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## Part 1—Preliminary

### 1 Name of Rules

These rules may be cited as the *Student Representative Committee Election Rules*.

### 2 Definitions

1. In these rules, unless the contrary intention appears:

**Academic Senate** means the Academic Senate of the University established under the Act;

**Act** means the *Macquarie University Act 1989* (NSW);

**award course** means a program of study leading to a degree, diploma or certificate conferred by the University;

**Charter** means the Charter of the Macquarie University Student Representative Committee;

**Code of Conduct** means the Code of Conduct for Elections set out in schedule 1 to these rules;

**close of nominations** means, the date and time by which nominations must be received by the returning officer for an election as specified in the notice of election.

**close of voting** means:

(a) in the case of a postal ballot, the date and time by which ballot papers must be returned to the returning officer; and

(b) in the case of an electronic ballot, the date and time by which the electronic ballot must be submitted to the returning officer through the election website;

**Council** means the Council of the University established under the Act;

**election material** means any advertisement, notice, statement or representation calculated to affect the result of an election, approved by the returning officer;

**electoral officer** means a person appointed as an electoral officer under these rules and includes the returning officer and deputy returning officer;

**electronic device** means any web enabled

device including but not limited to computers, tablets and mobile phones.

**name** of a candidate for election, includes a name by which the candidate is generally known;

**notice of election** means in relation to an election, the notice of election provided in accordance with clause 19;

**overseas student** means any student enrolled in an award course who holds a current Australian student visa;

**post** means the posting, including by electronic means, delivery, publication or other display of material related to an election, including election material and voting material;

**polling booth** means any place, station or electronic device which is made available for the purposes of allowing or inviting voters to cast an electronic or postal ballot in an election;

**registrar** means the Registrar of the University;

**returning officer** means the person appointed under clause 9(1);

**student** means a student enrolled in an award course at the University and entitled to vote in a student election in accordance with these rules.

**Student Representative Committee** means the Student Representative Committee established under the Charter;

**University** means Macquarie University established under the Act.

**voter** means a person who is entitled to vote in an election at the University;

**voting material** includes:

(a) ballot papers and associated documentation;

(b) applications for ballot papers;

(c) records relating to the issue of ballot papers; and

(d) declarations and statements made by persons voting or claiming to vote.

**voting period** means the period of time from the date and time of the start of voting to the close of voting, during which a voter may cast his or her ballot.

2. A reference to an election includes a reference to a supplementary election as the case requires.
3. For the purposes of these rules, the year in which a voting period is fixed for an election will be taken to be the year in which the election is held.

## **Part 2—Elections to be held and terms of office**

### **3 Student Representative Committee elections**

1. Elections to determine the membership of the Student Representative Committee must be held in accordance with these rules and the Code of Conduct.
2. Each election for an office in the Student Representative Committee is a separate and distinct election.
3. Elections for each position as a student member to the Student Representative Committee will be held annually.

### **4 Commencement of term of office**

The term of office for successful candidates in each election will commence on 14 May in the year in which the election is held.

### **5 Failure of election in certain cases**

1. If:
  - (a) between the close of nominations and the close of voting a nominated candidate dies; and
  - (b) the election is to fill one vacancy,the election will be taken to have wholly failed.
2. If between the close of nominations and the close of voting two or more candidates die, the election will be taken to have wholly failed.
3. If the returning officer is satisfied that the provisions of these rules, including the Code of Conduct, or any rules, guidelines or procedures made in relation to these rules, have not been complied with to an extent that materially

compromises the proper outcome of an election, the returning officer may declare the election void.

### **6 Supplementary elections or casual vacancy**

1. If an election (other than a supplementary election) wholly or partially fails or is declared void, the returning officer must declare either one of the following:
  - (a) that a supplementary election will be held to fill the office or offices not filled by the election; or
  - (b) that a casual vacancy is deemed to have occurred in the office or offices not filled by the election.
2. Subject to these rules, if it is declared that a supplementary election will be held, the supplementary election must be held as soon as practicable after the occasion for the election arises and in the same year.
3. The returning officer must, by notice published on the University website and such other places as the returning officer thinks appropriate, fix a voting period for the supplementary election.
4. A notice under subclause (3) must also fix a day for the close of the election roll for the purposes of the election.

### **7 Failure of supplementary election**

If a supplementary election wholly or partially fails or is declared void a casual vacancy is deemed to have occurred in that office or offices not filled by the supplementary election.

### **8 Casual vacancy**

1. If a casual vacancy is deemed to have occurred, the office must be filled in accordance with the provisions for casual vacancy set out in the Charter, subject to subclause (2) below.
2. The Student Representative Committee must not appoint a person to an office under subclause (1) unless the person:
  - (a) would, if an election were held to fill the office, be eligible to stand as a candidate for election to the office; and

- (b) has made a declaration of eligibility in the prescribed form.

### **Part 3—Electoral officers**

#### **9 The returning officer**

1. The Registrar will be the returning officer for all elections.
2. The returning officer must take all reasonable steps to ensure the fairness and integrity of the election process.
3. Subject to the Charter and these rules:
  - (a) the returning officer may make or amend the Code of Conduct from time to time for any reason;
  - (b) the returning officer's decision is final in connection with any matter affecting the conduct of an election, including without limitation, eligibility of candidates or voters and the results of any election; and
  - (c) an election is to be conducted in such manner as the returning officer may determine.

#### **10 Appointments made by returning officer**

1. The returning officer may appoint one or more deputy returning officers for an election.
2. The Council may, in connection with the operation of subclause (1), nominate a person to be a deputy returning officer for an election and the returning officer will make the appointment if satisfied:
  - (a) that the person is an appropriate person to act as a deputy returning officer;
  - (b) that the person has sufficient training or experience to act as a deputy returning officer; and
  - (c) that in the circumstances it is reasonable that an appointment be made.
3. No member of a Council, Academic Senate or Student Representative Committee or candidate for election as a member of a Council, Academic Senate or Student Representative Committee may be appointed as a deputy returning officer.

4. The returning officer will be taken to have delegated to a deputy returning officer all of the returning officer's powers and functions under these rules in respect of the election or elections for which the deputy returning officer has been appointed.

5. A delegation under subclause(4):

- (a) is subject to the condition that the deputy returning officer will act in accordance with the directions of the returning officer, and to other conditions and limitations determined by the returning officer; and
- (b) may be the subject of one or more subdelegations; and
- (c) does not prevent the returning officer from acting in a matter.

6. The returning officer may establish or specify courses of training to be undertaken by persons nominated or appointed as deputy returning officers under this clause.

7. The returning officer may remove a person from the position of deputy returning officer for any reason and if that person was nominated by the Council, may only do so following consultation with the Council.

#### **11 Appointment of other electoral officers**

1. The returning officer may appoint electoral officers to assist in the conduct of an election.
2. A deputy returning officer may, with the approval of the returning officer, appoint electoral officers to assist in the conduct of an election.
3. No member of a Council, Academic Senate or Student Representative Committee or candidate for election as a member of a Council, Academic Senate or Student Representative Committee may be appointed as an electoral officer.
4. The returning officer or a deputy returning officer may, by instrument in writing, delegate to an electoral officer powers or functions under these rules.
5. A delegation under subclause (4):
  - (a) is subject to conditions and limitations specified in the instrument of delegation;

(b) does not prevent the returning officer or a deputy returning officer from acting in a matter; and

(c) is revocable at will.

6. In any legal proceedings, an apparently genuine document purporting to be a certificate signed by the returning officer or a deputy returning officer containing particulars of a delegation under this clause will, in the absence of proof to the contrary, be accepted as proof of those particulars.

## **12 Information, education and publicity for Student Representative Committee elections**

1. The returning officer may arrange advertising for the purposes of:

(a) informing voters on access to information relating to candidates;

(b) encouraging voting at elections;

(c) informing voters about the method of voting; and

(d) advising potential voters of the requirement to be enrolled on the election roll in order to be eligible to vote.

## **Part 4—Entitlement to vote**

### **13 Student Representative Committee election rolls**

1. The returning officer must for the purposes of the Student Representative Committee elections, establish and maintain separate rolls for the following categories:

(a) a roll of undergraduate students enrolled in an undergraduate award course which lists the full name, email address, postal address, student number and admitted course code of each student;

(b) a roll of postgraduate students enrolled in a postgraduate award course which lists the full name, email address, postal address, student number and admitted course code of each student;

(c) a roll of overseas students enrolled in an award course which lists the full name, email address, postal address and student number of each student.

### **14 General provisions for election rolls**

1. A person is not entitled to have his or her name entered on to any roll of students if:

(a) the person is progressing towards an award at another University;

(b) the person has deferred their studies or is not currently enrolled at the University for an award course; or

(c) the person has not completed, to the satisfaction of the University, all requirements for enrolment or re-enrolment in the award course concerned.

2. A person is entitled to have his or her name entered onto any roll of students if he or she is part time.

3. A copy of the relevant election roll must be available for inspection at the office of the returning officer during the University's usual business hours for at least 14 days before the first day of the voting period.

4. The returning officer is entitled to alter a roll at any time by:

(a) correcting any mistake or omission in the details of any eligible voter entered on that roll,

(b) altering, on the written application of any eligible voter, the name or address of the person entered on that roll,

(c) removing the name of any deceased person,

(d) removing the superfluous entry where the name of the same eligible voter appears more than once on the roll or on more than one roll in which he or she is eligible to vote, or

(e) reinstating the name of an eligible voter removed from the roll, where the returning officer is satisfied that such person is still entitled to be entered on the relevant roll.

5. Notwithstanding subclause (5), a roll is not invalid because any one or more of the following events occurs in connection with that roll:

- (a) the roll contains any mistake or omission in the details of any eligible voter entered on that roll,
- (b) the roll contains the name of any deceased person,
- (c) the roll contains more than one entry for the same eligible voter,
- (d) two or more rolls contain the name of the same eligible voter; or
- (e) the roll does not contain the name of any person entitled to be entered on that roll.

### **15 Entitlement to vote**

1. Subject to subclause (2) and (3), a person who has his or her name on the election roll for an election at close of nominations, is entitled to vote at that election.
2. A person cannot vote at an election for another person pursuant to a power of attorney.
3. A person whose name appears on more than one election roll must choose in which election to vote and may not vote in more than one election.

### **16 Provisional voting**

1. This clause applies to a person who claims he or she is entitled to vote in an election even though:
  - (a) the person's name cannot be found on the roll for the election for which the person is claiming an entitlement to vote, or
  - (b) the person's name is on the roll for the relevant election, but his or her email or postal address is incorrect, or does not appear on that roll, or
  - (c) a mark on the roll used in that election indicates incorrectly that the person has already voted in that election.
2. A person to whom this clause applies may cast a provisional vote if:
  - (a) the person makes a request to the returning officer and the returning officer authorises that person to vote, and

- (b) the person complies with the provisions of clauses 31 or 36 as the case requires.

## **Part 5 - Qualifications to stand for elections**

### **17 Student Representative Committee**

For the purposes of the Charter and subject to a person meeting additional eligibility criteria (if any) set out in the Charter, a person is eligible for election as:

- (a) an undergraduate student if their name appears on the roll of undergraduates;
- (b) a postgraduate student if their name appears on the roll of postgraduates;
- (c) an overseas student if their name appears on the roll of overseas students;

at the time for close of nominations specified in the notice of election and provided that a student whose name appears in more than one roll, is eligible for election for one office only, as nominated by them.

## **Part 6 —Nomination**

### **18 Timing of election**

In the conduct of a Student Representative Committee election, the returning officer must allow the following intervals between the events set out:

- (a) between the date of posting of the notice of election and close of nominations, not less than 14 and not more than 28 days,
- (b) between close of nominations and the first day of the voting period, not more than 28 days, and
- (c) between the first day of the voting period and the close of voting, not less than 2 and not more than 60 days.

### **19 Notice of Election**

1. The returning officer must give notice of an election by:
  - (a) publishing a notice of election on the University website; and
2. (b) delivering a notice of election to the email address or postal address noted on the relevant roll of each person entitled to vote at that election. The notice of election must:

- (a) state the number of persons to be elected to that office and the qualifications for candidature;
- (b) invite nominations of candidates for election and specify the form in which nominations are to be made; and
- (c) specify the date and time by which nominations must reach the returning officer.

(g) a photograph; and

(h) any other information that the candidate thinks appropriate.

6. If the candidate provides a profile under subclause (5), it must be submitted in electronic copy format.

7. The returning officer may edit any information provided by a candidate under subclause (5) to provide to voters.

8. The returning officer must cause a note to be made of the date and time of the receipt of a nomination form under this clause.

9. The returning officer may reject a nomination if in the opinion of the returning officer the name under which the candidate is nominated:

(a) is obscene; or

(b) is frivolous; or

(c) has been assumed for an ulterior purpose.

10. A person cannot nominate more than one person in any election. If this occurs, the returning officer is to treat the first signed nomination form received as the valid nomination for that election.

## 20 Manner in which nominations are made

1. A separate nomination form must be completed for each candidate nominated for a position and submitted, with the accompanying documents listed in subclause 4, to the returning officer by the specified date and time.

2. A person cannot nominate herself or himself for election.

3. Each person who nominates another for election must be eligible himself or herself to vote in that election.

4. The nomination form must be:

(a) accompanied by the signed written acknowledgement and consent of the candidate to his or her nomination and agreement to abide by the Code of Conduct; and

(b) signed by 2 persons qualified to vote at the election covered, one of whom is proposer and one the seconder.

5. The candidate may provide a profile, not exceeding 150 words, at the time of nomination containing the following information:

(a) their name;

(b) current occupation or position;

(c) Their current course and year of enrolment;

(d) Academic qualifications;

(e) Honors and distinctions;

(f) employment experience;

## 21 Questions of validity

1. On receipt of a form of nomination, the returning officer must, if he or she is of the opinion that there is any matter that might render the nomination invalid, take all reasonable steps to notify the nominated candidate of the matter in order to enable the candidate to address the matter before the close of nominations.

2. A dispute as to the validity of a nomination must be determined summarily by the returning officer.

## 22 Ability to withdraw a nomination

A nominated candidate may at any time before the close of nominations, by notice given to the returning officer, request the withdrawal of their nomination.



### **23 Dealing with Nominations**

1. If, at the close of nominations, the number of persons nominated is less than or equal to the number of positions of that category to be filled, the returning officer must declare those candidates elected.
2. If, at the close of nominations, the number of nominations received by the returning officer is greater than the number of persons to be elected, the returning officer must conduct an election as provided in these rules.

### **24 Multiple nominations**

If, at the close of nominations, it appears that the same person has been nominated for election to two or more offices, the returning officer is to treat the first signed nomination form received as the valid nomination.

### **25 Notice of candidates elected and election details**

The returning officer must, as soon as practicable but within 10 days of the close of nominations, publish by notice on the University website and such other places as the returning officer thinks appropriate, and notify the candidates in writing:

- (a) the names of the candidates nominated and the offices for which they are nominated;
- (b) the names of any candidates declared elected pursuant to these rules;
- (c) if an election is to be held, the method of voting, whether by electronic or postal ballot and the voting period;
- (d) if the election is to be held by electronic ballot, details of how and when voters may access the election website.

### **26 Death or ineligibility of candidates**

1. If, before the close of voting, a candidate at the election dies or becomes no longer eligible for election, the election must proceed as if:
  - (a) the candidate was not nominated for election, and
  - (b) the candidate's name did not appear on the list of candidates for election, and

- (c) any vote for that person was not cast.

### **Part 7—Election format**

#### **27 Manner of conducting ballot— electronic or postal**

1. Each election must be conducted by secret ballot.
2. The returning officer will determine whether the election will be held by electronic ballot or postal ballot.
3. In the case of an electronic ballot, the returning officer may make alternative arrangements for eligible voters who are unable to take part in an electronic ballot to vote in the election.
4. If there is any technical malfunction in respect of an electronic ballot, the returning officer may determine that the election is to be held again by a postal ballot or another electronic ballot.

#### **28 Ballot papers**

1. For the purposes of any election, the returning officer must ensure that ballot papers are prepared which contain the following:
  - (a) the names of all candidates for election to that office arranged in an order determined by drawing lots;
  - (b) instructions on how to complete the ballot paper; and
  - (c) a square for marking by voters to the left of each name appearing on the ballot paper.
2. The drawing of lots for the purposes of subclause (1)(a) must be conducted by the returning officer in the presence of 2 persons who are of or above the age of majority and may be conducted in the presence of one scrutineer per candidate nominated by each candidate for the election in accordance with clause 41.

#### **29 Postal Ballot**

Clauses 30 to 32 apply if the returning officer decides to conduct an election by postal ballot.

### 30 Sending Voting Material for postal ballot

1. The returning officer must send to each person on the relevant roll, at the voter address listed on the roll, the following voting material:
  - (a) a ballot paper prepared in accordance with clause 28 initialled by the returning officer or a person authorised by the returning officer; and
  - (b) a notice that specifies:
    - i. the manner in which the ballot form is to be completed;
    - ii. the closing date and time by which the ballot paper must reach the returning officer; and
    - iii. the address where the ballot paper is to be sent to the returning officer;
  - (c) a copy of the candidate's statement, if provided in accordance with clause 20(5);
  - (d) a statement showing the name of each candidate's proposer and seconder;
  - (e) a declaration to be completed by each voter verifying:
    - i. his or her name;
    - ii. that he or she is eligible to vote;
    - iii. that the ballot paper contains his or her vote;
    - iv. that he or she has read and will abide by the Code of Conduct; and
    - v. that he or she has not already voted in the election.
  - (f) 2 envelopes, one marked "ballot paper" and the other addressed to the returning officer.

### 31 Marking and returning ballot papers

1. The voter must mark his or her vote on the ballot paper by inserting the figure "1" in the box opposite the name of the candidate to whom the voter wishes to give his or her first preference.
2. If the voter wishes to show his or her order of

preference for any or all of the remaining candidates, the voter may do so by inserting the figures "2", "3", "4" and so on, as the case requires, in the boxes opposite the names of any of the remaining candidates so as to indicate by numerical sequence the order of his or her preference for the candidates.

3. Voters must, after completing the ballot paper:
  - (a) enclose and seal that ballot paper in the envelope marked "ballot paper",
  - (b) enclose and seal that envelope in the returning envelope addressed to the returning officer, together with the signed declaration of eligibility to be given under clause 30(1)(e), and
  - (c) send by post or deliver the envelope to the returning officer so that the returning officer receives it by close of voting.

### 32 Security of votes

1. The returning officer must ensure that arrangements are in place for the efficient receipt and safekeeping of envelopes returned by persons voting by post in an election and for the confidential scrutiny of those envelopes (if the returning officer so chooses but without opening the envelopes) pending the close of voting.
2. The returning officer may give directions to other electoral officers for the purposes of subclause (1).

### 33 Electronic Ballot

Clauses 34 to 36 apply if the returning officer decides to conduct an election by electronic ballot.

### 34 Election website

1. The returning officer must establish a secure election website for the purposes of the electronic ballot.
2. The election website must include the following:
  - (a) an electronic version of the ballot paper prepared in accordance with clause 28; and
  - (b) information that specifies:

- i. the manner in which the ballot paper is to be completed;
  - ii. the closing date and time by which the ballot paper must be submitted; and
  - iii. a summary of information about each candidate, if provided under clause 20(5), and a statement showing the name of each candidates proposer and seconder.
3. The election website may require voters to verify their identity in order to access the election website.

**35 Providing voting material to voters**

1. Prior to the start of the voting period, the returning officer must notify each person on the relevant roll, at the person’s email or residential address listed on the roll, of the following:
  - (a) how to access the election website;
  - (b) how to validly complete an electronic ballot and the voter’s declaration; and
  - (c) the closing date and time by which the ballot paper must be submitted to the returning officer.

**36 Completing and submitting electronic ballot forms**

1. Voters must vote by completing the electronic ballot form, in accordance with the instructions, received via email.
2. The voter must mark his or her vote electronically by inserting the figure “1” in the box opposite the name of the candidate to whom the voter wishes to give his or her first preference.
3. If the voter wishes to show his or her order of preference for any or all of the remaining candidates, the voter may do so by inserting the figures “2”, “3”, “4” and so on, as the case requires, in the boxes opposite the names of any of the remaining candidates so as to indicate by numerical sequence the order of his or her preference for the candidates.
4. Voters must, after completing the electronic

ballot form, submit it to the returning officer by following the prompts on the election website.

5. The returning officer must ensure that any electronic database or retrieval system containing electronic votes is kept secure until the counting of votes begins in accordance with clause 43.

**37 Voter may be assisted in certain circumstances**

1. Subject to subclause (2), if a person who desires to vote is illiterate or physically unable to carry out a procedure required by postal ballot or electronic ballot a person of the voter's choice (being a person of or above the age of majority) may render such assistance as may be necessary in the circumstances and may, if necessary, vote on behalf of the voter in accordance with his or her directions and complete any declaration on behalf of the voter.
2. A person must not act under subclause (1) without first obtaining the approval of the returning officer to do so.
3. An approval under subclause (2):
  - (a) may be given in such manner as the returning officer thinks fit; and
  - (b) may be given subject to such conditions as the returning officer thinks fit.

**38 Issue of voting material**

1. The returning officer must keep a record of all persons to whom voting material is issued.
2. If voting material sent to an electronic email address or postal address is returned because it has not been successfully delivered, the returning officer must retain a record of that fact.
3. The returning officer is not required to issue voting material to a person whom the returning officer has reason to believe has died.

**39 Issue of fresh postal ballot papers**

1. If the returning officer is satisfied that postal voting material issued to a voter:
  - (a) has not been received by the voter;

- (b) has been lost;
- (c) has been inadvertently spoiled; or
- (d) has been issued to the wrong address,

the returning officer may issue fresh voting material to the voter.

2. The returning officer must keep a record of the issue fresh voting material under this clause.
3. The issue of a fresh ballot paper under this clause automatically cancels the original ballot paper.
4. An application for the issue of fresh voting material must be received by the returning officer not later than the second business day before the start of the voting period.

#### **40 Polling Booths**

1. The returning officer:
  - (a) may determine that voting may be conducted at polling booths; and
  - (b) if subclause 1 (a) above applies, must provide notice posted on the election website and other locations as the returning officer thinks appropriate, of the dates, hours and location of the polling booths.

### **Part 8 – Scrutineers, counting and declaration of results in elections**

#### **41 Scrutineers**

1. Each candidate may appoint one scrutineer by notice in writing to the returning officer prior to the commencement of counting of votes, to be present as that candidate's scrutineer at any counting of votes and for the drawing of lots on a ballot paper.
2. A candidate for election (including a candidate who has already been declared elected) is not eligible for appointment as a scrutineer.
3. In the case of a postal ballot, a scrutineer may inspect any ballot paper provided that, in the opinion of the returning officer, that scrutiny does not delay the counting of votes unreasonably.

4. In the case of an electronic ballot, a scrutineer may inspect any report or record from any electronic database or retrieval system containing electronic votes used in the electronic ballot, provided that, in the opinion of the returning officer, that scrutiny does not delay the counting of votes unreasonably.

#### **42 Arranging ballot papers**

1. In the case of an electronic ballot, the returning officer must as soon as practicable after the close of voting with the assistance of any other electoral officers who may be present and in the presence of any scrutineers, access the submitted ballot papers for counting.
2. In the case of an election conducted by postal vote, the returning officer must, as soon as practicable after the close of voting with the assistance of any other electoral officer who may be present and in the presence of any scrutineers:
  - (a) examine the declarations used for voting (and validly returned) and determine which votes are to be accepted for further scrutiny and which rejected from further scrutiny, rejecting unopened:
    - i. any 2 or more envelopes where it appears to the returning officer that the voter has acted in more than 1 capacity at the particular election; and
    - ii. any envelope where the voter's name does not appear on the election roll, unless the voter's name has been omitted from the roll in error; and
    - iii. any envelope where the signature does not, to the satisfaction of the returning officer, correspond with the signature on the application (if any) of the voter for the relevant voting papers; and
  - (b) rearrange the envelopes so that the anonymity of voters is maintained;
  - (c) remove the ballot papers from those envelopes;
  - (d) if an envelope contains more than one ballot paper and a scrutineer challenges the number of ballot papers contained in the envelope—satisfy himself or herself

that the envelope does not contain more ballot papers than the number to which the voter is entitled and, if the returning officer is not so satisfied, return all of those ballot papers to the envelope and reject them from the count;

- (e) examine the remaining ballot papers and reject any informal ballot papers; and
  - (f) arrange all unrejected ballot papers into appropriate parcels for counting.
3. No ballot paper is to be accepted unless it is received by the returning officer before the close of voting.
  4. The returning officer may decide whether any ballot paper is to be accepted or rejected.

#### **43 Counting of votes**

1. A tick or cross appearing on a ballot paper is equivalent to the number 1.
2. If:
  - (a) a series of numbers (starting from the number 1) appearing on a ballot paper is non---consecutive by reason only of the omission of one or more numbers from the series or the repetition of a number (not being the number 1); and
  - (b) if more than one candidate is required to be elected—the numbers are at least consecutive up to the number of candidates required to be elected, the ballot paper is not informal and the votes are valid up to the point at which the omission or repetition occurs.
3. A ballot paper is not informal by reason of non---compliance with this clause if the voter's intention is clearly indicated on the ballot paper.
4. A vote is not informal only because any figures placed on the ballot paper are not placed in or entirely in the squares opposite the candidates' names, if the figures are placed on the ballot in such positions as, in the opinion of the returning officer, clearly indicate the order of the voter's preference for the candidates.

#### **Signature to electoral material**

If a person who is unable to sign his or her name

in writing makes a mark as his or her signature on any voting material, the mark will be taken to be the person's personal signature if it is witnessed by a person who provides his or her signature to verify the mark.

#### **Informal vote**

1. A vote is informal if:
  - (a) the voter has not indicated a clear preference for at least one candidate or if it is possible, in the opinion of the returning officer, to identify the voter; or
  - (b) in the opinion of the returning officer, it does not include a vote for the number of candidates at least equal to the number of vacancies to be filled; or
  - (c) except in the case of an electronic ballot, if the ballot paper has not been initialled in accordance with clause 30(1) (a); or
    - (b)
  - (d) the voter has voted in more than one election in which he or she is entitled to vote, in which case any vote cast subsequent to the first valid vote received is informal.

#### **44 Method of counting and provisional declarations**

1. In this clause:

**an absolute majority of votes** means a greater number than one-half of the whole number of formal votes counted.

**continuing candidate** means a candidate not already elected or excluded from the count.

**determine by lot** means determine in accordance with the following directions:

- (a) the names of the candidates concerned must be written on separate and similar slips of paper,
- (b) the slips must be folded so as to prevent identification and mixed and drawn at random,
- (c) the candidate whose name is first drawn is declared elected.

2. If a ballot has been held for the purpose of an

Election the result of the ballot must be determined as provided in this clause.

3. The returning officer must count the total number of ballot votes and exclude any informal votes.
  4. The returning officer must count the number of first preference votes given for each candidate.
  5. Where there is one position to be filled:
    - (a) The candidate who has received the largest number of first preference votes must, if that number constitutes an absolute majority of votes, be declared by the returning officer to be elected.
    - (b) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes must be excluded and each of the ballot papers counted to that candidate must be counted to the continuing candidate next in order of the voter's preference.
    - (c) If on any count two or more candidates have an equal number of votes and one of them has to be excluded, the candidate to be excluded must be determined as follows:
      - i. if the count is the first made in connection with the ballot, the returning officer must determine by lot which of those candidates is to be excluded,
      - ii. if the count is the second or subsequent count made in connection with the ballot:
        - a. that candidate must be excluded who had the least number of votes at the last count at which one of those candidates received fewer votes than each of the others, or
        - b. the returning officer must determine by lot which of those candidates is to be excluded, if at all preceding counts no one of those candidates received fewer votes than each of the others.
  - (d) The process of excluding the candidate who has the fewest votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voter's preference must (subject to subclause (5)(e)) be continued:
    - i. until one continuing candidate has an absolute majority of votes in which event that candidate must be declared by the returning officer to be elected, or
    - ii. until all candidates but one have been excluded in which event the remaining candidate must be declared elected.
  - (e) If at any point during any particular count after the first preference votes have been counted, the candidate next in order of a voter's preference is not indicated or cannot be ascertained, that ballot paper must, from that point onwards, be excluded from that particular count and the total of the ballot papers counted must be amended accordingly.
6. Where there is more than one position to be filled the result of the ballot is to be determined in accordance with the procedures set out in the most recently published edition of the publication entitled *Proportional Representation Manual: Rules for Conducting Elections by the Quota Preferential Method* published by the Proportional Representation Society of Australia, a copy of which is available from the returning officer.

#### **45 Recounts**

1. At any time within 72 hours after the returning officer has declared a candidate to be elected, a candidate (not being a candidate in whose favour the declaration was made) may, by notice in writing lodged with the returning officer, request a recount of the votes cast in relation to the relevant office or offices and, in the event of a request being made, the returning officer must cause a recount of votes to be made in accordance with the request unless the returning officer considers that there is no prospect that a recount would alter the result of the election.
2. The returning officer may, on his or her own initiative, during the period of 72 hours

referred to in subclause (1), decide to conduct a recount of any votes cast in the election.

3. The following provisions apply to a recount:
  - (a) the returning officer should give the candidates reasonable notice of the time and place at which it is to be conducted;
  - (b) the returning officer may reverse a decision taken at the count; and
  - (c) if the votes of two or more candidates are equal and one of them was excluded by lot at the count, the same candidate must be excluded at the recount.

#### **46 Declaration of results and certificate**

1. If the period for requesting a recount for an election expires without such a request having been made and the returning officer has not initiated a recount, the returning officer must confirm the relevant declarations, and make out a return to the Vice Chancellor of the University certifying the election of specified candidates to specified offices.
2. If a recount is made, the returning officer must, according to the result of the recount:
  - (a) confirm the original declaration; or
  - (b) revoke the original declaration and make a final declaration in accordance with the result of the recount,and then immediately make out a return to the Vice Chancellor of the University certifying the result of the election accordingly.
3. The returning officer:
  - (a) must notify all candidates, in writing, of the result of the election; and
  - (b) must within one month after the conclusion of the election publish a notice on the University website of the result of the election.
4. A candidate is entitled, on application to the returning officer within three months after the conclusion of the election, to a copy of the return referred to in subclause (1).

#### **47 Computer counting**

1. The returning officer may authorise the use of a computer program to carry out steps involved in the recording, scrutiny or counting of votes in an election.
2. The returning officer must be reasonably satisfied that the proper use of the computer program would produce the same result in the recording, scrutiny or counting of votes as the result that would be achieved if the program were not to be used.
3. The returning officer may specify processes and must ensure compliance with such process that must be followed in relation to the use of an approved computer program for the purposes of an election.
4. The use of a computer program under this clause does not prevent the returning officer deciding to recount votes in an election without computer assistance.

#### **48 Recount if successful candidate dies**

1. This clause applies if:
  - (a) a candidate dies between the close of voting at an election and the first meeting of the Student Representative Committee following the election; and
  - (b) the election was to fill 2 or more offices; and
  - (c) the candidate is, according to the counting of votes cast at the election, a successful candidate and no other candidate who was also a successful candidate according to those votes, has died.
2. In a case where this clause applies:
  - (a) the returning officer must recount the votes on the basis that a vote indicated on a ballot paper opposite the name of the deceased candidate will be counted to the candidate next in the order of the voter's preference, and that the numbers indicating subsequent preferences are to be taken to have been altered accordingly;
  - (b) the returning officer must then ascertain (in such manner as the returning officer thinks fit) whether the person who becomes a successful candidate on the

basis of this recount (being a person who was not previously a successful candidate and, if relevant, being the highest ranked candidate from the candidates not elected at the time of the original count):

- i. is still willing to be elected to the relevant office; and
  - ii. is still eligible to be elected to the relevant office;
- (c) if the person then indicates to the returning officer (within a reasonable time) that he or she is so willing and eligible, the returning officer will declare the person elected.
3. A recount under subclause (2) does not affect the election of any other member according to the votes actually cast at the election (and where such a member is elected or excluded during the recount then that event will have notional effect for the purposes of performing the recount but not otherwise).
  4. A declaration under subclause (2)(c) will be taken to be a provisional declaration and a candidate (not being a successful candidate) may request a recount on the basis of this declaration in the manner contemplated by clause 45 and the returning officer may then take such action that may be appropriate in the manner contemplated by clause 46.

#### **49 Retention of voting material**

1. The returning officer must retain all voting material relating to an election until the returning officer is satisfied that the election cannot be questioned.
2. Except as provided by other provisions of these rules, voting material will not be available for public inspection.

### **Part 9 - Miscellaneous**

#### **50 Investigations and determinations of returning officer**

1. The returning officer may, if satisfied that a person involved in an election has breached the rules, or has committed an act prohibited under the Code of Conduct or in any way acted improperly, dishonestly or unfairly at any time during the conduct of an election, enforce any of

the below consequences or a combination thereof:

- (a) order that a person make an apology orally or in writing;
- (b) order that, where possible, a candidate rectify the matter which was the subject of the Complaint;
- (c) direct any person to cease their behaviour;
- (d) require a person or group of persons to cease and desist from any form of campaigning for such period of time as the returning officer deems appropriate, including this or any future election at the University;
- (e) recommend to an appropriate body that the person or group of persons be removed from the campus, for any period of time that the returning officer recommends;
- (f) charge any person or group of persons for the expenses resulting from any damage caused as a result of their prohibited conduct;
- (g) disqualify any candidate from the election;
- (h) refer issues of a disciplinary nature regarding the conduct of students to the appropriate University bodies.

2. The returning officer may, acting in his or her discretion, dismiss any candidate immediately on the grounds of abuse, coercion, harassment, defection or intimidation by that candidate or other candidates, campaigners, voters or electoral officials.

3. A decision of the returning officer under this clause is final and not subject to appeal.

4. Breach of these rules by any candidate or person campaigning is misconduct by that person for the purpose of the University's disciplinary by-laws, rules and policies.

#### **51 Forms**

1. Subject to any provision made by another



provision of these rules or the Charter, the returning officer may, by notice published on the University website:

- (a) determine the form of any voting material under these rules;
  - (b) make other determinations as to the forms that are to be used for the purposes of these rules.
2. A determination under subclause (1) may make different provisions according to the circumstances to which it is expressed to apply.

## **52 Rules**

Subject to the Charter, the returning officer may make such rules as are necessary or expedient for the purposes of these rules.

## Schedule 1 Code of Conduct for Elections

### PART 1 - PRINCIPLES

1. This Code of Conduct applies to any person involved in an election at the University, including staff and students of the University, eligible voters, campaigners, candidates and scrutineers.
2. Elections are subject to the University's Ethics Framework, a copy of which is available on the University's website.
3. No person shall engage in dishonest or misleading practices of any kind during the course of an election.
4. All information provided to the returning officer, on official forms, in correspondence and/or verbally, must be true and accurate and not misleading.
5. Directions of the returning officer must be followed at all times.

### PART 2 - CAMPAIGNING

1. Campaigning is defined as any activity or material that in the opinion of the returning officer:
  - a) identifies a person as a candidate; or
  - b) affiliates a person with the election.
2. The returning officer may specify the time period within which campaigning is permitted in association with an election.
3. Candidates are permitted to nominate persons to participate in their election campaign (**campaigners**).
4. To nominate a campaigner, a candidate must provide the name, student number and contact details in writing of any campaigner to the returning officer prior to that campaigner undertaking any campaign work.
5. A campaigner may only campaign for one candidate during an election.
6. A campaigner may campaign for a ticket. However, they must not campaign for that ticket unless that campaigner has already

been nominated to campaign for a candidate in that ticket.

7. A candidate is, at all times, responsible for the conduct of any person whom they have nominated as a campaigner.
8. A campaigner must abide by this Code of Conduct.
9. A person must not participate in a campaign for an election in which he or she is not entitled to vote or is otherwise prohibited from campaigning.

### PART 3 - ELECTION MATERIAL

1. Election material is defined as any physical, online or social media content that in the opinion of the returning officer is intended to promote the electoral prospect of a candidate or ticket in an election.
2. The returning officer must approve all election material prior to its use in any election.
3. The returning officer may publish on the University website guidelines in relation to permissible election material and locations for display. The returning officer must also distribute such guidelines to the candidates and each candidate and campaigner must comply with these guidelines.
4. All election material must:
  - a) comply with the University's Ethics Framework;
  - b) clearly display the name of the candidate or ticket on whose behalf the material is posted, displayed or distributed;
  - c) contain the words "authorised by the returning officer" in every copy of election material displayed, distributed or posted;
  - d) be placed on campus in accordance with the University's policies relating to posters and advertising; and
  - e) not use, contain or refer to a Macquarie University logo.

5. The returning officer may control the placement of election material in any way that the returning officer sees fit.

#### PART 4 - PROHIBITED CONDUCT

##### Unauthorised campaigning

1. A person must not campaign on behalf of a candidate unless he or she has been nominated to campaign and he or she is not otherwise prohibited from campaigning.
2. A campaigner must not:
  - a) accept or receive payment or payment in kind for their efforts;
  - b) use public address systems for campaign purposes; or
  - c) use facilities of the University not generally available to all students, including, but not limited to, office space, computers, photocopiers, stationery, telephones and facsimile machines, for campaigning.
3. A person must not campaign:
  - a) within ten metres of a polling station;
  - b) during class times in classrooms and other premises used to conduct classes; or
  - c) on any premises, such as the library and other similar areas reserved for teaching, study or research.

##### Unauthorised Election Material

1. A person must not publish, display or post election material which has not been approved by the returning officer.
2. A person must not publish, display or post election material except in accordance with this Code of Conduct.
3. The use of mailing lists in campaigning, other than lists specifically created for the election, is forbidden.

4. Endorsement of a candidate or ticket by a student club, society or other organisation is forbidden.

5. A person must not present information about a candidate of any kind (including by making allegations in relation to a candidate) during an election period either in writing or verbally except where:

- a) that person is campaigning on behalf of a candidate in accordance with this Code of Conduct and the information presented is in relation to and approved by that candidate; or
- b) the candidate in relation to whom the information is presented is present, the information presented is not rude, slanderous or calculated to embarrass and it is in a forum where in the returning officer's opinion that candidate has a fair and reasonable opportunity to respond directly.

##### Interference with secret ballot

1. A person must not by dishonest or clandestine means attempt to discover how another person has voted.
2. A person involved in administering the conduct of an election (including any scrutineer appointed under these rules) must not disclose or assist another person to disclose any information as to how a person votes at an election.

##### Inducement, bribery or interference

1. A person must not exercise violence or intimidation, or offer or give a bribe, with a view to:
  - a) inducing a person to submit or withdraw candidature for election; or
  - b) influencing the vote of a person at an election; or
  - c) otherwise interfering with the due course of an election.
2. In this section, **bribe** includes any pecuniary benefit or material advantage

including food, drink or entertainment.

### **Illegal voting**

A person must not dishonestly exercise, or attempt to exercise, a vote at an election to which that person is not entitled.

### **Persons acting on behalf of candidates not to assist voters or collect voting papers**

1. A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not act as an assistant to a person voting at the election.
2. A scrutineer must not act as an assistant to a person voting at an election.
3. Without limiting the generality of 6(a) or (b), a person acts as an assistant by assisting another to obtain, complete or return postal voting papers or to complete and submit a vote electronically.
4. A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not have in his or her possession, or attempt to gain possession of, postal voting papers for that election (except any such papers issued to the person as a voter in his or her own right).
5. In an electronic ballot, during the voting period a person, other than the voter, must not:
  - a) be in contact with or in the immediate vicinity of a voter while that voter has the election webpage open on any electronic device; or
  - b) set up an electronic device and solicit voters to cast their vote using that electronic device.

### **Unlawful interference with computer programs**

1. A person must not, without lawful authority to do so, tamper or interfere with a computer program, system or election website used for the purposes of an election.

2. A person must not, without lawful authority to do so, tamper or interfere with or remove voting forms, ballot boxes or electoral rolls from the polling booths.

### **Destruction of Property**

1. A person must not cover, deface, mutilate, destroy or remove without the express permission of the publisher, election material which is displayed, posted or distributed.
2. A person must not damage public or private property, including that of the University.

### **PART 5 – ELECTION COMPLAINTS**

1. Any candidate, campaigner, staff member or student is entitled to report an alleged breach of the election rules or Code of Conduct.
2. A complainant must make his or her complaint in writing to the returning officer via the [election@mq.edu.au](mailto:election@mq.edu.au) email address.
3. A complaint must:
  - (a) be submitted in a timely fashion, within 24 hours of the alleged breach;
  - (b) be written clearly and entirely in English;
  - (c) include the Complainant's full name and contact details; and
  - (d) provide a full description of the circumstances of the complaint and evidence to support the allegation.
4. The returning officer must provide the following to a person against whom a complaint is made:
  - (a) a statement of what is alleged;
  - (b) subject to (c), an opportunity to make a written or oral representation to the returning officer in relation to the complaint;

- (c) the provisions of (b) do not apply when, in the opinion of the returning officer, the urgency of the matter so requires.
5. The returning officer must investigate all complaints and make a determination within 48 hours of receiving the complaint in relation to whether a breach of the election rules or Code of Conduct has occurred and the consequences.
  6. The returning officer must communicate their determination on a complaint to the complainant and the respondent.
  7. The act of submitting vexatious or frivolous election complaints to the returning officer is, in itself, considered to be a breach of the Code of Conduct by that complainant.
- (f) charge any person or group of persons for the expenses resulting from any damage caused as a result of their prohibited conduct;
  - (g) disqualify any candidate from the election;
  - (h) refer issues of a disciplinary nature regarding the conduct of students to the appropriate University bodies.
2. The returning officer may, acting in his or her discretion, dismiss any candidate immediately on the grounds of abuse, coercion, harassment, defection or intimidation by that candidate or a campaigner acting on their behalf of other candidates, campaigners, voters or electoral officials.

PART 6 – CONSEQUENCES OF BREACH

1. The returning officer may, if satisfied that a person involved in an election has breached the rules, or has committed an act prohibited under the Code of Conduct or in any way acted improperly, dishonestly or unfairly at any time during the conduct of an election, enforce any of the below consequences or a combination thereof:
  - (a) order that a person make an apology orally or in writing;
  - (b) order that, where possible, a candidate rectify the matter which was the subject of the Complaint;
  - (c) direct any person to cease their behaviour;
  - (d) require a person or group of persons to cease and desist from any form of campaigning for such period of time as the returning officer deems appropriate, including this or any future election at the University;
  - (e) recommend to an appropriate body that the person or group of persons be removed from the campus, for any period of time that the returning officer recommends;
3. A decision of the returning officer under this clause is final and not subject to appeal.
4. Breach of these rules by any candidate or person campaigning is misconduct by that person for the purpose of the University's disciplinary by-laws, rules and policies.