election campaigning shall begin at 5 pm, two weeks and one day before the first day of voting (see s 13.19);
- (g) Vertigo is to publish election details either in a physical or online edition preceding the first day of the election by 4 to 21 days; and
- (h) the postal votes must be dispatched 7 to 21 days after the close of nominations but not less than 14 days prior to the open of voting.

4. **Notice of Election**

The Returning Officer must announce the election by causing a notice of election to be published online, and when required by the SRC in an edition of Vertigo.

4.1 The contents of the notice of election must:

- (a) list the offices to be filled, the number of persons to be elected to each office, and the qualifications for each office;
- (b) specify the form of nomination; and
- (c) fix a date, time and place at which nominations must reach the Returning Officer.

5. **Nominations**

5.1 **Number of Candidates**

A nomination can only include one candidate.

5.2 **Acceptance of Nominations**

The Returning Officer must not accept a nomination unless:

- (a) it is in writing in the form specified in the notice of election or to the like effect which shall include the requirement to provide the nominee's name, student number and student email;
- (b) it is signed by the candidate certifying that the candidate is a member of the Association, is eligible for that position and that they undertake to comply with the Election Regulations;
- (c) it is endorsed by the required number of members of the Association who have

not endorsed any prior nominations for that position;

- (d) it is received by the Returning Officer before the time fixed by the notice of election for the close of nominations; and
- (e) it clearly specifies the office for which each candidate is nominated.

5.3 **Required number of signatures**

A candidate requires three unique signatures for each position the candidate has nominated.

5.4 **Receipt of Nominations**

The Returning Officer must determine the method for receiving nominations, which may include email, web form, or at the Association office.

5.5 **Unopposed Candidates**

If, at the close of nominations, the number of valid nominations is not greater than the number of persons to be elected to an office, the Returning Officer must declare the nominees elected subject to the confirmation of the nominee's eligibility.

5.6 **Opposed Candidates**

If, at the close on nominations, the number of valid nominations is greater than the number of persons to be elected to an office, the Returning Officer must cause a ballot to be held.

5.7 **Vacant positions**

If no one nominates for a position before the close of nominations, the position shall remain vacant. The SRC may call a by-election to fill a vacant position during the next Autumn session.

5.8 **Determination of Ballot Order**

The Returning Officer is to determine by lot the order of the candidates in the ballot within 2 working days of the close of nominations (including for paper based ballots, grouped lists and one ungrouped list of candidates as per the Schedule).

5.9 **Defective Nominations**

If a nomination is defective the Returning Officer must notify the candidate or List Agent, in the case of a list, of the defect as soon as practicable. Defects in a nomination may be remedied at any time before the draw for positions on the ballot paper being conducted or 24 hours of the notice of defect whichever is later.

5.10 **Announcement of candidates**

The Returning Officer must announce the candidates for each office by causing a list of candidates (including unopposed candidates) to be published in a physical or online election edition of Vertigo.

5.11 **Nominees before the Grievance Committee**

A nominee with an active grievance matter against them before the Grievance Committee at the opening of nominations will have their nomination(s) withheld until the Grievance Committee determines the outcome of the matter, or until the Grievance Committee permits the nomination. The Grievance Committee must make a determination on the matter, or permit the nomination, within the nomination period. A nomination must not be withheld unless there are reasonable grounds to do so. The Grievance Committee may dismiss claims it deems to be either frivolous or vexatious.

5.12 **Number of Nominations**

A candidate cannot nominate for more than five positions, excluding the election of Delegates to the NUS. A candidate cannot nominate for the Vertigo Editorial Team and a position on Council.

6. **Withdrawal of nominations**

6.1 **Voluntary withdrawal of nominations**

A candidate may withdraw from the election by giving a written withdrawal to the Returning Officer within 7 days from the time the draw for positions on the ballot paper is

held.

- (a) **Automatic withdrawal of candidates** A candidate who nominates for more than one office may, before the commencement of a count, give the Returning Officer a written list of preferences among those offices.
- (b) A candidate who nominates for more than one office and does not, before commencement of the count, give the Returning Officer a written list of preferences among those offices must be assumed to preference the offices in the order set out in section 4.1 of the Constitution.
- (c) A candidate elected to a preferred office is to be withdrawn automatically from any other election.

6.2 **Votes of withdrawn Candidates**

At any election where some of the candidates are withdrawn the first stage of the count must be the exclusion of those candidates and the distribution of their votes according to the next available preferences shown on those votes.

7. **Lists**

7.1 **Formation of Lists**

Candidates who have nominated and wish to be identified as a member of a list on voting papers shall inform the Returning Officer of this in writing prior to the close of nominations. This correspondence must be signed by all candidates who wish to be so grouped and must indicate the name of the group. A list must be more than two candidates. Candidates for a position where there is only one vacancy may join a list and have a list name appear below their name on the ballot if a signed notice by the candidate and list agent is provided to the Returning Officer prior to the close of nominations.

7.2 **Decision Making by Lists**

A reference in this Regulation to an action or decision by a list is a reference to an action or decision by the relevant List Agent or a majority of the candidates of the list at the time.

7.3 **List Names**

The name of a list is final upon the close of nominations. The Returning Officer must refuse to accept a list name:

- (a) which is either identical with, or so similar as to be likely to be confused with, the name of a previously accepted list in any other (including past) election, without the written consent of the candidates in the previously accepted list. This applies even if those candidates or list agents are not running in the current election, provided they remain members of the Association; or
- (b) which is misleading, offensive, claiming to represent a University group or club (including an Activate Club) which has not provided written and signed consent by a person authorised to do so; or
- (c) claiming to represent any collective of the Association; or
- (d) longer than 45 characters long (including spaces) or whose length is otherwise impractical to produce on the ballot.

In any case the Returning Officer will provide an opportunity to the list to choose an alternative name.

8. **Form of Ballot**

8.1 A ballot must be a secret ballot using the quota preferential system as outlined in Schedule 2. Ballots will be conducted by way of attendance at a polling booth. Voting papers must contain the names of the candidates in the order drawn as prescribed in 5.8.

8.2 A reference in this Regulation to an election day is a reference to a day which is not a Saturday, Sunday, Public Holiday or day on which the University is on vacation or engaged in an examination period.

9. Proportional Representation

The schedules to this Regulation form an integral part of this instrument; in cases of inconsistency between the body of these Regulations and the schedules, the schedules are to prevail.

9.1 Vertigo

Candidates for the Vertigo Editorial Team may be grouped on a list or listed individually. Where there are multiple candidates to be elected for a single position, candidates will be elected based on proportional representation of votes, as set out in schedules 1 and 2 of these Regulations.

10. Voting Procedure

Preparation of Voting Papers

10.1 Form of Voting paper

The name of every list and every candidate must be printed on the voting paper in order determined by lot.

(a) For each list candidate, the list name must be printed on the voting paper.

(b) A list may determine the order of its candidates within the list by written agreement.

10.2 The Returning Officer shall ensure that each type of voting paper is printed on a different colour paper.

10.3 The Returning Officer shall cause a record to be kept of the issue of each voting paper. This record shall be available for reasonable scrutiny by candidates at the end of each voting period. During the counting of the votes, the Returning Officer shall balance the returned papers against those issued.

10.4 The Returning Officer is to cause every voting paper to be initialed by a person authorised for the purpose by the Returning Officer. A voting paper that is not initialed must be set aside and not counted unless it is reasonably determined by the Returning Officer the vote was fairly and legitimately cast.

10.5 Where a voting paper is lost or destroyed, a duplicate may be issued by the Returning Officer on receipt of a request in writing from the votes.

Methods of Voting

10.6 Every member of the Association is entitled to vote in person for any elections they are eligible to nominate for. Any member of the Association who is entitled to vote and who will be absent from campus during voting times may apply for a postal vote. The application for a postal vote must be in writing and must be sent to the Returning Officer before the close of nominations.

Personal Voting

10.7 The Returning Officer is to arrange for voting places at a prominent and accessible location in the Tower Building 1, Building 2, Building 8, Building 11 and Building 6.

10.8 Section 10.7 does not apply to the election of any casual vacancy, except an election for any number of casual vacancies that includes the vacancy of President or General Secretary. Where section 10.7 does not apply, a single voting place is to be arranged by the Returning Officer in a prominent and accessible location in the University or by an electronic voting system as determined by the SRC.

10.9 Each voting place is to be open on each day when classes are conducted at the campus on an election day.

10.10 Every voting place is to be open on each election day for a period of 3 hours from 10:30am and, if evening classes are conducted, for a period of 3 hours from 3:30pm.

10.11 On the first day of voting the Returning Officer or a person authorised for the purpose by the Returning Officer shall exhibit the ballot box as empty to any persons then present,

and is then to seal the ballot box, leaving only one opening for the ballot papers.

- (a) If during the election day, it is necessary to use a new ballot box, the Returning Officer or a person authorised in for the purpose by the Returning Officer is to exhibit the ballot box as empty to any persons then present, and is then to seal the ballot box, leaving only one opening for the ballot papers.

10.12 At the close of each voting session the Returning Officer or a person authorised for the purpose by the Returning Officer is to seal the ballot paper opening and is then to exhibit the ballot box as sealed to any persons then present.

- (a) If, during the election day, it is necessary to use a new ballot box, the returning Officer or a person authorised for the purpose by the Returning Officer is to seal the ballot paper opening in the old ballot box and is then to exhibit the ballot box as sealed to any persons then present.

10.13 At the close of each voting session the Returning Officer or a person authorised in for the purpose by the Returning Officer is to invite any members then present to vote, but a person who is not present at the voting place at the close of voting must not be permitted to vote.

Postal Voting

10.14 The Returning Officer is to cause to be sent notice to all members of the Association that they may request a postal vote to be posted to their address by contacting the Returning Officer in writing, if they know they will absent from the Campus for the time of the vote. When possible, this notice should take the form of an email to all students eligible to vote, broadcast with the assistance of the University. This notice must be displayed on the Students' Association website.

10.15 Each voting paper is to be accompanied by:

- (a) An envelope addressed to the Returning Officer on which is to be printed a space for the member to put their name, student number, and signature.
- (b) An envelope marked 'voting paper';
- (c) A link to an electronic copy of the election issue of Vertigo;
- (d) The directions to voters; and
- (e) No other material of any kind.

10.16 The Directions to voters must:

- (a) Specify the date, time and place at which the completed voting papers must be post marked and received by the Returning Officer, which must not be later than 5:00pm on the last day of voting; and
- (b) Direct the voter to put their name, student number and signature on the envelope addressed to the Returning Officer.

10.17 The Returning Officer or a person authorised for purpose is to receive all postal votes and place them in sealed ballot boxes until the close of voting.

Provisional Voting

10.18 A person may cast a provisional vote if they claim to be entitled to vote and they:

- (a) Cannot be found on the roll of voters;
- (b) Are marked on roll of voters as having been sent a postal vote; or
- (c) Are marked on the roll of voters as already having voted.

10.19 **Declaration by Provisional Voters**

The person must sign a declaration that they are eligible to vote on an envelope in the presence of the Returning Officer or a person authorised for the purpose by the Returning Officer who must then sign the declaration as witness and add the date.

10.20 **Acceptance of Provisional Votes**

The person must then hand the voting papers, folded, to the person who issued them who, in the voter's presence, will seal the envelope and place it in the ballot box.

10.21 Determination of Provisional Votes

The Returning Officer must, at the count of votes, determine each provisional voter's entitlement or otherwise and accept or reject the vote as a valid vote.

Security of Votes

10.22 Returning Officer is to cause the sealed ballot boxes containing the votes to be held in a locked room, accessible only to the Returning Officer or a person authorised for the purpose by the Returning Officer, until the close of voting.

10.23 The Returning Officer may adjourn the count from time to time and from place to place by notice fixed to the door of the counting place.

10.24 Returning Officer is to cause the sealed ballot boxes containing the votes to be held in a locked room, accessible only to the Returning Officer or a person authorised for the purpose by the Returning Officer, during any adjournment of the count until every election has been declared and, if the subject of complaint, determined by the Election Tribunal.

11. Declaration of the Election

11.1 The Returning Officer must complete the count of each contested Election with reasonable dispatch, and declare the candidate or candidates elected to each office as soon as possible.

11.2 Information to Members

The Returning Officer is to provide sufficient information as to the count, and the issue and return of voting papers, to enable a member of the Association to determine if there has been breach of the constitution or these Regulations in relation to the election.

11.3 Finality of Declaration

Unless, within 24 hours of the Returning Officer declaring an election, a voter in the election submits a complaint to the Election Tribunal, the declaration of the election is final and conclusive as to the result of the election.

12. Statements

12.1 Policy Statements

Each candidate may submit a policy statement before the close of nominations; the maximum length in words is:

President	500 words
General Secretary	500 words
Assistant General Secretary	400 words
Education Officer	400 words
Welfare Officer	400 words
Postgraduate Officer	400 words
Women's Officer	400 words
International Students' Officer	400 words
Indigenous Officer	400 words
Candidates for Vertigo	200 words
All other candidates	250 words

12.2 **List Statements**

A list may have a list statement not longer than 2000 words; an additional 1000 words and any surplus may be assigned to individual candidates by the list.

13. **Campaign Rules**

The following practices (13.1—13.14) by members or employees of the Association, or their associates, are prohibited in relation to the Election.

13.1 **A person shall not:**

- (a) vote more than once in the same election; or record a vote they are not entitled to;
- (b) interfere with any ballot paper without the consent of an Electoral Officer; or
- (c) hinder the Electoral Officer or any other person appointed to assist the electoral officer in the execution of their duties.

13.2 **Improper influence, interference, bribing or obstruction**

Improperly influencing, interfering with, bribing or obstructing the Returning Officer or a person authorised for any purpose by the Returning Officer in performing functions imposed by the Constitution or this Regulation.

13.3 **Claiming to vote when not eligible**

Claiming knowingly to vote in an election for which the claimant is not eligible to vote.

13.4 **Using Association Funds**

Using or appearing to use Association funds, facilities, stationery, equipment or supplies other than those authorised by this Regulation.

13.5 **Using Vertigo and other Association Publications**

Publishing election related material in Vertigo or other official Association publications without review by the Returning Officer.

13.6 **Improperly Using Campus Facilities**

Improperly using campus facilities (including in accordance with the rules set out by the University), including postering in prohibited areas and using graffiti of a permanent nature.

13.7 **Overspending**

Using funds, stationery, equipment, supplies, including online materials and promotion, to the value of more than:

- (a) \$150.00 per candidate regardless of the number of nominations to the Executive or Office Bearer positions; and
- (b) \$150.00 per candidate nominated for the election of a General Councillor, or \$1,000 per list, whichever is lower; noting
- (c) lists with the same or similar name across the election for Councillors or the NUS shall be considered one list for the purpose of interpreting this section.

13.8 **Improper Statements**

Making any misleading, offensive, discriminatory, or dishonest statement in oral or written form.

13.9 **Representing Endorsements**

Representing that they are officially endorsed by the SRC, Activate, the University or any University structure.

13.10 **Responsibility for Statements**

Making any statement by way of leaflet, poster, sticker or graffiti or other means without first lodging a copy with the Returning Officer or Deputy Returning Officer and without stating the name and faculty of the member responsible for the statement.

13.11 **Attempting prohibited practices**

Attempting (even though ineffectively) to engage in any prohibited practice.

13.12 Assisting prohibited practices

Assisting (even though ineffectively) any person to engage or attempt to engage in any prohibited practice.

13.13 Harassment

Using harassment or intimidation of any kind during the course of the Campaign – for the purpose of determining whether a candidate shall be warned, or disqualified after a third warning, the following acts are defined as harassment or intimidation:

- (a) sexist, racist or queerphobic insults and gestures at students, campaigners, polling clerks or returning officer;
- (b) shouting, screaming or talking over campaigners, students, polling clerks or returning officer;
- (c) physical assault or harassment such as, but not limited to, pushing, prodding, punching, pinching, physical following or slapping; and
- (d) any form of communication that may constitute harassment – this may include phone and e-mail communication, and approaching campaigners, students, polling clerks or returning officers too closely without their consent.

13.14 Inducement

Promising, offering, suggesting, giving or taking a valuable consideration, advantage, recompense, reward or benefit in order to induce any candidature, or withdrawal of candidature, or a vote, omission to vote or any support of, or opposition to, any candidate, or any promise of such a vote, omission, support or opposition.

Managing Prohibited Practices

13.15 Powers of the Returning Officer

The Returning Officer may order at their discretion:

- (a) any individual candidate and/or list agent, within 24 hours of the close of voting, to submit a statutory declaration to the Returning Officer stating that they have not engaged in any practice prohibited by these Regulations,
- (b) receipts of payment for any stationery, equipment, and supplies, including online materials and promotion, utilised by a candidate or list, and
- (c) reasonable action permissible by law or the University rules to investigate and determine an alleged prohibited practice

13.16 Complaints

Any member of the Association may make a complaint to the Returning Officer alleging that a person is guilty of engaging in a prohibited practice. The complaint must be in writing and state the facts and the grounds of objection as well as indicating which electoral Regulation may have been breached. A complaint shall ask for some specific remedial action to secure justice and equity, which may include the ordering of a new election or the conducting of a full recount of votes.

If, in the opinion of the Returning Officer, the Electoral Regulations may have been breached but no specific complaint has been lodged to cover the breach in question, they may institute an investigation.

13.17 Penalties for a Breach

If, after hearing all parties involved in the complaint, the Returning Officer is reasonably satisfied, on the balance of probabilities, that any Candidate, team, individual, club, society or political grouping has infringed or has connived at the infringement of any of these regulations, they may do any of the following:

- (a) disqualify a candidate or group of candidates for the election in question;
- (b) order a new election (subject to review by the Election Tribunal)

- (i) The Returning Officer shall not order a new election if they are satisfied that the result of the election would have been substantially the same if the breach complained of had not occurred.
- (c) disqualify a candidate or group of candidates for any election held, in consequence of a new election having been ordered;
- (d) order a re-count of votes;
- (e) deduct votes;
- (f) dismiss the matter; or
- (g) take such action and/or make any rulings as they deem fit, subject to these regulations.

13.18 **Appeals to the Election Tribunal**

Any member of the Association may lodge an objection or protest or complaint about the conduct of the Returning Officer with the Election Tribunal as per Section 14 of these Regulations.

Other Rules

13.19 **Limited Campaigning Period**

The period of election shall begin at 5 pm, 15 days before the first day of voting. No form of campaigning or promotion of any candidate or group, whether online or in person, is permitted before this period.

13.20 **Closed Campus**

All persons campaigning for any candidate or group in the campaigning period must be a currently enrolled student of UTS, not including students currently on an approved leave of absence or banned from nominating or participating in an election by the Grievance Committee. No other person may campaign or engage in the promotion of any candidate or group, whether online or in person.

- 13.21 Campaigners must display UTS student ID cards at all times while campaigning, with the intention that it is visible to students including other campaigners and the Returning Officer, and must provide these if requested to the Returning Officer or a person authorised for this purpose by the Returning Officer. The UTSSA will provide two lanyards per candidate or 25 lanyards per list, whatever is lower. The cost of additional lanyards shall not be included as a cost for the purpose of regulation 13.7.

14. Election Tribunal

- 14.1 The Election Tribunal comprises a Chair and 2 members who must be appointed by the SRC before the close of nominations of an Association election.
- 14.2 The Chair of the Election Tribunal must be a member of the academic staff of the University and a legal practitioner.
- 14.3 The 2 members of the election Tribunal must be members of the Association, not otherwise involved in the election (as candidate, nominator, deputy or assistant returning officer etc)
- 14.4 A meeting of the Election Tribunal for the exercise of its powers is constituted by the presence of 2 out of 3 members.
- 14.5 The Election Tribunal must deal only with complaints under the Regulation.
- 14.6 The chair of the Election Tribunal alone is to determine any question of law.
- 14.7 The whole of the Election Tribunal is to determine, by majority, any question other than a question determinable by the chair alone.
- 14.8 The Election Tribunal must conduct its meetings and decision making in accordance with the principles of fairness and natural justice.
- 14.9 Every complaint must be submitted to the General Secretary of the SRC who must immediately forward them to the chair of the Election Tribunal.
- 14.10 The chair of the election Tribunal may dismiss the complaint as frivolous or vexatious

without hearing the complainant.

- 14.11 If a complaint is not dismissed as frivolous or vexatious the Election Tribunal must, within 14 days, given an opportunity to be heard to:
- (a) the complainant;
 - (b) the respondent; and
 - (c) any other person it deems necessary or desirable to hear.
- 14.12 The Election Tribunal may accept the complaint; and
- (a) dismiss the Returning Officer and any or all Deputy Returning Officer or election assistants/polling clerks;
 - (b) appoint a new Returning Officer for the remainder of the election in question or for any new election;
 - (c) vary or overturn any decision of the Returning Officer;
 - (d) remove any person from office within the Association; or
 - (e) disqualify any person from voting or nominating as a candidate or participating in any election for a period of not more than 1 year.
- 14.13 The SRC is to hear and determine any appeal made in writing against a decision of the election Tribunal within 7 days of the decision being made.
- 14.14 In hearing and determining an appeal, the SRC is subject to the same rules, as applicable, as the Election Tribunal.

15. Casual Vacancies and By-Elections

- 15.1 Consistent with section 13.1 of the UTSSA Constitution:
- (a) a position that becomes vacant is immediately filled by an eligible candidate with the next highest number of votes in the most recent election for the same position as the departing Councillor ('the incoming Councillor');
 - (b) the incoming Councillor shall be notified in writing of their election by the General Secretary or, in the case the General Secretary is vacant, the President as soon as practicable; and
 - (c) the incoming Councillor must accept their position within five business days of being notified, if the incoming Councillor declines, or does not respond to the notice, the position shall be become vacant and the steps in 15.1(a)—(c) shall apply until either:
 - (i) the position is filled; or
 - (ii) the period before the next Representatives Elect Meeting is three months or less.
- 15.2 Consistent with 13.2 of the UTSSA Constitution:
- (a) if nominations for a general election of the SRC and the Executive have been called and a casual vacancy would cause a by-election, then there shall be no by-election and the Candidate elected to the position that has been casually vacated shall be offered to fill that position for the remainder of the term; and
 - (b) Notwithstanding any other section of these regulations, if a casual vacancy causes a by-election and the opening of nominations for a general election of the SRC and the Executive is called within the nomination period of the by-election, the timetable of the by-election shall then coincide with the date of the general election.

16. Online Elections

- 16.1 Elections may only be held online in the following instances:
- (a) a State or Regional emergency that makes it unsafe to hold an election in person or by use of paper ballots, including a health emergency; or

(b) the forced closure or shutdown of University campus.

16.2 These election regulations are to apply to the fullest extent practicable in the circumstance an election is held online. Provisional, postal and other ballot types are not required to be facilitated.

16.3 **Requirements of an Electronic Voting System**

An electronic voting system must:

- (a) allow access to eligible voters for the full ballot period;
- (b) provide a voter with instructions on how to vote;
- (c) allow a voter to indicate their preferences of candidate or candidates;
- (d) give a voter an opportunity to correct any mistakes before submitting their vote;
- (e) allow a voter to make an informal vote;
- (f) not allow a person to find out how a particular voter cast their vote;
- (g) not allow a voter to vote more than once for any ballot; and
- (h) only allow a voter to vote in an election for which they are eligible to vote.

SCHEDULE 1

1. Conduct of Elections

This Schedule applies to every election by the Students' Association.

2. Method of Voting

A voter is required to record their vote for one candidate and no more but is permitted to record a vote for as many candidates as they please, so as to indicate the candidates for whom they vote and the order of preference among them.

3. Ticket Votes – For Paper Based Ballots

3.1 In elections where there is more than one position available (that is the Council General Representatives, Vertigo team, and NUS Delegates):

- (a) Candidates who have indicated that they wish to be identified as members on voting papers, shall be grouped together in the order they indicate. All other candidates are to be grouped as a single list in an order determined by lot, but in a form where voters must vote for candidates below the line.
- (b) The voting paper is to provide an option for a voter to record a preference for a list and such a voting paper is to be treated as if the voter had voted according to the ticket submitted, prior to the opening of voting, by the list. In these cases, the voting paper is to carry the following instructions set out in section 3.2.

3.2 Voters may vote for a list of candidates, or for candidates individually. The method of voting is as follows:

- (a) Place the number 1 next to the list you wish to vote for first. You may if you wish place the numbers 2, 3 and so on to indicate further preferences for other lists.
- (b) If you vote for candidates individually, place the number 1 next to the candidate you wish to vote for first. You may if you wish place the numbers 2, 3 and so on to indicate further preferences for individual candidates.
- (c) Preferences for above the line votes for tickets will be distributed to the group's candidates in the order in which the candidates appear on the ballot paper. Further preferences may be distributed to other group's candidates if the voter expresses further preferences for those groups "above the line".

Interpretation of votes

3.3 In interpreting a voting paper the Returning Officer must, as far as practicable, apply the clear intention of the voter.

3.4 If a second or subsequent preference has been recorded on a voting paper for more than one candidate, the voting paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the voting paper.

3.5 If there is a break in the order of preferences, the voting paper shall be treated as if the later preference had not been recorded on the voting paper.

4. Ticket Votes – For Electronic Ballots

In the instance an **Electronic Voting System** is used, the electronic ballot must attempt to replicate, as similarly as possible, the election if a paper ballot was used. All candidates in a list must be grouped together, in the order submitted on the nomination form, and identified with that list.

4.1 *Definitions*

Electronic ballot means a ballot conducted electronically in compliance with Schedule 2.

Electronic voting system means a secure system as described in Regulation 15.3 for the purpose of capturing and tallying votes cast in an election conducted by electronic means.

5. Scrutineers

A candidate may, by written notice, appoint a scrutineer to be present at any determination by lot and any counting of votes.

SCHEDULE 2

PROPORTIONAL REPRESENTATION WITH THE SINGLE TRANSFERABLE VOTE METHOD OF COUNTING VOTES WHERE MORE THAN ONE POSITION IS TO BE FILLED

1. The number of first choices recorded for each candidate shall be counted.
2. The aggregate number of such first choices shall be divided by one more than the number of candidates required to be elected and the quotient increased by one, disregarding any remainder, shall be the quota, and (except as hereinafter provided in Rule No. 9) no candidate shall be elected until they obtain a number of votes equal to or greater than the quota.
3. Any candidate who has, upon the first choices being counted, a number of such votes equal to or greater than the quota shall be declared elected.
4. Where the number of such votes obtained by anyone candidate is equal to the quota, the proportion of votes in excess of the quota shall be transferred to the other candidates not yet declared elected, next in order of the voters' preferences, in the following manner:
 - (a) All the voting papers on which a first choice is recorded for the elected candidate shall be re-examined, and the number of second choices, or third or next consecutive choices recorded for each unelected candidate thereon shall be counted.
 - (b) The surplus of the elected candidate shall be divided by the total number of votes obtained by them on the counting of the first choice and the resulting fraction shall be the transfer value.
 - (c) The number of second or other choices ascertained in Rule 1., to be recorded for each unelected candidate, shall be multiplied by the transfer value.
 - (d) The resulting number shall be credited to each unelected candidate and added to the number of votes obtained by them on the counting of the first choices.
5. When more than one candidate is over the quota
 - (a) Where, on the counting of the first choices, or on any transfer, more than one candidate has a surplus, the largest surplus shall be first dealt with. If then, more than one candidate has a surplus, the then largest surplus shall be first dealt with, and so on; provided that, if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be first dealt with.
 - (b) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer which they last had an unequal number of votes shall be first dealt with, and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be first dealt with.
6. When a candidate reaches quota
 - (a) Where the number of votes obtained by a candidate is raised up to, or above, the quota by a transfer as aforesaid, they shall thereupon be declared elected; and in such case, notwithstanding the fact that they may have reached the quota, such transfer shall be completed, and all the votes to which they are entitled therefrom shall be transferred to them, but no votes of any other candidate shall be transferred to them.
 - (b) Where the number of votes obtained by a candidate is raised up to, but not above,

the quota by a transfer as aforesaid, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.

- (c) Where the number of votes obtained by a candidate is raised above the quota by a transfer as aforesaid, their surplus shall be transferred to the candidates next in order of the voters' respective preferences, in the following manner:
- (i) All the voting papers on which are recorded the votes obtained by the elected candidate shall be re-examined, and the number of third or, in the case provided for in Rule 11, next consecutive choices recorded for each unelected candidate thereon counted.
 - (ii) The surplus of the elected candidate shall be divided by the total number of voting papers mentioned in paragraph (i) and the resulting fraction shall be the transfer value.
 - (iii) The number of second, or other, choices, ascertained in paragraph (i) to be recorded for each unelected candidate shall be multiplied by the last mentioned transfer value.
 - (iv) The resulting number shall be credited to each unelected candidate and added to the number of votes previously obtained by them.

7. When the number of candidates that reach quota are less than the number that remain available for election

- (a) Where, after the first choices have been counted, and all surpluses (if any) have been transferred as herein before directed, no candidate or less than the number of candidates required to be elected, has or have obtained the quota, the candidate who is the lowest on the pool shall be excluded, and all votes obtained by them shall be transferred to the candidates next in the order of the voters' respective preferences, in the same manner as is directed in Rule 5.
- (b) *Removed*
- (c) *Removed*
- (d) Each of the transfers which takes place under the two previous clauses of this Rule shall be deemed for all purposes to be a separate transfer

8. Other rules

- (a) Where the number of votes obtained by a candidate is raised up to or above the quota by any such transfer as aforesaid, they shall thereupon be declared as elected; and in such case, notwithstanding the fact that they may have reached the quota, such transfer shall be completed, and all the votes to which they are entitled therefrom be transferred to them, but no other votes shall be transferred to them.
- (b) Where the number of votes obtained by a candidate is raised up to, but not above, the quota, by any such transfer as aforesaid, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.
- (c) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, their surplus shall be transferred to the candidate next in the order of the voters' respective preferences in the same manner as directed in Rule 6, Clause (c); provided that such surplus shall not be dealt with until all the votes of the excluded candidates have been transferred.
- (d) Where any surplus exists, it shall be dealt with before any other candidate is excluded.

9. The same process of excluding the candidate lowest on the poll and transferring to other candidates their votes, shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the un-excluded candidates who have not already been so declared, shall then be declared elected.

10. Where at any time it becomes necessary to exclude a candidate and two or more

candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate shall be first excluded.

11. In determining what candidate is next in the order of the voters' preferences, any candidates who have been declared elected shall not be considered, and the order of the voters' preferences shall be determined as if the names of such candidates had not been on the voting paper.

Attachment 1: Variation to the UTSSA Election Regulations

Responsible Office Bearers	President and General Secretary
Related documents	UTSSA Constitution, UTSSA By-Laws
Amendment history	<p>Version 1: 24 June 2021</p> <ol style="list-style-type: none"> 1. Election Regulations enacted Version <p>Version 2: 15 September 2021</p> <ol style="list-style-type: none"> 1. Attachment 1 inserted <p>Version 3: 30 November 2021</p> <ol style="list-style-type: none"> 1. Section 13.5 amended to omit 'with the exception of candidate's statements, voting instructions as provided and authorised', replaced with 'without review' 2. Attachment 1 omitted, replaced with 'Variation to the UTSSA Election Regulations' 3. Schedule 2, rule 6(c)(i) amended to omit 'in the last transfer'; 'The' omitted, replaced 'All the' 4. Schedule 2, rule 7 omitted and replaced 5. Schedule 2, rule 12 omitted 6. Schedule 2, rule 7(b)—(c) omitted <p>Version 4: 22nd September 2022</p> <ol style="list-style-type: none"> 1. Section 10.7 amended to omit 'Building 5', replaced with 'Building 2' 2. Section 10.8 amended to omit 'the election of the Indigenous officer, should it be held separately to the general SRC elections', replaced with 'a By-Election where less than three positions are subject to a ballot unless at least one position is for an Executive Office' <p>Version 5: 31 July 2024</p> <ol style="list-style-type: none"> 3. Section 5.4 amended to allow for varying methods of submitting nominations 4. Section 10.7 amended to change Building 10 to Building 8 5. Section 10.22 amended to omit 'by University security', replaced with 'in a locked room, accessible only to the Returning Officer or a person authorised for the purpose by the Returning Officer' 6. Section 10.24 amended to omit 'by University security', replaced with 'in a locked room, accessible only to the Returning Officer or a person authorised for the purpose by the Returning Officer' 7. Section 10.16 amended to omit 'or earlier than 5:00pm on the first day of voting' 8. Section 13.15 omitted and replaced 9. Section 3(a) amended to insert 'during a session of teaching and' before 'followed' 10. Section 5.12 inserted 11. Section 7.1 be amended to insert 'Candidates for a position where there is only one vacancy may join a list and have a list name appear below their name on the ballot if a signed notice by the candidate and list agent is provided to the Returning Officer before the last date to voluntarily withdraw.' 12. Section 10.8 omitted and replaced 13. Section 13.7 amended to replace '100' with '150', '500' with '1000', 'name across different elections' with 'or similar name across the election for Councillors or the NUS'. 14. Schedule 1, rule 3.1(a) amended to omit 'treated as lists of one' and replace with 'grouped as a single list in an order determined by lot, but in a form where voters must vote for candidates below the line'. 15. Section 13.21 inserted 16. Section 9.1 inserted 17. Section 3(g) amended to omit '7 to 14', replaced with '4 to 21' 18. Section 7.3(a) amended to insert '(including past)' and 'This applies even if those candidates or list agents are not running in the current election, provided they remain members of the Association; or'

Version 6: 28 August 2024

1. Section 12.1 amended to omit 'Editors of', replaced with 'Candidates for', to amend word count for Candidates for Vertigo to 200 words, to omit 'Overseas' with 'International', omit 'Womens"', replaced with 'Women's'.
2. Section 7.1 amended to omit 'before the last date to voluntarily withdraw', replaced with 'prior to the close of nominations'.
3. Section 5.2(c) amended to omit 'signed', replaced with 'endorsed'.
4. Section 8.1 amended to omit '5.7', replaced with '5.8'.
5. Section 5.8, amended to omit 'ungrouped lists of one candidate', replaced with 'one ungrouped list of candidates'.