



University of South Australia  
Student Association

## **ELECTION REGULATIONS**

The Election Regulations have been approved by the USASA board to regulate elections conducted by USASA. These Regulations are to be interpreted in conjunction with the USASA Constitution and will remain in force until amended or replaced under clause 5.4.5 of the USASA Constitution. These Election Regulations were approved by the USASA Board on 21 August 2018.

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## 1. DEFINITIONS

The definitions set out in clause 2 of the USASA Constitution will apply to these Regulations, unless the context otherwise indicated and, the following definitions apply and will mean the same as per the Constitution unless otherwise stated:

**“Constitution”** means the Constitution of USASA.

**“Election”** includes general elections, by-elections and referenda.

**“Election Notice”** means a notice published in accordance with clause 5 of these Regulations.

**“Election Period”** means the period from the date of publication of an Election Notice on the USASA website in accordance with clause 5.2.2 of these Regulations to the date upon which official results of an Election are declared in accordance with clause 12.5.

**“Referendum”** refers to the process as described in clause 13 of the Constitution.

**“Returning Officer”** refers to the person appointed pursuant to clause 3 of these Regulations and includes an acting Returning Officer.

**“USASA”** means the University of South Australia Student Association.

## 2. CATEGORIES OF ELECTIONS

- 2.1. These Regulations apply to all elections for:
  - 2.1.1. the offices on the USASA Board set out in clauses 5.2.1(a) to (f) of the Constitution; and
  - 2.1.2. delegates to meetings of National Conference of the National Union of Students.
- 2.2. Referenda will be conducted:
  - 2.2.1. in accordance with clause 13 of the Constitution; and
  - 2.2.2. applying these Regulations, as appropriate, to the extent that they are

not inconsistent with clause 13 of the Constitution.

### **3. RETURNING OFFICER**

- 3.1. Upon the calling of an election, the USASA Board:
  - 3.1.1. must appoint a Returning Officer who will be responsible for the conduct of the election; and
  - 3.1.2. may appoint an Assistant Returning Officer, who will be responsible for assisting the Returning Officer.
- 3.2. Neither the Returning Officer, nor an Assistant Returning Officer, is permitted to be:
  - 3.2.1. a person eligible to vote in the election;
  - 3.2.2. a candidate in the election;
  - 3.2.3. a candidate (whether successful or not) in any election held by USASA within the five year period preceding the date upon which the present election is called, with the exception of any person who has been in a position of permanent employment with USASA for a period of at least 12 months;
  - 3.2.4. USASA's General Manager; or
  - 3.2.5. an Adviser to the USASA Board.
- 3.3. A Returning Officer and Assistant Returning Officer must:
  - 3.3.1. be reasonably qualified, by education, training or experience, to act in their respective roles;
  - 3.3.2. be a fit and proper person;
  - 3.3.3. act with honesty and integrity at all times;

- 3.3.4. exercise complete impartiality during the Election Period; and
- 3.3.5. do such things in accordance with these Regulations as are reasonably necessary for the fair and efficient conduct of elections.
- 3.4. If circumstances reasonably prevent the Returning Officer from fulfilling his or her duties, the Assistant Returning Officer will assume the role of acting Returning Officer, unless and until the Returning Officer is able to resume his or her duties.
- 3.5. Where the positions of Returning Officer and Assistant Returning Officer both become vacant at the same time, the General Manager will appoint an acting Returning Officer.
- 3.6. The Returning Officer does not have the authority to delegate his or her decision making powers or responsibilities, except as provided for under these Regulations.
- 3.7. Subject to the direction of the Board upon the calling of an election, the Returning Officer may engage a third party organisation to assist with establishing and implementing an electronic voting process.

#### **4. ELECTORAL ROLLS**

- 4.1. Upon the calling of an election, the Returning Officer will ask the University to prepare a list which includes the following information about each Ordinary Member:
  - 4.1.1. their email addresses;
  - 4.1.2. their home campus; and
  - 4.1.3. whether they are enrolled as a Postgraduate, International, Aboriginal and/or Torres Strait Islander student.
- 4.2. Subject to these Regulations, the list prepared by the University under clause 4.1 of these Regulations is the electoral roll for the election and the Returning Officer is entitled to assume its accuracy.

- 4.3. Where the University refuses to provide the electoral roll to USASA or the Returning Officer directly, but agrees to provide the electoral roll to a third party assisting in the election process, the third party must be subject to a contractual requirement:
- 4.3.1. to maintain confidentiality of the electoral roll; and
  - 4.3.2. to follow all directions of the Returning Officer with respect to the conduct of the election.
- 4.4. Where there is reasonable evidentiary proof of an error or omission in the electoral roll, the Returning Officer must, in so far as is possible, make or procure such amendments to the electoral roll as are reasonably necessary to remedy the defect.
- 4.5. Notwithstanding these Regulations, the Returning Officer may amend or refrain from amending the electoral roll where, in the Returning Officer's opinion, it is reasonably necessary to do so to safeguard the integrity and fair conduct of the elections.

## **5. NOTICE OF ELECTION**

- 5.1. As soon as reasonably practicable after an election is called, and at least ten (10) Working Days before the close of nominations, the Returning Officer will publish an Election Notice containing information about the election, including:
- 5.1.1. the dates and times relating to the election, including, nomination periods, voting periods and the date for the publication of provisional election results;
  - 5.1.2. the vacancies to be filled and the qualifications for candidature of each vacancy;
  - 5.1.3. the nomination process;
  - 5.1.4. the requirements for submitting policy statements; and

- 5.1.5. the voting method.
- 5.2. An Election Notice will be published:
  - 5.2.1. on all noticeboards designated for the posting of election material under clause 10.2 (save for in the case of a campus representative election, where the notices relating to those vacancies need only be displayed on such noticeboards on the relevant campus);
  - 5.2.2. on the USASA website;
  - 5.2.3. in an electronic communication to all Ordinary Members on USASA's current student database; and
  - 5.2.4. in such other free media as the Returning Officer may see fit.

## **6. ELECTION PUBLICITY**

- 6.1. The Returning Officer may promote student participation in the election in any way the Returning Officer sees fit, provided it does not negatively impact upon the integrity and fair conduct of the election.
- 6.2. During the Election Period, no official USASA publication may contain:
  - 6.2.1. material prepared by candidates (whether written, pictorial or otherwise);
  - 6.2.2. comment or opinion, whether express or implied, about candidates or their electoral groupings; or
  - 6.2.3. any electoral advertisements, about a particular candidate or group of candidates,without the express written permission of the Returning Officer.

## 7. NOMINATIONS

- 7.1. The USASA Board, in consultation with the Returning Officer, will determine the dates and times for the opening and closing of nominations, and for the opening and closing of voting.
- 7.2. Nominations will be open for at least five (5) Working Days and will close at least ten (10) Working Days before the commencement of the voting period.
- 7.3. To nominate for a vacant position, a nominee must meet the criteria for eligibility set out in the Constitution for that position and comply with all requirements of the nomination process.
- 7.4. A nominee may nominate for up to two (2) Board positions but cannot be elected to more than one (1) Board position.
- 7.5. Permanent and fixed-term contract employees of USASA or the University or related entities are not eligible to nominate for any USASA Board position.
- 7.6. The Returning Officer may hold meetings, workshops, information sessions or other events to promote the nomination process and to provide information to prospective nominees about, without limitation, USASA, the role of the Board and the election process.
- 7.7. The nomination must be in writing on a form approved by the Returning Officer and must include the following information:
  - 7.7.1. the name of the candidate;
  - 7.7.2. the address of the candidate (including student University email address);
  - 7.7.3. mobile and/or landline phone numbers of the candidate;
  - 7.7.4. Student ID number;
  - 7.7.5. the home campus of the candidate;



- 7.7.6. the position(s) for which the candidate nominates; and
  - 7.7.7. a signed statement that the candidate is an Ordinary Member, consents to the nomination, is eligible to take part in the election, and will abide by the USASA Constitution and Regulations.
- 7.8. Where applicable, the nomination form must contain information about the following:
- 7.8.1. the eligibility requirements for each vacancy;
  - 7.8.2. the order in which the election to Board positions will be determined, as set out in clause 12.2;
  - 7.8.3. that candidates may nominate for up to two (2) Board position but cannot be elected to more than one (1) Board position;
  - 7.8.4. any other nomination requirements;
  - 7.8.5. that permanent and fixed-term contract employees of USASA or the University or related entities are not eligible to nominate for any USASA Board position;
  - 7.8.6. the due date for nominations; and
  - 7.8.7. the manner in which nomination forms are to be lodged.
- 7.9. Nomination forms must be lodged within the time and in the manner specified in the form, with such supporting documentation as required by the Returning Officer.
- 7.10. As soon as practicable after the close of nominations, the Returning Officer must prepare and make available to candidates a list of the nominations that have been accepted.
- 7.11. In exceptional circumstances demonstrated by appropriate evidence, the Returning Officer may allow a person to nominate for a position without requiring

that person to strictly comply with the requirements of lodging a nomination, provided however that no nomination may be permitted after the commencement of the voting period for the election.

- 7.12. Upon exercising power under clause 7.11, the Returning Officer must, as soon as reasonably practicable, make any necessary amendments to the list of candidates and advise all candidates accordingly.
- 7.13. After the close of nominations, candidates must attend any meeting, workshop or other event determined by the Returning Officer to be compulsory for those candidates.
- 7.14. Attendance at any meeting, workshop or event referred to in clause 7.13 is limited to candidates, the Returning Officer, the Assistant Returning Officer, the General Manager and any other person permitted by the Returning Officer to attend.
- 7.15. In the event of a tie, the result of the relevant election will be determined by lot, involving only the persons the subject of the tie.

## **8. VOTING INTERFACES**

- 8.1. The Returning Officer will organise and oversee the preparation of electronic voting interfaces and databases for the election.
- 8.2. An electronic voting interface must contain instructions specifying the method of voting and include directions for the recording of each vote to the relevant database for each vacancy.
- 8.3. The names of candidates will appear in a randomly generated order each time the interface is accessed.

## **9. POLICY STATEMENTS**

- 9.1. The Returning Officer will publish an official broadsheet on the USASA website which will include candidate policy statements and photographs, the order for which will be randomly determined by lot.

- 9.2. Where a candidate has nominated for more than one vacant position they must submit a policy statement and photograph for each position for which they have nominated.
- 9.3. Candidate policy statements and photographs must be approved by the Returning Officer and are to be uploaded online in a manner and form specified by the Returning Officer.
- 9.4. Candidates may not alter their policy statement or photographs after the policy submission deadline set by the Returning Officer.

## **10. CAMPAIGNING AND ELECTION MATERIALS**

- 10.1. All persons physically campaigning on University campuses with respect to any Election must:
  - 10.1.1. be a University of South Australia Student; and
  - 10.1.2. wear their student identification card, at all times, in a manner that is clearly visible.
- 10.2. Subject to these Regulations, and any directions or guidelines which may be published by the Returning Officer at any time, any person may publish election material by any means and in any manner, without prior approval from the Returning Officer.
- 10.3. No election material is permitted to be physically distributed to students within University libraries, University-designated quiet study areas, or similar areas designated by the Returning Officer.
- 10.4. Any person responsible for publishing election material must remove any physical election material from any places or objects to which it is affixed, immediately after the end of the Election Period.
- 10.5. The Returning Officer may arrange for, and authorise, the removal and destruction of:

10.5.1. any election material which breaches these Regulations, at any time; and

10.5.2. all election material, at the end of the Election Period.

## **11. VOTING**

11.1. The voting period for an election will be open for at least five (5) Working Days.

11.2. No voting will be required for a vacancy if there is no, or only one, candidate for the vacancy.

11.3. Voting will be by secret ballot and conducted electronically.

11.4. Ordinary Members are only permitted to vote once in the election for each vacancy for which they are entitled to vote.

11.5. Votes must be recorded by indicating the order of preference for one, some or all of the candidates by placing the number one (1) against the candidate of first preference and subsequent higher numbers against candidates of lower preference in order.

11.6. Upon request by a candidate, the Returning Officer will provide information detailing the total number of votes cast each day in relation to each contested vacancy.

11.7. The electronic count of the votes will be undertaken by the relevant third party organisation and the results sent to the Returning Officer. The Returning Officer is entitled to assume that the results are accurate, save for where there is an obvious error.

## **12. DECLARATION OF RESULTS**

12.1. The electronic count of the votes, when first received by the Returning Officer, will be treated as provisional.

12.2. The Returning Officer will determine the candidate provisionally elected to each

position in the following order:

- 12.2.1. President;
  - 12.2.2. Post-Graduate Representative;
  - 12.2.3. Aboriginal and Torres Strait Islander Representative;
  - 12.2.4. International Student Representative;
  - 12.2.5. Metropolitan Campus Representatives (Undergraduate); and
  - 12.2.6. Campus Representatives.
- 12.3. As soon as reasonably practicable, the Returning Officer will publish the provisional result:
- 12.3.1. at the USASA Central Office and each USASA Campus Office;
  - 12.3.2. on the USASA website; and
  - 12.3.3. in an email sent to all candidates.
- 12.4. If before the election result becomes official a successful candidate advises in writing that they do not wish to take up the position for which they are elected, then:
- 12.4.1. that candidate will not be elected to any position on the Board;
  - 12.4.2. the candidate with the next highest number of votes will be elected to the position; and
  - 12.4.3. an amended provisional result will be published.
- 12.5. Subject to clause 16.14 of these Regulations, the provisional result (or, where applicable, the amended provisional result) will become official five (5) Working Days after being published in accordance with clause 12.3 of these Regulations.

### **13. REVIEW OF ELECTION RESULT**

- 13.1. A candidate may request a review of the election result by lodging such request in writing with the Returning Officer within five (5) Working Days of the provisional results being published.
- 13.2. Where the Returning Officer is satisfied that the result of the election was materially affected by a defect, irregularity or breach of the Constitution or these Regulations, the Returning Officer may:
  - 13.2.1. amend the provisional result of an election in a manner which the Returning Officer considers reasonably necessary to address any defect, irregularity or breach; or
  - 13.2.2. where amendment of the provisional result cannot reasonably cure the defect, irregularity or breach, declare the election for the affected vacancy invalid and conduct another election for that vacancy.

### **14. ELECTION MISCONDUCT**

- 14.1. No person may, in connection with any election:
  - 14.1.1. record a vote to which they are not entitled;
  - 14.1.2. impede the conduct of the election;
  - 14.1.3. directly or indirectly by use of any threat or force, influence, induce or compel any person to vote or refrain from voting;
  - 14.1.4. interfere with any election ballot, election broadsheet, nomination form or anything to do with the election;
  - 14.1.5. engage in any dishonest, misleading or deceptive practices;
  - 14.1.6. cause, encourage or permit others to disseminate electoral material that is likely to mislead or deceive an elector casting a vote;

- 14.1.7. publish defamatory statements about a candidate; or
  - 14.1.8. abuse, either physically, verbally, psychologically, or otherwise, any other person.
- 14.2. No person is permitted to use USASA resources (including USASA Club resources) for electoral campaigning, including, without limitation:
- 14.2.1. office space;
  - 14.2.1. telephones, mobile phones and other telecommunication devices;
  - 14.2.2. computers and any other electronic device;
  - 14.2.3. photocopiers;
  - 14.2.4. stationery; and
  - 14.2.5. vehicles.
- 14.3. All Ordinary Members must comply with all applicable USASA and University policies at all times.

## **15. COMPLAINTS AND REVIEWS**

- 15.1. The Returning Officer has the power and responsibility to enforce these Regulations.
- 15.2. A determination by the Returning Officer in relation to an alleged or suspected breach of the Constitution or these Regulations relating to an election is to be dealt with in accordance with this clause 15 of the Regulations.
- 15.3. The Returning Officer may, at any time, investigate a possible breach of these Regulations of the Returning Officer's own initiative.

- 15.4. The Returning Officer must undertake an investigation in relation to:
- 15.4.1. any complaint about an alleged breach of the Constitution or these Regulations; and
  - 15.4.2. any request for a review of the election result.
- 15.5. The Returning Officer may dismiss any complaint or request which is frivolous or vexatious.
- 15.6. The Returning Officer may specify a procedure for dealing with complaints and reviews, including specifying the minimum information required before any action will be taken by the Returning Officer.
- 15.7. The Returning Officer must give:
- 15.7.1. any person alleged to have committed a breach; and
  - 15.7.2. any person directly affected by a complaint or review,  
the opportunity to make submissions.
- 15.8. The Returning Officer must determine all complaints and reviews as promptly as the nature of the case allows.
- 15.9. Upon finding that a person has breached these Regulations, the Returning Officer may do any of the following, proportionate to the breach:
- 15.9.1. refrain from taking any action;
  - 15.9.2. issue a written warning to the person;
  - 15.9.3. impose restrictions upon the ability for the person to participate in the election process;
  - 15.9.4. suspend the person's ability to actively participate in the election process for a set period of time or until a condition is met; and



- 15.9.5. disqualify a person from being elected to a particular vacancy or any vacancy.
- 15.10. Nothing in these Regulations authorises the Returning Officer to exclude a person from exercising a legitimate entitlement to vote in the election.
- 15.11. The Returning Officer:
  - 15.11.1. will notify all parties directly affected by the Returning Officer's decision, of the outcome, in writing, as soon as reasonably practicable, but no later than three (3) Working Days after the decision is made; and
  - 15.11.2. is only required to provide brief reasons for the decision.
- 15.12. The Returning Officer may publish on the USASA website the outcome of, and any reasons relating to, a complaint or review.

## **16. APPEALS COMMITTEE**

- 16.1. When an election is called, the Appeals Committee is established for the Election Period and consists of:
  - 16.1.1. the General Manager; and
  - 16.1.2. the Advisers holding the offices referred to in clause 5.2.1(h) of the Constitution,  
  
or persons acting in those positions from time to time.
- 16.2. When the first matter to be determined by the Appeals Committee is lodged, the Appeals Committee will elect a chairperson.
- 16.3. Where an appeal relates to a procedural issue, the Appeals Committee may be constituted of one or more members, as determined by the chairperson.

- 16.4. Where an appeal relates to a substantive issue, allegations of misconduct against the Returning Officer and/or the result of an election, the Appeals Committee will be constituted of all members.
- 16.5. An appeal lies from a decision of the Returning Officer to the Appeals Committee.
- 16.6. An appeal may be brought by:
  - 16.6.1. a candidate in the election;
  - 16.6.2. the person who initially lodged a complaint or review with the Returning Officer; or
  - 16.6.3. an Ordinary Member directly affected by a decision made by the Returning Officer.
- 16.7. An appeal must be lodged in writing and:
  - 16.7.1. be made within three (3) Working Days of notification to the person appealing of the decision which is the subject of the appeal;
  - 16.7.2. be lodged in a form and manner determined by the General Manager;
  - 16.7.3. refer to the specific provisions of the Constitution or the Regulations which are relevant to the appeal;
  - 16.7.4. set out the facts relied upon;
  - 16.7.5. set out the outcome which the candidate is seeking; and
  - 16.7.6. be accompanied by any written notification given by the Returning Officer of the decision or, where no such notification is given, a detailed summary of the Returning Officer's decision, and any documentation which is relevant to the decision and the appeal.
- 16.8. Subject to these Regulations, appeals will be determined on the papers submitted by the person lodging the appeal.

- 16.9. The Appeals Committee may dismiss an appeal:
- 16.9.1. which is frivolous or vexatious;
  - 16.9.2. where the candidate bringing the appeal fails to comply with the Constitution or these Regulations; or
  - 16.9.3. where the candidate bringing the appeal fails or refuses to comply with any reasonable request of the Appeals Committee.
- 16.10. Notwithstanding any other provision of these Regulations, where good reason exists, the Appeals Committee may:
- 16.10.1. extend the time within which an appeal may be lodged;
  - 16.10.2. direct that further particulars, information and/or evidence be provided to the Appeals Committee by any person;
  - 16.10.3. conduct investigations;
  - 16.10.4. consult any person who may be affected, directly or indirectly, by the appeal (including the disclosure of any aspect of the appeal to that person);
  - 16.10.5. permit oral representations to be made to the Appeals Committee; and
  - 16.10.6. take any other action which it considers necessary in order to achieve a fair and efficient disposal of the appeal.
- 16.11. The Appeals Committee will only allow an appeal:
- 16.11.1. if an error by the Returning Officer is demonstrated to the reasonable satisfaction of the Appeals Committee; and
  - 16.11.2. where the appeal relates to the result of an election, if the Appeals Committee is reasonably satisfied that the error would affect or has affected, materially, the conduct or the outcome of the election.

16.12. Where an appeal is allowed, the Appeals Committee may exercise any powers which the Returning Officer has under these Regulations, including without limitation, clauses 13.2 and 15.9 of these Regulations.

16.13. The Appeals Committee:

16.13.1. will determine the appeal as soon as reasonably practicable;

16.13.2. will notify the candidate of the outcome of the appeal, in writing, within five (5) Working Days of making its decision;

16.13.3. is not required to provide reasons for its decision; and

16.13.4. may, in its absolute discretion, direct USASA to publish its decision and any reasons which are given.

16.14. The result of an election does not become official until the Appeals Committee has considered and determined all appeals which may affect the result of the election.

16.15. The Appeals Committee may:

16.15.1. decide any matter referred to it; and

16.15.2. exercise any power delegated to it,

by the USASA Board in relation to a person's eligibility for, election to, or status on the USASA Board.

16.16. For the purposes of a matter referred or delegated under clause 16.15, the composition of the Appeals Committee will be:

16.16.1. if within an Election Period, as constituted for that Election Period; or

16.16.2. if outside of an Election Period, as constituted for the most recently concluded Election Period.

16.17. All decisions of the Appeals Committee are final and conclusive, and not subject to further appeal.