

# WUPA Regulations Governing Elections

Accepted by University of Wollongong Council

3/12/2010

## 1. NAME AND TERMS OF REFERENCE

### 1.1. Name

1.1.1. These Regulations shall be known as the 'Regulations Governing Elections' and all elections conducted by a Returning Officer acting on behalf of the Association shall be in accordance with the Constitution and these Regulations.

### 1.2. Terms of Reference

1.2.1. These Regulations should be read in conjunction with the Constitution. Elections shall be conducted as prescribed by Sections 4.4 of the Constitution of the Association.

## 2. DEFINITIONS

2.1. In addition to the definitions contained in Section 1.2 of the Constitution, the following definitions shall be used in this Regulation.

2.1.1. 'Academic Day' shall refer to a day in session excluding weekends and public holidays.

2.1.2. 'Electronic Voting Portal' shall refer to the website developed by the contracted online election provider to receive votes from eligible voters.

2.1.3. 'University Election Website' shall refer to the website constructed and maintained by the Academic Registrar's Division pertaining to the conduct of elections in the common September-October election period.

## 3. PRE-ELECTION RESPONSIBILITIES

### 3.1. Appointment of a Returning Officer

3.1.1. The Secretary of the University Council shall appoint a Returning Officer in consultation with the WUPA President.

3.1.2. The Returning Officer shall not be:

3.1.2.1. A postgraduate or discrete Honours student of the University;

3.1.2.2. A staff member of WUPA;

3.1.2.3. A University employee as defined in section 2(1) of the University of Wollongong By-law 2005;

- 3.1.2.4. A person who has stood for election to the WUPA Council in the last three (3) years.
    - 3.1.3. The name of the appointed RO shall be advertised for five (5) academic days on Association Notice Boards and on the University elections website. Students wishing to object to the proposed appointment may submit their concerns in writing to the Secretary of the University Council.
      - 3.1.3.1. Upon receipt of any objection at least ten (10) academic days before the nomination period, the Secretary of the University Council will advise the WUPA Council in writing of the nature of the objection and adjudicate on the proposed appointment of said person.
- 3.2. WUPA Council Responsibilities
  - 3.2.1. The Council shall be responsible for advertising nominations for casual vacancy elections.
  - 3.2.2. The Council will provide the name of one person to be appointed a Deputy Returning Officer (DRO) for the General election.
- 3.3. Returning Officer Responsibilities
  - 3.3.1. The RO shall be employed by and responsible to, the Secretary of the University Council for the conduct of the elections for which they are appointed and shall submit a written report to both the WUPA Council and the Secretary of the University Council upon declaration of the election results. This report will detail:
    - 3.3.1.1. Significant decisions made;
    - 3.3.1.2. Problems encountered;
    - 3.3.1.3. The declaration of election results;
    - 3.3.1.4. The names of all persons fulfilling Deputy Returning Officer roles;
    - 3.3.1.5. All electoral material submitted to the Returning Officer to be authorised;
    - 3.3.1.6 The Returning Officer's recommendations on how to improve the election process.
  - 3.3.2. The Returning Officer shall be responsible for the management of the Deputy Returning Officers.
  - 3.3.3. The Returning Officer shall adhere to the University's Code of Conduct.
  - 3.3.4. The Returning Officer shall be responsible for ensuring Deputy Returning Officers have access to copies of the WPSA Constitution, Regulations Governing Elections and the Code of Conduct.

3.3.5. The Returning Officer may interpret these Regulations in consultation with the outgoing WUPA President and the Secretary of the University Council.

#### 3.4 University Responsibilities

3.4.1. The University shall contract an online election provider to provide polling services for the Association's elections. The online election provider will construct and maintain an electronic voting portal for the purposes of the poll.

3.4.2. The University shall meet the costs associated with the contracting of an on line election provider and with the employment of the Returning Officer.

3.4.3. The University shall host an election website which will include information regarding the following:

3.4.3.1. Declaration of intention to appoint a Returning Officer

3.4.3.2. Declaration of appointment of Returning Officer

3.4.3.3. Notices of Election

3.4.3.4. Contact details for appointed Deputy Returning Officers

3.4.3.5. Nomination Forms

3.4.3.6. Date and time of Polling Period

3.4.3.7. Electronic copies of relevant documents including the Constitution, these Regulations and Regulations governing Code of Conduct.

3.4.4. The University shall advertise the Association's elections using SOLS.

3.4.5. The University shall make available SOLS for the on line election provider to invite electors to vote on the electronic voting portal.

3.4.6. The parameters that determine the Roll of students considered eligible to stand for election, nominate and second, as well as vote at the WUPA election will be prepared by the Academic Registrars Division in consultation with WUPA, and published on the University Election Website prior to nominations opening.

#### **4. NOMINATIONS**

##### 4.1. Nomination Period

4.1.1. The nomination period shall be open on at least ten (10) academic days.

4.1.2. The nomination period shall not open any earlier than twenty (20) academic days prior to polling.

4.1.3. The nomination period for general elections shall close at least seven (7) days prior to polling.

#### 4.2. The nomination form

- 4.2.1. A valid nomination form shall contain the name, address, student number and signature of the nominee.
- 4.2.2. A valid nomination form shall contain the name, student number and signature of both the nominating member and the seconding member.
- 4.2.4. Each nomination form shall be lodged by the nominee to the Returning Officer or a Deputy Returning Officer.
- 4.2.5. Nomination forms shall not be withdrawn later than two (2) academic days after the close of nominations. This withdrawal needs to be in writing, signed by the Nominee and lodged with the RO or a DRO.
- 4.2.6. Nominees must sign a declaration, stating that they have received, read and understood the Constitution, these Regulations, relevant position descriptions, the regulations governing the parameters of the electoral of students, and the WUPA Code of Conduct.

#### 4.3. Valid Nominations

- 4.3.1. Nominations will only be accepted from all postgraduates and discrete honours students of the University of Wollongong from the time of nomination opening to the time of their closing. This includes the nominee, the nominating member and the seconding member. On election of the nominee, the nominee becomes a Council member of the Association.
- 4.3.2. Nominations for some positions shall be restricted.
  - 4.3.2.1. An Association employee shall not stand for any position in any election.
- 4.3.3. The RO shall verify the eligibility of the nominee, the nominating member and the seconding member and issue a receipt, subject to confirmation that the nomination is in order, to the nominee. Once the Nominations have closed and the eligibility Roll completed the Returning Officer will confirm that the Nomination is valid and it is at that point that the nominee becomes a candidate.
- 4.3.4. On the first academic day after nominations close, the RO shall make available on the election website a list of contested positions and the valid nominees for each position.

#### 4.4. Extreme circumstances

- 4.4.1. If a candidate dies or becomes legally incapacitated between the end of nominations and the start of polling, the positions that the candidate nominated for, will be declared as casual vacancies and filled accordingly.

#### 4.5. Ballot order

4.5.1. *The Order by which candidates' names appear on the ballot will be determined by lot and conducted by the Returning Officer at the WUPA Office on the first academic day following the close of Nominations.*

4.5.2. Candidates may be present during this ballot draw.

## **5. CONDUCT OF ELECTIONS**

### **5.1. Voting**

5.1.1. Elections shall be by means of secret ballot.

5.1.2. All postgraduate and discrete honours students of the University of Wollongong are eligible to vote.

5.1.3. No voter shall be entitled to cast their vote more than once.

5.1.4. No proxy or postal voting shall be allowed.

5.1.5. Votes are to be kept secure and confidential with responsibility resting with the RO.

5.1.6 The voter shall indicate an order of preference for one (1), some or all candidates by placing the number one (1) against the candidate of highest preference and consecutive higher numbers against candidates of lower preference.

### **5.2. Election Campaigning**

#### **5.2.1. Candidate Statements and Photographs**

5.2.1.2. Nominees may provide candidate statements for publication on the electronic voting portal.

#### **5.2.2. Statements**

5.2.2.1. Statements are subject to a strict manual word count of 300 words with words in excess of this limit removed without consultation.

*5.2.2.2. Statements shall be provided in an electronic format in Word 12 point font format.*

5.2.4.3. Statements shall be published on the electronic voting portal exactly as they are submitted including any spelling mistakes, punctuation errors, grammatical errors, and capitalisations.

5.2.4.4. All statements shall be published on the electronic voting portal in clear formatting in the same twelve (12) point font.

5.2.4.5. Statements which, in the Returning Officer's opinion, are homophobic, racist, sexist, defamatory, misleading or deceptive shall not be published on the electronic voting portal.

- 5.2.4.6. Statements are to be lodged with the Returning Officer or a Deputy Returning Officer by the end of the nomination period. Statements received after the nomination period shall not be published on the electronic voting portal.
- 5.2.4.7. Statements may not be amended after the nomination period.
- 5.2.4.8. The non-receipt of a statement does not in any way invalidate the nomination.
- 5.2.3. Nominees may provide a current colour photograph of themselves (head and shoulders) for publication on the electronic voting portal.
  - 5.2.3.1. Photographs shall not be altered. All photographs shall be published at a consistent size.
  - 5.2.3.2. Photographs are to be lodged with the Returning Officer or a Deputy Returning Officer by the end of the nomination period. Photographs received after the nomination period shall not be published.
  - 5.2.3.3. The non-receipt of a candidate's photograph does not in any way invalidate the nomination.
- 5.3. Authorised Campaigning
  - 5.3.1. The Returning Officer may authorise How to Vote material as produced by candidates or groups.
  - 5.3.2. All other campaign material is produced and distributed at the candidate's own risk.

## **6. BEHAVIOUR AND REMEDIES**

### **6.1. Unacceptable Behaviour**

#### **6.1.1. General behaviour**

6.1.1.1. Tampering or attempting to tamper with any official equipment of the election shall result in disciplinary action.

6.1.1.3. Coercing, intimidating, harassing, assaulting or bribing students to vote for a specific candidate or group of candidates shall result in disciplinary action.

6.1.1.4. The use of WUPA resources for the purpose of an election campaign shall result in disciplinary action.

6.1.1.5. Campaigning in computer labs or the library shall result in disciplinary action.

#### **6.1.2. No person shall:**

6.1.2.1. fail to comply with a direction of the Returning Officer;

- 6.1.2.2. provide false information to the Returning Officer, a Deputy Returning Officer, or the Appeal Panel;
- 6.1.2.3. violate the secrecy of the ballot or attempt to tamper with any official equipment or programs related to the election;
- 6.1.2.4. Campaign with devices or materials capable of registering votes;
- 6.1.2.5. Campaign or aid in campaigning, unless the campaigner is a postgraduate or discrete Honours student at the University of Wollongong.
- 6.1.2.6. pay a person to campaign;
- 6.1.2.7. interfere with any material relating to the election unless directed to do so by the Returning Officer or a Deputy Returning Officer;
- 6.1.2.8. impede the conduct of the election or in any other way act unfairly or improperly.

## 6.2. Potential Remedies

- 6.2.1. If any candidate acts or encourages others to act contrary to the Constitution or these Regulations upon the satisfaction of either the RO or an Appeal Panel, the RO or Appeal Panel may:
  - (a) Declare that any person who was declared elected not duly elected,
  - (b) Declare any candidate duly elected who was not declared elected,
  - (c) Disqualify any candidate from the election,
  - (d) Declare the entire election, or parts thereof, void.
  - (e) Officially warn the candidate.

## 7. COUNTING OF VOTES

### 7.1. General requirements

- 7.1.1. No member may be elected for more than one (1) representative position.

### 7.2. The method of counting votes

- 7.2.1. Each ballot shall first be given the transfer value of one.
  - 7.2.1.1. Each ballot shall be allocated to the candidate against whose name appears the lowest number on the ballot.
  - 7.2.1.2. The candidate with the lowest number of allocated ballots shall be eliminated.

- 7.2.1.3. Where a valid preference is shown on votes cast for an eliminated candidate the value of those preferences shall be allocated to the remaining candidates according to the indicated preference.
- 7.2.1.4. A ballot which does not show a valid preference is considered exhausted and shall not be allocated further.
- 7.2.1.5. Candidates shall be eliminated according to the above procedure until one candidate has received fifty percent of the unexhausted votes.
- 7.2.1.6. When a candidate has received fifty percent of the unexhausted votes that candidate is elected.
- 7.2.1.7. If there are two or more candidates with an equal value, the Returning Officer shall determine which of these candidates shall be eliminated by lot.
- 7.2.1.8. Where there is more than one position available for election candidates shall be eliminated according to the above procedure until the number of remaining candidates equals the number of positions available for election.

## **8. DECLARATION OF ELECTION**

### **8.1. Result release**

- 8.1.1. Within two (2) academic days of the conclusion of polling, the Returning Officer shall release the election results to the Candidates.

### **8.2. Appeals**

- 8.2.1. Any member may appeal the election by lodging a written objection to the Returning Officer within five (5) academic days after the result release.
- 8.2.2. The objection shall state in writing the grounds for the objection relied on to invalidate the election, and shall ask for some specific remedy to secure justice and equity.
- 8.2.3. The Appeal Panel shall convene within three (3) weeks of the appeal being lodged with the Returning Officer with the Panel's findings being released within one (1) week after its first date of scheduled sitting.
- 8.2.4. The appeals panel shall consist of the following persons to consider appeals against the outcome of the General Election:
  - (a) Any one (1) person authorised to do so by the Secretary of the University Council.
  - (b) Any one (1) person authorised to do so by the Returning Officer.
  - (c) Any one (1) person authorised to do so by the WUPA Council.
- 8.2.5. None of these persons shall be members of the Association.

- 8.2.6. These persons shall adhere to the University's Code of Conduct.
- 8.2.7. This panel shall remedy each appeal in accordance with Section 6.2 of these Regulations.
- 8.2.8. The decisions of this panel shall be final.
- 8.2.9. The decisions of this panel shall be published on the University election website before the end of the financial year.
- 8.2.10. After all appeals are remedied the Appeals Panel shall release a report on appeals and include the declared election results.
- 8.2.11. If after five (5) academic days there are no appeals the election results shall be declared by the RO.
- 8.2.12. The election results shall be published on the University election website immediately after the election declaration.

## **9. MATTERS SPECIFIC TO GENERAL ELECTIONS**

### 9.1. General requirements

- 9.1.1. General elections shall be conducted as prescribed by Section 4.4 of the Constitution of the Association.
- 9.1.2. General elections shall be held over at least a three (3) consecutive academic day period, for at least five (5) hours per day.

### 9.2. Deputy Returning Officers

- 9.2.1. The Secretary of the University shall appoint Deputy Returning Officers from the Association and the Academic Registrar's Division to support the Returning Officer in their responsibilities.
- 9.2.2. Where appropriate, at least one (1) Deputy Returning Officer shall be appointed from the Association employees.
- 9.2.3. At least one (1) Deputy Returning Officer shall be appointed from the Academic Registrar's Division.
- 9.2.4. No Deputy Returning Officer shall be a member of the Association.
- 9.2.5. Deputy Returning Officers shall adhere to the University's Code of Conduct.
- 9.2.6. In the Returning Officer's absence, the Deputy Returning Officers shall act in the full capacity of the Returning Officer as delegated by the Returning Officer.

## **10. DISMISSAL OR REPLACEMENT OF THE RETURNING OFFICER**

- 10.1. Any concern about serious misconduct by the Returning Officer may be lodged with the Secretary of the University Council and will be dealt with by the Appeal Panel in accordance with Section 8.2 of these regulations.
- 10.2. If the Returning Officer in an election period is dismissed or resigns or is unable to continue as Returning Officer for some reason, then the Secretary of the University Council shall appoint a replacement RO in consultation with the WUPA President. The replacement Returning Officer shall have the full authority as prescribed by these regulations.

## **11. ASSOCIATION DISCLAIMERS**

### **11.1. Expenses incurred**

- 11.1.1. The Association shall not incur any expenditure on behalf of any candidate or group of candidates.
- 11.1.2. The Association shall not accept responsibility for damage or loss caused by candidates in the election.
- 11.1.3. No election can be challenged due to a procedural irregularity that could not have affected the outcome of the election as determined by the Returning Officer.