



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

AUTHORITY

A Rule of YouX (historically the Adelaide University Union) enacted pursuant to clause 20.1 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 YouX.

3. Application

These Rules apply to all Elections which require annual election by students of the University of Adelaide, under the AUU constitution and YOUX 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 YouX rules
- 4.3 “By-Election” means any by-election for the Ordinary Members of YouX Board, held pursuant to clause 10 of the AUU Constitution.
- 4.4 “Student media election” means any election for the Student Media Directors position, held pursuant to the Rule Concerning Student Media.
- 4.5 “Referendum” means any referendum held pursuant to clauses 23 of the AUU Constitution.
- 4.6 “Candidate” means any person nominating for a position which requires annual election by students of the University of Adelaide, under the AUU constitution and YouX rules
- 4.7 “Election Tribunal” means the Election Tribunal of YouX.
- 4.8 “Permanent Employees” of the Union shall mean those employees on a permanent contract of employment with YouX.
- 4.9 “Polling place” means a space designated by the Returning Officer pursuant to clause 20 of the Election Rules where electioneering is strictly prohibited within a space of no less than five meters from the fixed device designated for students to vote privately at their discretion.
- 4.10 “R.O.” means the Returning Officer.
- 4.11 “Constitution” means the Constitution of the Adelaide University Union
- 4.12 “External Student” includes students of the University on exchange at institutions overseas.
- 4.13 “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.

4.14 “Electoral Official” includes the Returning Officer, Assistant Returning Officers, and any other person officially appointed by the Returning Officer under these Rules to assist in the electoral process.

4.15 “University” means The University of Adelaide.

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

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

4.18 “Results Room” means the space the Returning Officer has designated to generate the election results following the close of polls.

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 YouX Election Tribunal, and before the Declaration of the Poll, interpretation of this rule is within the sole jurisdiction of YouX Election Tribunal. At all times before the appointment of YouX 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 In interpreting and applying these Rules, YouX Election Tribunal shall pay appropriate regard to, but is not strictly bound by, previous decisions of YouX Election Tribunal.

5.3 Where another Rule of YouX 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 Student Media Elections must be held in the week commencing two weeks before the non-teaching period of the second semester of the University’s academic year.

6.3 The timetable for the Annual Elections and Student Media Elections is set out in Schedule 1.

6.4 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)

- 6.5 When a referendum is held pursuant to clause 23 of the AUU Constitution, it must be held within the timeline as per the AUU constitution section 23.
- 6.6 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.
- 6.7 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.
- 6.8 No act, decision, or election is invalid only because it was done, made, or held after the time required by these Rules.

7. YOUX Election Tribunal

- 7.1 The YouX Board delegates its powers and duties regarding all aspects of the conduct of Annual Elections and Student Media Elections, to the YouX Election Tribunal. The YouX 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 or Student Media Elections is conclusive, and may not be challenged or appealed within YouX.
- 7.2 YouX Election Tribunal:
 - 7.2.1 Is responsible for the appointment of a Returning Officer to conduct elections;
 - 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 Student Media Election or part of a Student Media Election;
- 7.7.6.4 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 42.
- 7.2.6.6 Complaints about the conduct of the election, or allegations of prohibited conduct, made pursuant to clauses 42, 43 and 44.
- 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 YouX Election Tribunal will consist of:
 - 7.3.1 Two nominees of YouX Board, who must:
 - 7.3.1.1 Hold an LLB degree or the equivalent; and
 - 7.3.1.2 Have been admitted to practice 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 YOUX Annual Elections within the last five years.
 - 7.3.2 One nominee of the YOUX 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 YOUX Annual Elections within the last five years.
- 7.4 Where there is not already an existing tribunal, the YOUX Election Tribunal must be appointed no later than the Monday 8 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 YOUX Election Tribunal, and make recommendation on the matter to the YOUX Board.

- 7.7 The YOUX Election Tribunal may only be appointed by resolution of board stating “That Board accepts the recommendations of the Executive Officer regarding appointments to the YOUX 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 Executive Officer 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 YouX 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 In any complaint or appeal brought before the YOUX Election Tribunal:
 - 7.13.1 The YouX Election Tribunal’s primary focus shall be a consideration of the factual basis or substance of the complaint or appeal;
 - 7.13.2 The YouX Election Tribunal may have regard to, but is not constrained by, particular invocations of particular Rules contained in the complaint or appeal;
 - 7.13.3 In performing its functions or exercising one or more powers provided for in these rules, the YouX Election Tribunal will primarily be guided by:
 - 7.13.3.1 the objectives in the Rules; and
 - 7.13.3.2 the principles of equity, good conscience and the merits of the matter;
 - 7.13.4 The onus of proof shall lie with the complainant or appellant.
- 7.14 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 YOUX Office.
- 7.15 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.
- 7.16 If a member of the YouX Election Tribunal resigns, or is otherwise unable to act, the YouX Board must as soon as practicable appoint another person to that position, upon the recommendation of the

Executive Officer.

- 7.17 If a member of the YouX 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.
- 7.18 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 and Student Media Elections, or as soon as practicable before a by-election or referendum not held in conjunction with the Annual Elections.
- 8.2 The YouX 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 The Returning Officer must not have been a candidate in YouX Annual Elections within the last five years and /or the Executive Officer of YouX.
 - 8.2.3 Before the date set for the close of applications, the Executive Officer of YouX must place advertisements on YouX 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 YouX Election Tribunal that applications for the position of Returning Officer have opened and that the position has been advertised.
 - 8.2.4 Applications must be made to the Executive Officer and must be lodged at YouX 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
 - 8.2.5 The Election Tribunal may reopen applications if there is initially no applicant suitable for appointment.
 - 8.2.6 The Returning Officer may not nominate to be a candidate in any election for which they are Returning Officer.

- 8.2.7 The Returning Officer will cease to hold office upon breach of clause 8.2.6, or upon the submission by the R.O to the Executive Officer of a signed letter of resignation.
- 8.2.8 In all other circumstances, the Returning Officer may only be removed by the Election Tribunal, following the process outlined in clause 10.
- 8.2.9 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.
- 8.2.10 The Returning Officer may be paid an Honorarium, as determined by the YouX 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 YouX 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 YouX 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 an 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 42 or 43. Appeals against any determination the R.O. may make during the course of Elections may not be made to the YouX President, Executive, and Board or to any YouX 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 YOUX 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 YOUX 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 YouX 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 YouX for any matters arising out of the proper performance of their duties.

11.3 The R.O. may appoint additional election staff as the R.O. deems appropriate. Such appointments must be in writing.

11.4 Where practicable, all persons appointed as election staff should be student members of YouX.

11.5 The names of those persons who have applied for the positions of election staff must be posted on YouX office noticeboard and YouX website under the "Elections" tab for five days prior to a final selection being made. If three or more but less than six individual written submissions are received by 4:00pm on the final day of 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 election staff.

11.6 No person may be considered for the election staff if:

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

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

11.6.3 a member of his/her immediate family is a candidate for the

election; and/or

11.6.4 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.

11.6.5 Six or more individual written submissions are received in accordance with clause 11.5.

11.7 Election staff will be paid the appropriate casual rate for the work performed.

11.8 The Assistant Returning Officers and other election staff are subject to the direction and have the powers and duties determined by the Returning Officer.

11.9 The Returning Officer must ensure that the Assistant Returning Officers and other election staff are conversant with their duties under these Rules.

12. Notice of Elections

12.1 For the Annual Elections and Student Media 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 YouX, 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 YouX 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 YouX, as specified by YouX 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 YouX, 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 the Student Media Elections, nominations must open on the Monday three weeks before the Student Media Elections.

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

14. Eligibility to Stand

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

14.2 Under the AUU Constitution, all Ordinary Student Members of YouX 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 YouX 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 YouX for the purposes of being a Candidate or a Scrutineer, a Student must hold a valid YouX 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 YouX.
- 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 YouX.
- 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.
- 15.1.9 The candidate's team if running as part of one in the Student Media Elections.
- 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 YouX Office and online on the YouX'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 YouX. 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, must be issued immediately and in person to the candidate or their specified agent however a copy of the Rules may be sent to the candidate via their preferred email dress within 24 hours of the nomination submission.

- 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 YOUX noticeboard and YouX Website 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 giff 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 Candidates for On Dit Editor may submit a Mock Dit for display on YouX website or other appropriate forums. This will not be included in the policy statement word count.

17.4 Candidates for On Dit Radio Director may submit proposed programming. This will not be included in the policy statement word count.

17.5 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 the Student Media Elections, nominations must be received by the Returning Officer no later than 4.00pm on the Friday of the third week before the Student Media Elections.

18.3 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.

18.4 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

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. The draw must occur in a place determined by the Returning Officer, 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. 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. 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 and student media 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 and Student Media Elections the Returning Officer must, no later than 5.00pm five academic days after the day nominations close, cause to be placed on YouX office noticeboard and on YouX 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.

22.3 Candidates must inform the Returning Officer of any errors by no later than the Monday before the polling period. Any advice to the Returning Officer regarding errors must not be accepted after this time.

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 Student Media 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 YouX 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 brief explanation of the expectations and legal duties of a Director of YouX 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 YouX 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 stickers
- 25.2.2 leaflets reproduced on paper heavier than 100gsm;
- 25.2.3 leaflets reproduced on paper less than 80% recycled, as claimed by the manufacturer;
- 25.2.4 leaflets reproduced on paper larger than A3 size (297mm x 420mm);
- 25.2.5 leaflets reproduced on gloss paper;
- 25.2.6 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;
- 25.2.7 any material distributed in the Hub at the North Terrace campus, the Hub at the Waite campus, or the Hub at the Roseworthy campus;
- 25.2.8 e-mail and message or post on a social media platform sent to any recipient not personally known to the sender;
- 25.2.9 chalking and/or marking anywhere but on whiteboards or blackboards;
- 25.2.10 paid advertisements in any media, whether commercial, public or student;
- 25.2.11 advertisements in any Student Media;
- 25.2.12 advertisements in any affiliates' social media. Affiliates includes clubs registered with YouX;
- 25.2.13 advertisements in commercial media.
- 25.2.14 Advertisements in any organization/s and/or service/s funded within the last five years by Student Services and Amenities Fees (SSAF)'s social media.
- 25.2.15 Non-personal social media profile(s) and or post(s), that are visible to the general public.
- 25.2.16 Any comments 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 on any organisations/s and/or service/s funded within the last five years by Student Services and Amenities Fees (SSAF)'s social media.
- 25.2.17 Politically affiliated social media, which includes but is not limited to: Federal and/or State political party social media pages. This will result in immediate disqualification of the candidate(s).
- 25.2.18 Any federal and/or state political party campaign material(s). This includes but is not limited to political party logos, corflutes, banners, stickers and any material printed by members of parliament and political parties. This will result in immediate disqualification of the candidate(s) who uses the material.

- 25.3 In the case of Constitutional Referenda, YouX may distribute any necessary material, as approved by the YOUX 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 YouX 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 YouX'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 YouX's Solicitors be received within 24 hours of being requested.
 - 26.4.2 If any opinion required from YouX'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 YouX'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 YouX 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 published 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 Under clause 6.2 of these Rules, Student Media Elections must be held in the week commencing two weeks before the non-teaching period of the second semester of the University’s academic year.
- 27.3 Annual elections must be held over five academic days.
- 27.4 Student Media Elections must be held over five academic days.
- 27.5 Under clause 6.4 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.
- 27.6 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.

27.7 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.

27.8 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. Voting

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

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

28.3 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 Returning Officer. and published in On Dit.

28.4 All persons entitled to vote in Annual Elections will be sent notification of the elections to their student emails and personal emails (where appropriate for overseas students) with a link to the online ballot included.

28.5 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.

29. Optional On Campus Voting

29.1 Returning Officer shall make available a private and secure voting area on campus between the hours of 9am and 4pm of the days of polling for voters to utilize at their discretion. This voting area must include a fixed computer or other suitable device for eligible voters to vote on and afford privacy to voters as they complete their vote.

30. Ballot Papers

30.1 A candidate's position on the Ballot paper will be determined by random draw, in accordance with clause 20 of these Rules.

30.2 Ballots must only be issued to voters electronically once they have verified their eligibility by logging onto the election system with their student ID and password.

31. Method of Voting

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

31.2 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.

31.3 For the purpose of 31.2 above:

31.3.1 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;

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

31.3.3 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

31.3.4 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].

32. Casting of Votes

Votes must be cast by the voter personally by affirming their voting intentions and clicking to confirm they wish to cast their vote.

33. Security of Ballot Papers and Voters' Rolls.

33.1 Only online election modules which fully comply with all relevant State and Federal legislation and policies may be utilized for the elections held under these rules.

33.2 No voting results other than the total number of votes cast may be revealed to any individual until the close of polls.

33.3 The voting database in which completed ballots are stored must be hosted on a cloud-based database that is accessible only to select provider staff and firewall protected.

34. Counting of Votes

34.1 For Annual Elections, Student Media Elections, By Elections and

Referendums, the Returning Officer must designate a secure Results Room where as soon as practicable after the close of polls the elections results must be generated.

34.2 The only persons who may be present in the Results Room are the Returning Officer, Assistant Returning Officers, Scrutineers, and other persons specifically authorised by and under the supervision of the Returning Officer.

34.3 No other persons may enter the Results Room.

34.4 The Returning Officer may exclude from the Results Room any person disrupting or not assisting with the election process.

35. Scrutineers

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

35.2 The person nominated must be a current ordinary member of YouX

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

35.4 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.

35.5 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.

36. Informal Votes

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

36.2 Only the Returning Officer may rule a vote informal.

36.3 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.

37. Method of Counting - Optional Preferential Hare Clarke System

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

37.2 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 37.21), no candidate may be elected until he or she obtains a number of votes equal to or greater than the

quota.

- 37.3 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.
- 37.4 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.
- 37.5 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;
- 37.5.1 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 37.23, third or next consecutive preferences, recorded for each unelected candidate must be counted;
- 37.5.2 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;
- 37.5.3 the number of second or other preferences, ascertained in 37.5.1 to be recorded for each unelected candidate, must be multiplied by the transfer value;
- 37.5.4 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.
- 37.6 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.
- 37.7 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.
- 37.8 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.

- 37.9 In a case to which 37.6 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
- 37.10 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.
- 37.11 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;
- 37.11.1 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 37.23, next consecutive preferences recorded for each unelected candidate counted.
- 37.11.2 the surplus of the elected candidate must be divided by the total number of ballot papers mentioned in 37.11.1 above, and the resulting fraction must be the transfer value.
- 37.11.3 the number of third or other preferences, ascertained in accordance with paragraph 37.11.1 above as having been recorded for each unelected candidate, must be multiplied by the last mentioned transfer value.
- 37.11.4 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.
- 37.12 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 37.5.
- 37.13 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”.
- 37.14 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.
- 37.15 Each of the transfers which takes place under 37.13 or 37.14 must be deemed for all purposes to be a separate transfer.
- 37.16 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.
- 37.17 In a case to which 37.16 applies, notwithstanding the fact the 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.
- 37.18 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.
- 37.19 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 37.11, but that surplus must not be dealt with until all the votes of the excluded candidate have been transferred.
- 37.20 Where a surplus exists, it must be dealt with before any other candidate is excluded.
- 37.21 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.
- 37.22 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.
- 37.23 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.

37.24 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.

38. Declaration of Provisional Results

38.1 The Returning Officer must immediately after generating the elections results, provisionally declare the results.

38.2 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.

39. Prohibited Conduct

39.1 Any dishonest conduct in an election is prohibited.

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

39.3 Any conduct of a threatening, intimidatory, or violent nature, whether directed at other candidates, students or at any other person, and whether intended to coerce or otherwise, is strictly prohibited. For the avoidance of doubt, threats and/or intimidatory acts, need not be physical in nature.

39.4 Without limiting the generality of 39.1, 39.2, and 39.3 the following are specifically prohibited:

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

39.4.2 Impersonating another person;

39.4.3 Distributing misleading, false, or defamatory statements;

39.4.4 Completing or interfering with a ballot issued to another voter with the intention to defraud;

39.4.5 Destroying or defacing an election notice, with the intention to defraud;

39.4.6 Removing on campus voting devices from the on campus voting booth with the intention to defraud;

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

39.4.8 Supplying ballot papers without authority;

39.4.9 Voting more than once at the same election;

- 39.4.10 Defacing, mutilating, destroying or removing any notice, list or other document affixed by the Returning Officer or by his/her authority;
- 39.4.11 Defacing, mutilating, destroying or removing any election material without the authority of the publisher of that material;
- 39.4.12 Producing, distributing, or causing in any way to be made available any publicity not in accordance with clauses 25 and 26;
- 39.4.13 Unfairly interfering with a candidates' publicity;
- 39.4.14 Campaigning within the defined area of a polling place or other exclusion zones as determined by the Returning Officer. At their discretion, the Returning Officer shall mark the exclusion zones around the main entrances of university buildings on the North Terrace campus with visible lines
- 39.4.15 Paying a person to campaign;
- 39.4.16 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;
- 39.4.17 Using for campaign purposes any facilities or asset of YouX or its Affiliates or YOUX registered clubs not generally available to all students, including, but not limited to, bank funds, cash on hand, office space, computers, photocopiers, stationary, cars, telephones and mobile phones, social media, and facsimile machines;
- 39.4.18 Damaging YOUX or University Property;
- 39.4.19 Failing to comply with a direction of the Returning Officer;
- 39.4.20 Obstructing a meeting of the YOUX Election Tribunal;
- 39.4.21 Impeding the conduct of the election;
- 39.4.22 Making false statement in any claim, application, return or declaration, or in answer to a question under these rules;
- 39.4.23 Bringing Alcohol to a Results Room or within the defined area of a polling place
- 39.4.24 Engaging in disorderly conduct at a polling place or results room;
- 39.4.25 Using any words or conduct or combination of the two through any medium whatsoever to threaten, intimidate or improperly coerce any other person (whether specified

or not in the complaint, and whether the accused person intended such an outcome) to act or to refrain from acting in a particular way in relation to the election.

- 39.4.26 Assaulting or attempting to assault a person in a manner calculated to affect the conduct of the elections
- 39.4.27 Campaigning, direct or indirect, or aid in campaigning in the elections, by any persons who are not students of the University of Adelaide.
- 39.4.28 Attempting to pursue any issue concerning the Elections with any member of the YOUX Election Tribunal, except by the processes outlined in clauses 42, 43, and 44.
- 39.4.29 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 28.5
- 39.4.30 Any conduct deemed to be prohibited by the Returning Officer.

39.5 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. 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 43.

39.6 A person who directs another person to engage in Prohibited Conduct shall themselves be deemed to have directly engaged in, or at least been involved in, that Prohibited Conduct, and will be in contravention of these Rules

40. Conduct of Campaigners

40.1 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 Returning Officer deems appropriate.

40.2 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.

40.3 The induction shall require campaigners to provide:

- 40.3.1 the name of the Campaigner;
- 40.3.2 the Campaigner's student ID number; and
- 40.3.3 the Campaigner's preferred email address and mobile phone number.

40.4 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.

- 40.5 The induction shall not require Campaigners to provide any information or answer any question which is not expressly provided for by this clause.
- 40.6 Upon completing an induction a Campaigner shall be entitled to campaign, subject to these Rules.
- 40.7 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.
- 40.8 For the purposes of clause 40.2, 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 YouX into disrepute.

41. Prohibited conduct of campaigners

- 41.1 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).
- 41.2 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.
- 41.3 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.
- 41.4 A Campaigner is prohibited from campaigning without wearing their registration tag.

42. Reports of Misconduct by the Returning Officer

- 42.1 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.
- 42.2 Such reports must only be in writing, and must contain any substantiating material possible.
- 42.3 Such reports may be submitted to any member of the YOUX Election Tribunal, or to the Executive Officer.
- 42.4 The Executive Officer or any member of the YOUX 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.

43. Reports of Prohibited Conduct

43.1 Any person directly affected by Prohibited Conduct in relation to an election may make a report of that conduct to the Returning Officer at any time during the election period.

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

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

43.1.3 Any person who makes repeated spurious reports of Prohibited Conduct to the Returning Officer which are not substantiated may be deemed a vexatious complainant, and the Returning Officer may make such further orders as are necessary and reasonable in relation to a vexatious complainant, including but not necessarily penalising a candidate or campaigner for misconduct.

43.2 After the Declaration of Provisional Results, any person directly affected by Prohibited Conduct in relation to that election may make a report of that conduct to the Election Tribunal.

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

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

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

43.2.4 Election Tribunal may, whether it finds a person has engaged in Prohibited Conduct or not, give such directions as it sees fit.

43.2.5 If the Election Tribunal finds a person has engaged in Prohibited Conduct, it may:

43.2.5.1 formally reprimand that person;

43.2.5.2 disqualify that person from standing in that or any subsequent election;

43.2.5.3 prohibit that person from having any involvement in any capacity in any subsequent election or elections;

43.2.5.4 declare that person not be elected;

43.2.5.5 declare that the results of any part of the,

or of the entire, election be declared void and the election be held again without that person being involved;

43.2.5.6 where the Election Tribunal considers it equitable and fair to do so, not hold a further election, but declare that another, appropriate Candidate be elected in lieu of the person found to have engaged in Prohibited Conduct.

44. Appeals Against Results of Elections

- 44.1 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.
- 44.2 After the Declaration of Provisional Results, candidates may appeal against the result of the election by making a written submission to the YOUX Election tribunal.
- 44.3 Such reports must only be in writing, and must contain any substantiating material possible.
- 44.4 Such reports may be submitted to any member of the YOUX Election Tribunal, or to the Executive Officer.
- 44.5 Before Declaring the Poll, the Election Tribunal must investigate all such appeals, and conduct such hearings as Election Tribunal deems necessary.
- 44.6 If satisfied that there has been a defect in the conduct of the election which has materially affected the result, the tribunal may:
 - 44.6.1 Order the Returning Officer to conduct a recount or recounts;
 - 44.6.2 Declare that a Candidate not be elected;
 - 44.6.3 Declare that another Candidate be elected;
 - 44.6.4 Declare that the results of any part of the, or of the entire, election be declared void.
- 44.7 If under either Rule 43 or Rule 44 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.

45 Declaration of the Poll

- 45.1 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:
- 45.1.1 A list of the candidates declared provisionally elected to each position and the order in which they obtained quota;
 - 45.1.2 A summary showing the number of votes for each candidate at each level of the count;
 - 45.1.3 Details of the conduct of the elections;
 - 45.1.4 Any recommendations of the Returning Officer; and
 - 45.1.5 Such other information the Election Tribunal may require.
- 45.2 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.
- 45.3 The Election Tribunal must deal with any reports of Prohibited Conduct according to the procedure specified in clause 43.
- 45.4 The Election Tribunal must deal with any appeals against the results of the elections according to the procedure specified in clause 44.
- 45.5 The Election Tribunal must then declare the final result of the Election.

46 Affiliates

- 46.1 Any Affiliate of the Adelaide University Union may make a request to have the election of their positions conducted in conjunction with the Annual YOUX Elections. This application must be provided in writing to the E.O. and YouX 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.
- 46.2 In the event that no application from the Affiliate is received by the E.O. and YouX President by the date listed in clause 46.1, YouX President will notify the Affiliate that their elections will be held in conjunction with the Annual YOUX Elections unless a request indicating otherwise is provided in writing to the E.O. and YOUX President no later than Monday nine weeks before the Annual Elections.
- 46.3 In the event that Rule 46.2 applies, the Returning Officer shall determine the position list and eligibility criteria based on the recorded Rules and Policies kept on file by YouX.

47 Application of Amendments

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

Version Control Table

Version	Author	Date	UC	Changes
V1.0		5/06/2000		First Enacted
V2.0		05/2002		
V3.0		06/2006		
V4.0		10/2006		
V5.0		08/2009		
V6.0		04/2014		
V7.0	Oscar Ong	08/04/2019	27/05/2019	Rules update for relevance.
V8.0	Oscar Ong	12/08/2019	12/2019	Created Clause 8.2.2
V9.0	Idris Martin Summa Gilbert, Stella Woo	9/10/2019 25/08/2020 03/09/2020	21/9/2020	Online Election – Clause changes / additions: 4.8, 4.13, 4.17,6.4, 7.2.6.5, 7.2.6.6, 7.10, 9.5, 11.2, 11.3, 11.4, 11.5, 11.6, 11.6.1, 11.6.2, 11.6.3, 11.6.4, 11.6.5, 11.7, 11.8, 11.9, 15.3, 16.9, 20, 25.2.14, 25.2.15, 25.2.16, 28.4, 29, 29.1, 29.2, 32, 33, 33.1, 33.2, 33.3, 34, 34.1, 34.2, 33.3, 33.4, 38.1, 38.2, 39, 39.4, 39.4.1, 38.4.2, 38.4.3, 39.4.4, 39.4.5, 39.4.6, 39.4.7, 39.4.8, 39.4.9, 39.4.10, 39.4.11, 39.4.12, 39.4.13, 39.4.14, 39.4.15, 39.4.16, 39.4.17, 39.4.18, 39.4.19, 39.4.20, 39.4.21, 39.4.22, 39.4.25, 39.4.26, 39.4.27, 39.4.28, 39.4.29, 38.5, 38.6, 39.8, 44.7, 45.3, 45.4, 46.1, 46.2, 46.3 Remove: 20.1, 20.2, 20.3, 20.4, 24.1.6, 28 (entire- old), 30 (entire – old), 32 (entire – old), 33 (entire – old)
V 10.0	Summa Gilbert, Idris Martin, Chuyue Qin	May 2021 AUU Board Meeting	22/06/2021	Amend Clauses 6.3, 7.1, 7.2.1, 8.1,12.1,21.1.1,22.1,24.1,25.2.15,27.5,28.1,34.1 Add Clauses 4.4,6.2,7.2.6.4,13.2,15.1.9,17.3,17.4,18.2,27.2,27.4
V 11.0	Oscar Ong	June 2022 AUU Board Meeting	27/06/2022	Add Clauses: 25.2.17, 25.2.18 Amend Clause: 25.2.15

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.

Time	Item	Clause
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, second week of term 3	Notice of Student Media Election must be posted	12.3
Monday, 3 weeks before elections	Nominations must open	13.1
Monday, 3 weeks Before Student Media Elections	Student media nominations must open	13.2
Friday, 3 weeks before elections	Nominations must close	18.1
Friday, 3 weeks Before Student Media Elections	Student media nominations must close	18.2
2 weeks prior to must elections, excluding convened by E.O. Friday	Information session/s for all YOUX Board candidates 14.3	be
Friday, 2 weeks before elections	Verification of candidate's eligibility must be complete and posted on the YOUX noticeboard	21.1.1 & 22.1
Week commencing 3 weeks before the non-teaching period of the 2nd Semester	Elections	27.1
Thursday, election week	Scrutineer nomination forms must be lodged with R.O.	35.4

