

Deakin University Student Association Incorporated

Reg. No. A0040625Y, ABN 95 022 653 791

ELECTORAL COLLEGE REGULATIONS

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1) DEFINITIONS

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

- (a) "Association" means 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.
- (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) "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.
- (i) "Club" or "society" means a club or society formally established at Deakin University.
- (j) "Constitution" means the Constitution of the Association.
- (k) "DUSA" means the Deakin University Student Association.
- (l) "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.
- (m) "Electoral College elections" means the election of Officers and Student Representatives.
- (n) "Electoral roll" means the list of those who are entitled to vote in an election.
- (o) "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.
- (p) "Front page voting" refers to the front page of a ballot paper pack that enables a student to vote for all candidates of a particular ticket.
- (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.
- (s) "Nomination" means an application made by a person to the Returning Officer for the purposes of becoming a candidate in an election.
- (t) "Officer" has the same meaning as in section 26 of the Constitution and refers to the election of Student Council members.
- (u) "Polling period" means the period between the commencement of voting and its conclusion.

- (v) "Postgraduate student" means a student of Deakin University who is deemed by the university roll to be enrolled in a postgraduate course.
- (w) "Primarily enrolled" means the campus to which the person is enrolled as determined by the university roll;
- (x) "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;
- (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.

2) AUTHORISING PROVISIONS

- 2.1) These regulations are made under section 35.1 of the Constitution.
- 2.2) These regulations apply to the conduct of an Electoral College election as described by section 37 of the Constitution.
- 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 the Electoral College.
- 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.
- 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 is responsible for administering Electoral College elections and in doing so is subject only to the Electoral Tribunal.

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- 4.2) Any action undertaken by the Returning Officer must be done in good faith and with the purpose of ensuring orderly and strict conduct of Electoral College elections in accordance with these regulations and Constitution.
- 4.3) The Returning Officer may decide all matters not provided for in these regulations or the Constitution.
- 4.4) All decisions made by the Returning Officer must be undertaken on a balance of probabilities basis.

5) ELECTION STAFF

- 5.1) The Returning Officer may appoint as an election staff a Deputy Returning Officer, polling clerks or any other persons as necessary to administer an Electoral College election.
- 5.2) Should the Returning Officer appoint a Deputy Returning Officer, that person must comply with section 3.2.
- 5.3) The Returning Officer may delegate responsibilities to election staff, but decision-making authority may only be delegated to the Deputy Returning Officer.
- 5.4) Election staff are subject only to the Returning Officer.

6) POLLING DATES, TIMES AND METHOD

- 6.1) The Student Council must:
 - (a) Set the dates and times of any Electoral College election; and when doing so,
 - (b) determine whether that election will be conducted by way of attendance polling, postal polling or electronic polling.
- 6.2) For an Electoral College election conducted by way of attendance polling, the Student Council must specify the location where polling is to be held.
- 6.3) The Returning Officer may only change the dates and times of an Electoral College election 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.
- 6.4) Elections must be by secret ballot, using the instant-runoff voting method, with optional preferences.
- 6.5) The Association must provide the Returning Officer with any facilities, resources or assistance as may be necessary to administer an Electoral College election.
- 6.6) The Returning Officer must use the Association and University rolls provided to them at the close of roll specified in the DUSA Election Regulations.

7) NOTICE OF ELECTION

- 7.1) The Returning Officer must issue a Notice of Election for any election of the Electoral College to each Electoral Delegate via their Deakin University electronic mail account.
- 7.2) 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, ticket information and the contact details of the Returning Officer.

8) ELECTION OF OFFICERS (STUDENT COUNCIL)

- 8.1) The Electoral College is responsible for electing members to the following Officer positions:
- (a) President
 - (b) General Secretary
 - (c) Assistant General Secretary
 - (d) Vice President (Education)
 - (e) Vice President (Welfare)
 - (f) Student Councillor I
 - (g) Student Councillor II
 - (h) Student Councillor III
 - (i) Student Councillor IV
 - (j) Student Councillor V
- 8.2) Each of the five Student Councillor positions are distinct and independent from each other, meaning a nomination for a Student Councillor position must stipulate which Student Councillor position of the five it relates to and is for that nominated Student Councillor position only.
- 8.3) Only Electoral Delegates are eligible to nominate for Officer positions.
- 8.4) A student may not stand for a role on Student Council if they have been elected an Office bearer in that same role at the Annual Elections for three terms or more.

9) ELECTION OF THE STUDENT REPRESENTATIVES

- 9.1) In addition to participating in the election of Officer positions, Electoral Delegates of each campus are also responsible for electing members to Student Representative positions for their respective campuses.
- 9.2) A student may not stand for the role of Student Representative if they have been elected as a Student Representative for the same position for three terms or more.
- 9.3) For the purposes of these regulations, the individual Student Representative positions to be elected from Burwood Campus are defined as Campus Coordinator, Events and Activities Representative, International Representative, Women's Representative, Clubs and Societies Representative, Postgraduate Representative, Online Students and Services Representative, Disability and Carers Representative and People of Colour Representative.
- 9.4) For the purposes of these regulations, the individual Student Representative positions to be elected from Geelong Campus are defined as Campus Coordinator, Events and Activities Representative, International Representative, Women's Representative, Clubs and Societies Representative, Postgraduate Representative, Online Students and Services Representative, Disability and Carers Representative and People of Colour Representative.
- 9.5) For the purposes of these regulations, the individual Student Representative positions to be elected from Warrnambool Campus are defined as Campus Coordinator, Student Engagement Representative, Accessibility & Services Representative, Diversity & Belonging Representative and Equity Representative.
- 9.6) Students as defined in the University Roll as 'Online students' are eligible to nominate for the Online Students and Services Representative position at the Burwood or Geelong campuses dependent upon which LGA their residential address as identified in the DUSA Roll falls within (*Refer to Schedule 1 of the Election Regulations*).
- 9.7) The election of Student Representatives of the same campus* must be set out on a single ballot.

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- 9.8) Electoral Delegates are only eligible to participate in the election of members to Student Representative positions for the campus they were elected from.
- 9.9) Any member of the Association is eligible to nominate for a Student Representative position for the campus to which they are primarily enrolled provided they meet the eligibility requirements for that position as defined in these regulations.
- 9.10) To nominate for the Student Representative position of Women's Representative, the nominee must be a DUSA member and self-identify as a woman.
- 9.11) To nominate for the Student Representative position of International Representative, the nominee must be a DUSA member and an international student.
- 9.12) To nominate for the Student Representative position of Postgraduate Representative, the nominee must be a DUSA member and a postgraduate student.
- 9.13) To nominate for the Student Representative position of Diversity & Belonging Representative, the nominee must be a DUSA member and self-identify as a person of colour, black, indigenous or other peoples of colour.
- 9.14) To nominate for the Student Representative position of Disability and Carers Representative, the nominee must be a DUSA member and self-identify as disabled, chronically ill or neurodivergent and/or have long-term caring responsibilities for another person.
- 9.15) To nominate for the Student Representative position of Online Student & Services Representative, the nominee must be a DUSA member and either an 'Online student' as defined in the Deakin Roll of Students, or a campus based student as defined in the Deakin Roll of students with an interest in student services.
- 9.16) The Returning Officer may collate data from the DUSA and University rolls for the purpose of conducting elections held for the positions of Women's Representative.
- 9.17) In the event that a student identifies as a Woman, however their gender identification status is not reflected in either the DUSA roll or the University roll, the Returning Officer will provide an application form on the DUSA elections webpage to enable students to complete and submit an application to take part in the election of the Women's Representative, and the Returning Officer will accept such applications and include said students in the election of Women's Representative.

10) NOMINATIONS

- 10.1) Nominations must state the position the nominee is nominating for as well as their name, student number and contact details.
- 10.2) Nominations must include the signature of the nominee.
- 10.3) Nominations for Officer positions must be signed by four endorsing Electoral Delegates.
- 10.4) Nominations for Student Representative positions must be signed by one endorsing Electoral Delegate of the respective campus.
- 10.5) 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*.
- 10.6) A nominee must state the name of the ticket they may wish to register for on their nomination form in order to be considered eligible for consideration subject to section 15 of these regulations.
- 10.7) All nominations must be submitted from a Deakin University electronic mail account.
- 10.8) As soon as practicable after receiving a nomination, the Returning Officer must:
 - (a) Verify the nominee is eligible to be a candidate for the position to which they have nominated; and

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

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

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

10.11) 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; or
- (b) Are not in compliance with these regulations; or
- (c) Fail to satisfy the Returning Officer that they are *bona fide*.

11) WITHDRAWALS

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

11.2) Withdrawals can only be made by the candidate seeking to withdraw and the withdrawal takes effect upon its acceptance by the Returning Officer.

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

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

12) TICKETS

12.1) Tickets that were successfully registered at the annual election will be automatically eligible for registration for the Electoral College elections of the same year.

12.2) No other tickets are eligible to be registered beyond those successfully registered at the annual elections and only Authorised Officers are eligible for applying to set out a ticket for the Electoral College elections.

12.3) A candidate who wishes to be set out on the ballot paper under the name of a registered ticket must state the name of the ticket they wish to register for on their Electoral College nomination form for consideration.

12.4) The Authorised Officer has sole discretion to determine the names set out to be a ticket for the election of Student Representatives and Officer positions, so long as:

- (a) they are submitted in the form & by the deadline prescribed by the Returning Officer;
- (b) the candidate has provided consent for registration via their nomination form; and
- (c) a statement of preferences is submitted in accordance with these regulations.

12.5) A candidate who states their intention to be registered on a ticket on their nomination form, but who is not registered by the Authorised Officer under section 12.4, is unable to be set out on the ballot paper under the name of that ticket.

12.6) A candidate cannot appear on more than one ticket for the purposes of the Electoral College elections.

12.7) A ticket is only valid if it contains at least, and no more than, a single candidate for each position.

13) UNCONTESTED POSITIONS

- 13.1) 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.

14) BALLOT ORDER

- 14.1) Ballot order shall be the order in which nominations were received by the Returning Officer.

15) STATEMENT OF PREFERENCES

- 15.1) An Authorised Officer of a registered ticket at the annual election must submit a statement of distribution of preferences in the form prescribed by the Returning Officer in order to register a valid ticket for the Electoral College elections.
- 15.2) A statement of distribution of preferences must be received at least one business day before the commencement of polling.

16) NOTIFICATION OF NOMINATIONS

- 16.1) Within twenty-four hours of the close of nominations the Returning Officer must issue each Electoral Delegate, via their Deakin University electronic mail account, a notice that lists the nominations received for each position.

17) PUBLICITY

- 17.1) This regulation applies for all publicity made in connection to the Electoral College elections.
- 17.2) All publicity must, in a readable manner, state the name and Deakin University student identification number of the person issuing it.
- 17.3) No publicity may be issued that is regarded by the Returning Officer to be offensive or misleading.

18) DEFAMATION

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

19) ATTENDANCE POLLING

- 19.1) If the Student Council determines that an Electoral College election is to be held by attendance polling, ballot papers may only be issued to Electoral Delegates who are:
- (a) Eligible to participate in the election; and
 - (b) Provide photographic evidence to satisfactorily verify their identity.
- 19.2) Prior to the commencement of polling, candidates may address the Electoral College (subject to section 19.3) for:
- (a) Five minutes in the case of candidates for President;
 - (b) Two minutes in the case of candidates for any other Officer position;
 - (c) One minute in the case of candidates for Student Representative positions.
- 19.3) The Electoral College may resolve, via resolution, through a simple majority show of hands of those present, to proceed immediately to voting. Where this rule is enacted, the Returning Officer is the Chair and has sole responsibility of determining whether a simple majority of those present is reached to fulfil this provision of the Regulations.

20) ELECTRONIC POLLING

20.1) If the Student Council determines that an Electoral College election is to be held by electronic polling, the Returning Officer must be satisfied that the electronic voting process will:

- (a) Only issue ballot papers to Electoral Delegates eligible to participate in the election; and
- (b) Will suppress the results of the election until the close of polling.

20.2) Prior to the commencement of polling, Electoral Delegates must, via their Deakin University electronic mail account, be provided with instructions on how to participate in the election and how they can seek assistance should they be unable to participate in polling due to a technical fault.

21) POSTAL POLLING

21.1) If the Student Council determines that an Electoral College election is to be held by postal polling, the Returning Officer must send to the postal address of each Electoral Delegates eligible to participate in the election:

- (a) Instructions on how to participate in the election;
- (b) Ballot papers to which they are entitled; and
- (c) A pre-addressed reply-paid envelope large enough to contain the ballot papers they have been issued.

21.2) The Returning Officer must ensure that Electoral Delegates sign and include a declaration form with their returning ballot papers. If the signature on this form does not satisfactorily match that previously provided by the Electoral Delegate when they nominated for election to the Electoral College, the envelope and its contents must be destroyed.

22) METHOD OF VOTING

22.1) There are two elections to be determined by the Electoral College – the election of the Officer positions and the election of Student Representatives using an optional preferential voting method.

22.2) Elections must be conducted using the instant-run off voting method of election for both the election of the Officer positions and the election of Student Representatives.

22.3) The election of Officer positions by the Electoral College are to be set out on a single ballot paper for each individual position to be elected.

22.4) The election of Student Representative positions by the Electoral College are set out on a single ballot paper for each campus for individual positions to be elected.

22.5) The election of Officer positions by the Electoral College must be completed and declared before the election of the Student Representative positions in the case of attendance voting.

22.6) Elections are to be conducted via secret ballot.

22.7) The Returning Officer must provide for each ballot pack in the form of a booklet (or stapled pack) with the first page enabling front page voting for eligible tickets in accordance with these regulations.

- 22.8) A voter must indicate their voting intention by marking a ballot paper/s using one of the following methods:
- (a) Placing a number against the name of a ticket on the front page of the ballot paper pack; or
 - (b) Placing a number above the line on a ballot paper to indicate a preference for candidates of a ticket; or
 - (c) 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.
- 22.9) For the purposes of front-page voting as per section 22.8(a):
- (a) A number or tick against the name of a ticket on the front page of the ballot paper pack will be taken as having voted for all candidates standing for election on that ticket across both the election of Electoral Delegates and National Union of Student elections;
 - (b) a vote will be considered formal even where the lowest number is not '1'; or where:
 - (i) a tick is against the name of a ticket; or
 - (ii) a cross is 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;
 - (iii) a tick is 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
 - (iv) "a" indicates a preference for that ticket ahead of all other tickets.
 - (c) If any ballot papers become detached from the ballot paper pack, the Returning Officer must attempt to reconcile the ballot paper pack. Where this is not possible, front page voting for that ballot paper pack will not be a valid method of voting and each ballot paper will be counted separately.
- 22.10) For the purposes of above the line voting as per section 22.8(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.
- 22.11) For the purposes of below the line voting under 22.8(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'.
- 22.12) For the avoidance of doubt, if an authorised officer 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 across each contested election (or all elections in the event of a 'front page' vote) in accordance with that distribution of preferences statement.
- 22.13) For the purposes of this section of the regulations, a voter who votes using the front-page voting method as outlined under section 22.6(a) will take precedence over all other methods of voting except where the ballot paper becomes detached from the ballot pack.
- 22.14) For the purposes of regulation 22.6(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.

23) COUNTING OF THE VOTES

23.1) Votes must be counted in accordance with the following procedure:

- (a) each ballot paper (or only the front page of a ballot pack where a voter uses the front-page voting method) 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) if at any stage of counting a continuing candidate is allocated a majority that candidate must be declared elected; and
- (e) if at any stage of counting no continuing candidate is allocated a majority, 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
- (f) for the purposes of this section of the regulations, a voter who votes using the front-page voting method as outlined under section 22.9(a) will take precedence over all other methods and the subsequent ballot papers are ignored.

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

23.3) Informal votes:

- (a) may only be ruled informal by the Returning Officer; and
- (b) must only be ruled informal if:
 - (1) it does not comply section 22.9(c); and or
 - (2) the voter's intention is not clear.

23.4) 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) "majority" means an accumulated value in excess of half the value of all ballots cast.

23.5) The Returning Officer may conduct a recount if they are satisfied that the initial count was deficient.

24) SCRUTINEERS

24.1) Any Electoral Delegate may scrutinise the counting of the votes.

24.2) If it is not possible for scrutiny of the count to take place, such as in the case of an electronic ballot, Electoral Delegates must be provided with a copy of the count sheet showing the number of votes each candidate received.

25) DECLARATION OF RESULTS

25.1) The Returning Officer must provisionally declare the result of an election immediately after the count.

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

- (a) Cause for a Notice of Results to be published on the website of the Association;
- (b) Provide Electoral Delegates with a copy of this notice via their Deakin University student electronic mail account.

25.3) The result of the election shall be automatically formally declared in accordance with the provisional declaration if:

- (a) No appeals to the result are made within twenty-four hours of it being provisionally declared; or
- (b) Any appeals against the result of the election are dismissed by the Electoral Tribunal.

26) PROHIBITED CONDUCT

26.1) 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) 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;
- (f) Attempting to impede the right of a member to participate in an election;
- (g) The use of the resources of the Association, a club or society to support any election activity;
- (h) Damaging property of the Association or Deakin University;
- (i) Failing to comply with a determination or order of the Returning Officer or the Electoral Tribunal;
- (j) Impeding the good conduct of the election.

26.2) The Returning Officer shall have the authority to deem any conduct not otherwise included in section 26.1 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 the Association, these regulations or the Constitution.

26.3) Any person may report a breach to these regulations to the Returning Officer, and this must be done in writing.

26.4) 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.

26.5) 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.

26.6) The Returning Officer may hear submissions on a breach to these regulations from any other interested person as they deem necessary.

26.7) 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) Disqualifying a member from participating in that or any future election; or
- (b) Any other action.

26.8) A member who has been disqualified by the Returning Officer from participating 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.

26.9) 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.

27) ELECTORAL TRIBUNAL

27.1) The same Electoral Tribunal shall be in place for an Electoral College election as was in place for the annual elections.

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

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

27.4) The Electoral Tribunal must:

- (a) Only hear appeals to the result of an election or to the disqualification of a person from participating in an election;
- (b) Only hear matters that have been considered by the Returning Officer;
- (c) Only hear matters that are brought within the requisite period of time prescribed;
- (d) Only hear matters for which a *prima facie* case exists
- (e) Conduct its proceedings as expeditiously as practicable;
- (f) Hold its deliberations in camera;
- (g) Decide questions of fact on the balance of probabilities;
- (h) Issue a written record of its decisions to all parties (including the Returning Officer);
- (i) Not allow parties to be represented.

27.5) An appeal to the Electoral Tribunal may only being made on one or more of the following grounds:

- (a) There was a misapplication of these regulations that has meant that the result of an election has had a disproportionately adverse outcome for a participant of the election and where the decision was reaffirmed after request to reconsider the misapplication;
- (b) In the case of disqualification, that the penalty imposed was too severe.

27.6) The procedure of the Electoral Tribunal shall be that:

- (a) The appellant submits a request to the Returning Officer for the Electoral Tribunal to convene to consider an appeal;
- (b) The Returning Officer will convey this request to the Electoral Tribunal;
- (c) The Electoral Tribunal will consider if a *prima facie* case exists for the appeal;
- (d) Should a *prima facie* case exist, the Electoral Tribunal will convene as expeditiously as practicable;
- (e) The appellant will submit a written submission to the Electoral Tribunal;
- (f) The Returning Officer will respond to the written submission of the appellant with their own written submission;
- (g) The Electoral Tribunal will hear oral arguments from both the appellant and the Returning Officer and seek the testimony of any other persons it deems necessary;
- (h) The Electoral Tribunal will then rule on the matter.

27.7) Any appeal to the Electoral Tribunal must:

- (a) Be made in writing;
- (b) State the grounds upon which it is made;
- (c) Include all relevant documentation;
- (d) Be accompanied by a bond of \$300, payable at any DUSA office, and repayable should the appeal be upheld.

27.8) All decisions of the Electoral Tribunal are final and are subject only to the Act.

28) VALIDATION

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