



## **Student Association Regulations 01 – Elections**

### **1 Application**

- 1) These regulations shall apply to all elections held under the Constitution of the Student Association of the University of Notre Dame Australia.
- 2) If subsidiary and affiliated bodies of the Student Association do not pass their own election regulations their elections shall also be governed by these regulations and the Constitution of the Student Association.
- 3) Should a conflict arise between any provision in the Constitution and these regulations the Constitution of the Student Association.

### **2 Purpose and Scope**

- 1) The scope of these Regulations is to regulate and supplement existing rules and procedures regarding elections under the Student Association of the University of Notre Dame Australia (SAUNDA) Constitution and is bind upon all SAUNDA members.
- 2) The purpose of these Regulations is to maintain the integrity and fairness of SAUNDA elections.

### **3 Election Tribunal**

- 1) The Student Association shall appoint an Election Tribunal.
- 2) All elections are to be performed by the Election Tribunal in accordance with the SAUNDA Constitution and these Regulations.
- 3) The Election Tribunal shall consist of:
  - a) The Returning Officer;
  - b) One other manager or director of the University as appointed by the Returning Officer; and
  - c) At least one member of the outgoing Committee not contesting the relevant election.
- 4) The powers and functions of the Election Tribunal shall include:
  - a) Resolving disputes between candidates and of candidates;
  - b) Counting the ballots; and



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- c) Declaring and publishing the results of the election.
- 5) The responsibilities of the Election Tribunal shall include:
  - a) Ensuring elections are performed according to these Regulations;
  - b) Ensuring these Regulations are fairly and consistently interpreted and applied;
  - c) Deciding question of fact on the balance of probabilities; and
  - d) Applying penalties for breach of these Regulations.

#### **4 Returning Officer**

- 1) Subject to section 25(6) of the Constitution that 'the Returning Officer for the election process shall be the Manager of Student Services, or their representative(s)', the Manager of Student Service' representative shall be:
  - a) Any permanent staff member of the University; and
  - b) Who is not enrolled in a unit of study in the University.
- 2) The role of the Returning Officer is:
  - a) To oversee the elections and promote a fair and just process;
  - b) To receive all candidate nominations and student votes during the election;
  - c) To prepare ballots;
  - d) To supervise polling; and
  - e) To oversee the counting of the votes and release notification of the successful candidates once counting is complete.

#### **5 Notice**

- 1) Once the dates for the election have been determined by the Election Tribunal, then the Election Tribunal and the SAUNDA Secretary will give written notice of the following dates at least 21 calendar days before the election:
  - a) Nomination period;
  - b) Candidate announcement;
  - c) Voting period; and
  - d) Results announcement.
- 2) The Election Tribunal will give written notice of all polling locations at least 5 calendar days before the election.



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- 3) The Election Tribunal will distribute the Constitution, these Regulations and any other relevant documents that the Election Tribunal deems appropriate to distribute.
- 4) Written notice includes these forms of communication:
  - a) Email;
  - b) Social Media;
  - c) A physical document; and
  - d) The Student Association website.

## **6 Nominations**

- 1) According to section 25(8) of the Constituion, nominations for the positions shall be submitted to the Returning Officer and shall be:
  - a) In writing;
  - b) Signed by the nominee;
  - c) Signed by two members supporting the nomination.
- 2) The nomination period must be open for at least 10 working days.
- 3) Student Association Committee positions open for nomination at the Annual Elections are:
  - a) The Executive:
    - i) The President (1)
    - ii) The Vice President (Broadway) (1)
    - iii) The Vice President (Darlinghurst) (1)
    - iv) The Secretary (1)
    - v) The Treasurer (1)
  - b) Portfolio Directors:
    - i) Academic & Welfare Director (1)
    - ii) Clubs Director (1)
    - iii) Communications Director (1)
    - iv) Events Director (1)
    - v) Sports & Health Director (1)
  - c) Representatives:
    - i) Arts and Sciences Representative (1)
    - ii) Business Representative (1)



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- iii) Education Representative (1)
- iv) Law Representative (1)
- v) Medicine Representative (1)
- vi) Nursing Representative (1)
- vii) Philosophy and Theology Representative (1)
- viii) Postgraduate Representative (1)
- ix) Alumni Representative (1)

## **7 Eligibility for Candidates**

- 1) In addition to section 28(7) of the Constitution, a student will be disqualified from candidature if he or she:
  - a) Is formerly an expelled member of the Student Association pursuant to sections 9 and 14 of the Constitution;
  - b) Does not have good academic standing or is not capable in the opinion of the Election Tribunal to have academic standing that would allow for assuming additional responsibility on the Student Association; or
  - c) Is not expected to be enrolled for a whole academic year.
  - d) Does not respect the Catholic objectives of the University and the Student Association Constitution.

## **8 Candidate Announcement**

- 1) At the end of the nomination period the Election Tribunal shall release the positions being contested with names of nominees for each position being listed.
- 2) All candidates' statements found in the nomination form shall be advertised at the polling locations and remain there until the end of the election.

## **9 Campaigning**

- 1) This part applies to all current Committee members and all candidates and their representatives during the election period.
- 2) **Representative**, for the purposes of sections 9 and 10, is defined as any person actively or passively supporting a candidate.



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- 3) No student or group of students may act in a manner that either explicitly or impliedly discriminates on the basis of race, gender, identity, sexuality, religion, political, ideologies, physical or mental disability, or age.
  - a) A candidate who is found to have breached section 9(3) shall, after consideration of section 9(12) of these Regulations, be deemed ineligible and disqualified as a candidate according to section 28(7)(g) of the Constitution.
- 4) Current Committee members, whether or not they are candidates or participating in campaigning, must include a disclaimer that their view is their own and does not in any way represent the views of the Association or the current Committee.
- 5) Any SAUNDA or University database cannot be accessed for the purpose of campaigning.
- 6) Student must not act:
  - a) In a dishonest or misleading manner; or
  - b) In a manner intended to compromise the integrity of the election in any way.
- 7) Any student may lodge a written complaint against the campaign behaviour to the Returning Officer, to which a description of the alleged offensive behaviour must be attached.
- 8) Decisions of the Returning Officer as to the resolution of any campaign matter, including dismissing, shall be final.
- 9) All candidates must comply with University policies, including the Student Code of Conduct, regarding discrimination, vilification and harassment whilst campaigning. Breaches of this kind shall, after consideration of section 9(12) of these Regulations, disqualify a person from candidature according to section 28(7)(g) of the Constitution.
- 10) Neither candidates nor their representatives are permitted to campaign or encourage students to vote within the vicinity of the polling voting area.
- 11) Candidates must not provide any incentives to prospective or potential voters.
  - a) ***Incentives*** are anything that may be interpreted as inappropriately encouraging or motivating a person to do something, including, but not limited to, gifts and financial reward.
  - b) Breaches of this kind shall, after consideration of section 9(12) of these Regulations, disqualify a person from candidature according to section 28(7)(g) of the Constitution.
- 12) A candidate whose acts are breaches under section 9 of these regulations shall depending on



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the severity and frequency of the breach, as determined by the Returning Officer, either:

- a) Be given a written warning by the Returning Officer. However, should a candidate continue to perform breaches after written warning then such acts will constitute an act that will disqualify the student from continuing to be a candidate and will be disqualified under section 28(7)(g) of the Constitution; or
- b) If the breach by the candidate is in the opinion of the Returning Officer to be substantial and unethical for the student to continue to be a candidate then such acts will disqualify the student from continuing to be a candidate and consequently, be disqualified under section 28(7)(g) of the Constitution.

## **10 Campaign Material**

- 1) Candidates may distribute campaign material between the candidate announcement and the end of the polling period.
- 2) ***Campaign Material*** includes any written material, images, audio or video distributed with the purpose of supporting the election of a candidate.
- 3) Campaign material must not contain language or imagery that either explicitly or impliedly discriminates against any person on the basis of race, gender, identity, sexuality, religion, political ideologies, physical or mental disability, or age.
  - a) Candidates and their representatives that distribute material contrary to this section are breaches that shall, after consideration of section 10(11) of these Regulations, disqualify a person from candidature according to section 28(7)(g) of the Constitution.
- 4) Campaign material may not negatively target any student or group of students.
- 5) Campaign material may not contain any false, deceptive or misleading claims.
- 6) Any student may lodge a written complaint against the campaign material to the Returning Officer, to which a description of the alleged offensive behaviour must be attached. The decisions of the Returning Officer as to the resolution of any complaint, including dismissing a dispute, shall be final.
- 7) All candidates must comply with University policies regarding the distribution or display of election and campaign materials on University property.



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- 8) Candidates must not use the SAUNDA logo or any SAUNDA official means of communication including, but not limited, the SAUNDA social media accounts, website and publication, for the dissemination of campaign material.
- 9) Campaign material to be hung on notice boards are limited to a maximum A4 size and must not cover in any way the poster of another candidate.
- 10) Campaign material must not be contrary to the Catholic ethos and Objects of the University. Breaches of this kind shall, after consideration of section 10(11) of these Regulations, disqualify a person from candidature according to section 28(7)(g) of the Constitution.
- 11) A Candidate whose acts are breaches under section 10 of these regulations shall depending of the severity and frequency of the breach, as determined by the Returning Officer, either:
  - a) Be given a written warning by the Returning Officer. However, should a candidate continue to perform breaches after written warning then such acts will constitute an act that will disqualify the student from continuing to be a candidate and will be disqualified under section 28(7)(g) of the Constitution; or
  - b) If the breach by the candidate is in the opinion of the Returning Officer to be substantial and unethical for the student to continue to be a candidate then such acts will disqualify the student from continuing to be a candidate and consequently, be disqualified under section 28(7)(g) of the Constitution.

## **11 Polling times and places**

- 1) At the polling places, according to section 38(3) of the Constitution, voting will be open and ballot cards available for a total of not less than 20 hours and must be spread over at least 3 weekdays.
- 2) Polling places must be familiar to all students and must be accessible to all students.
- 3) During the polling period, polling must be held at both the Broadway and Darlinghurst sites.

## **12 Voting**

- 1) A voter must present their student identification card or any other government issued forms of identification, such as a passport, driver's licence or proof of age card, to the Returning Officer in order to submit their vote in the election. No other form of identification will be permitted.



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- 2) Students may only vote once per election and once they have voted their names must be struck from the roll once a ballot paper has been issued to them.
- 3) All votes shall be submitted anonymously. If an identifying mark is made the vote will be invalid.

**13 Postal Votes**

- 1) Subject to the Constitution, student may submit a postal vote only to the Returning Officer.
- 2) The Returning Officer may receive postal votes electronically only through official University email addresses. The email must include the name of the candidates they wish to vote for and the corresponding positions.
- 3) A student submitting a postal vote must only cast a vote on the positions that they are eligible to cast a vote for in compliance with section 27 of the Constitution.
- 4) Postal votes must be received by the close of polls according to Sydney time.
- 5) Postal voters must be aware that their votes will be identifiable to the Returning Officer but not the other members of the Election Tribunal.

**14 Counting Votes**

- 1) Counting of the votes must commence as soon as practicable after the close of voting.
- 2) Only the Returning Officer may remove the ballot papers from the ballot boxes and only the Election Tribunal can count the votes.
- 3) The student/s appointed to the Election Tribunal should attend the vote counting and act as scrutineers.

**15 Results announcement**

- 1) Once all the votes have been finalised, the Returning Officer may call the candidates prior to releasing the results to the student body to notify them of the result of the Election.
- 2) The Election Tribunal must give written notice of the result of the election to all students as soon as the votes have been counted.
- 3) The Election Tribunal must not release the number of overall votes or the number of votes received for each candidate.
- 4) Written notice includes these forms of communication:





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- a) Email;
- b) Social Media;
- c) A physical document; and
- d) The Student Association website.

## **16 Co-opting Member to Fill a Vacancy**

- 1) Subject to the Constitution, if any office of the Student Association becomes vacant then the Committee may fill that vacancy according to its discretion by co-opting a member according to the following procedure, except where another method is otherwise prescribed under the Constitution:
  - a) Notice of the vacancy shall depend on the type of vacancy:
    - i. If a school representative position is vacant, notice of the vacancy must be distributed to all student of that particular school the position represents.
    - ii. If it is an executive or director position, notice of the vacancy may be distributed to all the students of the Sydney Campus or to all Committee members if the decision at a Committee meeting is to co-opt a member from within the existing Committee members.
  - b) A two week nomination period is to take place to allow for candidates to express interest;
  - c) Students wishing to forward themselves as a candidate for the position must submit a statement not exceeding 500 words to the Committee explain who they are and why they should be considered for the position;
  - d) At the end of the two week period all Committee members must be notified by the Secretary of any nominations that have been received;
  - e) At the next Committee meeting each of the nominee statements shall be read out by the Secretary or President.
  - f) Nominees statements will be read out anonymously by either the secretary or president, and those who have seen the names must abstain from voting.
  - g) A simple majority vote whether to co-opt a member based on the nominations received shall take place. Through a vote on the nominations received the Student



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Association Committee may decide to co-opt a member or decline all of the nominations received.

## **17 Amending the Regulations**

- 1) Subject to the Constitution, amendments to the Election Regulations shall be made by passing a special resolution at a committee meeting.