Murdoch University

Election Regulations

This regulation should be read in conjunction with Election (Statute No. 15)

1. These Regulations apply to all elections of members of the Senate, Academic Council, College Boards and to elections to any subordinate bodies as they may determine.

2. The University Secretary shall be the Returning Officer for all elections, or shall appoint someone to act in that capacity. The Returning Officer is responsible for the conduct of an election and may prescribe any necessary procedures, rules or forms for the conduct of the election, provided they are not inconsistent with the requirements of these Regulations.

Nominations

3. (a) Except for elections by graduates of the University, at least two (2) weeks before the close of nominations, a notice calling for nominations will be:

   (i) sent to all persons entitled to vote ("voters"); and

   (ii) placed on an appropriate area of the University website.

   (b) For the purposes of sub-regulation 3(a), the notice:

   (i) will state the deadline for nominations and when and how voters may vote; and

   (ii) may, at the discretion of the Returning Officer, be sent by post or a graduate communications system or LMS or email

   (c) For elections by graduates of the University, at least three (3) weeks before the close of nominations, all graduates of the University whose names appear on an electoral roll shall be sent a notice calling for nominations, which shall also state the deadline for nominations and when and how they may vote. Notices shall also be placed in one or more newspapers as determined by the Returning Officer.

4. Nominations shall be lodged in writing or by email with the Returning Officer no later than the time and the date specified in the above notice. No nomination shall be valid unless it contains the written or emailed consent of the candidate and is received by the Returning Officer before the close of nominations. The identity of a person who has nominated shall not be disclosed by the Returning Officer before the close of nominations. Nominations can be withdrawn up until two (2) University working days prior to an electronic ballot going live.

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5. (a) Eligibility to nominate is based on employment[1], enrolment status[2] or registration on an electoral roll (for staff, student and graduates of the University elections respectively) on the day of the close of nominations. The Returning Officer shall produce a roll of all voters for each election.

   (b) Employees of the University shall not be entitled to nominate for the student positions on the University's Senate.

   (c) Each candidate may supply the Returning Officer with a photograph and a biography or election statement not exceeding 400 words in length, per person regardless of the number of positions[3] for which the person is nominating. Candidates have the option to include an email address so voters may contact them. The Returning Officer may edit any biography or statement if it exceeds 400 words or delete parts which in their opinion are of a defamatory or inappropriate nature, or, in the case of any of the elected positions to the University's Senate, delete parts that make any claims as to acting in a representative capacity if elected.

   (d) The Returning Officer shall produce two (2) election broadsheets, one for Guild elections and one for University elections, each containing the photograph and biography or statement submitted by each candidate and an email address if provided ("broadsheet").

   (e) Murdoch University operates in various jurisdictions. The Returning Officer may request election materials, including but not limited to broadsheets and election campaign materials, be altered to ensure that the cultural sensitivities and laws of the jurisdiction where voters and/or candidates are located are abided by

6. If the number of candidates does not exceed the number of vacancies, they shall be declared elected. If the nominations received exceed the number of vacancies, a ballot shall be held.

Electronic Ballots

7. Ballots may be conducted by way of an electronic voting program and determined by way of an electronic vote counting program, where such programs have been approved for use by the University Secretary.

8. The University Secretary may approve an electronic voting program for use where they are reasonably satisfied that the program:

   (a) will allow a voter to show consecutive preferences starting at '1';

   (b) gives a voter an opportunity to correct any mistakes before processing the voter's vote;

   (c) will allow a voter to make an informal vote showing no preferences for any candidate;

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[1] Full-time staff are those with a continuous or fixed term appointment with an FTE of 50% or above.

[2] Students must be currently enrolled in a unit. The Guild President, Education Vice President and General Secretary are deemed to be enrolled students under Guild Regulation 4.6.2.5.

[3] For students "Positions" means both Guild positions and positions on University Committees when elections are held contemporaneously.

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(d) will not allow a person to find out how a particular voter cast their vote; and

(e) will not allow a voter to vote more than once for any ballot.

9. An electronic voting program shall include access for electors to a voting slip, and (either directly or by way of appropriate links), instructions on how to vote, and the content of the broadsheet.

10. The University Secretary may approve an electronic vote counting program for use where they are reasonably satisfied that the proper use of the program would give the same result in the scrutiny of votes in an election in accordance with these regulations as would be obtained if the scrutiny were conducted without computer assistance.

Conduct of the Ballot

11. Whenever a ballot is to be held, the Returning Officer shall:

(a) for staff elections:

(i) conduct a postal ballot, with each voter to be sent (at least fourteen (14) days prior to the close of voting) a voting slip, instructions on how to vote, the broadsheet, an envelope in which the completed voting slip is to be placed, and an outer envelope addressed to the Returning Officer; or

(ii) conduct an electronic ballot, with each voter to be sent (at least fourteen (14) days prior to the close of voting) a notice detailing the nature of the election and instructions on how to access the electronic voting program and allow the opportunity for postal voting by voters who, due to special needs, are unable to access the program and who request such a vote.

(b) for student elections:

(i) hold voting at one or more polling places on each Campus of the University on at least three (3) days on which teaching is scheduled, and allow the opportunity for reply-paid postal voting by students who are unable to attend the campus and who request such a vote; or

(ii) conduct an electronic ballot, with each student to be sent (at least five (5) days prior to the close of voting) a notice detailing the nature of the election and instructions on how to access the electronic voting program and allow the opportunity for reply-paid postal voting by students who, due to special needs, are unable to access the program and who request such a vote.

(c) for election of Senators by graduates of the University,

(i) conduct a postal ballot of those on the electoral roll, with each voter to be sent (at least twenty one (21) days prior to the close of voting) a voting slip, instructions on how to vote, the broadsheet, an envelope in which the completed voting slip is to be placed, and an outer envelope addressed to the Returning Officer; or

(ii) conduct an electronic ballot of those on the electoral roll, with each elector to be sent (at least twenty one (21) days prior to the close of voting) a notice detailing the nature of the election and instructions on

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how to access the electronic voting program, and allow the opportunity for reply-paid postal voting by voters who, due to special needs, are unable to access the program and who request such a vote.

12. Eligibility to vote is based on employment, enrolment status or registration on an electoral roll (for staff, student and graduates of the University elections respectively) on the day of the close of nominations. The Returning Officer shall produce a roll of all voters for each election.

13. Every voting slip shall contain the names of all candidates arranged in an order determined by the Returning Officer by lot, and shall specify the method of voting. Paper based voting slips shall bear the initials of the Returning Officer. No voter shall be issued with more than one voting slip for any election, except where the Returning Officer is satisfied in relation to any paper based vote that the initial voting slip has been lost or destroyed.

14. In relation to any postal ballots or postal voting, every voter shall place their completed voting slip in the voting slip envelope, then place that in the envelope addressed to the Returning Officer, and complete the declaration (containing their name and signature) on the reverse of that envelope. The vote shall not be valid if the declaration is not completed.

15. Where any paper based voting takes place at one or more polling booths, the Returning Officer shall appoint a Presiding Officer responsible for the conduct of voting at each booth. Before issuing any voting slip, the Presiding Officer shall ascertain that the person appears on the electoral roll and has not already voted in this election, mark the name off the roll, and initial the voting slip. Completed voting slips shall be placed in a locked or sealed ballot box. Voting shall be by secret ballot. No election material, other than that printed on the authority of the Returning Officer, shall be displayed or distributed within five metres of the polling booth. The Returning Officer may remove any election material on University property which in their option is manifestly defamatory or manifestly against the University *Staff Code of Conduct* or *Student Code of Conduct*. The method of voting shall be optional preferential. The voter shall place the number one (1) in the box opposite the name of the candidate who is the first preference, number two (2) beside the second preference, and so on. For a vote to be valid it must indicate at least a first preference; it is not compulsory to rank all candidates. Preferences must be indicated by numbers, except that, in relation to any paper based vote, the Returning Officer may accept a mark where there is only one position to be filled and only one box on the form has been marked. The decision of the Returning Officer on whether any mark is a clear indication of voting intentions shall be final.

16. No voter shall vote more than once at an election. No voting slip shall be issued or accepted after the deadline for the close of voting.

Determination of the result

17. The counting of votes shall take place as soon as is practicable after the close of voting. Each candidate may appoint a person who is a voter (but not a candidate) to act as a scrutineer at the counting of any paper based votes. Any candidate wishing to appoint a scrutineer must notify the Returning Officer before the close of voting. The Returning Officer shall rule on the validity of votes.

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18. Where there are only two candidates for one position, the candidate with the greatest number of 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.

19. Where there are more than two candidates for one position, the result of the election shall be determined by the following system of preferential voting:

    (a) If one candidate has received an absolute majority (half plus one (1)) of the valid votes, he or she shall be duly elected.

    (b) If no candidate has an absolute majority, the Returning Officer shall eliminate the candidate with the fewest first preference votes and distribute these voting slips among the remaining candidates in order of the voters' second preference. If one candidate then has an absolute majority of the remaining votes, he or she shall be duly elected.

    (c) If no candidate then has an absolute majority, this process shall be repeated until one candidate has received an absolute majority, and this candidate shall be duly elected.

    (d) Whenever two or more candidates have an equal number of votes, and one of them has to be eliminated from the vote, that candidate shall be determined by the Returning Officer by lot.

    (e) Where the voting slip of an eliminated candidate does not indicate the voter's next preference, that voting slip shall be deemed to be exhausted.

    (f) Where there is any repetition of a figure or any break in the consecutive numbering of the preferences marked by a voter on a voting slip, only the preference(s) preceding such repetition or break shall be taken into account.

20. Where an election is for two (2) or more positions, the result of the poll shall be determined by the following system of proportional voting:

    (a) The quota for election shall be the total number of valid first preference votes, divided by the number of positions plus one (1), with one (1) added to this total.

    (b) Any candidate(s) who have received first preference votes equal to or greater than the quota shall be duly elected.

    (c) Where any candidate is declared elected with more votes than the quota, the excess votes shall be distributed among the remaining candidates in accordance with the next preference indicated on all the voting slips for that candidate. Each such voting slip shall have a discounted value, being the excess number of votes divided by the total votes for that candidate. If some voting slips do not have further preferences, they shall be deemed to be exhausted; this does not affect the value of the remaining votes which are redistributed. Any candidate who reaches the quota after this transfer of votes shall be declared elected. If that candidate's votes exceed the quota, the excess votes shall be distributed in the same manner and the process repeated.

    (d) If any position(s) remain unfilled, the candidate with the least number of votes shall be eliminated. These voting slips shall be distributed among the

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remaining candidates in order of the voters' next preference; those which were first preference votes for that candidate shall retain their full value. Where the voting slip of an eliminated candidate does not indicate the voter's next preference, that voting slip shall be deemed to be exhausted. Any candidate who reaches the quota after this transfer of votes, shall be declared elected. If that candidate's votes exceed the quota, the excess votes shall be distributed in the manner outlined above.

(e) This process is continued until sufficient candidates have each obtained a quota and been elected.

(f) Whenever two (2) or more candidates have an equal number of votes, and one of them has to be eliminated from the vote, the Returning Officer shall determine by lot which candidate is to be eliminated.

(g) Where there is any repetition of a figure or any break in the consecutive numbering of the preferences marked by a voter on a voting slip, only the preference(s) preceding such repetition or break shall be taken into account.

21. After completion of the counting of votes, the Returning Officer shall declare the results of the election.

22. In the event that an elected candidate during their elected term ceases to be eligible to nominate for the position they hold, the position shall become vacant and shall be filled in accordance with the provisions of the applicable University legislation.

Complaints, Appeals and Penalties

23. The following actions shall constitute misbehaviour in an election:

23.1 interfering unduly with the freedom of speech of a person during an election;

23.2 obstructing an election meeting;

23.3 damaging University property or fixtures in a manner calculated to affect the conduct of the elections;

23.4 assaulting, or attempting to assault, a person in a manner calculated to affect the conduct or outcome of an election;

23.5 hindering, obstructing, or preventing an electoral officer or candidate from discharging a duty or exercising a right under these Regulations;

23.6 defacing, mutilating, removing, or interfering with election material belonging to another person without authority of that person or candidate for whom the election material was produced;

23.7 directly or indirectly attempting to induce an electoral officer to alter the course of an election;

23.8 interfering with or destroying a validly marked ballot paper, ballot box, lock, seal, electoral roll, or other objects;

23.9 duplicating or concealing a ballot paper;

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23.10 engaging in inappropriate conduct in breach of the *Student Code of Conduct* during the campaign, including posting racist comments on social media.

23.11 lodging frivolous or vexatious (as determined by the Returning Officer) complaints with the Returning Officer,

23.12 Not complying with a lawful direction of the Returning Officer.

23.13 Any canvassing, anonymous or otherwise, on social media may be investigated.

24. There shall be an Election Tribunal consisting of:

(a) a nominee of the Head of Discipline of Law and Criminology who will act as Chair;

(b) in the case of staff, two (2) academics appointed by the President of Academic Council from amongst Academic Council members;

(c) in the case of students, two (2) persons appointed by the Guild Council;

(d) in the case of graduates, two (2) graduates appointed by the President of Academic Council on the recommendation of the Manager Alumni Relations.

Members of the Tribunal are not permitted to be candidates in the elections or to canvass votes in support of any candidate.

If the appointments under (b), (c) or (d) are not made by the date of the close of nominations, the Chair of the Election Tribunal sits alone.

24.1 The Tribunal shall have the power to hear any appeal or complaint lodged with it about the conduct of the election or the validity of the election outcome, based on errors in the electoral processes, or misbehaviour of candidates or other persons.

24.2 Any staff member, student or graduate of the University may appeal or complain to the Election Tribunal with respect to the conduct or outcome of an election for any position. Appeals and complaints may be submitted at any stage between the calling of nominations and five (5) University working days[4] after the declaration of the result for that position.

25. An appeal or complaint may be rejected by the Chair on behalf of the Tribunal where, in their view, it is vexatious, trivial, or unlikely to have bearing on the election outcome.

25.1 The Tribunal shall follow the principles of natural justice in its deliberations:

25.1.1 The person raising the complaint shall be given the opportunity to present their case (though this does not necessarily require an oral hearing);

[4] "University working days" are defined as days that the University is open for business.
Where there are variations between University campus working days, these will be read so as not to disadvantage students.

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25.1.2 The person about whom a complaint is made shall be informed of the details of the complaint and shall have the opportunity to respond;

25.1.3 Any member of the Tribunal who has a conflict of interest in hearing a particular case shall withdraw from consideration of that appeal or complaint, and shall be replaced by the person or body who appointed them;

25.1.4 Where a complaint or appeal is rejected, the Tribunal shall state its reasons, which shall be communicated in writing to the person who lodged the complaint or appeal.

25.2 The Tribunal shall have the power to:

25.2.1 dismiss a complaint or appeal;

25.2.2 order nominations be reopened;

25.2.3 declare a nomination, or nominations, invalid;

25.2.4 declare valid a nomination which the Returning Officer did not accept;

25.2.5 instruct the Returning Officer to vary or implement an electoral process, provided this is not contrary to the requirements of the *Election Regulations*;

25.2.6 declare that a candidate, who was declared elected, was not validly elected;

25.2.7 declare a candidate validly elected who was not returned elected;

25.2.8 declare part of an election invalid and order a new election for that position;

25.2.9 declare an election wholly invalid and order new elections;

25.2.10 impose a penalty, on any candidate.

25.2.11 Overturn any penalty imposed by the Returning Officer.

25.3 The Tribunal shall make its determination on the outcome of the elections within fourteen (14) University working days of the deadline for the lodging of appeals and complaints.

26. The Returning Officer may remove, or have removed, any election material which in their opinion is of a defamatory or inappropriate nature.

27. Where in the opinion of the Returning Officer, a candidate or a person campaigning on their behalf, is found to be in breach of any of the Campaign Rules, a penalty may be imposed.

28. Breaches of the Campaign Rules, which are established by the Returning Officer under these Regulations, may constitute General Misconduct as set out in Schedule A of the Student Integrity Regulations , and matters may be dealt with under those Regulations.

29. In addition, penalties directly relating to conduct during the election processes may include:

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- a warning;
- a directive to remove materials from websites and social media;
- confiscation of campaign materials;
- withdrawal of the candidates' permission to campaign (including any person campaigning on their behalf);
- exclusion from the election;
- disqualification from any future elections; or
- any other remedy at the discretion of the Returning Officer

Related Documents:

Statute No. 15 - Elections

Approval and Implementation:

Approval Authority:	Senate
Responsible Officer(s):	University Secretary
Contact Officer:	University Secretary

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Note: All enquiries relating to Legislation should be referred to the University Secretary's Office.

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