

## SECTION 5 CONDUCT OF ELECTIONS

### 5.1 Returning Officer:

- 5.1.1. Shall be elected in accordance with the provisions of the Constitution;
- 5.1.2. Shall be empowered to nominate, subject to the approval of the NUSA Executive, a deputy or deputies who shall generally assist the Returning Officer and act in the Returning Officer's absence;
- 5.1.3. Shall approach the Electoral Office with a view to gaining assistance in conducting all general Elections of the Students' Association;
- 5.1.4. Shall refuse to endorse printing of a policy statement or campaign material until such time as offensive or defamatory content is corrected but subject to appeal by the candidate to the NUSA Executive for final resolution;
- 5.1.5. Shall call nominations for, arrange and supervise the conduct of elections and by-elections whenever directed by NUSAC;
- 5.1.6. Shall organise and conduct referenda;
- 5.1.7. Shall arrange for the preparation of the necessary rolls in conjunction with the Public Officer;
- 5.1.8. Shall arrange for preparation and counting of ballot papers;
- 5.1.9. Shall be responsible for the safe custody of ballot boxes and papers;
- 5.1.10. Shall decide whether or not a vote is informal and if so, ensure that the vote is not counted;
- 5.1.11. Shall be responsible to NUSA for the conduct of any election unless otherwise delegated in accordance with the Constitution and these Rules and Regulations;
- 5.1.12. Shall ensure that all the provisions of the Constitution and these Rules and Regulations regarding elections are complied with;
- 5.1.13. Shall submit to NUSAC a report on all elections conducted at the next meeting of NUSAC following the counting of the ballot;
- 5.1.14. Shall authorise, by initialing, the original policy statement and or campaign material of each candidate and ensure that each copy carries that signature before copies are made;
- 5.1.15. Shall ensure that the provisions of the electoral act are generally complied with;
- 5.1.16. Shall be responsible for the preparation of an Election Slip that:
  - 5.1.16.1. Contains these Rules and Regulations of NUSA pertaining to the running of elections;
  - 5.1.16.2. Contains notice of a policy statement of one A4 page as specified in 5.3.13 which must be received before the close of nominations;

- 5.1.16.3. Includes a declaration by the candidate to be subject to these Rules and Regulations;
- 5.1.16.4. Is signed by the nominee in the presence of the Returning Officer or their Deputy and countersigned by the Returning Officer or Deputy;
- 5.1.16.5. Shall be the official receipt or acknowledgment for the acceptance and validation of the nomination form subject to all of the .above conditions being met;
- 5.1.16.6. Shall be the official scrutineer's authority to be present at the counting of votes;
- 5.1.17. Shall not receive monies for OPUS contributions within their portfolio;
- 5.1.18. Upon completion of all conditions stipulated in 5.1.15, shall take a copy of the document for the Returning Officer's file.

## **5.2. Elections**

- 5.2.1. Elections maybe either NUSA Elections or NUSAC Elections.

## **5.3. NUSA Elections can be one of three categories:**

- 5.3.1. NUSA - Annual General Election.
- 5.3.2. NUSA - By-Election.
- 5.3.3. NUSA - Delegates to National Union of Students (NUS).
- 5.3.4. All NUSA Elections shall be held in accordance with the General Rules listed in the Constitution together with the Rules and Regulations stipulated hereunder.
- 5.3.5. The Retuning Officer will be responsible for calling for all nominations at least seven (7) days prior to the scheduled date of the closing of nominations in a notice stating:
  - The purpose of the Election;
  - The number of positions to be filled;
  - The description of each position;
  - Any restrictions upon the eligibility as contained in the Constitution or these Rules and Regulations;
  - The closing date of nominations;
  - Date and venue of Elections;
  - The necessity of candidates to be familiar with the Constitution and these Rules and Regulations relating to Elections, a copy of which is to be received upon submission of a nomination form.
- 5.3.6. Notice of Elections and calling for nominations shall be put on the NUSA notice boards, near the entries of the Huxley Library, Auchmuty Library and Shortland Building, by the Returning Officer seven (7) days prior to the closing date of nominations.

- 5.3.7. In the event that a NUSAC position becomes vacant outside of the period set aside for annual NUSAC elections, the period for receiving nominations will remain open for five (5) academic days from receipt of the first nomination. The fact that nominations are open must be advertised on Campuses from receipt of the first nomination.
- 5.3.8. Elections must be held no less than ten (10) academic days after; the closing date for nominations and no more than twenty-eight (28) days after the closing date for nominations.
- 5.3.9. The Returning Officer shall on the day after the closing date of nominations, publish a list of candidates together with the names of the proposer and seconder, in the same places as described in Section 5.3.6, together with a description of any previous NUSAC positions held if the candidates so desires, the date of the Elections, the hours of polling and location of polling booths.
- 5.3.10. All candidates must ensure that they personally receive a copy of these Rules and Regulations relating to Elections from the NUSA Office by signing a confirmation of receipt slip otherwise their candidature will be declared invalid.
- 5.3.11. The Returning Officer will be responsible for the declaration of results within 48 hours of the Election and shall put results on the NUSA notice boards upon determination of results.
- 5.3.12. Nominations for Elections must be given in writing to the Returning Officer or their deputy by 4:00 pm on the advertised closing day, which must be signed by the proposer, seconder and nominee and may include a 10cm by 10cm (maximum size) photograph of the nominee (candidate) to be displayed on their policy statement and the candidate is requested (optional) to attend a candidate meeting in the NUSA office at 4:00 pm on the closing date of nominations.
- 5.3.13. Each candidate must have a policy statement of not more than one A4 page length; the contents shall be subject to the scrutiny of the Returning Officer who shall not approve same unless:
- the policy statement complies in all respect with the provisions of the Constitution or these Rules and Regulations; or
  - it is not libelous, seditious, or obscene;
- But the Returning Officers decision shall be subject to appeal to the NUSA Executive provided that such appeal is made within 48 hours after the Returning Officer's decision.
- 5.3.14. Each candidate's policy statement must appear in the publication OPUS in the issue immediately preceding the elections, and if this is not possible due to OPUS' production schedule then NUSA will coordinate an Election Publication containing these policy statements. Such an election publication will be made available at least five (5) academic days before the commencement of elections.
- 5.3.15. Candidates may receive copies of their respective policy statements and or campaign material up to a total of 500 A4 sheets or equivalent value. Adhesives or materials for the placing of posters shall be supplied by NUSA.

- 5.3.16. The Returning Officer will not be eligible to propose or second any nominations.
- 5.3.17. The proposer and seconder must be eligible NUSA voters to nominate a candidate.
- 5.3.18. A candidate may not withdraw their nominations after polling has commenced.
- 5.3.19. If the numbers of nominations do not exceed the number of positions the nominees will be declared elected.
- 5.3.20. If the numbers of nominations are less than the number of positions the nominees will be declared elected and new nominations called for the remaining positions.
- 5.3.21. The Returning Officer will reject any nomination not complying with the conditions specified in the Constitution or Rules and Regulations.
- 5.3.22. The order that names appear on a ballot slip for an Election shall be determined by lot.

#### **5.4. Polling Booths**

- 5.4. Shall be established at the entry to Union Buildings and Libraries and or such other places as the NUSA Executive determines from time to time.
- 5.4.1. A locked and sealed container must be provided for the collection of votes at each polling booth.
- 5.4.2. The Returning Officer will be required to ensure that each booth is staffed by their assistants during polling hours.
- 5.4.3. Polling hours shall be from 10:00am to 5:30pm on Wednesday and 10:00am to 3:00pm on each of the other three days at the NUSA Office Polling Booth and whatever additional hours determined by the NUSA Executive. The NUSA Executive may determine the hours for any other Polling Booths.
- 5.4.4. Candidates in the Election shall be excluded from each polling booth unless permission is granted by the Returning Officer.

#### **5.5. Voting**

- 5.5.1. The voter's name will be checked off the roll against the voter's student ID card and the supervisor of the roll will initial the ballot slip before handing it to the intending voter, and mark off the roll.
- 5.5.2. The voter shall be entitled to vote for each candidate in order of preference using Numbers 1, 2, 3, etc. However, a clear indication of preference of one candidate only using either the number "1", a tick "✓", or a cross "x", shall not be termed an informal vote.
- 5.5.3. Where more than two candidates are contesting more than one position, the first preferences, primary votes for each candidate will be counted and those 3 exceeding the quota in part 5.5.4 declared elected.

5.5.4. The quota of votes required will be calculated by dividing the total number of formal votes by a number one greater than the number of positions to be filled then, by increasing the result by one, and disregarding any remainder.

5.5.5 The ballot papers of a candidate so elected shall be then transferred as outlined below:

- a) if more than one candidate has more votes than the quota on the first count, the papers of the candidate with the most primary votes shall be distributed first, then those of the candidate with the next highest number of primary votes and so on. If two such candidates have an equal number of primary votes, their papers shall be both distributed before the totals of the continuing candidates are next examined, so that the order of distribution shall be irrelevant;
- b) during the allotment of preferences, the Returning Officer shall ignore preferences recorded for a candidate already elected or excluded and shall scrutinise the voter's next available preference for a continuing candidate;
- c) the exhausted ballot papers of the elected candidate (i.e. those showing no further preference for a continuing candidate) shall be then set aside as finally dealt with;
- d) the number of votes received by the elected candidate in excess of the quota (called the surplus) is divided by the number of unexhausted ballot papers credited to them. The result to three decimal places shall be called the Transfer Value for those votes. If the removal or exhausted ballot papers causes the transfer value to be greater than one, the votes shall be transferred at full value, i.e. at a transfer value of one;
- e) the number of preferences directed to each candidate shall be multiplied by the transfer value and this figure added to the number of votes credited to each such candidate, ignoring fractions;
- f) a number of ballot papers equal to each number calculated under part 5.5.5(e) shall be selected at random from the ballot papers of the elected candidate which direct a preference to the continuing candidate, and transferred to the continuing candidate;
- g) the remaining ballot papers of the elected candidate shall be set aside as finally dealt with and they, along with the exhausted papers, shall be the papers by which the elected candidate was elected;
- h) if a candidate achieves a quota by the above transfer they shall be elected and the surpluses transferred as above, except that only those papers transferred to the elected candidate in the last transfer shall be considered, i.e. the Transfer Value is the number of surplus votes, divided by the number of unexhausted ballot papers transferred in the last transfer;
- i) after the first count, candidates surpluses shall be transferred in the order in which they received their quotas, and if two candidates receive a quota at the same count, the procedure set down in part 5.5.5(a) shall be followed;

- j) after distributions other than those resulting from the first count have been carried out, the ballot papers which are said to have elected the candidate from which that distribution was made will be: (i) all the elected candidates ballot papers not transferred at the previous count, (ii) newly exhausted ballot papers; and (iii) papers left over after the random selection.

5.5.6. The procedure outlined in 5.5.4 shall continue until all vacancies are filled or until no more candidates, receive a quota.

- a) In the latter case, the candidate with the fewest votes credited to them at that time shall be excluded, and their ballot papers transferred at full value according to the next preference for a continuing candidate recorded on them. Exhausted ballot papers shall be set aside as finally dealt with. If this has the result of a candidate receiving a quota, that candidate shall be elected and the surplus transferred as in rule 5.5.4, otherwise the next lowest candidate shall be excluded, and so on.
- b) Where two candidates are equal and lowest on the poll and one must be excluded, the one who received the lowest number of primary votes shall be excluded. If the candidates are equal in primary votes also, the candidate to be excluded shall be determined in some random fashion. These shall be done in the presence of two members of NUSA, preferably the candidate's scrutineers, who shall sign a statement to the effect that the Returning Officer complied with this rule.
- c) Such transfers and exclusions shall continue until sufficient candidates have achieved quota, or until all candidates in excess of the number to be elected have been excluded, in which case the remaining candidates shall be declared elected.

5.5.7. The principle shall be, one member, one vote, and accordingly each member will be entitled to vote only once in each group of elections as outlined in the Constitution and in the event of any member being, but for this paragraph, qualified to vote in more than one faculty then such member must elect and specify to and as the Executive may require the qualification on which they rely for their right to vote.

5.5.8. Each candidate shall be entitled to have one (1) scrutineer present at the counting of the votes for the position The Returning Officer may exclude anyone without the official "election slip" authority of the candidate.

## **5.6. NUSAC Elections**

5.6.1. NUSAC elections will be held at the first NUSAC meeting following 1st January, to elect from the NUSAC voting members a Vice-President, a Clubs and Societies Officer, a Director of Student Publications and a NUS Liaison Officer and then at such time afterwards should a vacancy exist.

5.6.2. The Returning Officer for this Election will be the Administrator or their nominee and the result of the ballot will be a simple majority of eligible voters present In the event of a tied vote the result shall be drawn from a hat.

## **5.7. International Student Executive Elections.**

5.7.1. International Student Executive Elections will be held at the first International Student

Executive meeting following the 1st of January,

- 5.7.2. The International Student Executive shall determine an Executive structure comprised of the International Student Executive Officer, ordinary voting members and Project Officers if deemed necessary.
- 5.7.3. The International Student Executive shall elect from the voting members Project Officers as determined by the International Student Executive,
- 5.7.4. The Returning Officer for this election will be the Administrator or their nominee, and the result of the ballot will be a simple majority of eligible voters present. In the event of a tied vote the result shall be drawn from a hat.

## **5.8. Practices Forbidden**

- 5.8.1. No Person shall in connection with any election:
  - a) Directly or indirectly incur any monetary expenses other than those permitted under 5.3.12 of these regulations;
  - b) Use any goods which directly advocates a vote for a ticket or individual in connection with the election, with the exception of printed material as specified in 5.3.15;
  - c) Engage in electioneering or display any poster within three metres of a polling booth during any election.
  - d) Record a vote to which the voter is not entitled.
  - e) Interfere with any ballot box, ballot paper, electoral roll or nomination.
  - f) Engage in any dishonest practice relating to the election, including tampering with the policy statements of any other candidate and including the dissemination of a publication of libelous, fallacious and erroneous material or public statements of the same. This in no way legitimises any dishonest practice which is not specifically stated in these regulations. Interpretation of this clause is the role of the Returning Officer, and in the case of any appeal, the NUSA Executive shall make the final decision.
- 5.8.2. Only those persons enrolled as a member of NUSA shall campaign on behalf of a Candidate. Any person found campaigning who is not enrolled as a student of the University of Newcastle shall result in the said Candidate being disqualified at the Returning Officer's discretion.

## **5.9. Disputes**

- 5.9.1. The Returning Officer shall hear and determine any disputes which may arise in connection with the running of the elections or allegations that any person has infringed or attempted to infringe these Regulations.
- 5.9.2. In the event of the Returning Officer finding evidence in support of such an allegation, the Returning Officer must:

- a) Disqualify the candidates in question, or
- b) Order a new election, or
- c) Refer the matter to the NUSA Executive for decision, or
- d) Take such action as the Returning Officer thinks fit.

5.9.3. Any dispute or allegation must be brought to the attention of the Returning Officer within 5 days of the offence occurring.

5.9.4. Any person concerned may appeal to the NUSA Executive against the decision or act of the Returning Officer provided that such an appeal is made within 48 hours and further provided that this does not span one weekend or public holiday.

5.9.5. The decision of the NUSA Executive will be final.