



**RULE CONCERNING THE CONDUCT OF ANNUAL ELECTIONS,  
BY-ELECTIONS AND REFERENDA**

**AUTHORITY**

A Rule of the Adelaide University Union (AUU) enacted pursuant to clause 18.1 of the AUU Constitution.

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## **2. Objectives**

2.1 To regulate all aspects of the conduct of Annual Elections, By-Elections and Referenda;

2.2 To ensure that elections and referenda are held fairly and equitably;

2.3 To ensure the effective representation of all students of the University of Adelaide by the Adelaide University Union.

## **3. Application**

These Rules apply to all Elections which require annual election by students of the University of Adelaide, under the AUU constitution and AUU rules unless specified otherwise by the Constitution or relevant rule.

## **4. Definitions**

4.1 The definitions in Clause 3 of the AUU Constitution are applicable to this Rule, unless a contrary definition appears here, or a contrary intention is evident.

4.2 “Annual Elections” means the elections held annually for positions which require annual election by students of the University of Adelaide, under the AUU constitution and AUU rules

4.3 “By-Election” means any by-election for the Ordinary Members of the AUU Board, held pursuant to clause 10 of the AUU Constitution.

4.4 “Referendum” means any referendum held pursuant to clauses 23 of the AUU Constitution.

4.5 “Candidate” means any person nominating for a position which requires annual election by students of the University of Adelaide, under the AUU constitution and AUU rules

4.6 “Election Tribunal” means the Election Tribunal of the AUU.

4.7 “Permanent Employees” of the Union shall mean those employees on a permanent contract of employment with the AUU.

4.8 “Polling Booth” means a private enclave in which to fill out ballot papers which is housed within the area deemed to be the polling station

4.9 “R.O.” means the Returning Officer.

4.10 “Constitution” means the Constitution of the Adelaide University Union

4.11 “External Student” includes students of the University on exchange at institutions overseas.

4.12 “Election Material” means any material or method commenting literally or figuratively, on any candidates, or group of candidates, in an annual election or by-election, or on the issues in a referendum, or on any part of the electoral process, excluding material produced by the Returning Officer.

4.13 “Electoral Official” includes the Returning Officer, Assistant Returning Officer, Poll Clerks, Poll Supervisors, Count Assistants, and any other person officially appointed by the Returning Officer under these Rules to assist in the electoral process.

4.14 “University” means The University of Adelaide.

4.15 “Campaigner” means a student who solicits votes during Annual Elections, Referenda and By-Elections, but does not include a Candidate.

4.16 “Executive Officer” means the Executive Officer of the Adelaide University Union or a delegate that the election tribunal deems appropriate.

## **5. Interpretation**

5.1 From the time of the appointment of the Returning Officer, until the Declaration of Provisional Results, interpretation of this rule is within the sole jurisdiction of the Returning Officer. At other times, after the appointment of the AUU Election Tribunal, and before the Declaration of the Poll, interpretation of this rule is within the sole jurisdiction of the AUU Election Tribunal. At all times before the appointment of the AUU Election Tribunal, or after the Declaration of the Poll, interpretation of this Rule is within the jurisdiction of the President, pursuant to the authority of Board.

5.2 Where another Rule of the AUU is inconsistent with these Rules, the latter prevails and the former to the extent of inconsistency is invalid. The inconsistent Rule remains valid for all other purposes.

## **6. Timetable**

6.1 Annual Elections must be held in the week commencing three weeks before the non-teaching period of the second semester of the University’s academic year.

6.2 The timetable for the Annual Elections is set out in Schedule 1.

6.3 When a casual vacancy occurs which must be filled by by-election, it must be filled in accordance with the timeline in the AUU Constitution (10.1)

6.4 When a referendum is held pursuant to clause 23 of the AUU Constitution, and must be held within the timeline as per the AUU constitution section 23.

6.5 Where a conflict exists between a date specified in the Rules or Constitution, and the timetable as set out in Schedule 1, the Constitution and/or Rule will take precedence.

6.6 Where times for the conduct of referenda or by-elections are set out in this document, those times refer to referenda or by-elections that are held at times other than the period of Annual Elections. Where referenda or by-elections are held concurrently with Annual Elections, they will be held according to the same timetable as Annual

Elections.

6.7 No act, decision, or election is invalid only because it was done, made, or held after the time required by these Rules.

## **7. AUU Election Tribunal**

7.1 The AUU Board delegates its powers and duties regarding all aspects of the conduct of Annual Elections, to the AUU Election Tribunal. The AUU Board or Executive will not overturn any resolution of the Election Tribunal. The determination of the Election Tribunal on any matter in relation to the Annual Elections is conclusive, and may not be challenged or appealed within the AUU.

7.2 The AUU Election Tribunal:

7.2.1 Is responsible for the appointment of a Returning Officer to conduct the election;

7.2.2 Is responsible, from the time of its appointment until the appointment of the Returning Officer, and from the Declaration of Provisional Results until the Declaration of the Poll, for interpreting these rules; [Cross Reference clause 5]

7.2.3 Must act at all times in accordance with these Rules and the Constitution;

7.2.4 May decide all matters within its jurisdiction not provided for in these Rules or in the Constitution;

7.2.5 May, subject to these Rules, regulate its own proceedings;

7.2.6 Has jurisdiction in relation to:

7.2.6.1 The appointment of the Returning Officer;

7.2.6.2 The dismissal of the Returning Officer;

7.2.6.3 A disputed return concerning an Election or part of an Election;

7.2.6.4 A disputed return concerning a Referendum or part of a Referendum

7.2.6.5 Allegations of Misconduct by the Returning Officer, made pursuant to clause 46.

7.2.6.6 Complaints about the conduct of the election, or allegations of prohibited conduct, made pursuant to clauses 47 and 48.

7.2.7 Must decide questions of fact on the balance of probabilities.

7.2.8 May refer issues of a disciplinary nature regarding the behaviour of students of the University to the appropriate University bodies.

7.3 The AUU Election Tribunal will consist of:

7.3.1 Two nominees of the AUU Board, who must:

7.3.1.1 Hold an LLB degree or the equivalent; and

- 7.3.1.2 Have been admitted to practise as a barrister and solicitor of the Supreme Court of South Australia for more than three years before their appointment; and
  - 7.3.1.3 Not have been a candidate in AUU Annual Elections within the last five years.
- 7.3.2 One nominee of the AUU Board, who must:
- 7.3.2.1 Be a member of the academic staff of the University, employed within the School of Law; and
  - 7.3.2.2 Not have been a candidate in AUU Annual Elections within the last five years.
- 7.4 Where there is not already an existing tribunal, the AUU Election Tribunal must be appointed no later than the Monday 14 weeks before the Annual Elections, or as soon as practicable before a by-election or referendum not held in conjunction with the Annual Elections
- 7.5 The Executive Officer will invite such persons, eligible for the positions specified in 7.3.1 and 7.3.2, as he/she sees fit, to nominate for those positions. For the positions described in 7.3.1, the Executive Officer may do this in consultation with, and seek the recommendation of, the Law Society. For the positions described in 7.3.2, the Executive Officer may do this in consultation with, and seek the recommendation of, the Dean of the School of Law at the University. If the Executive Officer believes it is warranted, he/she may also advertise these positions, in such a manner as he/she sees fit.
- 7.6 The Executive Officer will consider all nominations received for positions on the AUU Election Tribunal, and make recommendation on the matter to the AUU Board.
- 7.7 The AUU Election Tribunal may only be appointed by resolution of board stating "That Board accepts the recommendations of the Executive Officer regarding appointments to the AUU Election Tribunal, and appoints those persons to the Tribunal".
- 7.8 Where the Board is not willing to accept the recommendation of the Executive Officer, it will be the responsibility of the to find alternative possible appointments, and make a corresponding recommendation to the Board.
- 7.9 Where an Election Tribunal has not been appointed by Board before the time specified in clause 7.4, the Election Tribunal must be appointed by the Vice-Chancellor of the University, as far as practicable according to the composition specified in 7.3.
- 7.10 The AUU Board must nominate one of the members described in 7.3.1 to be the convenor of the Tribunal.
- 7.11 Quorum for a meeting of the Election Tribunal will be all of its currently appointed members;
- 7.12 Rulings of the Election Tribunal will be made by the concurrence of a

simple majority of its members;

- 7.13 The Election Tribunal must meet in camera. Proceedings of the Election Tribunal, other than its formal decisions, are thus confidential and may not be reported. Decisions of the Election Tribunal must be written. Such decisions must set out the facts established. Such written decisions must be made available for inspection at the AUU Office.
- 7.14 Parties are entitled to be assisted by one student in a hearing before the Election Tribunal. No further representation or assistance will be allowed unless the Election Tribunal decides that without representation a party will be unable to fairly put its case.
- 7.15 If a member of the AUU Election Tribunal resigns, or is otherwise unable to act, the AUU Board must as soon as practicable appoint another person to that position, upon the recommendation of the Executive Officer.
- 7.16 If a member of the AUU Election Tribunal resigns, or is otherwise unable to act, or if up to two positions on the tribunal are unable to be filled, the tribunal will continue to act until such time as new members may be appointed.
- 7.17 The term of the election tribunal is not limited, and the Election Tribunal will continue to act and a member will remain a member unless they resign, or are otherwise unable to act, or are removed by a 2/3 resolution of the Board.

## **8. Appointment of the Returning Officer**

- 8.1 The Returning Officer must be appointed no later than the Monday six weeks before the Annual Elections, or as soon as practicable before a by-election or referendum not held in conjunction with the Annual Elections.
- 8.2 The AUU Election Tribunal must appoint a Returning Officer.
  - 8.2.1 The Executive Officer must set a date each year for the close of applications for the position of Returning Officer. This date must be no later than Monday eight weeks before the Annual Elections, or as soon as practicable before a by-election or referendum not held in conjunction with the Annual Elections.
  - 8.2.2 Before the date set for the close of applications, the Executive Officer of the AUU must place advertisements on the AUU employment website and any other website that the Executive Officer sees fit, calling for applications for the position of Returning Officer and detailing the requirements and responsibilities of the position. The Executive Officer must advise each member of the AUU Election Tribunal that applications for the position of Returning Officer have opened and that the position has

been advertised.

- 8.2.3 Applications must be made to the Executive Officer and must be lodged at the AUU Office before 5.00pm on the day set for the close of applications. The Executive Officer must consider the applications and make a recommendation to the Election Tribunal
- 8.2.4 The Election Tribunal may reopen applications if there is initially no applicant suitable for appointment.
- 8.2.5 The Returning Officer may not nominate to be a candidate in any election for which they are Returning Officer.
- 8.2.6 The Returning Officer will cease to hold office upon breach of clause 8.2.5, or upon the submission by the R.O to the Executive Officer of a signed letter of resignation.
- 8.2.7 In all other circumstances, the Returning Officer may only be removed by the Election Tribunal, following the process outlined in clause 10.
- 8.2.8 If the Returning Officer resigns, is removed, or is otherwise unable to act, the Election Tribunal must as soon as practicable appoint another person as Returning Officer.
- 8.2.9 The Returning Officer may be paid an Honorarium, as determined by the AUU Executive.
- 8.3 If these rules require an action to be performed by the Returning Officer and at the time the action is required to be performed no Returning Officer is appointed, the Executive Officer shall be responsible for performing that action.
- 8.4 For By-Elections and Referenda not held at the time of Annual Elections, the Executive Officer of the AUU will be the Returning Officer.
- 8.5 The term of office of the Returning Officer will be from the time of his/her appointment, until the Declaration of the Poll.

## **9. Responsibilities & Powers of the Returning Officer**

- 9.1 The Returning Officer:
  - 9.1.1 Is responsible for the conduct of the election;
  - 9.1.2 Is responsible, from the time of his/her appointment until the Declaration of Provisional Results, for interpreting these rules;
  - 9.1.3 Must act at all times in accordance with these Rules and the Constitution;
  - 9.1.4 May decide all matters not within the jurisdiction of the AUU Election Tribunal, and not provided for in these Rules



or in the Constitution;

9.1.5 May act and make such determinations as s/he sees fit, in all matters not within the jurisdiction and not provided for in these Rules or in the Constitution, provided that s/he acts fairly and her/his actions do not bring the conduct of the poll into disrepute.

9.1.6 May refer issues of a disciplinary nature regarding the behaviour of students of the University to the appropriate University bodies.

9.1.7 Must decide questions of fact on the balance of probabilities.

9.2 Without limiting the generality of 9.1.5, the Returning Officer may, if satisfied that it is warranted, because any person involved in the elections has breached these regulations, committed and act of Prohibited Conduct, or in any other way acted improperly, dishonestly, or unfairly:

9.2.1 Require a person to cease and desist from any form of campaigning for any period of time the Returning Officer deems appropriate;

9.2.2 Cause or require the removal of a person from the campus, or a specific part of the campus, for any period of time the Returning Officer deems appropriate;

9.2.3 Charge any person for the expenses resulting from any Prohibited Conduct on their part; and

9.2.4 Disqualify any candidate from the election if that candidate is found to have committed a prohibited act under clause 43.

9.3 The Returning Officer may only exercise the power specified in 9.2.2 above where a person has been warned that their continued behaviour may result in their removal from the campus, or a part of the campus. When this power is exercised, persons against whom it is exercised may appeal the decision with the Convenor of the Election Tribunal.

9.4 The Returning Officer may only exercise the power specified in 9.2.4 above where a person has been warned that their continued behaviour may result in their disqualification from the elections. When this power is exercised, persons against whom it is exercised may appeal the decision with the Convenor of the Election Tribunal. If a candidate is disqualified, their votes shall still be counted as if they are still an eligible candidate, in the event that the Convenor of the Election Tribunal overturns the ruling of the Returning Officer. Where the decision of the Returning Officer is not challenged, or upheld by the Convenor of the Election Tribunal and that candidate receives enough votes that they would have been elected if not for their disqualification, then the next candidate who would have been elected will take their place.

9.5 A determination of the Returning Officer is conclusive, and may

only be appealed to the Election Tribunal in accordance with clauses 46 or 48. Appeals against any determination the R.O. may make during the course of Elections may not be made to the AUU President, Executive, Board or to any AUU Officer, Employee, or Committee, or to a General Student Meeting.

9.6 The Returning Officer is disqualified from voting.

9.7 The Executive Officer is responsible for providing the Returning Officer with all reasonable facilities, resources and assistance required to carry out these responsibilities.

## **10. Dismissal of the Returning Officer**

If requested to do so by another member of the Election Tribunal, or the Executive Officer, the Convenor of the Election Tribunal must convene an Emergency Meeting of the Election Tribunal. The sole purpose of an Emergency Meeting of the Election Tribunal will be to conduct a hearing into any relevant allegations of Misconduct by the Returning Officer, made pursuant to clause 46, or any other evidence of serious electoral impropriety, capable of damaging the validity of the election. The AUU Election Tribunal may, if satisfied that it is warranted, dismiss the Returning Officer, and appoint a new Returning Officer. The Returning Officer may only be dismissed by a resolution of the AUU Election Tribunal.

## **11. Assistant Returning Officers and Poll Clerks**

11.1 Where the Returning Officer is appointed pursuant to clause 8.2, this clause may not apply.

11.2 The Returning officer may appoint any 2 persons to be Assistant Returning Officer(s) for the duration of the elections, who shall be permanent staff of the AUU where practicable. Such appointment must be in writing, and be made with the consent of the persons appointed, and the Executive Officer. Assistant Returning Officers will be indemnified by the AUU for any matters arising out of the proper performance of their duties.

11.3 The R.O. may appoint as many Poll Clerks, Poll Supervisors, and Count Assistants, as the R.O. deems appropriate. Such appointments must be in writing.

11.4 Where practicable, all persons appointed as Poll Clerks and Count Assistants should be student members of the AUU.

11.5 No person may be considered for the position of Polling Clerk or Poll Supervisor or Count Assistant if:

11.5.1 s/he holds or has held within the last 24 months any ordinary member elected position or office of the AUU under the AUU Constitution or Rules; and/or

11.5.2 s/he holds or has held within the last 24 months any elected position or office in any Affiliate of the AUU under that Affiliate's Constitution, Regulations or Rules; and/or

11.5.3 a member of his/her immediate family is a candidate for the election; and/or

11.5.4 s/he could be deemed by the R.O., to be involved with a candidate or group of candidates to the extent that his/her integrity may be impaired.

11.6 The names of those persons who have applied for the positions of Poll Clerk and Count Assistant, must be posted on the AUU office noticeboard for five days prior to a final selection being made. If three or more individual written submissions are received by 4:00pm on the final day of the posting, challenging the nomination of a particular applicant, then that application must be reviewed by the Returning Officer, and the applicant must be informed of this and invited to present a reply to the challenge. The Returning Officer shall then make a determination as to the suitability of that applicant for the position of Poll Clerk or Count Assistant.

11.7 Poll Clerks and Count Assistants will be paid the appropriate casual rate for the work performed.

11.8 Poll Clerks must be supervised at polling stations at all times by a Poll Supervisor, or Assistant Returning Officer.

11.9 Poll Supervisors should be members of the permanent staff of the AUU where practicable.

11.10 The R.O. will consult with Line Supervisors when determining Rosters for AUU Staff to work as Poll Supervisors. AUU Staff remain under the administrative control of their immediate supervisors.

11.11 Assistant Returning Officers, Poll Supervisors, Poll Clerks, and Count Assistants are subject to the direction and have the powers and duties determined by the Returning Officer.

11.12 The Returning Officer must ensure that Assistant Returning Officers, Poll Supervisors, Poll Clerks, and Count Assistants are conversant with their duties under these Rules.

## **12. Notice of Elections**

12.1 For the Annual Elections, the Returning Officer must ensure that an appropriate notice advertising the elections and calling for nominations is prepared. This notice must include:-

12.1.1 a list of all positions to be elected

12.1.2 a brief outline of the responsibilities of each position

12.1.3 notification of the date and time nominations open

12.1.4 notification of the date and time nominations close

12.1.5 notification of where Nomination Forms may be obtained

12.1.6 notification of where Nomination Forms may be lodged

12.2 Copies of this notice must be placed, no later than the Monday of the first week of term 3:

12.2.1 in all places required for notice of alteration to the Rules of the AUU, as specified by the AUU Constitution;

12.2.2 on such other notice boards around the University as the R.O. thinks fit;

12.2.3 via an all student email sent out by the University, or where the University will not allow this, via the AUU members email list.

12.3 A copy of this notice must be placed in no less than one edition of On Dit, as soon as practicable after the start of the second semester of the University's academic year.

12.4 For by-elections not held in conjunction with the Annual Elections, the Returning Officer must, as a minimum requirement, place copies of such a notice in all places required for notice of alteration to the Rules of the AUU, as specified by the AUU Constitution, no later than 13 academic days before the by-election.

12.5 For referenda not held in conjunction with the Annual Elections, the Returning Officer must, as a minimum requirement, place copies of such a notice in all places required for notice of alteration to the Rules of the AUU, as specified by the AUU Constitution, no later than 5 academic days before the by-election.

### **13. Opening of Nominations**

13.1 For the Annual Elections, nominations must open on the Monday three weeks before the Annual Elections.

13.2 For By-Elections, nominations must open ten academic days before the by-election.

### **14. Eligibility to Stand**

14.1 All ordinary student members of the AUU are eligible to stand for positions which require annual election by students of the University of Adelaide, under the AUU constitution and AUU rules.

14.2 Under the AUU Constitution, all Ordinary Student Members of the AUU who are over the age of 18 years, and able to hold a liquor licence and be involved in the management of an Association under the Associations Incorporation Act, are eligible to stand for election to the AUU Board.

14.3 All candidates for all positions are required to attend a session convened by the Executive Officer in order to receive information about the responsibilities of the position for which they have nominated. Where a candidate has nominated for more than one

position, they will be required to attend an information session relating to each position for which they have nominated. Sessions will be held in the week following close of nominations. The Executive Officer will provide a list of those attending information sessions to the R.O. and any candidate failing to attend the information session relevant to the position for which they have nominated will be ineligible to stand for election to that position.

14.4 To be considered an Ordinary Student Member of the AUU for the purposes of being a Candidate or a Scrutineer, a Student must hold a valid AUU Membership by the Close of Nominations.

## **15. Form of Nominations**

15.1 Nominations must include:

15.1.1 The candidate's Full Name.

15.1.2 The residential address of the candidate.

15.1.3 That the candidate agrees to abide by the Constitution, Rules and Policies of the AUU.

15.1.4 That the candidate agrees to resign from a position they are elected to if they cease to be a University of Adelaide student, or a member of the AUU.

15.1.5 The candidate's course of study, and the year they are in.

15.1.6 The candidate's main contact telephone number.

15.1.7 The candidate's Student Number.

15.1.8 The candidate's preferred email address.

15.2 If the candidate wishes to nominate an agent to act on their behalf, they must authorise the agent with their nomination.

15.3 The Returning Officer must make nomination forms available at the AUU Office, or online on the AUU's website from the opening of nominations. Nomination forms must be made available to any Ordinary Student Member who requests them in person, or who telephones or writes to the AUU. Electronic copies of the nomination form will be made available to any student who requests them via email.

## **16. Receipt of Nominations**

16.1 Nominations must be given in person to the Returning Officer, or one of the Assistant Returning Officers, or a person authorised by the Returning Officer to receive nominations, before the close of nominations. Nominations may also be sent by Registered Mail to the Returning Officer.

16.2 Nominations not received in person by the persons described

in clause 16.1 , or online in accordance with the directions of the Returning Officer, or not sent by Registered Mail, must not be accepted by the Returning Officer.

16.3 The Returning Officer must give or send the student nominating:

16.3.1 an acknowledgment of receipt of the nomination;

16.3.2 a copy of these Rules.

16.4 Where nominations are submitted in person by the candidate, or by a person specified on the nomination as empowered to act on the candidate's behalf in regard to the submission of the nomination, acknowledgment of receipt, along with a copy of these rules, must be issued immediately and in person to the candidate or their specified agent.

16.5 In all other instances, a copy of these rules and an acknowledgment of receipt of nomination must be sent to the candidate, at the address indicated on the nomination, within two academic days of the Returning Officer receiving the nomination.

16.6 The R.O. must not refuse to accept a nomination on the grounds that the Nomination Form is technically incorrect if the candidate and the position for which he/she is standing may be identified and the candidate's intention to nominate for that position is clear or can be established.

16.7 The R.O. must not accept a nomination by a person for a position where that person is not entitled under the AUU's Constitution or Rules to hold that position if s/he were elected.

16.8 The Returning Officer, Assistant Returning Officers, or any person authorised by the Returning Officer to receive nominations, must not, prior to the close of nominations, make available or cause to be made available to any other person any information about nominations received. This does not apply to the acknowledgment of receipt of nomination to a nominee personally, or their specified agent.

16.9 As soon as possible after the close of nominations, the R.O. must display on an AUU noticeboard a list of nominations received.

## **17. Policy Statements**

17.1 A candidate may submit with her/his Nomination Form a policy statement not exceeding two hundred words (including Curriculum Vitae). If the number of words in a policy statement exceeds the limit, the excess words must not be published, or in any other way made available by the Returning Officer. Where a candidate has nominated for more than one position, a candidate may submit one policy statement for each position for which they have nominated. Each policy statement must include the candidate's name and the position for which s/he is standing and must be emailed to the address indicated on the Nomination Form by the Close of Nominations. An email indicating receipt of the policy statement will be sent to

the candidate. Where no statements are received for an individual candidate by the Close of Nominations, the Returning Officer must not knowingly include a policy statement for that nomination in the published election material referred to in clause 24.

17.2 A candidate may submit a photograph of themselves attached in the email with their policy statement in a jpeg, tiff or gif format which must include the candidate's name and the position for which s/he is standing and must be emailed to the address indicated on the Nomination Form by the Close of Nominations. An email indicating receipt of the policy statement will be sent to the candidate. Where a candidate has nominated for more than one position, a candidate may submit one photograph of themselves for each position for which they have nominated. Where no photograph is received for an individual candidate by the Close of Nominations, the Returning Officer must not knowingly include a policy statement for that nomination in the published election information referred to in clause 24.

17.3 The Returning Officer must not accept any policy statement or photograph for a candidate submitted after the close of nominations.

## **18. Close of Nominations**

18.1 For the Annual Elections, nominations must be received by the Returning officer no later than 4.00pm on the Friday of the third week before the Annual Elections.

18.2 For By-Elections nominations must be received by the Returning Officer no later than 12.00pm on the day six academic days before the by-election.

18.3 The Returning Officer must not accept any nominations, policy statements or photographs lodged after this time.

## **19. Uncontested Positions**

If the number of candidates for any position does not exceed the number to be elected, the Returning Officer must declare those candidates elected as soon as their eligibility has been verified.

## **20. Draw for Ballot Paper**

20.1 If the number of candidates exceeds the number to be elected, the Returning Officer must, after the close of nominations, determine by random draw the order of those candidates on the ballot paper.

20.2 The draw must occur in a place determined by the R.O. within Union House, and must occur after the evening of the close of nominations to allow sufficient scrutiny of the process by candidates and students of the University.

20.3 Where a candidate is found to be ineligible to stand, their name shall be removed and the order of the remaining candidates shall stand as if that candidate had never nominated.

20.4 Any student will be permitted to observe the draw.

## **21. Verification of Eligibility**

21.1 The Returning Officer must verify that each person who has nominated is eligible to stand:

21.1.1 For annual elections, no later than 5.00pm four academic days after the day nominations close;

21.1.2 For by-elections, no later than 4.00pm on the day nominations close.

21.2 Where the Verification of Eligibility occurs after the Draw for the Ballot Paper, nominees determined to be ineligible to stand must be removed from the Ballot Order, and the remaining candidates re-numbered, as if the ineligible nominees had never nominated.

## **22. List of Candidates**

22.1 For Annual Elections the Returning Officer must, no later than 5.00pm five academic days after the day nominations close, cause to be placed on the AUU office noticeboard and on the AUU website, a list of all candidates in the order they will appear on the Ballot Paper.

22.2 This list will constitute notice to candidates of names as they are to be represented on the ballot sheet. It is the responsibility of the candidate to ensure that their details are correct on the list, and inform the Returning Officer of any errors.

## **23. Withdrawal of Nomination**

23.1 A candidate may withdraw at any time prior to 4.00pm on the Friday before the Opening of the Poll. If a candidate withdraws before this time the Returning Officer will cause the candidate's name to be struck off of all ballot papers prior to issue.

After this time no candidate may withdraw and votes will be counted as if the candidate remained nominated. If after counting of votes but prior to the submission of the Returning Officer's report to the Election tribunal an elected candidate informs the RO in writing that they do not wish to take up the position to which they have been elected, the R.O. is to treat the next candidate who would have been elected as having been elected in their place.

23.2 Withdrawals must be signed by the candidate.

23.3 A withdrawal will take effect upon its receipt by the Returning Officer.



## **24. Publication of election information**

24.1 For Annual Elections (and By-Elections and Referenda where appropriate), as soon as possible after nominations close, the R.O. must ensure

that the following information is posted on the AUU website:

24.1.1 Notice of the dates and times and places of polling;

24.1.2 A policy statement from each candidate who submits one before the close of nominations;

24.1.3 A photograph from each candidate who submits one before the close of nominations;

24.1.4 Each candidate's full name, and year and course of study

24.1.5 A brief explanation of the Hare-Clarke Optional Proportional Voting System

24.1.6 A list of those cards which may be used for identification for voting as provided for in clause 32.1.3, and determined by the Returning Officer.

24.1.7 A brief explanation of the expectations and legal duties of a Director of the AUU Board.

24.2 Where practicable, an e-mail must be sent to all students informing them of the website address at which the information referred to in clause 24.1 may be found on the AUU Website.

## **25. Permitted Material**

25.1 Types of Material:

25.1.1 Permitted material may include the following:

25.1.1.1 Banners

25.1.1.2 A-frame signage

25.1.1.3 Clothing

25.1.1.4 Leaflets

25.1.1.5 Badges

25.1.1.6 Text, pictures, sound and video on web pages which have been approved by the Returning Officer in accordance with these Rules.

25.1.1.7 Other types of material, where they have been specifically permitted by the Returning Officer

25.1.2 Unless specifically permitted by the Returning Officer all other types of material will be prohibited.

25.2 Notwithstanding clause 25.1.2, and 25.3 the following material can never be Permitted Material:

25.2.1 posters

- 25.2.2 stickers
  - 25.2.3 leaflets reproduced on paper heavier than 100gsm;
  - 25.2.4 leaflets reproduced on paper less than 80% recycled, as claimed by the manufacturer;
  - 25.2.5 leaflets reproduced on paper larger than A3 size (297mm x 420mm);
  - 25.2.6 leaflets reproduced on gloss paper;
  - 25.2.7 any material distributed in libraries, tutorial rooms and lecture theatres or other places of tuition or study that is not taken directly by a student from the Candidate or Campaigner;
  - 25.2.8 any material distributed in the Hub at the North Terrace campus, the Hub at the Waite campus, or the Hub at the Roseworthy campus;
  - 25.2.9 e-mail and message or post on a social media platform sent to any recipient not personally known to the sender;
  - 25.2.10 chalking and/or marking anywhere but on whiteboards or blackboards
  - 25.2.11 paid advertisements in any media, whether commercial, public or student.
  - 25.2.12 advertisements in any Student Media.
- 25.3 In the case of Constitutional Referenda the AUU may distribute any necessary material, as approved by the AUU Board
- 25.4 The Returning Officer may allocate spaces for, or in any other way control the placement of banners or A-frames by candidates or groups of candidates, in any way that he/she sees fit.
- 25.5 All candidates' electioneering and other promotional material is prohibited within at least 6 metres of any polling place.

## **26. Authorisation of Material**

- 26.1 The AUU does not indemnify any person for defamation in any election or referendum conducted under these rules.
- 26.2 Any material concerning the Annual Elections, By-Elections or Referenda, produced, displayed, or distributed after the close of nominations, that either explicitly mentions, or comments visually, literally, or figuratively on the Elections, the candidates, or the issues involved, must be authorised by the R.O. before that material is displayed or distributed, with the exception of material displayed or distributed unauthorised with the Returning Officer's knowledge in the circumstances described in clause 26.4.2. Only Permitted Material may be authorised by the Returning Officer.
- 26.3 The R.O. must not authorise material which is deemed, in the opinion of the R.O. and the Executive Officer, to be offensive.

26.4 The R.O. must not authorise the material or must withdraw authorisation as appropriate from the material, if the AUU's Solicitors determine that it is defamatory, or that it contravenes University Fair Treatment Policy.

26.4.1 The Executive Officer is responsible for obtaining legal advice when required, and must request that any opinion required from the AUU's Solicitors be received within 24 hours of being requested.

26.4.2 If any opinion required from the AUU's Solicitors is not received within 24 hours of being requested, the Returning Officer must advise the publisher of the material that they may publish the material unauthorised, at their own risk.

26.5 Material which is not deemed to be offensive pursuant to 26.3 must be authorised by R.O. if the AUU's Solicitors determine the material is not defamatory and does not contravene University Fair Treatment Policy.

26.6 Notwithstanding Clause 26.5, the R.O. may require any person submitting material to be authorised, to sign an indemnity before the R.O. so authorises that material.

26.7 All material submitted to the R.O. and authorised by him/her must have the words "Authorised by the R.O." displayed on it and every copy made of it. One copy, or a facsimile, of any material submitted to the R.O. and authorised by him/her must be kept by the R.O. to be placed on file in the AUU Office, and reproduced as part of his/her report.

26.8 Where web pages (including social media accounts) are to be used to publicise campaign material, the candidate publishing the material must submit the URL of the website to the Returning Officer for approval prior to publishing content. The candidate authorised to publish material on the page is responsible for ensuring that the Returning Officer has all necessary access to be able to view all content published on that page for the duration of the campaign period. Websites authorised by the Returning Officer must contain the statement "Page authorised by the Returning Officer. Content published by (name and student number)". The Returning Officer may require removal of any material on an approved website which is in breach of these Rules.

26.9 Where the Returning Officer has approved a web page each individual post on that web page is not required to be approved by the Returning Officer but must comply with these Rules.

26.10 All material authorised by the R.O. must have the words "Published by" followed by the name and student number of a member of the Association who is to be publisher displayed on it and every copy of it that is distributed or displayed.

26.11 All paper materials authorised by the R.O. must have the words "Please Recycle" on it and every copy of it that is to be distributed or displayed.

26.12 In the case that material for which authorisation has not been given, or for which authorisation has been withdrawn, has been circulated, including but not limited to circumstances conceived within the scope of clause 26.4.2, the Returning Officer may, if satisfied that it is warranted require that the material be taken down and/or removed from circulation by a candidate.

## **27. Dates of Polling**

27.1 Under clause 6.1 of these Rules, Annual Elections must be held in the week commencing three weeks before the non-teaching period of the second semester of the University's academic year.

27.2 Annual elections must be held over five academic days.

27.3 Under clause 6.3 of these Rules, when a casual vacancy occurs which must be filled by by-election, a by-election must be held within twenty academic days after the casual vacancy occurs.

27.4 By elections must be held on three academic days; unless the by-election coincides with the annual elections or a referendum in which case it is held across the duration of the referendum or election.

27.5 When a referendum is held pursuant to clause 23 of the AUU Constitution, the referendum must be held within 20 academic days of the receipt of the required petition by the Executive Officer. Where a referendum is held pursuant to clause 30 of the AUU Constitution, the referendum must be held within 20 days of the concurrence of Council.

27.6 Referenda must be held over a minimum of three and a maximum of five academic days, unless the referendum coincides with the annual elections, in which case it is held across the duration of the election.

## **28. Polling Places**

28.1 For Annual Elections there must as a minimum requirement be polling places:

28.1.1 on the Barr Smith Lawns or the Maths Lawns between the hours of 9am and 4:00pm on each day of elections;

28.1.2 at the Roseworthy Campus between the hours of 11:00am and 3:00pm on at least one day over which the elections are being conducted;

28.1.3 at the Waite Campus between the hours of 11:00am and 3:00pm on at least one day over which the elections are being conducted;

28.1.4 the R.O. may establish another polling place on the North Terrace Campus, in a location of high student thoroughfare or usage between the hours of 9am and 4:00 pm on each day of the elections;

28.1.5 the R.O. may open polling booths on other campuses as warranted.

28.2 For by-elections or referenda not held in conjunction with the Annual Elections there must as a minimum requirement be Polling Stations:

28.2.1 on the Barr Smith Lawns or the Maths Lawns between the hours of 9am and 4:00pm on each day of elections;

28.2.2 at the Roseworthy Campus between the hours of 11:00am and 3:00pm on at least one day over which the elections are being conducted;

28.2.3 at the Waite Campus between the hours of 11:00am and 3:00pm on at least one day over which the elections are being conducted;

28.2.4 the R.O. may open other polling booths on the North Terrace Campus, in locations of high student thoroughfare or usage between the hours of 9am and 4:00 pm on each day of the elections;

28.2.5 the R.O. may open polling booths on other campuses with a significant student population as needed. Hours of polling for any such polling booth will reflect hours of peak student use for that campus.

28.3 In the case of inclement weather the Returning Officer must make provisions for the polling stations to be housed in a suitable undercover location in an area of high student thoroughfare or usage.

28.4 In the case of building or construction which prevents the use of a particular polling station, the polling station is to be placed in another location of high student thoroughfare or usage.

## **29. Voting**

29.1 All enrolled students of the University of Adelaide may vote in Annual Elections for all positions which require annual election by students of the University of Adelaide, under the AUU constitution and AUU rules, and Referenda.

29.2 No other persons may vote in Annual Elections, or by-elections

29.3 Persons entitled to vote in Annual Elections may only vote once in each election. All votes of a student who votes or attempts to vote more than once are invalid. Where a student is found to have voted more than once in an election, their details will be requested from the University by the R.O. and published in On Dit.

29.4 Pursuant to clause 20 of the AUU Constitution, Elections and Referenda must be conducted by secret ballot, according to the definition of secret ballot in the AUU Constitution.

29.5 The R.O. will make available to all students an identifier such as a sticker which can be worn by any student to indicate they do not wish to vote in the elections or be approached by a Campaigner or Candidate.

## **30. Postal Votes**

- 30.1 Only persons eligible to vote, who apply for a postal vote in accordance with the procedure set out in this clause, will be eligible to vote by postal vote.
- 30.2 Ordinary members may apply in writing to the Returning Officer for postal votes, where that member is unable to vote during election week.
- 30.3 Applications for postal votes must quote student number, postal address, and the grounds for requesting a postal vote.
- 30.4 Applications for postal votes must be received by 4pm, five working days before the first day of election week.
- 30.5 The Returning Officer must send a ballot paper and return postage paid envelope, by post or any other reasonable method, to any person eligible to vote by postal vote, who applies in accordance with these rules for a postal vote, as soon as practicable after that application is received.
- 30.6 The name of each student who has been sent a postal vote must be marked as a Postal Voter on every Voters Roll.
- 30.7 Postal votes must be received by 4pm on the last day of voting. Postal votes received after this time will be invalid.

**31. Ballot Papers**

- 31.1 The form of ballot papers for each election is set out in Schedule 3.
- 31.2 More than one election may be included on one ballot paper.
- 31.3 A candidate's position on the Ballot paper must be determined by random draw, in accordance with clause 20 of these Rules.
- 31.4 Ballot Papers must only be issued to voters in a designated Polling Place, in accordance with clause 32, or to postal voters following the process specified in clause 30. Ballot papers must not be issued to any voter in any other manner except in accordance with clause 32.8.
- 31.5 The Returning Officer must arrange for the printing of ballot papers. A count must be kept of all ballot papers distributed to polling booths and issued to postal voters.

**32. Issuing of Ballot Papers**

- 32.1 Before a voter is issued with a ballot paper, the Polling Clerk must:
- 32.1.1 verify that the voter is eligible to vote under clause 32 of these Rules;
- 32.1.2 obtain the voter's student identification card and check the number against the roll;
- 32.1.3 initial the ballot paper;
- 32.1.4 highlight the voter's name and number on the roll;
- 32.2 Once a voter has been crossed off the student roll they will be issued

with a ballot paper.

32.3 The voter must complete the ballot papers within the polling station.

32.4 The Polling Clerk must then ask to see the voter's identification once again and witness the voter place their votes into the ballot box.

32.5 Where a person is unable to provide adequate photographic identification to a Polling Clerk, that person may not vote, unless the Returning Officer is satisfied of their identity.

32.6 A person who does not appear on the voters' roll may not vote unless the Returning Officer is satisfied of their eligibility to vote.

32.7 Where a person is unable to present themselves at a designated polling place, and has not applied for a postal vote, the Returning Officer may, if satisfied that it is warranted, issue a ballot paper to that voter, at a place of the Returning Officer's choosing. In such circumstances, the Returning Officer must initial the ballot paper personally and the Returning Officer must personally supervise the placement of the ballot paper in an authorised ballot box.

### **33. Spoilt Ballot Papers**

33.1 If a voter spoils her/his ballot paper, and still wishes to record a vote, he/she must surrender the spoilt ballot paper to the polling clerk.

33.2 The Polling Clerk must then seal the ballot papers in an envelope clearly marked "Spoilt Ballot Paper" and place it in the ballot box; and then issue a fresh ballot paper to the voter in accordance with clause 32 of these Rules.

### **34. Method of Voting**

34.1 Under the AUU Constitution and Rules, the election of ordinary student members to positions must be conducted using the Hare Clarke Optional Proportional System.

34.2 Voters must indicate their preference for candidates by placing a number one [1] against the name of the candidate of first preference and consecutive higher numbers against the names of as many other candidates of lower preference in order as they wish.

34.3 For the purpose of 34.2 above:

34.3.1 a number against the name of a candidate indicates a preference for that candidate ahead of all other candidates with higher numbers or no number against their name;

34.3.2 a vote is not formal if a first preference is not indicated.

34.3.3 a tick against the name of a candidate, where there is no number one [1] and no other tick against the name of another candidate, is deemed to be the number one; and

34.3.4 a cross against the name of a candidate, where there is no number one or a tick or another cross against the name of

another candidate, is deemed to be the number one [1].

**35. Casting of Votes**

Votes (other than postal votes) must be cast by the voter personally placing the ballot papers in a locked ballot box provided for that purpose at each polling place.

**36. Security of Ballot Papers and Voters' Rolls.**

36.1 Ballot boxes may only be unlocked by the Returning Officer.

36.2 The R.O. must, whenever a ballot box becomes full, remove the ballot papers and lock them in a secure place.

36.3 For Annual Elections the Returning Officer must, at the close of polling each day from the Monday to Thursday, lock all ballot papers, unissued ballot papers and voters' rolls in a secure place.

36.4 Immediately after the end of polling the Returning Officer must lock all unissued ballot papers and voters' rolls in a secure place other than the designated counting room. All ballot boxes must be kept in the designated counting room until emptied.

36.5 Before the commencement of counting the Returning Officer must nominate a secure place to be used as the designated counting room for the duration of counting. This room is to be kept locked when counting is not taking place. The Returning Officer must not allow ballot papers to be removed from the designated counting room, until the Declaration of Provisional Results.

36.6 Upon the Declaration of Provisional Results, the Returning Officer must lock all issued and unissued ballot papers and Voters' Rolls in a secure place other than the designated counting room.

**37. Checking of Voters' Rolls**

The Returning Officer must, before the Counting of Votes, inspect the voters' rolls for any breaches of clause 32 of these rules, or any other irregularities.

**38. Counting of Votes**

38.1 For Annual Elections, By Elections and Referendums, the Returning Officer may start counting from 1PM on the last day of polling, otherwise the Returning Officer must start counting as soon as practicable after the Close of the Poll.

38.2 The only persons who may be present in the vote counting area are the Returning Officer, Deputy and Assistant Returning Officers, Count Assistants, Polling Clerks, Scrutineers, and other persons specifically authorised by and under the supervision of the Returning Officer.



38.3 No other persons may enter the vote counting area.

38.4 The Returning Officer may exclude from the place of counting any person disrupting or not assisting with counting.

38.5 For any count taking place prior to the Close of Polls, no mobile phones, laptops or other devices with transmitting capabilities may be taken into the place of counting except for use by the RO for official counting purposes.

38.6 For any count taking place prior to the Close of Polls, no person will be permitted to leave the place of counting until the Close of Polls.

38.7 For any count taking place prior to the Close of Polls, the R.O. will take all reasonable steps to ensure that the results of any count are not communicated to any person outside the place of counting until the Close of Polls.

### **39. Scrutineers**

39.1 Candidates are able to nominate a scrutineer for the vote counting process.

39.2 The person nominated must be a current ordinary member of the AUU

39.3 The person nominated must not be a candidate in the elections.

39.4 Scrutineer nominations must be submitted to the Returning Officer no later than 5pm on the Thursday of Annual Elections. Late nominations must not be accepted.

39.5 Scrutineers must be clearly identifiable as such whilst in the vote counting area, and must wear such identifying marks as determined by the Returning Officer for that purpose.

### **40. Informal Votes**

40.1 A vote is informal only when it does not comply with Clause 34 of these Rules, and the voter's intention is not clear.

40.2 Only the Returning Officer may rule a vote informal.

40.3 Papers on which no mark has been recorded for any candidate, in any election, may be set aside in a secure place by the Returning Officer and excluded from every count and every election.

### **41. Method of Counting - Optional Preferential Hare Clarke System**

41.1 The number of first preferences recorded for each candidate must be counted.

41.2 The aggregate number of first preferences so recorded must be divided by one more than the number of candidates required to be elected, and the quotient increased by one, disregarding any remainder, will be the quota, and (except as provided in 41.21), no candidate may be elected until he or she obtains a number of votes equal to or greater than the quota.

41.3 A candidate who has, after the first preferences have been

counted, a number of such preferences equal to or greater than the quota must be declared elected.

41.4 Where the number of first preferences obtained by a candidate is equal to the quota, the whole of the ballot papers on which a first preference is recorded for that candidate must be set aside as finally dealt with.

41.5 Where the number of first preferences obtained by a candidate is in excess of the quota, the proportion of those preferences in excess of the quota must be transferred to the other candidates not yet declared elected, next in the order of the electors respective preferences, in the following manner;

41.5.1 all the ballot papers on which a first preference is recorded for the elected candidate must be re-examined, and the number of second preferences, or in the case provided for in Clause 41.23, third or next consecutive preferences, recorded for each unelected candidate must be counted;

41.5.2 the surplus of the elected candidate must be divided by the total number of votes obtained by him/her on the counting of the first preferences, and the resulting fraction will be the transfer value;

41.5.3 the number of second or other preferences, ascertained in 41.5.1 to be recorded for each unelected candidate, must be multiplied by the transfer value;

41.5.4 the resulting number, disregarding any fractional remainder, must be credited to each unelected candidate, and added to the number of votes previously obtained by him or her.

41.6 Where, on the counting of the first preferences or on a transfer, more than one candidate has a surplus, the largest surplus must be first dealt with, and if at that stage more than one candidate has a surplus, the then largest surplus will be dealt with and so on, but if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former must first be dealt with.

41.7 Where 2 or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes must be first dealt with, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer must decide which candidates surplus will be first dealt with.

41.8 Where the number of votes obtained by a candidate is increased to a number which is equal to, or exceeds, the quota by a transfer under these Rules, the candidate must thereupon be declared elected.

41.9 In a case to which 41.6 applies, notwithstanding the fact that the candidate may have reached the quota, the transfer value must be completed, and all votes to which he or she is entitled from

the transfer must be transferred to that candidate, but no other votes of any other candidate must be transferred to that candidate

41.10 Where the number of votes obtained by a candidate is increased to a number which is equal to the quota by a transfer under these Rules, the whole of the ballot papers on which such votes are recorded must be set aside as finally dealt with.

41.11 Where the number of votes obtained by a candidate is increased to a number which exceeds the quota by a transfer value under these Rules, his or her surplus must be transferred to the candidates next in the order of the voters' respective preferences, in the following manner;

41.11.1 the ballot papers on which are recorded the votes obtained by the elected candidate in the last transfer round must be re-examined, and the number of third, or in the case provided by in Clause 42.23, next consecutive preferences recorded for each unelected candidate counted.

41.11.2 the surplus of the elected candidate must be divided by the total number of ballot papers mentioned in 41.11.1 above, and the resulting fraction must be the transfer value.

41.11.3 the number of third or other preferences, ascertained in accordance with paragraph 41.11.1 above as having been recorded for each unelected candidate, must be multiplied by the last mentioned transfer value.

41.11.4 the resulting number, disregarding any fractional remainder, must be credited to each unelected candidate, and added to the number of votes previously obtained by him or her.

41.12 Where, after the first preferences have been counted and all surpluses, if any, have been transferred as provided by these Rules, no candidate, or less than the number of candidates required to be elected, has or have obtained quota, the candidate, who, at that time, has the least number of first preference votes transferred to him as provided by these Rules, must be excluded, and all votes obtained by him or her must be transferred to the candidates next in the order of the electors' respective preferences, in the same manner as provided by Clause 41.5.

41.13 The votes obtained by an excluded candidate as first preferences must first be transferred, and for the purposes of these Rules, the transfer value of each of those votes will be "one".

41.14 The other votes of an excluded candidate must then be dealt with in the order of the transfer in which, and at the transfer value at which he or she obtained them.

41.15 Each of the transfers which takes place under 41.13 or 41.14 must be deemed for all purposes to be a separate transfer.

41.16 Where the number of votes obtained by a candidate is increased to a number which is equal to, or exceeds, the quota by a transfer under these Rules, he or she must thereupon be declared elected.

41.17 In a case to which 41.16 applies, notwithstanding the fact that the candidate may have reached quota, the transfer must be completed, and all votes to which the candidate is entitled from the transfer must be transferred to him or her, but no other votes must be transferred to him or her.

41.18 Where the number of votes obtained by a candidate is increased to a number of votes which is equal to, but does not exceed, the quota, by a transfer under these Rules, the whole of the ballot papers on which those votes are recorded must be set aside as finally dealt with.

41.19 Where the number of votes obtained is increased to a number which exceeds the quota by a transfer under these Rules, his or her surplus must be transferred to the candidates next in the order of the electors respective preferences in the same manner as provided for by clause 41.11, but that surplus must not be dealt with until all the votes of the excluded candidate have been transferred.

41.20 Where a surplus exists, it must be dealt with before any other candidate is excluded.

41.21 The process of excluding the candidate who has polled the next lowest number of votes at the election and transferring to other candidates his or her votes must be repeated until all the other candidates, except the number required to be elected, have been excluded, and the unexcluded candidates who have not been so declared must then be declared elected.

41.22 Where at any time it becomes necessary to exclude a candidate, and 2 or more candidates have the same number of votes, have at that time, the least number of first preference votes transferred from them as provided by these Rules, then whichever of those candidates was recorded as having the lowest number of votes at the last count or transfer at which they had an unequal number of votes must be first excluded, and if those candidates have an equal number of votes at all preceding counts or transfers, the Returning Officer must decide which of the those candidates will be first excluded.

41.23 In determining which candidate is next in the order of an electors' preference, any candidates who have been declared elected or who have been excluded must not be considered, and the order of the electors' preferences must be determined as if the names of those candidates had not been on the ballot paper.

41.24 Where on a transfer it is found that on a ballot paper there is no candidate opposite whose name a number is placed, other than a candidate whose name has already been declared elected or excluded, the ballot paper must be set aside as exhausted.

## **42. Declaration of Provisional Results**

42.1 The Returning Officer must immediately after counting an election, provisionally declare the results.

42.2 The Returning Officer must, as soon as possible after the results of

all elections to be counted have been provisionally declared, place or cause to be placed a notice of the Declaration of Provisional Results at all locations described in clause 12.2 of these Rules. The Returning Officer must also cause the same notice to be published in the next practicable edition of On Dit.

#### **43. Prohibited Conduct**

43.1 Any dishonest conduct in an election is prohibited.

43.2 Any conduct intended or likely to mislead or deceive a voter is prohibited

43.3 Without limiting the generality of 43.1, and 43.2 the following are specifically prohibited:

43.3.1 Providing false information in or interfering with any form lodged with the Returning Officer;

43.3.2 Impersonating another person;

43.3.3 Distributing misleading, false, or defamatory statements;

43.3.4 Depositing a ballot paper in a ballot box or returning a postal ballot paper through the mail with the intention to defraud;

43.3.5 Destroying or defacing a ballot paper, ballot box, or election notice, with the intention to defraud;

43.3.6 Removing a ballot paper from the polling place with the intention to defraud;

43.3.7 Interfering with ballot papers, ballot boxes, or voters' rolls;

43.3.8 Violating the secrecy of the ballot, as defined by clause 3 of the AUU Constitution;

43.3.9 Supplying ballot papers without authority;

43.2.10 Voting more than once at the same election;

43.3.11 Defacing, mutilating, destroying or removing any notice, list or other document affixed by the Returning Officer or by his/her authority;

43.3.12 Defacing, mutilating, destroying or removing any election material without the authority of the publisher of that material;

43.3.13 Producing, distributing, or causing in any way to be made available any publicity not in accordance with clauses 25 and 26;

43.3.14 Unfairly interfering with a candidates' publicity;

43.3.15 Campaigning within the defined area of a polling place;

43.3.16 Paying a person to campaign;

43.3.17 Offering gifts or bribes or attempting to exert undue influence, including but not limited to attempting to

influence the actions of the Returning Officer or other electoral officials, offering bribes to a voter, and offering bribes to entice a person to nominate as a candidate in any elections held under these rules;

43.3.18 Using for campaign purposes any facilities of the AUU or its Affiliates not generally available to all students, including, but not limited to, office space, computers, photocopiers, stationary, cars, telephones and mobile phones, and facsimile machines;

43.3.19 Damaging AUU or University Property;

43.3.20 Failing to comply with a direction of the Returning Officer;

43.3.21 Obstructing a meeting of the AUU Election Tribunal

43.3.22 Impeding the conduct of the election;

43.3.23 Marking any ballot paper issued to another person, other than for the purposes of clause 32.1.4, or at the specific direction of the Returning Officer;

43.3.24 Making false statement in any claim, application, return or declaration, or in answer to a question under these rules;

43.3.25 Bringing Alcohol to a counting centre or within the defined area of a polling place;

43.3.26 Engaging in disorderly conduct at a polling place or counting centre;

43.3.27 Assaulting or attempting to assault a person in a manner calculated to affect the conduct of the elections

43.3.28 Campaigning, direct or indirect, or aid in campaigning in the elections, by any persons who are not students of the University of Adelaide.

43.3.29 Attempting to pursue any issue concerning the Elections with any member of the AUU Election Tribunal, except by the processes outlined in clauses 46, 47, and 48.

43.3.30 Any person to person campaigning directly aimed at a student who has indicated their desire to not participate in the election using the recognised identifier named in clause 29.5

43.3.31 Any conduct deemed to be prohibited by the Returning Officer.

43.4 For the purposes of 43.3.15 and 43.3.25, a Polling Place will be an area around the ballot box of no less than five meters distance from the ballot box. An area defining the polling place will be allocated at the Returning Officers discretion, and wherever practicable the Returning Officer must mark a line defining the polling place.

43.5 The Returning Officer may direct any person breaching any part of these rules to cease doing so. The Returning Officer may make any additional directions conceived within the scope of clause 9 of these

Rules, including disqualification of a candidate.

43.6 The Returning Officer or any student may report any acts of alleged Prohibited Conduct under of these Rules to the Election Tribunal, following the procedure specified in clause 47.

#### **44. Conduct of Campaigners**

44.1 Each Campaigner shall complete an induction as determined by the Returning Officer in accordance with this clause. For the avoidance of doubt, the Campaigner induction will be delivered online but can be delivered in person, as the R.O. deems appropriate.

44.2 The induction may include a Campaigner Code of Conduct which may be created by the Returning Officer provided that it is not inconsistent with these Rules.

44.3 The induction shall require campaigners to provide:

44.3.1 the name of the Campaigner;

44.3.2 the Campaigner's student ID number; and

44.3.3 the Campaigner's preferred email address and mobile phone number.

44.4 The induction shall contain a declaration that the Campaigner has read and understood any Code of Conduct and these Rules, and agrees to be bound by them.

44.5 The induction shall not require Campaigners to provide any information or answer any question which is not expressly provided for by this clause.

44.6 Upon completing an induction a Campaigner shall be entitled to campaign, subject to these Rules.

44.7 Upon completing an induction a Campaigner shall be issued with a registration tag which shall contain the Campaigner's name and student ID number, and a lanyard to which the Tag is attached.

44.8 For the purposes of clause 44.2, any Code of Conduct shall include information on campaigner health and welfare, (e.g. rest breaks, regular meals, sleep, academic commitments, stress and mental health), and recommendations as to how Campaigners can interact with the student population without bringing the reputation of the University and the AUU into disrepute.

#### **45. Prohibited conduct of campaigners**

45.1 A Campaigner may campaign for any candidate at any time of the duration of the Annual Elections. For the avoidance of doubt, this means that a Campaigner shall at no time be restricted to campaigning on behalf of any one or more particular candidate(s).

45.2 Notwithstanding anything contained in these Rules, the Returning Officer may only exercise any of the powers specified in clause 9.2 in respect of a person who is knowingly involved in a breach of these Rules.

45.3 Where the Returning Officer exercises the powers specified in clauses 9.2.1 and 9.2.2 in respect of a Campaigner the Returning Officer must confiscate the person's lanyard and registration tag and return them to the Campaigner when the period of time for which the power is exercised expires.

45.4 A Campaigner is prohibited from campaigning without wearing their registration tag.

#### **46. Reports of Misconduct by the Returning Officer**

46.1 If it is perceived that the Returning Officer has in any determination, action, or lack of action, breached these Rules, or committed any other act of serious Misconduct, candidates may at any time make a Report of Misconduct by the Returning Officer to the Election Tribunal.

46.2 Such reports must only be in writing, and must contain any substantiating material possible.

46.3 Such reports may be submitted to any member of the AUU Election Tribunal, or to the Executive Officer.

46.4 The Executive Officer or any member of the AUU Election Tribunal may, on receipt of such a report, if satisfied that it is warranted, contact the convenor of the Election Tribunal, to request that an Emergency Meeting of the Election Tribunal be held, for the purposes and following the procedure specified in clause 10.

#### **47. Reports of Prohibited Conduct**

47.1 Candidates may make reports of prohibited conduct to the Returning Officer at any time during the election period.

47.1.1 Such reports must be in writing and contain any substantiating material possible.

47.1.2. The Returning Officer may act within his or her powers in relation to such reports.

47.1.3 Any campaigner or candidate who makes repeated spurious Prohibited Conduct reports which are not upheld may be deemed a vexatious complainant and penalised for misconduct.

47.2 After the Declaration of Provisional Results, candidates may make reports of prohibited conduct to the Election Tribunal.

47.2.1 Such reports must only be in writing, and must contain any substantiating material possible.

47.2.2 Such reports may be submitted to any member of the AUU Election Tribunal, or to the Executive Officer.

47.2.3 Before Declaring the Poll, the Election Tribunal must investigate all reported incidents of Prohibited Conduct, and conduct such hearings as Election Tribunal deems necessary.



47.2.4 The Election Tribunal may, whether it finds there has been a breach of these Rules or not, give such directions as it sees fit.

47.2.5 If the Election Tribunal finds there has been a breach, it may formally reprimand the person reported.

47.2.6 If the Election Tribunal finds there has been a serious breach, it may disqualify the person from standing in that election, and may as a result declare that that candidate not be elected.

#### **48. Appeals Against Results of Elections**

48.1 Candidates wishing to request a recount of any election may lodge a written request for a recount with the Returning Officer. The Returning Officer will only act upon such a request if satisfied that it is warranted.

48.2 After the Declaration of Provisional Results, candidates may appeal against the result of the election by making a written submission to the AUU Election tribunal.

48.3 Such reports must only be in writing, and must contain any substantiating material possible.

48.4 Such reports may be submitted to any member of the AUU Election Tribunal, or to the Executive Officer.

48.5 Before Declaring the Poll, the Election Tribunal must investigate all such appeals, and conduct such hearings as Election Tribunal deems necessary. The candidate appealing must be given an opportunity to present their case before the Tribunal. The onus of proof in any such appeal must lie with the complainant or complainants.

48.6 If satisfied that there has been a defect in the conduct of the election which has materially affected the result, the tribunal may:

48.6.1 Order the Returning Officer to conduct a recount or recounts;

48.6.2 Declare that a Candidate not be elected;

48.6.3 Declare that another Candidate be elected;

48.6.4 Declare that an entire election or elections be declared void;

48.7 If the Election Tribunal declares that an election or elections be declared void, the Election tribunal may order a new election or elections be held, and determine the timetable for any new poll or election to be held. The Election Tribunal must appoint a Returning Officer, in accordance with clause 8 of these Rules, for that election. Where there is a conflict between the timetable for the new election determined by the election tribunal, and the timetable specified in these Rules, the former prevails, and the latter to the extent of inconsistency is invalid.

#### **49. Declaration of the Poll**

49.1 The Returning Officer must prepare a written report on the conduct of the elections and the result, and present the report to the Election tribunal. The Returning Officer's report must contain:

49.1.1 A list of the candidates declared provisionally elected to each position and the order in which they obtained quota;

49.1.2 A summary showing the number of votes for each candidate at each level of the count;

49.1.3 Details of the conduct of the elections;

49.1.4 Any recommendations of the Returning Officer; and

49.1.5 Such other information the Election Tribunal may require.

49.2 A meeting of the Election Tribunal must be convened not less than seven days after the results of all elections to be counted have been provisionally declared, to consider the Returning Officer's report and consider any reports of Prohibited Conduct, or any appeals against the results of the elections.

49.3 The Election Tribunal must deal with any reports of Prohibited Conduct according to the procedure specified in clause 47.

49.4 The Election Tribunal must deal with any appeals against the results of the elections according to the procedure specified in clause 48.

49.5 The Election Tribunal must then declare the final result of the Election.

## **50. Affiliates**

Any Affiliate of the Adelaide University Union may make a request to have the election of their positions conducted in conjunction with the Annual AUU Elections. This application must be provided in writing to the C.E.O. and the AUU President no later than Monday ten weeks before the Annual Elections. This application must state the positions to be elected and any relevant eligibility requirements for those positions. In all other areas pertaining to elections, that Affiliate agrees to be subject to these Rules.

## **51. Application of Amendments**

51.1 No amendment to these Rules made after the appointment of the Returning Officer will have effect until the conclusion of the election period.

## **HISTORY**

Replaces: Rules Regarding the Conduct of Elections First Enacted: June 5 2000

Amended: May 2002

Amended: September 2004

Amended: June 2006

Amended: October 2006

Amended: August 2009

Amended: April 2014

Amended: April 2016

## Schedule 1

The following is a schedule of critical dates for Annual Elections provided for in these Rules. It is intended to be a quick reference guide for interested parties.

<b>Time</b>	<b>Item</b>	<b>Clause</b>
Monday, 8 weeks before elections	Where there is no existing AUU election Tribunal, one must be appointed	7.4
Monday, 6 weeks before elections	Returning Officer must be appointed	8.1
Monday, first week of term 3	Notice of elections must be posted	12.2
Monday, 3 weeks before elections	Nominations must open	13.1
Friday, 3 weeks before elections	Nominations must close	18.1
2 weeks prior to elections, excluding Friday	Information session/s for all AUU Board candidates must be convened by C.E.O	14.3
Friday, 2 weeks before elections	Verification of candidate's eligibility must be complete and posted on the AUU noticeboard	21.1.1 & 22.1
Week commencing 3 weeks before the non-teaching period	Elections of the 2nd Semester	27.1
Thursday, election week	Scrutineer nomination forms must be lodged with R.O.	39.4

### Schedule 3



# ADELAIDE UNIVERSITY UNION

## 2008 BALLOT PAPER

### INSTRUCTIONS TO VOTERS

Place the number one (1) in the square adjacent the name of the candidate you most prefer, the number two (2) in the square adjacent to the name of the candidate you prefer second, and so on using consecutive numbers.

You may number as many or as few squares as you wish.

DO NOT REPEAT ANY NUMBERS.

*The method of counting votes is the Hare Clarke Optional Proportional System.*

### Election of 18 Members Adelaide University Union Board

<input type="checkbox"/> JANKOVIC Sonja	<input type="checkbox"/> LUSTICA Ashleigh	<input type="checkbox"/> BOLDING Sasha
<input type="checkbox"/> BOWERS John	<input type="checkbox"/> DAMIN Lucy	<input type="checkbox"/> ANSON Andrew
<input type="checkbox"/> FOXWELL Benjamin	<input type="checkbox"/> POTTER Chelsey	<input type="checkbox"/> YANG Fan (Eric)
<input type="checkbox"/> GOULD James	<input type="checkbox"/> BUNT Lianne	<input type="checkbox"/> WONG Claire
<input type="checkbox"/> DEERE Sam	<input type="checkbox"/> JIANG Jianbin	<input type="checkbox"/> LIM Zheng Hung
<input type="checkbox"/> BIRCHALL Catherine	<input type="checkbox"/> WISHART Jake	<input type="checkbox"/> VIRGO Jason
<input type="checkbox"/> O'BRIEN Daniel	<input type="checkbox"/> FRESCHI Yasmin	<input type="checkbox"/> RICHARDS Kit
<input type="checkbox"/> NEWMAN Rhiannon	<input type="checkbox"/> TRONNOLONE Hayden	<input type="checkbox"/> JIN Zhang Xi
<input type="checkbox"/> OVERTON Christopher	<input type="checkbox"/> MCDONNELL Simone	<input type="checkbox"/> TENG Fei
<input type="checkbox"/> JOYCE Mark	<input type="checkbox"/> BROOK Ashleigh	<input type="checkbox"/> O'LEARY Fletcher
<input type="checkbox"/> DEAN Paris	<input type="checkbox"/> WILKINS David	<input type="checkbox"/> PEREJMA Anna
<input type="checkbox"/> EMMETT-GREY Lavinia	<input type="checkbox"/> YANG Ye	<input type="checkbox"/> BILLS Daniel
<input type="checkbox"/> MITCHELL Ev	<input type="checkbox"/> ADAMS David	<input type="checkbox"/> FROMM Aaron

IF YOU SPOIL YOUR BALLOT PAPER YOU MAY EXCHANGE IT FOR ANOTHER ONE  
PUBLISHED AND AUTHORISED BY THE RETURNING OFFICER, AUGUST 2008

### RULES CONCERNING THE CONDUCT OF ANNUAL ELECTIONS