

# **ELECTION PROCEDURES**

EDITH COWAN UNIVERSITY

STUDENT GUILD

## 1. Preamble

These Election Procedures are made pursuant to:

- (1) the Edith Cowan University Act 1984 (“the Act”);
- (2) University Statute No 11 – Student Guild (“the Statute”);
- (3) University Rules – Student Guild (“the Rules”); and
- (4) the Guild Constitution (“the Constitution”).

## 2. Scope

These Election Procedures apply to Senate positions that are described in the Constitution as being elected at General Elections in accordance with the Election Procedures. These positions are (Constitution references in parentheses):

- (1) President (clause 40(1));
- (2) General Secretary (clause 41(1));
- (3) Department Chairpersons (clause 49(1)); and
- (4) General Senators (clause 41A(1)).

## 3. Interpretation

- (1) In these Election Procedures, the following definitions apply in addition to the definitions contained in the Preamble:

“**ballot paper**” means the published list of candidates, either in printed or electronic form, against which each Elector may indicate a voting preference or preferences.

“**by lot**” means a determination through a random draw.

“**candidate**” means a person who has validly nominated for a position in the Senate to be elected by ballot.

“**Determination**” means any order, ruling or direction validly made under these Procedures.

“**election material**” means any written, printed or photographic material, lettering, voting guide, poster, sign, leaflet, audio or visual display (including any electronic audio or visual display) whether attached to any fixed or mobile structure or not, provided that such material directly or indirectly supports any candidate or has the purpose of causing or opposing the election of any candidate or Group at the Elections or in relation to any matter to be determined by referendum at the Elections.

**“Elections”** means the General Elections as set out in clause 62(1) of the Constitution and any referendum as set out in clause 31 of the Constitution.

**“Election Meeting”** means the meeting convened by the Returning Officer as prescribed at clause 7(3) of these Election Procedures.

**“Elector”** is any person who is entitled to vote in the Elections.

**“Electoral Official”** means the Returning Officer, any Presiding Officer or any official appointed pursuant to clause 4(d) of these Election Procedures.

**“Eligible Members”** means General Members and Financial Members of the Guild, but does not include Associate Members or Honorary Life Members of the Guild.

**“Guild Operational Executive”** means the Guild’s most senior salaried employee.

**“misconduct”** means conduct which:

- (a) is in breach of these Election Procedures;
- (b) constitutes a breach of, or wilful non-compliance with a Determination made by the Returning Officer or other Electoral Official; or
- (c) is conduct falling within the scope of clause 23(6) of these Election Procedures.

**“personal information”** has the meaning as defined under the University’s Privacy Policy as amended from time to time.

**“Prescribed Areas”** means areas on a Campus where election materials are permitted to be displayed.

**“proportional voting quota”** means the number of votes determined for a particular position in accordance with the formula:

$$\frac{\textit{number of valid first preference votes}}{\textit{number of positions + 1}} + 1$$

**“Returning Officer”** means the person who has been appointed as Returning Officer in accordance with rule 7 of the Rules.

**“transfer value rate”** means the rate determined in accordance with the formula:

$$\frac{\textit{relevant candidate's votes} \\ \textit{(including votes redistributed} \\ \textit{in accordance with clause 20)} \\ - \textit{relevant proportional voting quota}}{\textit{total votes for candidate} \\ \textit{(including votes redistributed} \\ \textit{in accordance with clause 20)}}$$

**“University Rules”** means the rules and bylaws of the University made under a University Statute pursuant to section 26(7) of the Act including the Rules.

**“University Statutes”** means the statutes of the University made in accordance with section 26 of the Act including the Statute.

**“Vice-Chancellor”** means the person appointed to be the Chief Executive Officer of the University pursuant to section 30 of the Act and includes the person appointed as Acting Vice-Chancellor.

- (2) Unless the contrary intention appears, any terms which are not defined in these Election Procedures but are defined in the Constitution will have the meaning given to them in the Constitution.
- (3) If a Substitute Returning Officer is appointed in accordance with the Rules, all references in these Election Procedures to the Returning Officer shall be taken to refer to the Substitute Returning Officer.

#### **4. Returning Officer**

- (1) The Returning Officer shall be appointed in accordance with rule 7 of the Rules.
- (2) The Returning Officer may do the following provided that the Returning Officer’s actions are consistent with the requirements of the Act, the University Statutes, the University Rules, these Election Procedures and the Constitution:
  - (a) determine any issues of interpretation over:
    - (i) any aspects of these Election Procedures where the plain meaning of the language used in the relevant procedures is unclear, and
    - (ii) relevant electoral matters on which these Election Procedures are not explicit;
  - (b) issue determinations, directions and exercise discretions in whatever terms the Returning Officer sees fit for the fair conduct and administration of the Elections;
  - (c) take any action that the Returning Officer deems appropriate to ensure the fair conduct and administration of the Elections;
  - (d) appoint officers (not being candidates) as the Returning Officer considers necessary to assist in the conduct of the Elections. Such officers shall have no specific powers other than those conferred upon them by the Returning Officer.

#### **5. Eligibility of nominees**

- (1) In accordance with section 41(7) of the Act, persons who are not Eligible Members are ineligible to nominate for an elected Guild position.

- (2) Subject to clause 5(1) of these Election Procedures, the eligibility requirements to nominate for an elected Guild position shall be determined in accordance with the applicable provisions of the Act, University Statutes, University Rules and the Constitution.

## **6. Roll of Electors**

- (1) Persons who are not enrolled at the University at the time when polling for an Election occurs are ineligible to vote in that Election.
- (2) The Returning Officer shall obtain a roll of all Electors ("**Roll of Electors**") for the Elections from the relevant office of the University.

## **7. Election timetable and election planning**

- (1) Following consultation with the Guild Operational Executive and subject to clause 12 of these Election Procedures, the Returning Officer shall produce a timetable for the processes contemplated by these procedures for the conduct of the Elections.
- (2) At least fourteen (14) days before polling commences, the Returning Officer in consultation with the Guild Operational Executive and the University will develop an Election Management Plan, which may include but shall not be limited to:
  - (a) a risk assessment in relation to the conduct of the Election and any appropriate risk mitigation strategies;
  - (b) locations of Campus Polling Places and Mobile Polling Places established in accordance with clause 13(3) of these Procedures (where applicable);
  - (c) locations of Prescribed Areas as determined in accordance with clause 15(8) of these Procedures (where applicable);
  - (d) the Election timetable produced by the Returning Officer at clause 7(1) of these Procedures;
  - (e) the names and contact numbers of Electoral Officials, relevant Guild Officers and relevant University Officers.
- (3) Following the close and confirmation of nominations, and before the commencement of polling, the Returning Officer shall hold an Election Meeting with all Candidates, Group Agents, the Guild Operational Executive and University Officers with responsibility for campus security, campus operations and University risk management to discuss the Election Management Plan and any other matters connected to the Election that the Returning Officer considers appropriate (including but not limited to the requirements of these Election Procedures).
- (4) Candidates and Group Agents shall attend the Election Meeting in person or by videoconference. If the Returning Officer is of the view that a Candidate or Group Agent has shown good cause for being unable to attend the Election

Meeting, the Returning Officer shall, in a manner determined by the Returning Officer, convey to the Candidate or Group Agent the information discussed at the Election Meeting.

## **8. Notice of Elections**

- (1) At least three weeks before the close of nominations, a Notice of Elections prepared by the Returning Officer shall be published on the Guild website.
- (2) The Notice of Elections shall include the following information:
  - (a) the positions for which nominations are invited;
  - (b) eligibility requirements for nominators and nominees as set out by these Election Procedures and the Constitution;
  - (c) the availability of nomination forms;
  - (d) the places and means of lodging nomination forms;
  - (e) the date and time of the closing of nominations;
  - (f) the date and time by which a nominee shall be required to submit any photograph and/or Election Statement as described at clause 11(1); and
  - (g) the dates and means by which Electors may vote.
- (3) The attention of Electors shall be drawn to the Notice of Elections by no fewer than one email sent to Electors by the University.

## **9. Nominations**

- (1) Subject to clause 9(2), the Returning Officer shall prepare a nomination form, copies of which shall be available from Guild Offices and from the Returning Officer and by any other means determined by the Returning Officer.
- (2) The nomination form shall be accompanied by a document prepared by the Senate containing information about the elected positions in accordance with the Constitution.
- (3) The nomination form may be accompanied by supplementary information and documents prepared or approved by the Returning Officer.
- (4) The Returning Officer shall determine the validity of each nomination with reference to the Roll of Electors and/or with assistance from the relevant office of the University.
- (5) A nomination shall be considered valid only if:
  - (a) the nominee meets the applicable eligibility requirements set out at clause 5 of these Election Procedures and any other requirements as set out in the Constitution;

- (b) it is received by the Returning Officer before the close of nominations deadline set by the Returning Officer;
  - (c) it contains written confirmation from the nominee that the nominee consents:
    - (i) to the nomination; and
    - (ii) to any Election Statement provided by the nominee being edited by the Returning Officer in the manner contemplated by clause 11(4) should that clause become applicable; and
  - (d) in the case where the nominee is nominated by a person other than the nominee, that person is an Eligible Member.
- (6) Subject to clause 9(7), prior to the close of nominations the identity of a person who has been nominated in the Elections shall not be disclosed:
- (a) by the Returning Officer; nor
  - (b) by any person who has received the nomination on behalf of the Returning Officer.
- (7) Clause 9(6) does not apply to information that is already in the public domain or if the disclosure is required by law.
- (8) A person may nominate concurrently for any positions for which that person is eligible, but shall not be elected to more than one of these positions at the same Elections. Any person who is elected to a position shall be eliminated from the counting of votes for all subsequent positions in the same Elections, in accordance with the order of counting as set out at clause 18(4) of these Election Procedures.
- (9) If no nomination is received for a position, the position shall be declared to be vacant. Procedures for filling a vacancy in an elected Senate position are set out in clause 56(2) of the Constitution.
- (10) If the number of valid nominations received for a position does not exceed the number of vacancies for that position to be elected, the candidate(s) for that position shall be declared elected unopposed once the closing date for nominations has passed.
- (11) If the number of valid nominations received for a position exceeds the number of vacancies for that position to be elected, a ballot shall be held.

## 10. Registration of Groups and their Agents

- (1) Two or more candidates who have nominated for positions at the Elections may be registered as a group of candidates ("**Group**").
- (2) Registration of a Group shall be by means of a form as prepared by the Returning Officer.

- (3) Registration forms for Groups shall be lodged with the Returning Officer in printed or electronic form by the close of nominations deadline set by the Returning Officer.
- (4) Each candidate who wishes to be a member of a Group shall sign a declaration on the Group registration form which provides:
  - (a) confirmation of the candidate's consent to being part of the Group;
  - (b) confirmation of the candidate's support for the Group name;
  - (c) the position(s) for which each candidate is nominated; and
  - (d) if a contact person for the Group ("**Group Agent**") is specified on the form, confirmation of that candidate's consent to the appointment of that Group Agent.
- (5) No candidate may be registered in more than one Group. Any candidate who registers for more than one Group shall be removed from all Groups. If only one candidate remains in a Group after this action, the remaining candidate shall not be treated as a Group.
- (6) Where a Group Agent has not been appointed, the Group's candidate for the position of President shall be deemed to be the Group Agent. If the Group has no candidate for the position of President, the Group Agent shall be deemed to be the candidate standing for the next position to be counted. The order of counting is described at clause 18(4) of these Election Procedures.
- (7) A candidate who has consented to inclusion in a Group registration may withdraw consent to be included in that Group by providing advice to this effect in writing to the Returning Officer before the close of nominations.
- (8) Where one or more candidates within a Group withdraws by the close of nominations:
  - (a) the Group shall cease to exist if fewer than two candidates remain within the Group; or
  - (b) the Group shall continue to exist if two or more candidates remain in the Group, and the remaining candidates shall be grouped in the order shown on the original registration excluding the candidate(s) who have withdrawn from the Group.
- (9) A Group name shall not be accepted by the Returning Officer if it:
  - (a) comprises more than 4 words or 25 characters;
  - (b) is obscene or in poor taste in the opinion of the Returning Officer;
  - (c) is the name, or is an abbreviation or acronym of the name of another Group that has already been accepted for the Elections;



- (d) so closely resembles the name, or an abbreviation or acronym of the name, of another Group that has already been accepted for the Elections that it is likely to be confused with or mistaken for the name or abbreviation or acronym of that Group;
  - (e) contains the word "independent"; or
  - (f) contains the word "Guild", or a word that is formed by the word "Guild" accompanied by a prefix or suffix.
- (10) Any candidate who does not register as part of a Group shall be treated as ungrouped.

## 11. Election Statements and Election Broadsheet

- (1) Before the deadline specified in clause 8(2)(f), each candidate may supply the Returning Officer with a photograph and/or a biography or election statement ("**Election Statement**") for the purposes of being made available to Electors. The photograph shall be in a passport format of head and shoulders of the candidate.
- (2) Candidates for the President and General Secretary positions may submit an Election Statement of up to 500 words in length. Candidates for all other positions may submit an Election Statement of up to 250 words in length.
- (3) The Returning Officer shall produce a broadsheet ("**Election Broadsheet**") which shall contain:
  - (a) the photograph and, subject to clause 11(4), the Election Statement submitted by each candidate; and
  - (b) details of how and when Electors may vote.
- (4) If a candidate's Election Statement exceeds the length permitted by clause 11(2) or in the Returning Officer's opinion contains obscene or defamatory content, the Returning Officer may elect not to publish the Election Statement, or to edit the Election Statement before including it in the Election Broadsheet. Should the Returning Officer propose to take action pursuant to this clause, the Returning Officer shall use reasonable endeavours to contact the relevant candidate to discuss the matter.
- (5) Copies of the Election Broadsheet shall be made available to all Electors:
  - (a) at polling booths if polling is conducted in person;
  - (b) on-line if polling is conducted electronically; and
  - (c) by post if a postal vote has been requested.
- (6) The Guild shall publish the Election Broadsheet on the Guild website no later than seven days prior to the commencement of polling.

## 12. Conduct of the ballot

- (1) Subject to any contrary provision in the Constitution, the Elections shall be held by 31 October each calendar year.

## 13. Polling

- (1) Subject to clause 13(2) and prior to the close of nominations, the Senate shall determine that polling shall be conducted either:
  - (a) in person; and/or
  - (b) electronically.
- (2) In accordance with clause 62(3) of the Constitution, any Elector may apply to be issued with a postal vote if the Elections are not being conducted electronically.
- (3) If Electors are permitted to vote in person at the Elections:
  - (a) The Returning Officer shall establish one polling place on each Campus ("**Campus Polling Place**") in a location agreed upon by the Returning Officer and the University.
  - (b) Each Campus Polling Place shall be open for at least six hours ("**Polling Hours**") between 10am and 8pm on each of a minimum of three consecutive Teaching Days. The Returning Officer shall determine the Polling Hours.
  - (c) With the approval of the Guild Secretariat prior to the close of nominations, the Returning Officer may establish one or more additional polling places ("**Mobile Polling Place**") at any Campus.
  - (d) If established under clause 13(3)(c), a Mobile Polling Place:
    - (i) shall be located at a place, other than where a Campus Polling Place is located, agreed upon by the Returning Officer and the University;
    - (ii) subject to clause 13(3)(d)(iii), shall be open on any day or days during the Polling Hours;
    - (iii) shall be open for a minimum of one hour and a maximum of six hours on any single day during Polling Hours.
  - (e) For each Polling Place, the Returning Officer shall appoint a Presiding Officer who shall be responsible for the conduct of voting at that Polling Place. The Presiding Officer shall not have held a Guild Office nor been a staff member of either the Guild or the University for the two years preceding the appointment.
- (4) If Electors are permitted to vote electronically at the Elections, on-line polling shall be open:

- (a) for a period of no less than 72 consecutive hours;
- (b) for a period that includes at least three consecutive Teaching Days.

#### **14. Ballot papers**

- (1) Every ballot paper shall:
  - (a) contain the names of all candidates arranged in an order determined by the Returning Officer by lot; and
  - (b) specify the method of voting.
- (2) Every ballot paper issued in printed form shall bear the initials of the Presiding Officer issuing the ballot paper.
- (3) The form of each candidate's name on the ballot paper shall include the candidate's surname and may include one or more of the candidate's given names in the form requested by the candidate prior to the close of nominations.
- (4) For each candidate who is registered as a member of a Group, the ballot paper shall display alongside or under the candidate's name the name of the Group with which the candidate is registered. Any candidate who is not registered as a member of a group may request that the word "independent" be displayed alongside or under the candidate's name.
- (5) Within 14 days of the close of nominations the Returning Officer shall make known the format of all ballot papers to any candidate on request.

#### **15. Election materials and campaigning**

- (1) No Guild resources shall be used by any candidate, Group or the agent of any candidate or Group for the production of election materials.
- (2) All election materials shall bear the name and postal address of the person under whose authority they are published.
- (3) Any representation of a ballot paper that is incorporated in election materials shall be clearly marked with the words "SAMPLE ONLY".
- (4) Copies of proposed election materials accompanied by a statement containing the proposed amount and manner of distribution of each kind of election material shall be submitted to the Guild Administration Office on the Joondalup Campus for authorisation by the Returning Officer. The Returning Officer may refuse to authorise proposed election material or may revoke authorisation previously granted to particular election material where, in the Returning Officer's opinion, it is obscene or of a defamatory nature, promotes violence or unlawful discrimination or contains patently false statements.
- (5) Only election materials authorised by the Returning Officer in accordance with clause 15(4) may be published, displayed or distributed.

- (6) No election materials shall be distributed earlier than 7:00am on the day that nominations open for that particular Election.
- (7) Authorised election materials shall be displayed only in the Prescribed Areas.
- (8) The Returning Officer and the University representative nominated for this purpose shall determine the Prescribed Areas for each Election by agreement.
- (9) The Returning Officer may remove any election materials displayed or distributed on a Campus which have not been authorised by the Returning Officer or which do not comply with these Election Procedures.
- (10) Subject to any contrary provision or requirement in the University Statutes, University Rules or University policies, no person other than the Returning Officer shall remove, alter, deface, obstruct or destroy election materials prior to the close of voting, unless such action has been authorised by the Returning Officer.
- (11) Only Students may canvass for a candidate or group of candidates or display or distribute election materials on a Campus. For the avoidance of doubt, Student means an enrolled student of Edith Cowan University.
- (12) During the conduct of in-person voting:
  - (a) all candidates shall remain at least five metres from any polling booth, except when exercising a vote; and
  - (b) no person shall display or distribute election material or canvass for a candidate or group of candidates within five metres of any polling booth.
- (13) The Returning Officer may issue a formal verbal or written warning to any person who the Returning Officer reasonably believes to be in contravention of one or more of the provisions in this clause 15.

## **16. Voting**

- (1) Voting shall be by secret ballot.
- (2) No Elector shall vote more than once at the Elections.
- (3) No ballot paper shall be issued or accepted after the deadline for the close of voting.
- (4) Electors may vote:
  - (a) at any Campus Polling Place or Mobile Polling Place if voting is conducted in person;
  - (b) on-line if voting is conducted electronically; or
  - (c) by post if a valid postal vote application has been submitted by the Elector within the timeframe specified by the Returning Officer.

- (5) If voting is conducted in person:
  - (a) The Presiding Officer shall obtain the full name and University Student ID number of each person who seeks to vote.
  - (b) If the Presiding Officer is able to locate a person who seeks to vote as an Elector on the Roll of Electors and the Presiding Officer is satisfied that the person has not voted previously in the Elections and remains an enrolled student, the Presiding Officer shall issue the ballot paper and indicate on the Roll of Electors that the person has exercised a vote in the Elections.
  - (c) The completed ballot papers of Electors who are voting in person shall be placed in a locked or sealed ballot box.
  - (d) If the Presiding Officer is not able to identify a person who seeks to vote as an Elector on the Roll of Electors or has reason to believe the person is not an enrolled student at the University, the Presiding Officer may issue a ballot paper to the person as a provisional vote. The person's completed ballot paper shall be sealed in an envelope on which the person's name and University Student ID number are written. In consultation with the relevant office of the University, the Returning Officer shall subsequently ascertain the person's eligibility to vote, and shall admit or reject the vote accordingly.
- (6) If voting is to be conducted through in-person polling only and not electronically, postal voting shall be made available to Electors in accordance with clause 62(3) of the Constitution. An Elector who seeks to exercise a postal vote shall complete an application form provided by the Returning Officer or an application in writing that is considered satisfactory by the Returning Officer.
- (7) An Elector who is exercising a postal vote shall place the completed ballot paper(s) in the ballot paper envelope, and shall, subject to any contrary directions from the Returning Officer, endorse name and signature on the reverse of the envelope prior to posting the envelope to the Returning Officer.
- (8) No Elector shall be issued with more than one individual ballot paper or set of ballot papers for the Elections, except where the Returning Officer is satisfied that the Elector's original ballot paper or set of ballot papers has been lost or destroyed.

## **17. Method of voting**

- (1) For each position in the Elections being elected by ballot, the Elector shall insert the numeral "1" in the box opposite the name of the candidate who is the Elector's first preference, and may insert the numeral "2" in the box opposite the name of the candidate who is the Elector's second preference, and so on.
- (2) For a vote to be accepted as valid by the Returning Officer, the Elector shall indicate at least a first preference. It shall not be compulsory to rank all candidates.

- (3) Preferences shall be indicated by numerals, except that the Returning Officer may accept a mark where there is only one vacancy to be filled in the relevant position and only one box on the form has been marked. The decision of the Returning Officer with respect to whether a mark is a clear indication of an Elector's voting intentions shall be final.

## **18. Counting of votes**

- (1) The counting of votes shall take place as soon as is practicable after the close of voting. The Returning Officer's decision on the validity of any vote shall be final.
- (2) Each candidate may appoint a person who is an Elector (but not a candidate) to act as a scrutineer at the counting. Any candidate who wishes to appoint a scrutineer shall notify the Returning Officer before the close of voting.
- (3) If votes are counted electronically, the Returning Officer shall provide at the request of any scrutineer a data file of voting data with all Electors' names and other personal information removed or redacted.
- (4) Contested positions shall be counted in the following order:
  - (a) Secretariat positions, in the order set out in clause 42(1) of the Constitution;
  - (b) Department chairpersons who are not members of the Secretariat, in the department order set out in clause 47(1) of the Constitution;
  - (c) Chairpersons of any Departments established by the Senate in accordance with clause 47(3) of the Constitution, in the order of their establishment; followed by
  - (d) General Senators, as described at clause 41A of the Constitution.

## **19. Count of votes where one candidate is to be elected on one ballot paper**

- (1) This clause applies where there is only one candidate to be elected to the position on the ballot paper.
- (2) If there are two candidates for one position, the candidate with the greatest number of valid first preference votes shall be duly elected. If the two candidates have received an equal number of votes, the candidate to be elected shall be determined by the Returning Officer by lot.
- (3) If there are more than two candidates for one position:
  - (a) If one candidate has received an absolute majority (half plus one) of the valid first preference votes, that candidate shall be duly elected.
  - (b) Subject to clauses 19(3)(f), (g) and (h), if no candidate has received an absolute majority of the valid first preference votes, the Returning Officer shall eliminate the candidate with the fewest valid first preference votes, and shall redistribute each of these first preference

votes for the eliminated candidate in accordance with second preference on each vote, where a second preference has been indicated.

- (c) If one candidate has an absolute majority of the votes following the redistribution described at clause 19(3)(b) then that candidate shall be duly elected.
- (d) If no candidate has an absolute majority of the votes following the redistribution described at clause 19(3)(b):
  - (i) subject to clause 19(3)(f), the candidate with the lowest total number of votes (including redistributed votes) is eliminated; and
  - (ii) subject to clauses 19(3)(g) and (h), the votes (including redistributed votes) of the candidate eliminated pursuant to clause 19(3)(d)(i), shall be redistributed to the remaining candidates in accordance with the Elector's next preference. If one candidate has an absolute majority of the votes following the redistribution then that candidate shall be duly elected.
- (e) If no candidate has an absolute majority of the votes following the redistribution described at clause 19(3)(d), the process of candidate elimination and vote redistribution as described at clause 19(3)(d) shall be repeated until one candidate has received an absolute majority of votes, and this candidate shall be duly elected.
- (f) If two or more candidates have an equal number of votes and one of those candidates is required to be eliminated from the vote, that candidate shall be determined by the Returning Officer by lot.
- (g) If a vote for an eliminated candidate does not indicate the Elector's next preference, that vote shall be deemed to be exhausted, and shall not be redistributed to any remaining candidate.
- (h) If there is any repetition of a figure or any break in the consecutive numbering of the preferences indicated by an Elector, only the preference(s) preceding such repetition or break shall be taken into account.

**20. Count of votes where two or more candidates are to be elected on one ballot paper**

- (1) If two or more candidates are to be elected on the one ballot paper for a particular position, the result of the poll shall be determined by the following system of proportional voting set out in accordance with this clause 20.
- (2) Any candidate(s) who have received first preference votes equal to or greater than the proportional voting quota for the relevant position shall be declared elected.

- (3) Subject to clauses 20(6) and 20(8), if one or more candidates are elected with more votes than the proportional voting quota and one or more positions remain unfilled, then the votes for each elected candidate shall be redistributed at the transfer value rate to the remaining candidates in accordance with the Elector's next preference. Subject to clause 20(9), any candidate who reaches or exceeds the proportional voting quota after a redistribution of votes pursuant to this clause shall be declared elected.
- (4) Subject to clauses 20(6) and 20(8), if any candidates have votes exceeding the proportional voting quota as a result of a redistribution pursuant to this clause 20, and one or more positions remain unfilled, then the votes of each candidate elected shall be further redistributed at the transfer value rate applicable for that candidate to the remaining candidates in accordance with the Elector's next preference. Subject to clause 20(9), if this redistribution results in a candidate reaching or exceeding the proportional voting quota, that candidate shall be declared elected and, if that candidate's total votes exceed the proportional voting quota the process of redistributing that candidate's votes in the manner described in this clause shall be repeated and shall continue until either there are no unfilled positions or there are no candidates with total votes equal to or in excess of the proportional voting quota.
- (5) If any position(s) remain unfilled after the redistributions referred to in clauses 20(3) and, if applicable clause 20(4), have occurred, or as a result of no candidate reaching the proportional voting quota in the first instance, then:
  - (a) subject to clause 20(7), the candidate with the least number of total votes (including redistributed votes) shall be eliminated.
  - (b) subject to clauses 20(6) and 20(8), each vote for the eliminated candidate shall be redistributed among remaining candidates in accordance with the Elector's next preference on each vote. These votes shall not be discounted in value.
  - (c) subject to clause 20(9), any candidate who reaches the quota after this transfer of votes shall be declared elected. If that candidate's votes exceed the quota and one or more positions remain unfilled, then the excess votes shall be distributed in the manner outlined at clause 20(3).
- (6) In carrying out any redistribution of votes, if a vote for the elected candidate does not indicate the Elector's next preference, that vote shall be deemed to be exhausted, and shall not be distributed to any remaining candidate. The exhaustion of a vote does not affect the applicable transfer value rate of the remaining votes which are to be redistributed.
- (7) If two or more candidates have an equal number of votes and one of these candidates is required to be eliminated from the vote, the Returning Officer shall determine by lot which candidate is to be eliminated.
- (8) If there is any repetition of a figure or any break in the consecutive numbering of the preferences indicated by an Elector, only the preference(s) preceding such repetition or break shall be taken into account.
- (9) If after a redistribution of votes pursuant to this clause 20, the number of candidates with votes equalling or exceeding the proportional voting quota



exceeds the number of available positions to be filled, the unfilled positions will be allocated to those candidates with the highest numbers of total votes (including redistributed votes) and the process of redistribution will end.

## **21. Vacancies in elected positions**

- (1) The processes for filling a vacancy that occurs in an elected position after the commencement of the elected candidate's term are set out in clause 56(2) of the Constitution.
- (2) If there are no candidates for a position, or if a candidate who has been elected unopposed becomes ineligible or unable to take office prior to the commencement of the candidate's term, the position shall be declared vacant, and shall be filled in accordance with clause 56(2) of the Constitution as soon as practicable after the date that the term of office for the vacant position would ordinarily have commenced.
- (3) If a candidate who has been elected to a contested position becomes ineligible or unable to take office prior to the commencement of the elected candidate's term, the Returning Officer shall determine which, if any, of the remaining candidates for the position remain available to take office, and:
  - (a) if no other candidate for the position remains available to take office, the position shall be declared vacant, and shall be filled in accordance with clause 56(2) of the Constitution as soon as practicable after the date that the term of office for the vacant position would ordinarily have commenced;
  - (b) if one (only) other candidate remains available to take office, that candidate shall be invited to fill the vacancy; or
  - (c) if more than one other candidate remains available to take office, the vacancy shall be filled through the count-back process set out in clause 21(4).
- (4) For the purposes of this clause, the candidate who was elected at the Elections and who is unable or ineligible to take office is referred to as the "vacating candidate elect". The count-back for the purposes of clause 21(3)(c) shall be conducted in the following manner:
  - (a) All votes from the election of the position shall be brought into operation.
  - (b) The votes shall be distributed according to first preferences, except that subject to clause 21(4)(f) and (g), the votes of the vacating candidate elect and any other candidates who are no longer available to take office shall be distributed according to the Elector's second preference. If one candidate then has an absolute majority (half plus one) of votes, that candidate shall be declared elected.
  - (c) If after the distribution of votes at clause 20(4)(b) no candidate has an absolute majority, then subject to clause 21(4)(e) the Returning Officer shall eliminate the candidate with the fewest votes and subject to

clause 21(4)(f) and (g) shall redistribute these votes among the remaining candidates according to the Elector's next preference. If one candidate then has an absolute majority of votes, that candidate shall be declared elected.

- (d) If after the redistribution of votes referred to at clause 21(4)(c) no candidate has an absolute majority, the process described at clause 21(4)(c) shall be repeated until one candidate has received an absolute majority and this candidate shall be declared elected.
- (e) Whenever two or more candidates have an equal number of votes and one of these candidates is required to be eliminated from the vote, that candidate shall be determined by the Returning Officer by lot.
- (f) If a vote for an eliminated candidate or a candidate who is no longer available to take office does not indicate the Elector's next preference, that vote shall be deemed to be exhausted.
- (g) If there is any repetition of a figure or any break in the consecutive numbering of the preferences indicated by an Elector, only the preference(s) preceding such repetition or break shall be taken into account.

## **22. Declaration of the Poll**

- (1) As soon as the Returning Officer has completed the counting of the votes and has determined the results of the Elections, the Returning Officer shall prepare a notice of the results of the Elections (the "**Declaration of the Poll**").
- (2) The Declaration of the Poll shall contain:
  - (a) the results for all positions for which nominations were called in the Elections; and
  - (b) procedures and deadlines for the lodging of complaints or appeals.
- (3) The Declaration of the Poll shall be published on the Guild website and the attention of Electors may be drawn to the Declaration of the Poll by any other means deemed suitable by the Returning Officer.
- (4) In the case of an alternative candidate taking office in the circumstances described at clause 21(3)(b) or at the conclusion of a count-back of votes in the manner described at clause 21(4), the Returning Officer shall prepare a supplementary Declaration of the Poll, to which clauses 22(2) to 22(4) shall apply.

## **23. Complaints and referral of matters**

- (1) The procedures for the receipt and handling of complaints and appeals concerning the conduct of the Elections or the validity of the outcome of the Elections are set out in rules 7(5) to 7(16) of the Rules.

- (2) A complaint in respect to misconduct shall be lodged with the Returning Officer in the manner prescribed by the Returning Officer no later than seven (7) days after the Declaration of the Poll.
- (3) The Returning Officer at their sole discretion may reject a complaint made pursuant to clause 23(2) if they determine it to be vexatious or trivial. If the Returning Officer considers the complaint is not vexatious or trivial the Returning Officer will:
  - (a) if the person alleged to have committed misconduct is a Member, refer the complaint to the Guild's Discipline Committee for review and determination as prescribed in the Constitution; and
  - (b) notify the matter to the University representative nominated for this purpose so that the University can consider if there has been a contravention of the University Statutes, University Rules or University policies.
- (4) The Returning Officer may self-refer instances of misconduct in accordance with clauses 23(3)(a) and 23(3)(b).
- (5) Clauses 23(2) and 23(3) are without limitation to the separate process set out in rule 9 of the Rules regarding an appeal concerning the validity of an Election outcome.
- (6) A person commits misconduct for the purposes of these Election Procedures if that person wilfully:
  - (a) directly or indirectly attempts to induce an Electoral Official to alter the course of an Election;
  - (b) directly or indirectly offers a bribe or exerts undue influence on a voter, a candidate, or an Electoral Official;
  - (c) forges nomination forms, ballot papers or any other electoral forms;
  - (d) supplies ballot papers without authority under these Procedures;
  - (e) duplicates or conceals a ballot paper;
  - (f) interferes with the secrecy of the voting other than through disclosing details of their own vote;
  - (g) hinders, obstructs or prevents an Electoral Official or a candidate from discharging a duty or exercising a right or power under these Procedures;
  - (h) engages in disorderly conduct at a Campus Polling Place, Mobile Polling Place or a place in close proximity to the counting of the votes;
  - (i) fails to comply with a Determination;

- (j) interferes with, defaces, damages or destroys a ballot paper, electoral form, nomination form, official electoral notice, ballot box or nomination receptacle or other significant object used in the conduct of an Election;
- (k) makes a false statement or representation in the conduct of an Election;  
or
- (l) consumes alcohol at a Campus Polling Place, Mobile Polling Place or in close proximity to the counting of the votes.

## **24. Referenda**

- (1) Pre-requisite conditions and requirements for the holding of a referendum are set out at clause 31 of the Constitution.
- (2) If a referendum is to be held in conjunction with the Elections:
  - (a) The Notice of Elections described at clause 8 of these Election Procedures shall include advice that a referendum shall be held, and shall specify the motion(s) upon which Electors may vote. The Notice of Elections shall also advise Electors how they may access any explanatory information concerning the motion(s).
  - (b) The Election Broadsheet described at clause 11(3) of these Election Procedures shall contain the motion(s) upon which Electors may vote, and shall advise Electors how they may access any explanatory information concerning the motion(s).
- (3) The ballot paper for each motion to be decided by referendum shall state the motion and the method of voting.
- (4) For any motion to be decided by referendum in the Elections, the Elector shall be required to indicate whether the Elector is for or against the motion.
- (5) For any motion to be decided by referendum, the motion shall be:
  - (a) carried if the number of votes for the motion exceeds the number of votes against the motion; or
  - (b) lost if the number of votes for the motion is equal to or less than the number of votes against the motion.
- (6) The results of a referendum that is held as part of the Elections shall be included in the Declaration of the Poll described at clause 22 of these Election Procedures.

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## **Approvals and revisions**

Election Procedures endorsed by ECU Student Guild at Senate Meeting of 30 July 2015 and approved by University Council pursuant to the Guild Constitution at Council meeting of 23 June 2016, with immediate effect.

Amendments endorsed by ECU Student Guild at Senate Meeting, 16 August 2017 and approved by University Council at Council meeting 24 August 2017, with effect from 30 August 2017.

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