

## **Guild Election Regulations**

*These Regulations should be read in conjunction Guild of Students (Statute No.17)*

### **1. Eligibility Criteria**

- 1.1 Only persons who are Financial Guild Members as at the close of nominations are eligible to nominate for any position. It is the candidate's responsibility to ensure that their financial membership is current.
- 1.2 No current staff<sup>1</sup> of the Guild shall be eligible to be members of Guild Council.
- 1.3 The Guild Regulations outline further eligibility criteria for some positions.
- 1.4 Both Basic and Financial Guild members are eligible to vote.
- 1.5 The tenure of Guild Councillors is limited to a term of four (4) years, whether consecutive or cumulative. Upon four (4) years of service to the Guild Council, Guild Councillors are not eligible for election to the Guild Council before a break of five (5) consecutive years.

### **2. Elections Process**

- 2.1 Guild Elections shall be conducted in accordance with these *Guild Election Regulations*.
- 2.2 Guild elections shall be held in the second half of each year, jointly with the election of student members of the Senate, Academic Council, and other University bodies.
- 2.3 During an election or by-election run by Guild Council, the University Secretary shall be the Returning Officer, or shall appoint someone to act in that capacity. The Returning Officer is responsible for the conduct of an election and may prescribe any necessary procedures, rules or forms for the conduct of the election, provided they are not inconsistent with the requirements of these Regulations.

### **3. Nominations**

- 3.1 A notice calling for nominations stating the deadline for nominations and when and how voters may vote will be:
  - 3.1.1 sent to all persons entitled to vote ("voters"), by post, or an electronic student communications system or LMS or email; and
  - 3.1.2 placed on the entry page to the LMS or appropriate area of the University website.

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<sup>1</sup> Office-Bearers of the Guild are not considered staff of the Guild.

- 3.2 The deadline for nominations shall be two (2) weeks from the call for nominations in the general elections, or one (1) week from the call for nominations for by-elections.
- 3.3 A nomination statement or biography not exceeding 400 words per person regardless of the number of positions<sup>2</sup> for which the person is nominating and a photograph of the candidate must be submitted for inclusion in the Election Broadsheet. Candidates have the option to include an email address so voters may contact them.
- 3.4 The Returning Officer may edit any biography or statement that exceeds the set limit, or delete parts that, in their opinion, are of a defamatory or inappropriate nature. The Returning Officer shall produce an election broadsheet containing each candidate's photograph, where supplied, their ticket/party (if indicated), a biography or statement submitted by each candidate and an email address if provided ("broadsheet").
- 3.5 Murdoch University operates in various jurisdictions. The Returning Officer may request election materials, including but not limited to broadsheets and election campaign materials, be altered to ensure that the cultural sensitivities and laws of the jurisdiction where voters and/or candidates are located are abided by.
- 3.6 A Financial Guild member may nominate concurrently for any positions they are eligible to be elected to on Guild Council.
  - 3.6.1 The candidate will be elected in the order of positions listed in 4.1 of the *Guild Regulations*.
  - 3.6.2 No candidate may be elected to more than one position on Guild Council.
  - 3.6.3 Any candidate who is elected to a position will then be eliminated from the counting of votes for all subsequent Guild Council positions in the election.
- 3.7 Nominations shall be lodged in writing, or by email, with the Returning Officer no later than the time and the date specified in the above notice. No nomination shall be valid unless it contains the written or emailed consent of the candidate, and is received by the Returning Officer before the close of nominations. The identity of a person who has nominated shall not be disclosed by the Returning Officer before the close of nominations.
- 3.8 Nominations can be withdrawn up to two (2) University working days prior to an electronic ballot going live.

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<sup>2</sup> "Positions" means both Guild positions and positions on University Committees when elections are held contemporaneously.

#### **4. Conduct of the Election**

4.1 Whenever a ballot is to be held, the Returning Officer shall:

4.1.1 Hold voting at one or more polling places on each Campus of the University on at least three (3) days on which teaching is scheduled, and allow the opportunity for reply-paid postal voting by students who are unable to attend the campus and who request such a vote; or

4.1.2 Conduct an electronic ballot, with each student to be sent (at least five (5) days prior to the close of voting) a notice detailing the nature of the election and instructions on how to access the electronic voting program, and allow the opportunity for reply-paid postal voting by students who, due to special needs, are unable to access the program and who request such a vote.

4.1.2.1 Any election conducted by electronic ballot shall remain open for at least four (4) days on which teaching is scheduled to be held at the Perth Campus.

4.1.2.2 For the purposes of Electronic Ballots, a Voting Booth is considered to be any device capable of being used to vote, that has the voting application open.

4.2 The ballot for the positions of Guild President, Education Vice-President, and General Secretary shall include a box for each candidate and one for "No candidate".

4.3 No Guild resources shall be used by any candidate, or their agent(s), for the production of election canvassing materials. Election canvassing material means any written, printed or photographic material, lettering, voting guide, poster, sign, leaflet, audio or visual display (including any electronic audio or visual display) whether attached to any fixed or mobile structure or not and clothing (eg t-shirts or caps); provided that such material directly or indirectly supports any candidate or has the purpose of causing or opposing the election of any candidate.

4.4 Any election canvassing materials must be paid for from the candidates' personal funds. No sponsorship is permitted. Candidates will be required to indicate on the nomination form that they will not be sponsored.

4.5 All election canvassing material, apart from clothing such as t-shirts and caps, shall bear the name of at least one named candidate and the name of the ticket if applicable, under whose authority it is published.

4.6 Within seven (7) days of the close of nominations, the Returning Officer shall make known the format of all ballot papers to any candidate who requests it.

4.7 The University Secretary may approve an electronic voting program for use where they are reasonably satisfied that the program:

- (a) will allow a voter to show consecutive preferences starting at '1';
- (b) gives a voter an opportunity to correct any mistakes before processing the voter's vote;
- (c) will allow a voter to make an informal vote showing no preferences for any candidate;
- (d) will not allow a person to find out how a particular voter cast their vote; and
- (e) will not allow a voter to vote more than once in any ballot.

## **5. Counting and Results**

- 5.1 The positions being contested shall be counted in the order of positions listed in 4.1 of the Guild Regulations.
- 5.2 If a majority of valid votes for any election is obtained by "No candidate", the Returning Officer shall declare that no candidate has been elected for that position, and shall reopen nominations and conduct another election. For the purposes of counting votes, "No candidate" shall be counted as a nominated candidate.
- 5.3 The counting of votes shall take place as soon as is practical after the close of voting. Each candidate may appoint a person who is a voter (but not a candidate) to act as a scrutineer at the counting of any paper based votes. Any candidate wishing to appoint a scrutineer must notify the Returning Officer before the close of voting. The Returning Officer shall rule on the validity of votes.
- 5.4 Where there are more than two (2) candidates for one (1) position, including "No candidate", the result of the election shall be determined by the following system of preferential voting:
  - 5.4.1 If one (1) candidate has received an absolute majority (half plus one) of the valid votes, they shall be duly elected.
  - 5.4.2 If no candidate has an absolute majority, the Returning Officer shall eliminate the candidate with the fewest first preference votes and distribute these voting slips among the remaining candidates, including "No candidate", in order of the voters' second preference. If one (1) candidate then has an absolute majority of the remaining votes, they shall be duly elected.
  - 5.4.3 If no candidate then has an absolute majority, this process shall be repeated until one (1) candidate, or "No candidate" has received an absolute majority, and this candidate shall be duly elected.
  - 5.4.4 Whenever two (2) or more candidates have an equal number of votes, and one (1) of them has to be eliminated from the vote, that candidate shall be determined by the Returning Officer by lot.
  - 5.4.5 Where the voting slip of an eliminated candidate, including "No candidate", does not indicate the voter's next preference, that

voting slip shall be deemed to be exhausted.

- 5.4.6 Where there is any repetition of a figure, or any break in the consecutive numbering of the preferences marked by a voter on a voting slip, only the preference(s) preceding such repetition or break shall be taken into account.
- 5.5 At the conclusion of the counting of votes the Returning Officer shall declare the results. These notices shall include information about the procedures for lodging a complaint or appeal.
- 5.6 The University Secretary may approve an electronic vote counting program for use where they are reasonably satisfied that the proper use of the program would give the same result in the scrutiny of the votes in an election in accordance with these regulations as would be obtained if the scrutiny were conducted without computer assistance.

## **6. Complaints, Appeals and Penalties**

- 6.1 The following actions shall constitute misbehaviour in an election:
  - 6.1.1 interfering unduly with the freedom of speech of a person during an election;
  - 6.1.2 obstructing an election meeting;
  - 6.1.3 damaging University property or fixtures in a manner calculated to affect the conduct of the elections;
  - 6.1.4 assaulting, or attempting to assault, a person in a manner calculated to affect the conduct or outcome of an election;
  - 6.1.5 hindering, obstructing, or preventing an electoral officer or candidate from discharging a duty or exercising a right under these Regulations;
  - 6.1.6 defacing, mutilating, removing, or interfering with election material belonging to another person without authority of that person or candidate for whom the election material was produced;
  - 6.1.7 directly or indirectly attempting to induce an electoral officer to alter the course of an election;
  - 6.1.8 interfering with or destroying a validly marked ballot paper, ballot box, lock, seal, electoral roll, or other objects;
  - 6.1.9 duplicating or concealing a ballot paper;
  - 6.1.10 engaging in inappropriate conduct in breach of the *Student Code of Conduct* during the campaign, including posting racist comments on social media.
  - 6.1.11 lodging frivolous or vexatious (as determined by the Returning Officer) complaints with the Returning Officer,
  - 6.1.12 Not complying with a lawful direction of the Returning Officer.

- 6.1.13 Any canvassing, anonymous or otherwise, on social media may be investigated.
- 6.2 There shall be an Election Tribunal, consisting of a nominee of the Head of Discipline of Law and Criminology who will act as Chair and two (2) persons appointed by the Guild Council prior to the calling of nominations. Members of the Tribunal are not permitted to be candidates in the elections or to canvass votes in support of any candidate.
- 6.3 The Tribunal shall have the power to hear any appeal or complaint lodged with it about the conduct of the election or the validity of the election outcome, based on errors in the electoral processes, or misbehaviour of candidates or other persons.
- 6.4 Any Guild member may appeal or complain to the Election Tribunal with respect to the conduct or outcome of an election for any position. Appeals and complaints may be submitted at any stage between the calling of nominations and five (5) University working days<sup>3</sup> after the declaration of the result for that position.
- 6.5 An appeal or complaint may be rejected by the Chair on behalf of the Tribunal where, in their view, it is vexatious, trivial, or unlikely to have bearing on the election outcome.
- 6.6 The Tribunal shall follow the principles of natural justice in its deliberations:
- 6.6.1 The student shall be given the opportunity to present their case (though this does not necessarily require an oral hearing);
  - 6.6.2 The person about whom a complaint is made shall be informed of the details of the complaint and shall have the opportunity to respond;
  - 6.6.3 Any member of the Tribunal who has a conflict of interest in hearing a particular case shall withdraw from consideration of that appeal or complaint, and shall be replaced by the person or body who appointed them;
  - 6.6.4 Where a complaint or appeal is rejected, the Tribunal shall state its reasons, which shall be communicated in writing to the person who lodged the complaint or appeal.
- 6.7 The Tribunal shall have the power to:
- 6.7.1 dismiss a complaint or appeal;
  - 6.7.2 order nominations be reopened;

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<sup>3</sup> "University working days" are defined as days that the University is open for business. Where there are variations between University campus working days, these will be read so as not to disadvantage students.

- 6.7.3 declare a nomination, or nominations, invalid;
- 6.7.4 declare valid a nomination which the Returning Officer did not accept;
- 6.7.5 instruct the Returning Officer to vary or implement an electoral process, provided this is not contrary to the requirements of the *Guild Election Regulations*;
- 6.7.6 declare that a candidate, who was declared elected, was not validly elected;
- 6.7.7 declare a candidate validly elected who was not returned elected;
- 6.7.8 declare part of an election invalid and order a new election for that position;
- 6.7.9 declare an election wholly invalid and order new elections;
- 6.7.10 impose a penalty, on any candidate.
- 6.7.11 Overturn any penalty imposed by the Returning Officer.
- 6.8 The Tribunal shall make its determination on the outcome of the elections within fourteen (14) University working days of the deadline for the lodging of appeals and complaints.
- 6.9 The Returning Officer may remove, or have removed, any election material which in their opinion is of a defamatory or inappropriate nature.
- 6.10 Where in the opinion of the Returning Officer, a candidate or a person campaigning on their behalf, is found to be in breach of any of the Campaign Rules, a penalty may be imposed.
- 6.11 Breaches of the Campaign Rules may constitute General Misconduct as set out in Schedule A of the *Student Discipline Regulations*, and matters may be dealt with under those Regulations.
- 6.12 In addition, penalties directly relating to conduct during the election processes may include:
  - a warning;
  - a directive to remove materials from websites and social media;
  - confiscation of campaign materials;
  - withdrawal of the candidates' permission to campaign (including any person campaigning on their behalf);
  - exclusion from the election;
  - disqualification from any future elections; or
  - any other remedy at the discretion of the Returning Officer

**Approval and Implementation:**

<b>Approval Authority:</b>	Senate
<b>Responsible Officer(s):</b>	University Secretary

**Revision History:**

<b>Version</b>	<b>Date Approved</b>	<b>Effective Date (if later than 'Date Approved')</b>	<b>Next Review Date</b>	<b>Resolution No. (if applicable)</b>
	29/07/2019			S/18/2019
	31/08/2016			S/21/2016
	07/08/2013			S/19/2013
	03/08/2011			S/25/2011(ii)
	04/08/2010			S/45/2010
	26/09/2009			S/26/2009
	24/05/2006			S/24/2006
	28/06/1999			S/44/1999

**Note: All enquiries relating to Legislation should be referred to the University Secretary's Office.**