

Deakin University Student Association Incorporated

Reg. No. A0040625Y, ABN 95 022 653 791

ELECTION REGULATIONS

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1) DEFINITIONS

1.1) Unless otherwise defined by these regulations or the Constitution:

- (a) "Association" means the Deakin University Student Association
- (b) "Association channels" means any communication channel administered by the Association;
- (c) "Association roll" means a list of members of the Association at the time of the close of the roll;
- (d) "Authorised Officer" means the student member who has registered a successful ticket during the annual elections in accordance with these regulations.
- (e) "Ballot paper" means either a physical or electronic record upon which an elector's intention can be or has been indicated;
- (f) "Before" in reference to an election means before the first day of polling in that election;
- (g) "Candidate" means a person who has been nominated for election to a position whose nomination has been accepted by the Returning Officer;
- (h) "Campaigners" means a person who is campaigning in connection with a DUSA election;
- (i) "Campaigning" means any action that a reasonable person would assume has a purpose of attempting to influence how or whether an elector or a person eligible of being an elector votes in an election;
- (j) "Club" or "society" means a club or society formally established at Deakin University;
- (k) "Constitution" means the Constitution of the Association;
- (l) "DUSA" means the Deakin University Student Association;
- (m) "DUSA Roll" means the list of student members of DUSA eligible to take part in the elections as at the close of the Roll;
- (n) "Election period" means the period from the notice of election being issued to the time after which appeals to the result of an election can no longer be made;
- (o) "Electoral roll" means the combined list of students enrolled at Deakin University who are also current DUSA members at the close of the DUSA roll and are entitled to vote in an election;
- (p) "Election staff member" means the Returning Officer, the Deputy Returning Officer, a Polling Clerk, or any other person appointed by the Returning Officer to assist in the administration of an election;
- (q) "International student" means a student of Deakin University who is in possession of a visa issued by the Australian Government;
- (r) "Member" has the same meaning as "student member" in the Constitution;

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- (s) "Nomination" means an application made by a person to the Returning Officer for the purposes of becoming a candidate in an election;
- (t) "Polling period" means the period between the commencement of voting and its conclusion;
- (u) "Postgraduate student" means a student of Deakin University who is deemed by the university roll to be enrolled in a postgraduate course;
- (v) "Primarily enrolled" means the campus to which a student is enrolled as determined by the university roll, with the exception of online students (or where the University Roll is not clearly defined, then the DUSA Roll prevails);
- (w) "Publicity" means any publicly available material a reasonable person would assume has a purpose of attempting to influence how or whether a person votes in an election;
- (x) "Queer" means any person who self-identifies as any part of the lesbian, gay, bisexual, transgender, queer, intersex plus community, or is questioning, or any person being of any other identity or expression outside of heterosexuality or cis-gender;
- (y) "Student representative" has the same meaning as in section 27 of the Constitution.
- (z) "Woman" means any person who identifies as a woman;
- (aa) "Ticket" means a group of candidates who have registered to have their names set out on the ballot paper under a common name; and
- (bb) "University roll" means the list of persons enrolled at Deakin University.
- (cc) A reference to time means that time in Australian Eastern Standard Time or Australian Eastern Daylight Time, as appropriate.
- (dd) 'Online Students' refers to students identified in the University Roll as studying online at the University.

2) AUTHORISING PROVISIONS

- 2.1) These regulations are made under sections 27.3, 27.4, 29, 35 and 77.2 of the Constitution.
- 2.2) These regulations apply to the conduct of elections as described by sections 27.3, 27.4 and 35 of the Constitution and the filling of any vacancies as may arise.
- 2.3) In the event of an inconsistency between these regulations and the Constitution, the latter shall prevail to the extent of the inconsistency.

3) APPOINTMENT OF A RETURNING OFFICER

- 3.1) The Student Council must appoint a person to act as Returning Officer for any election conducted under these regulations.
- 3.2) The Returning Officer must not:
 - (a) be a student of Deakin University;
 - (b) have been a member of the Association's staff in the preceding five years; or
 - (c) have been a candidate for any election in a post-secondary student organisation in the preceding two years.
- 3.3) Once appointed, the Returning Officer may only be removed by an absolute majority of the Student Council on the grounds of proven misbehaviour or incapacity.

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- 3.4) If the Returning Officer is removed or otherwise resigns or dies, the Student Council must appoint a replacement Returning Officer as soon as practicable.

4) RESPONSIBILITIES AND POWERS 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 section 29 of these regulations.
- 4.3) The Returning Officer must decide questions of fact on the balance of probabilities (unless otherwise stated in these Regulations).
- 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 section 3.2 of these regulations.
- 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) ELECTORAL ROLL

- 6.1) The Association must provide the Returning Officer an electronic form of the DUSA student members roll.
- 6.2) The DUSA student members roll must include all current Deakin University students who are DUSA members as at the date and time that the roll closed.
- 6.3) The DUSA roll of student members must close at 12 noon on the Tuesday of the same week that the Notice of Election is sent to student members.
- 6.4) Any Deakin University student who becomes a member of DUSA after the close of the DUSA roll will not be eligible to take part in the elections (except in the NUS Delegate elections).
- 6.5) Any Deakin University student who is not a DUSA member at the time the DUSA roll is closed for the elections will not be eligible to take part in the elections (except in the NUS Delegate elections).
- 6.6) The Association or the Returning Officer must provide an electronic form of those eligible members who have registered to vote in the elections held for the Queer Representatives.
- * See clause 37 of these regulations.
- 6.7) The Returning Officer must, with the assistance of the Association if necessary, request the University roll be provided the same day that the DUSA roll closes off.

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- 6.8) In circumstances where a question of whether a student is categorised as campus based or online arises, the University Roll, provided the same date as the DUSA Roll closes-off, will be used to determine whether a student is categorised as a campus based or online student.
- 6.9) For students identified in the University Roll as 'Online Students', the campus through which they can participate in the elections will be determined by the student's residential address details as recorded in the DUSA student members roll (*as per clauses 6.10 and 6.11 of these regulations*).
- 6.10) For students identified in the University Roll as 'Online' Students, the sole onus of responsibility will be on the student to ensure that their residential address details are recorded correctly in the DUSA members roll before the DUSA Roll closes (*as set out in Schedule 1 of these Regulations*).
- 6.11) Online students' residential addresses as recorded in the DUSA Roll will be used to determine whether the student resides at a Melbourne metropolitan residential address and can participate in the elections via the Burwood Campus; or a regional/rural residential address and can participate in the elections via the Geelong Campus. Students residing Interstate can participate in the elections via the Burwood Campus. (*refer Schedule 1 of these Regulations*).

7) CALCULATION OF MEMBERSHIPS

- 7.1) The Student Council must, either concurrently, or prior to the appointment of the Returning Officer, calculate:
- i. the number of student members at each campus in accordance with clause 25 of the Constitution.

8) POLLING INSTRUCTIONS

- 8.1) The Student Council must either concurrently or prior to the appointment of the Returning Officer set the dates for the election period.
- 8.2) The dates of the election period must fall within the academic days of the second trimester during September or October and be over no more than two weeks.
- 8.3) The Student Council must either concurrently or prior to the appointment of the Returning Officer determine whether the election will be conducted by way of attendance polling, postal polling or electronic polling.
- 8.4) Regardless of the determination made by Student Council with respect to section 8.3 of these regulations, students identified in the University Roll as studying online and are recorded in the DUSA Roll as residing in a remote location, must be provided with the ability to participate in the election by registering for electronic polling via a form prescribed by the Returning Officer.
- 8.5) Regardless of the determination made by Student Council with respect to section 8.3 of these regulations, students identified in the University Roll as studying online will be provided with the ability to participate in the NUS election by registering for electronic polling via a form prescribed by the Returning Officer.
- 8.6) For elections conducted by way of attendance polling, the Student Council must:
- (a) Ensure that polling is held for at least five hours per day;
 - (b) Ensure that polling is held in at least one place per campus;
 - (c) Ensure that polling is held on at least two consecutive academic days for campuses at which at least ten per cent of students are enrolled;
 - (d) Ensure that polling is held for at least one academic day for campuses at which less than ten per cent of students are enrolled;

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- (e) Specify the locations of polling places; and
 - (f) Ensure there are separate polling places at Waurm Ponds and Waterfront in the case of the Geelong campus.
- 8.7) For campuses that are to be conducted through either postal or electronic polling, the Student Council must set out the dates of polling that will open and close for each campus in accordance with these Regulations and Constitution.
- 8.8) Should health and safety concerns necessitate it, the 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.
- 8.9) The Returning Officer may only change the dates and times of an election with the agreement of the Electoral Tribunal if they are satisfied that:
- (a) not doing so would place the good conduct of the election in jeopardy; or
 - (b) that the dates and times that have been set have already occurred.
- 8.10) Elections must be by secret ballot, using the optional proportional representation voting method for the election of Electoral Delegates and instant runoff voting method for the election of Queer Representative.
- 8.11) The Association must provide the Returning Officer with any facilities, resources or assistance as may be necessary to administer an election.
- 8.12) The Association must provide the Returning Officer with a copy of the Association and university rolls.
- 8.13) A method of registration must be provided by either the Returning Officer or the Association to allow those students who identify as Queer to register to participate in the election of the Queer Representatives.

9) ELECTION TIMELINE

- 9.1) Unless otherwise determined by the Returning Officer:
- (a) A Notice of Election must be issued on the Monday four weeks before polling;
 - (b) The Association roll must be closed by midday on the Tuesday of the week the Notice of Election is issued;
 - (c) The electoral roll for the election of the Queer Representatives will close at 5:00pm on the penultimate day of polling;
 - (d) The period for the registration and re-registration of tickets must open at 9:00am on the Wednesday and close on the Friday at 4:00pm of the week the Notice of Election is issued;
 - (e) Nominations must open at 9:00am on the Monday three weeks before polling and close at 4:00pm on the Friday of that week;
 - (f) The submission of applications to be set out as a ticket must open at 9:00am on the Monday three weeks before polling and close at 4:00pm on the Friday of that week;
 - (g) Statements of distribution of preferences must open at 9:00am on the Monday two weeks before polling and close at 4:00pm on the Friday of that week;
 - (h) Applications from online students to vote online must close on the same date and time as the statements of distribution of preferences closes;

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- (i) The period for the acceptance of postal vote applications must open upon the issue of the Notice of Election and close at 4:00pm on the Friday ten academic days before polling;
- (j) The period of the acceptance of applications to vote by proxy shall take place concurrently to postal vote applications;

10) FORMS

- 10.1) Unless otherwise provided for in these regulations or the Constitution where a form may be completed by participants in the election it must be made available on the Association website or from the Returning Officer upon written request.
- 10.2) Where a form may be submitted to the Returning Officer, it must be submitted by electronic mail or hand delivered to the Returning Officer.

11) NOTICE OF ELECTION

- 11.1) The Returning Officer must issue a Notice of Election for any election by causing for it to be published on the Association website and sent by electronic mail to each member.
- 11.2) The Notice of Election must include a list of positions to be elected, dates and times for nominations to be made and polling to take place, the location where polling is to be held, where copies of these regulations can be obtained, and the contact details of the Returning Officer.

12) POSITIONS TO BE ELECTED

- 12.1) Elections are to be held to elect Electoral Delegates to the Electoral College for each campus, to elect Queer Representatives, and to elect National Union of Students Delegates. Student Representatives are to be elected via the Electoral College elections.
- 12.2) Only members are eligible to nominate to be elected as Electoral Delegates.
- 12.3) Only members who are also Queer are eligible to nominate to be elected as Queer Representatives.
- 12.4) A person is only eligible to nominate to be elected as a National Union of Students Delegate if they are:
 - (a) a student of Deakin University at the time of the close of the university roll; and
 - (b) not a delegate of another NUS member organisation (*as per regulation 18.3 of the current NUS regulations*).

13) NOMINATIONS

- 13.1) Nominations must state the position the nominee is nominating for as well as their name, student number and contact details.
- 13.2) Nominations must include the signature of the nominee.
- 13.3) Nominations must be signed by another endorsing member, except if the nominee is identified on the University Roll as studying online and has notified the Returning Officer that they are unable to attend a campus due to residing in a remote location.
- 13.4) Nominations may be submitted to the Returning Officer by persons on behalf of the nominee, but in doing so the Returning Officer must be satisfied that the nomination is *bona fide*.
- 13.5) All nominations must be submitted from a Deakin University electronic mail account.
- 13.6) As soon as practicable after receiving a nomination, the Returning Officer must:

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(a) Verify the nominee is eligible to be a candidate for the position to which they have nominated; and

(b) Notify the nominee as to whether their nomination has been accepted or rejected.

13.7) Should a nomination be accepted by the Returning Officer, they must provide the candidate with a copy of these regulations.

13.8) Should a nomination be rejected by the Returning Officer, they must provide the rejected nominee with reasons for the rejection.

13.9) The Returning Officer must reject nominations that:

(a) are made by persons that are not eligible to be a candidate for the position to which they have nominated;

(b) are not compliant with these regulations; or

(c) fail to satisfy the Returning Officer that they are *bona fide*.

14) NOTIFICATION OF NOMINATIONS

14.1) Within forty-eight hours of the close of nominations the Returning Officer must issue a notice that lists the nominations received for each position.

15) UNCONTESTED POSITIONS

15.1) 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.

16) WITHDRAWALS

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

16.2) Withdrawals must be made directly by the candidate seeking to withdraw and the withdrawal will take effect upon its acceptance by the Returning Officer.

16.3) If a candidate withdraws, the Returning Officer must proceed as if the candidate had never nominated.

16.4) Any ballot paper showing a preference for a withdrawn candidate must be allocated as if the candidate had been eliminated.

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

16.6) A withdrawal of a candidate will have no effect on the validity of a registered ticket even where the minimum number of candidates is not met as set out in section 17.

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) Applications for ticket registration must contain:

(a) The name, Deakin University student identification number, signature and contact details of the candidates making the application;

(b) The name, Deakin University student identification number, signature and contact details

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of the member who will act as the ticket's Authorised Officer; and

- (c) The names, Deakin University student identification numbers and signatures of thirty endorsing members.

17.3) Members must not endorse more than one ticket registration application and in cases where this occurs, their endorsement shall be ruled invalid on each application where it appears.

17.4) A ticket name must not:

- (a) Incorporate the name of an organisation (including a club or society);
- (b) Contain the word "independent";
- (c) Be so similar to the name of the Association or any department or division of the Association as to be confused with or mistaken for that name;
- (d) Be so similar to the name of Deakin University or any department or division within Deakin University as to be confused with or mistaken for that name;
- (e) Be no longer than four words;
- (f) Be the same as, or sufficiently similar too, another ticket name;
- (g) Be in any other way as to be deemed by the Returning Officer as inappropriate.

17.5) As soon as practicable after receiving a ticket application, the Returning Officer must verify the application is compliant with these regulations and notify the applicant of its acceptance or rejection.

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

- (a) The Authorised Officer requests that the ticket name be de-registered;
- (b) The ticket is not re-registered during the next applicable election period.

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

- (a) The ticket was not re-registered at the previous election;
- (b) An application is made to re-registered the ticket, with the consent of the most recent Authorised Officer of that ticket.

17.8) Before an application to be set out as a ticket can be accepted, the application must include the name, Deakin University student identification number, signature and contact details of at least and no more than one candidate for each position to be elected in the election. This does not apply to the Queer Representative position.

17.9) Persons who support the application of a registered ticket application acknowledge and consent to the Authorised Officer being empowered to set out names on the ballot paper under the name of the ticket for the Electoral College elections as defined in the Electoral College Regulations.

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

18) BALLOT ORDER

18.1) The Returning Officer must determine the order of candidates on the ballot paper as soon as practicable after close of nominations and after all candidates are verified as eligible to stand for election.

18.2) Ballot order shall be determined by a ballot draw.

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18.3) Any member may observe the ballot draw.

18.4) Before the ballot draw the Returning Officer must issue a notice stating when, where and how the draw will take place by:

- (a) Notifying all candidates in writing to the Deakin University student electronic mail account; and
- (b) Cause for a notice to be published on the Association website.

19) STATEMENT OF PREFERENCES

19.1) An Authorised Officer may submit a statement of distribution of preferences by submitting a statement in the form prescribed by the Returning Officer.

19.2) The Returning Officer must display accepted statements on the Association's website as soon as practicable after it has been received.

19.3) A statement of distribution of preferences opens at 9am on the Monday two weeks before polling and must be received before 4pm on the Friday of that same week.

20) PUBLICITY

20.1) This section applies to all publicity made during the election period.

20.2) All publicity must, in a readable manner, state the name and Deakin University student identification number of the person authorising it.

20.3) No publicity may be created or disseminated that could be regarded by the Returning Officer to be offensive or misleading.

20.4) All publicity must be approved by the Returning Officer.

20.5) Any publicity that:

- (a) is not directly related to the DUSA election, or
- (b) can be reasonably determined to be for the purposes of activities or actions not related to the DUSA election,
- (c) can be rejected by the Returning Officer and is unable to be appealed in accordance with these Regulations.

21) POLLING METHODS

21.1) This section details out the method of polling as set out under the 'polling instructions' section within these regulations.

ATTENDANCE VOTING

21.2) For polling conducted by way of attendance (in-person) voting:

- (a) Ballot papers may only be issued to students who provide photo identification and are listed on the roll.
- (b) Before the ballot paper is given to the voter, the election staff member must:
 - (i) sign the paper, marking it as valid; and
 - (ii) mark the member as having voted.
- (c) If a voter does not appear on the roll but claims to be eligible to vote:
 - (i) 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;
 - (ii) the Returning Officer will check the eligibility of the voter with the university in the case of the University roll; and
 - (iii) the voter will have until the close of polling to provide sufficient proof to the Returning Officer that they are a DUSA member.

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- (d) For the purpose of this section, proof may include, but not be limited to:
 - (i) Evidence issued by the Association demonstrating payment or membership confirmation; or
 - (ii) Proof to the satisfaction of the Returning Officer (or delegated staff member) to be satisfied that they are a *bona fide* member.
- (e) 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.
- (f) The polling place must provide for reasonable security for the conduct of a ballot, including:
 - (i) the security of ballot boxes (if used);
 - (ii) the provision of spaces for private voting; and
 - (iii) the exclusion of all persons except election staff members or members who are voting.
- (g) Campaigning must not take place within six metres of the polling place, as designated by the Returning Officer.
- (h) The Returning Officer will make reasonable efforts to clearly define the limit of this exclusion for the benefit of those campaigning.
- (i) Campaigners must be currently enrolled Deakin University students.
- (j) To provide proof of their enrolment, Campaigners must visibly wear a lanyard with a current student ID at all times when campaigning. In the case where the ID is not displayed, they must be able to provide their student ID or proof of being a current Deakin University student upon request.
- (k) The Returning Officer must provide or delegate the providing of stickers that demonstrate students who have voted.

ELECTRONIC VOTING

21.3) For polling conducted by way of electronic voting:

- (a) The Returning Officer must ensure to the extent practicable that:
 - (i) software is configured in such a way to ensure that voting is 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 Association's 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.
- (b) The Returning Officer must provide each candidate with an opportunity to submit:
 - (i) A 200-word policy statement;
 - (ii) A photo; and
 - (iii) A how to vote.
- (c) 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:
 - (i) a link to complete their online vote which is only active after polls are open;
 - (ii) instructions for completing their online vote;
 - (iii) 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
 - (iv) A link to the Association's website which shall host authorised policy statements, candidate photos and how to votes for both registered tickets and individual candidates.
- (d) 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.

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POSTAL VOTING

21.4) For polling conducted by way of postal voting:

- (a) Members must apply to participate in the postal election through an application process.
- (b) Applications must be:
 - (i) in the form as prescribed by the Returning Officer;
 - (ii) signed by the member requesting the postal vote; and
 - (iii) submitted directly by the member to the Returning Officer and not via another person.
- (c) The Returning Officer must verify that each person who has applied is eligible to vote.
- (d) 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:
 - (i) voting instructions;
 - (ii) ballot papers;
 - (iii) a link to the Association's website which shall host authorised policy statements, candidate photos and How to Votes;
 - (iv) an envelope large enough to contain all ballot papers, with a declaration form printed on the outside; and
 - (v) a pre-addressed postage-paid return envelope.
- (e) The Returning Officer must keep a list of members to whom postal votes have been sent.
- (f) Postal votes must be received by the Returning Officer before the close of polling.
- (g) Postal votes received by the Returning Officer after the close of polling must be destroyed.
- (h) 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.
- (i) Before postal votes are included in the count the Returning Officer must verify that the member has not already voted in that election.
- (j) If the member has both voted in the election and returned a postal vote, their postal vote must be destroyed.

22) PROXY VOTING

22.1) In the case of any election held by postal polling, proxy votes will be allowable under the circumstances set out by this clause.

22.2) Student members residing outside of Australia for any time during the election period are eligible to proxy their voting entitlements to another student member pursuant to the conditions set out in this section.

22.3) A student member is only entitled to receive a proxy entitlement from one student member per election period.

22.4) The burden of proof for determining residency outside of Australia at the time of the election shall fall wholly on the student member applying.

22.5) The form or method of the application to delegate a proxy shall be prescribed by the Returning Officer.

22.6) Applications are not accepted where:

- (a) they are received after close of applications set out under 'election timeline' in these regulations; and or
- (b) they are unable to demonstrate eligibility of residency outside of Australia at the time of the election or a student member already holds a proxy entitlement as outlined in this section of these regulations.

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22.7) In the case where more than one student member proxies their voting entitlement to the same student member, only the first accepted application shall be valid.

22.8) A student member holding a proxy for another member shall receive that member's voting paper/s and is entitled to vote on their behalf and is therefore exempt from section 28.1(c).

23) METHOD OF VOTING

23.1) The following section of these regulations applies to the election of the Queer Representative, Electoral Delegate and National Union of Student (NUS) Delegate elections.

23.2) Elections must use:

- (a) The optional preferential proportional method of election for Electoral Delegates and National Union of Students (NUS); and
- (b) the Instant-runoff voting method of election for the election of Queer Representative.

23.3) Elections are to be conducted via secret ballot.

23.4) A voter must indicate their voting intention by marking a ballot paper/s using one of the following methods:

- (a) Placing a number above the line on a ballot paper to indicate a preference for candidates of a ticket; or
- (b) Placing a number against the name of a candidate of first preference and any consecutive numbers against the names of as many other candidates of lower preference in order as they wish.

23.5) For the purposes of above the line ticket voting as per section 23.5(b):

- (a) a vote will be considered formal even where the lowest number is not '1'; or
- (b) a tick against the name of a ticket; or
- (c) 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;
- (d) 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
- (e) "a" indicates a preference for that ticket ahead of all other tickets.

23.6) For the purposes of below the line or ungrouped voting as per section 23.5(c):

- (a) A number against the name of a candidate indicates a preference for that candidate ahead of all candidates with lower numbers or no number against their name; and
- (b) A cross, tick or letter against the name of a candidate where there is no number 1 or mark indicating voter intention against the name of another candidate is taken to be the number '1'.

23.7) For the avoidance of doubt, if a group of candidates has lodged a distribution of preferences statement, voters who have voted for that ticket are deemed to have voted for other candidates in that election in accordance with that distribution of preferences statement.

23.8) For the purposes of regulation 23.5(b), where a voter 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.

24) COUNTING

24.1) 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;

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- (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.
- 24.2) The procedure in this regulation must be repeated in order until the number of positions to be filled is filled.
- 24.3) Informal votes:
- (a) may only be ruled informal by the Returning Officer; and
 - (b) must only be ruled informal if the voter's intention is not clear.
- 24.4) 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.
- 24.5) A member may lodge a written request with the Returning Officer for a recount of an election they are a candidate in within 24 hours after the election has been provisionally declared.
- 24.6) If the Returning Officer receives a written request for a recount, 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.
- 24.7) The Returning Officer must give at least 24 hours written notice of a recount to all of the candidates involved in that election.
- 24.8) The Returning Officer may conduct a recount if they are satisfied that the initial count was deficient.
- 24.9) Once a recount has been held and the election is declared, no candidate can call for any further recounts of that election.

25) SCRUTINEERING

- 25.1) Each candidate may appoint either a member or Deakin student as scrutineer by notice to the Returning Officer in the method and form prescribed by the Returning Officer.
- 25.2) 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.
- 25.3) A candidate may not be appointed as a scrutineer for an election which that member is a candidate for.
- 25.4) 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.

26) DECLARATION AND NOTIFICATION OF RESULTS

26.1) The Returning Officer must provisionally declare the result of the election immediately after counting. 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 Association's website; and
- (b) email all candidates the notice of results.

26.2) 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 these regulations passes and no appeal is submitted; or
- (b) any appeals against the result of the election in accordance with these regulations are dismissed by the Electoral Tribunal.

27) DEFAMATION

27.1) The Association does not indemnify any person against liability for defamation in an election.

28) PROHIBITED CONDUCT

28.1) The following conduct is prohibited:

- (a) providing false information to the Returning Officer, the Electoral Tribunal or otherwise acting in a dishonest manner;
- (b) interfering with equipment used to administer the election or with materials issued or held by the Returning Officer;
- (c) violating the secrecy of the ballot;
- (d) interfering with publicity issued by candidates;
- (e) making or distributing publicity that can be considered to likely be offensive or misleading;
- (f) the offering of any item or service of value to induce a member to either participate in the election, not participate in the election, or to vote a certain way during the election;
- (g) attempting to impede the right of a member to participate in an election;
- (h) the use of the resources of the Association, a club or society to support any election activity;
- (i) damaging property of the Association or Deakin University;
- (j) campaigning by persons who are not current Deakin University students;
- (k) campaigners must be enrolled Deakin University students;
- (l) failing to comply with a determination or order of the Returning Officer or the Electoral Tribunal;
- (m) impeding the good conduct of the election;
- (n) distributing publicity that has not been approved by the Returning Officer; and
- (o) campaigning in a Deakin library or DUSA spaces.

28.2) For the purpose of considering the threshold of evidence to find a breach has occurred in connection with a breach under clause 28.1 (k), the following must be considered by the Returning Officer:

- (a) Any video, written (in the form of a statutory declaration) or photographic evidence that is likely to establish a relationship between a candidate and or ticket and a non-student engaging in a campaigning activity on a Deakin University campus during the election period;

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- (b) In the case of clause 28.5, the authorised ticket holder will take precedence over a candidate as the party who is given an opportunity to respond where it involves a candidate on a registered ticket;
 - (c) Notwithstanding clause 4.3, the Returning Officer can decide questions of fact on whether a breach has occurred under this 28.1 (k) based on whether it is 'likely' that the act or event occurred.
- 28.3) The Returning Officer has an obligation to apply a significant sanction in the event a breach has been found to occur under clause 28.1 (k).
- 28.4) The Returning Officer shall have the authority to deem any conduct not otherwise included in section 22.1 as prohibited should they be satisfied that the conduct in question is otherwise in violation of the principles of a free and fair election or the spirit of these regulations or the Association.
- 28.5) Any person may report a breach to these regulations to the Returning Officer, and this must be done in writing.
- 28.6) The person who has reported a breach to these regulations must be given an opportunity to outline their reasons for doing so to the Returning Officer.
- 28.7) Any person who is alleged to have committed a breach to these regulations must be given the opportunity to respond to such allegations to the Returning Officer.
- 28.8) The Returning Officer may hear submissions on a breach to these regulations from any other interested person as they deem necessary.
- 28.9) The Returning Officer may, whether they find that there has been a breach to these regulations or not, make any such determinations or orders as they deem appropriate, including:
- (a) Verbal warnings; or
 - (b) Disqualifying a member from participating in that or any future election; or
 - (c) Disqualification of candidates supported by non-Deakin students; or
 - (d) Percentage penalty of a ticket's total primary vote; or
 - (e) Disqualification of the Ticket; or
 - (f) Any other action.
- 28.10) A member who has been disqualified by the Returning Officer from participating in an election shall have the right to appeal this decision to the Electoral Tribunal within twenty-four hours of the decision being communicated by the Returning Officer to the member's Deakin University electronic mail account.
- 28.11) Should the Returning Officer become aware of a potential breach to these regulations without such a breach being reported by another person, they may nonetheless proceed as if such a report had been made.

29) ELECTORAL TRIBUNAL

- 29.1) 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.
- 29.2) The Electoral Tribunal must be a registered Australian Legal Practitioner for at least five (5) years.
- 29.3) 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 the Association or the University;
 - (b) a candidate in any election of a postsecondary student organisation; or
 - (c) have any conflict of interest in any capacity.
- 29.4) 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.

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29.5) 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.

29.6) The Electoral Tribunal:

- (a) must only hear matters that have been considered by the Returning Officer, matters not exempt from appeal under clause 30.7, or have sought the matter to be heard in the requisite period of time prescribed;
- (b) must only hear matters that have met one or more of the grounds as prescribed in section 29.7;
- (c) must conduct its proceedings as expeditiously as practicable using whatever means (online, physical or telephony) necessary to convene;
- (d) must hold its deliberations in camera;
- (e) must decide questions of fact on the balance of probabilities;
- (f) must issue a written record of its decisions to any parties to a hearing (including the Returning Officer) and the Association; and
- (g) must not allow parties to be represented.

29.7) 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.

29.8) 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 these 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 these 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.

29.9) Any appeal made to the Electoral Tribunal:

- (a) must be in writing;
- (b) state the specific grounds on which the appeal is based as outlined in section 29.7 of these regulations;
- (c) set out a concise statement of the facts;
- (d) include copies of all relevant documents; and
- (e) be accompanied by a bond of \$300.00 to be lodged in person through any DUSA Reception or lodged electronically.

29.10) If the appeal is upheld by the Electoral Tribunal, the appellant is entitled to be refunded the bond required to be paid by section 29.9 of these regulations.

29.11) Regulation 29.9 (e) does not apply to appeals submitted by the Returning Officer.

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

30) APPEALS AGAINST DECISION OF RETURNING OFFICER

- 30.1) A member may appeal a decision of the Returning Officer, except as otherwise stated in clause 30.7, within twenty-four hours of the original decision being made and communicated to all parties.
- 30.2) 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.
- 30.3) In this regulation “decision” includes omission and failure to act.
- 30.4) A member may appeal the result of an election within forty-eight hours of the provisional result of the election being declared.
- 30.5) 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.
- 30.6) The Returning Officer must decide the timetable for any new election under section 29.5 of these regulations.
- 30.7) A determination by the Returning Officer in connection with clauses 20, 28.2 and 28.3 of these Regulations is unable to be appealed to the Electoral Tribunal.

31) VACANCIES

- 31.1) 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.

32) ELECTION OF THE QUEER REPRESENTATIVE

- 32.1) Elections held for the positions of Queer Representative must be conducted electronically.
- 32.2) A separate, securely stored register of voters (“electoral roll”) must be kept and used for elections held for positions of Queer Representative.
- 32.3) The electoral roll as defined in this section of the regulations 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;
 - (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 defined in these Regulations.
- 32.4) 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 Returning Officer.
- 32.5) 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.
- 32.6) A person must not access, use or disclose information about another person obtained from the electoral roll, except for the General Manager, the Returning Officer or the Election Tribunal, but must be for the purposes of conducting an election as set out in these regulations.
- 32.7) The electoral roll must be managed in accordance with the provisions of the Victorian Equal Opportunity Act and Australian Privacy Principles (APPs).
- 32.8) All candidates for election to the positions of Queer Representative must run as individual candidates.

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32.9) When another regulation is inconsistent with this section of the regulations, the former shall, to the extent of the inconsistency, not apply to elections held for the position of Queer Representative.

32.10) 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.

33) ELECTION OF DELEGATES TO THE NATIONAL UNION OF STUDENTS (NUS)

33.1) All provisions relating to the conduct of elections shall apply equally to the annual election of delegates to the National Union of Students.

33.2) 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.

33.3) 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) any student is eligible to vote in the election of delegates to the National Union of Students;

33.4) 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.

34) ELECTION OF THE ELECTORAL DELEGATES

34.1) All Electoral Delegates are to be directly elected by the student members of their respective campuses.

34.2) The elections of Electoral Delegates of the same campus* must be set out on a single ballot.

34.3) A person is only eligible to vote in elections held for the positions set out on the ballot if they are a student member primarily enrolled on the campus of that ballot.

34.4) The number of positions to be elected including the composition across each campus is determined in accordance with Section 25 of the Constitution and Section 7 of these regulations.

34.5) The method of election of Electoral Delegates is set out under the method of voting provisions within these regulations.

35) CO-OPTION

35.1) Subject to section 30 of these regulations, positions that become vacant may be filled by co-option during an academic period of the University year.

35.2) When an Officer or Student Representative position becomes vacant, it must be filled by co-option within 28 days.

35.3) Applications for co-option must be received by the General Secretary.

35.4) Co-option applications must be received by the General Secretary at least five 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.

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36) VALIDATION

36.1) No election is invalid by virtue of an act or omission that did not affect its outcome.

37) CLARIFICATION

37.1) As per the constitution, DUELI and Deakin College Students are classified as Associate Members of DUSA and for the purposes of these Regulations not Students or Student Members of DUSA and are therefore not entitled to vote or stand in any of the elections described in these Regulations.

37.2) 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.

37.3) As per section 28.8 of the Constitution, no student member may hold an Officer position and Student Representative position at the same time.

37.4) As per the constitution, the Electoral College Regulations provide for the election of Student Representatives via the Electoral College.

SCHEDULE 1

Membership Protocol for recording primary campus enrolment for Deakin student members 'studying online' who nominate for a Student Representative position.

Definitions

Regional/Rural Local Government Area – the Council area that a student member who is identified in the University Roll as an 'online student' resides, as defined in Table 1 of this Schedule.

Metropolitan Melbourne Local Government Area – the Council area that a student member who is identified in the University Roll as an 'online student' resides, as defined in Table 1 of this Schedule.

Interstate- for the purposes of this Schedule, it is defined as a student member who resides outside of Victoria.

Purpose

The purpose of these protocols is to set out the process by which a student member identified in the University Roll as an 'Online Student' can participate in the DUSA elections, via either the Burwood Campus or the Geelong Campus dependent upon their residential address as recorded in the DUSA member roll, and which Local Government Area the address falls within.

Process

1. Any student member identified in the University Roll as an 'Online Student' must ensure their residential address is recorded correctly in the DUSA members roll prior to the cut-off of the Roll for the elections.
2. A student member studying online will automatically be allocated a primary campus on the DUSA Roll based on their recorded residential address using the following criteria:
 - a. Geelong Campus – where a student member resides in a Regional/Rural Local Government Area (*refer Table 1 below*).
 - b. Burwood Campus – where a student member resides in a Melbourne Metropolitan Local Government Area; or where a student member resides Interstate.

Responsibility

It is the primary and ultimate responsibility of the student member to correctly record their residential address and update their address details with DUSA.

However, where a Returning Officer is satisfied a nomination appears to be *bone fide* and the omission of their residential address as a Cloud student on the DUSA roll may invalidate their nomination, the Returning Officer is empowered to seek evidence to determine eligibility of nomination (including but not limited to government authority documents that would enable a Returning Officer to determine their respective LGA and thus primary campus).

Table 1 – Local Government Area

Regional / Rural Victoria	Alpine, Ararat, Ballarat, Bass Coast, Baw Baw, Benalla, Buloke, Campaspe, Central Goldfields, Colac Otway, Corangamite, East Gippsland, Gannawarra, Glenelg, Golden Plains, Greater Bendigo, Greater Geelong, Greater Shepparton, Hepburn, Hindmarsh, Horsham, Indigo, Latrobe, Loddon, Macedon Ranges, Mansfield, Mildura, Mitchell, Moira, Moorabool, Mount Alexander, Moyne, Murrindindi, Northern Grampians, Pyrenees, Queenscliff, South Gippsland, Southern Grampians, Strathbogie, Surf Coast, Swan Hill, Towong, Wangaratta, Warrnambool, Wellington, West Wimmera, Wodonga and Yarriambiack.
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Metropolitan Melbourne	Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Merri-bek, Moonee Valley, Mornington Peninsula, Nillumbik, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges.
Interstate	Any LGA outside of Victoria.