

BYE-LAW 3

Elections

Definitions

Words and phrases used in this Bye-Law have the same meaning as ascribed to them in the Articles of Association, or in the Bye-Laws, unless the context otherwise requires.

3.1. Returning Officer

3.1.1. The will be a Returning Officer who will supervise the conduct of all elections to which this Bye-Law applies:

3.1.1.1. Executive Officers (Executive Officer Trustees)

3.1.1.2. Section Chairs

3.1.1.3. AU Sports Clubs Officer

3.1.2. The Returning Officer will be appointed on an annual basis by the Vice President and approved by the Trustee Board. The appointed Returning Officer cannot be:

3.1.2.1. a member of the Students' Union;

3.1.2.2. a trustee of the Students' Union;

3.1.2.3. an employee of the Students' Union;

3.1.2.4. an alumnus of less than 5 years.

3.1.3. The Returning Officer shall have sole authority to interpret this Bye-Law 3 and such interpretations shall not be subject to challenge in any meeting of the Union. The Returning Officer will have authority to:

3.1.3.1. Order a recount;

3.1.3.2. Annul an election and order a new one in its place.

3.2. Acting Returning Officer

3.2.1. The Acting Returning Officer will be the Vice President. The Acting Returning Officer may appoint other members of Staff to be an assisting Returning Officers for the duration of an election, who may be delegated any of their functions or roles.

3.2.1.1. If a conflict of interest exists between the Vice President and

any candidate running, they must declare it to the Elections Sub-committee upon ratification of the nominations; and

3.2.1.2. Relinquish all administration during the period of the election, which will be deferred through the following representatives and approved at a minuted meeting:

3.2.1.2.1. The Union President, if a conflict of interest exists;

3.2.1.2.2. The Chair of Democracy and Representation Committee, if a conflict of interest exists;

3.2.1.2.3. An Executive Officer approved by the Democracy and Representation Committee.

3.2.2. The Acting Returning Officer will issue Operational Guidelines to all Students' Union staff members involved in the administration of an election will govern their conduct.

3.2.3. Notwithstanding Article 1 (Definitions and Interpretation), any question on the interpretation of this Bye-Law or issued guidelines will be resolved by the Returning Officer.

3.2.4. The Acting Returning Officer will have power to:

3.2.4.1. Disqualify or penalise candidates;

3.2.4.2. Give direction to candidates during an election.

3.3. **Election Sub-Committee**

3.3.1. The Election Sub-Committee will ensure that the election is conducted in accordance with this Bye-Law and issued guidelines; and

3.3.2. Will assist the Acting Returning Officer in their duties.

3.4. **Election details and timings**

3.4.1. The Acting Returning Officer will publish election details at least 4 (four) term-weeks in advance of the opening of nominations and will include:

3.4.1.1. The dates and time of the opening and closing of nominations

3.4.1.2. The dates and times of the opening and closing of voting period;

3.4.1.3. The positions that are to be contested in the election; and how candidates may submit their nominations.

- 3.4.2. The Returning Officer may, at the request of the Acting Returning Officer, alter any of the election details already published, provided that the revised details are published at least 2 (two) weeks in advance of the opening of nominations.
- 3.4.3. Voting will only take place during term-time as defined by the University calendar.
- 3.4.4. Nominations shall be open for at least one week, and voting will be open for at least 3 (three) days.

3.5. **Nominations**

- 3.5.1. Nominations will be submitted in accordance with guidelines issued by the Acting Returning Officer.
 - 3.5.1.1. All submitted nominations must include the full name and student number of the candidate; and.
 - 3.5.1.2. Full name and student number or a proposer and seconder.
- 3.5.2. All nominees will have their eligibility to stand verified prior to announcement of their candidacy. These checks will include but not limited to:
 - 3.5.2.1. Student status of the proposed candidate;
 - 3.5.2.2. Student status of the proposer and seconder; and
All current and prior Union and University disciplinary sanctions.
- 3.5.3. By submitting a nomination form and being successfully elected, you are committing to attend all mandatory induction training.

3.6. **Voting**

- 3.6.1. Only members as defined in Article 10.1 (Members) who have not opted out of membership of the Students' Union may vote.
- 3.6.2. Candidates for Union Executive and Sections Chairs will be elected via a cross campus full members vote.
- 3.6.3. Candidates for AU Clubs Officer will be elected by Athletic Union Student members.
- 3.6.4. All elections will be conducted by secret ballot, where each voter had only one vote.

- 3.6.5. For single vacancy positions, the Single Transferable Vote system will be used.
- 3.6.6. For multiple vacancy positions, the Alternative Transferable Vote system will be used.
- 3.6.7. The option to Re-Open Nominations (RON) will be offered on all ballots, which will be treated as if it were a candidate for the purposes of counting.
- 3.6.8. If Re-Open Nominations is elected, the position will be declared vacant and a new election will be held at a time and date specified by the Acting Returning Officer.
- 3.6.9. The counting of votes will be conducted by the Acting Returning Officer. Results will only be considered valid once the Returning Officer has certified that the election has been conducted freely and fairly.
- 3.6.10. Votes will not be counted while there are outstanding complaints awaiting the decision of the Acting Return Officer.

3.7. **Communication**

- 3.7.1. The Acting Returning Officer shall organise opportunities for students to ask questions of candidates.
- 3.7.2. The results of all Students' Union elections shall be certified and communicated by the Acting Returning Officer at the soonest opportunity after the conclusion of the count.
- 3.7.3. The Acting Returning Officer Shall report to the Trustees and University Senate on the outcome of the elections and recommendation for improvements, along with any other pertinent matters.

3.8. **Expenditure**

- 3.8.1. For an election, the Acting Returning Officer will set an expenditure limited. Candidates must not spend more than this limit during their campaign.
- 3.8.2. The Acting Returning Officer may at their discretion provide to candidates an allowance to spend on their campaigns.
- 3.8.3. All publicity used by a candidate (including by their campaign team) during the election must be declared and given a monetary value.
- 3.8.4. Prior to the voting period opening, candidates will submit to the Acting Returning Officer a statement of their expenditure.
- 3.8.5. Candidates must verify their statement of expenditure by providing receipts for all money spent during their campaign.

3.9. **Conduct in Elections**

- 3.9.1. Throughout an election, all candidates must adhere to the following principles of acceptable conduct:
 - 3.9.1.1. Do only what other candidates have an equal opportunity to do;
 - 3.9.1.2. Treat all students, candidates and staff members with respect.
 - 3.9.1.3. Unacceptable conduct during elections includes but is not limited to any of the following practices (including attempts):
 - 3.9.1.4. The use of Students' Union, or University resources to further the election of a candidate (except where explicitly permitted by the Returning Officer);
 - 3.9.1.5. The defacement of or interference with a candidate's publicity;
 - 3.9.1.6. Bribery of voters or elections officials;
 - 3.9.1.7. Threatening behavior or harassment of voters, other candidates or election officials;
 - 3.9.1.8. Producing offensive or defamatory publicity;
 - 3.9.1.9. Preventing the free and confidential exercise of a vote by voters, including the improper use of mobile devices;
 - 3.9.1.10. Compromising or interfering with the integrity of the elections.
- 3.9.2. The Acting Returning Officer may issue penalties to candidates, including disqualification from the election, for breach of conduct guidelines.
- 3.9.3. Candidates may make use of campaigners who assist them during the election. However, the candidates will remain responsible for the conduct of these campaigners and candidates must take all practicable steps to ensure campaigners comply with this Bye-Law and issued guidelines.
- 3.9.4. Breaches of this Bye-Law and issued guidelines that are committed by campaigners will be treated as if the candidate themselves breached this Bye-Law and issued guidelines.
- 3.9.5. For the purposes of an election, a campaigner is defined as someone who would be reasonably thought to be acting on behalf of a candidate to further the election of that candidate.

3.10. **Re-Open Nominations (R.O.N)**

- 3.10.1. Any full member of the Students' Union can register to run a Re-Open Nomination (R.O.N) campaign against a single post.

3.10.2. Re-Open Nomination (R.O.N) will be recognised as a candidate and as such will be subject to all election rules and budgeting criteria.

3.11. **Complaints**

3.11.1. Complaints that a candidate or a member of their campaign team has acted in contravention of this Bye-Law or issued guidelines will be accepted up until one hour prior to the close of voting.

3.11.2. Complaints must be submitted in writing in a format decided by the Acting Returning Officer.

3.11.3. If necessary, the Election Sub-committee will investigate the complaint to obtain further evidence and make penalty recommendations to the Acting Returning Office.

3.11.4. The Acting Returning Officer will rule upon the complaint and if necessary, issue penalties at their discretion.

3.12. **Appeals**

3.12.1. An appeal against a decision of the Acting Returning Officer may be made on the following grounds;

3.12.1.1. The interpretation of this Bye-Law of any of the issued guidelines used during the election is unreasonable;

3.12.1.2. The correct procedure set out in this Bye-Law or issued guidelines has not been followed;

3.12.1.3. The Acting Returning Officer has been prejudiced or biased;

3.12.1.4. The Acting Returning Officer has failed to fully take into account the available evidence.

3.12.2. Appeals must be made no later than 12 noon on the day following notification of the Acting Returning Officer's ruling.

3.12.3. If an appeal is made by a candidate, an appeals panel will be convened by a Students' Union staff member who has not been involved in the administration of that election.

3.12.4. The appeals panel will consist of three independent staff members and will appoint a Chair from within its number.

3.12.5. The appeals panel will hear the evidence from the Acting Returning Officer and any representations made by the appealing candidate before making its recommendation to the Returning Officer.

- 3.12.6. The Returning Officer will rule upon the appeal and their decisions are final and cannot be appealed further.
- 3.12.7. The Trustee Board will approve and revise from time to time terms of reference to govern the procedure of appeal panels.