

Election Rule

UNSA Student Representative Council

1. PURPOSE

UNSA is committed to promoting and providing avenues for the student voice at the University of Newcastle. One way that UNSA does this is through the election of students to positions on the Student Representative Council ('SRC'). The SRC is comprised of a diverse range of student representatives with the intention of maximising the student voice and supporting representation of unique cohorts within the university community. Eligible students are invited to take part in the UNSA SRC elections which take place annually.

The purpose of this Rule is to outline the relevant conditions and formal process of the Student Representative Council Elections for eligible students who wish to participate. All candidates are encouraged to read this document in conjunction with the other election related documents housed on the UNSA Vote website.

2. CONDUCT OF ELECTION

An election to the UNSA Student Representative Council (SRC) is to be conducted by the Returning Officer appointed by the UNSA Board.

In the performance of any of the Returning Officer's functions under this Rule, the Returning Officer may be assisted by such persons as the Returning Officer appoints. Commonly, this includes the appointment of a Deputy Returning Officer.

Subject to the UNSA Constitution, the SRC Terms of Reference and this Rule, an election is to be effected in such manner as the Returning Officer or its Deputy determines.

3. TIMING

In the conduct of an election, the following periods are to be allowed:

- no less than 14 days between the date of publication of a notice of election and the date and time for close of nominations;
- no more than 28 days between the close of nominations and the issue of ballot papers; and
- no less than 14 days between the issue of the ballot papers and the closing of the ballot.

4. NOTICE OF ELECTION

The Returning Officer is to give notice of an election:

- by publishing the notice by means of the Vote website of UNSA; and
- by any other means that the Returning Officer considers appropriate.

The notice of election must:

- state that an election is necessary to fill the office or offices concerned;
- state the number of persons to be elected and the qualifications for candidature;
- invite nominations of persons for election;
- specify the form of the nomination and the means by which it is to be submitted to the Returning Officer;
- prescribe a date and time by which nominations must reach the Returning Officer, being the time of close for nominations; and
- contain such other information relating to the election as the Returning Officer considers appropriate.

5. NOMINATIONS

The Returning Officer may only accept a nomination for election if:

- it is in writing in the form specified in the notice of election;
- the person is qualified to stand for election, in accordance with the Constitution, the SRC Terms of Reference, this Rule, and the relevant Position Description;
- the person nominated has consented to stand for election by a notice in writing given to the Returning Officer before the time prescribed for the close of nominations or by a notation to that effect on the nomination form; and
- it is received by the Returning Officer before the time prescribed for close of nominations.

A candidate must provide the Returning Officer with a written Candidate Statement of not more than 200 words which forms part of a valid nomination.

Candidates must attend an Election Information Session prior to submitting a Nomination Form. Failure to attend an Election Information Session will render any nomination void and the student will be ineligible to continue their bid for an SRC position during the election period.

At the closure of nominations, the Returning Officer will review all nominations received and confirm that the validity and eligibility criteria have been met. Once a preliminary sort has been completed, the Returning Officer shall follow the relevant procedure below with respect to nominations and appointments:

- If, following the close of nominations the number of accepted nominations is less than the number of persons to be elected then the Returning Officer will undertake an Expression of Interest process to fill the position.
- If, following the close of nominations the number of accepted nominations is equal to the number of persons to be elected then the Returning Officer is to declare the persons nominated to be elected;
- If, following the close of nominations the number of accepted nominations exceeds the number of persons to be elected then the Returning Officer is to conduct a ballot to fill the vacancies.

Failure to comply with the reasonable direction of the Returning Officer with respect to a breach of any election guidelines, policies or procedures, including those contained within this Rule, shall result in an invalid nomination and the Candidate will no longer be eligible to continue their campaigning efforts.

6. CANDIDATE STATEMENTS

A Candidate Statement forms part of a valid nomination and must be submitted at the same time as the candidate's Nomination Form. Typically, the Nomination Form and Candidate Statement will be submitted through a single Microsoft Teams form which is managed by the Returning Officer and/or their representative. The link to this form will be made available by the Returning Officer as part of the standard promotional mechanisms as outlined in clause 4.

Candidates should also provide a personal headshot at this stage which will be used for campaigning materials and promotion.

A Candidate Statement must:

- address the criteria as contained in the Candidate Statement Template;
- be factual and realistic;
- not exceed the permitted word limit;
- not be defamatory, libellous or bring UNSA including its staff or sitting SRC representatives, and/or the University into disrepute;
- not encourage others to be defamatory, libellous or bring UNSA including its staff or sitting SRC representatives, and/or the University into disrepute; and
- must be written by the Candidate.

The Returning Officer may:

- request a candidate amend their Statement to comply with clause 5;
- if a candidate does not amend their Statement as requested by the Returning Officer by the deadline as notified by the Returning Officer, the Statement may be removed from voting materials; and/or
- declare a Nomination invalid in the instance a Candidate's Statement is proven to not have been authored by that Candidate.

7. BALLOT PAPERS

A ballot paper may be in any form, including electronic.

Each ballot paper is to contain the names of the candidates in an order determined by lot.

Each ballot paper is to be accompanied by a form of declaration or other means of verification that the person voting is eligible to vote at the election.

If a ballot paper has been lost or destroyed, a duplicate may be issued by the Returning Officer upon receipt of a written declaration that the ballot paper has been lost or destroyed.

Each ballot paper is to be accompanied by a notice which:

- specifies the date and the time by which the completed ballot paper must reach the Returning Officer;
- contains instructions for the transmission (whether electronically or otherwise) of the completed ballot paper to the Returning Officer;
- states the date and time when the ballot is closed;
- states that the election will be conducted by a simple majority vote; and
- provides instructions on how to vote.

The Returning Officer must reject a returned ballot paper if satisfied that:

- it has been received after the close of voting, or
- it has been cast by a person who is not entitled to vote at the election or who has already voted at the election; or
- it does not comply with the requirements of this Rule.

8. CONDUCT OF BALLOT

A ballot for an election must be a secret ballot and may be conducted by any of the following mechanisms:

- requiring eligible voters to access an electronic voting system, between specified dates and times, in order to vote in the election; or
- distributing physical ballot papers by post and/or email and requiring eligible voters to return the completed ballot papers by a specified date and time to the Returning Officer;
- distributing physical ballot papers in person on any University of Newcastle campuses at designated election style booths and requiring eligible voters to return the completed ballot papers immediately upon their completion into dedicated ballot boxes; and/or
- a blended method of any of the above.

The Returning Officer may make alternate arrangements for a person eligible to vote to cast a valid vote.

Where an electronic ballot is conducted and a technical malfunction occurs, the Returning Officer may determine that the voting period be extended in the event of a technical malfunction.

Each candidate may nominate a scrutineer to monitor the process for counting votes.

Where a ballot is conducted in accordance with clause 6, the Returning Officer, in the presence of such of the scrutineers as choose to be present:

- must examine the ballot papers;
- must reject as informal those that, in the opinion of the Returning Officer, do not comply with the requirements of this Rule; and
- must proceed to count the remaining votes with the assistance of such persons as the Returning Officer may appoint for the purpose.

The Returning Officer, any person appointed by the Returning Officer, and any scrutineer must not in any way disclose or aid in disclosing in what manner any voter has voted in the election.

9. DETERMINATION OF RESULT

At the conclusion of the counting of the votes, the Returning Officer will declare the successful candidate or candidates. The decision of the Returning Officer on all matters affecting the eligibility of candidates and the conduct and results of an election is final.

Where a successful candidate is found to be ineligible, resigns or in any other way is removed from the elected position within 60 days of the declaration of results, the Returning Officer may declare the eligible candidate receiving the next highest number of votes to be the successful candidate;

Where a successful candidate is found to be ineligible, resigns or in any other way is removed from the elected position after 60 days of the declaration of results, the Returning Officer may call a by-election for that representative role.

An election is not invalid only because a person whose name is on the relevant roll of the University did not see a notice or a copy of a notice referred to in this Rule nor is it invalid because of an error or omission in the distribution of ballot papers.

10. RECORDS

The ballot papers and records for an election are to be kept in safe custody by the Returning Officer for a period of at least four months after the election and may be destroyed at any time after that period, except that if any objection has been received within that period about an election.

The voting forms and records for the election may only be destroyed with approval of the UNSA Board of Directors.

11. RELATED DOCUMENTS

This Rule may be read in conjunction with the following:

- UON Code of Conduct
- UNSA Candidate Statement – Guidelines
- UNSA Election Etiquette and Campaigning Guidelines
- Election Complaints & Appeals Procedure
- Election Complaints & Appeals Panel Terms of Reference

Document History	
Effective Date	Amendment
25 August 2020	Rule Approved
2 October 2020	Clause 4.2(a) amended to include an Expression of Interest process. Clause 5.1(d) amended to specify Statements are students' own work. Clause 5.1(c) amended to enable RO to declare a Statement invalid per 5.1(d).
27 May 2021	Clause 4.2 amended to increase Candidate Statement word limit to 200. Clause 4.3 added to stipulate mandatory attendance at Information Session.
14 July 2023	Addition of this amendment context: <i>Prior to 14 July 2023 amendments made were applicable to a different template format so numbers and</i>

	<p><i>clauses vary. As at 21 July 2023, changes made previously have remained with the addition of the following and reformatted without clauses.</i></p>
<p>21 July 2023</p>	<p>Rule reformatted to align with existing UNSA policy templates including removal of subclauses structure.</p> <p>Clause 1 “<i>Purpose</i>” added to Election Rule to give document context and outline elections procedure.</p> <p>Clause 2 paragraph 2 amended to include the words “<i>Commonly, this includes the appointment of a Deputy Returning Officer.</i>”</p> <p>Clause 2 paragraph 3 amended to include the words “<i>or its Deputy determines</i>”.</p> <p>Clause 4 point 1 amended to identify the UNSA Vote website as the primary election notice platform.</p> <p>Clause 5 paragraph 5 added to provide for failure to comply events and clarify compliance is a condition of ongoing eligibility.</p> <p>Clause 6 paragraph 1 added to clarify what is required and how the candidate statement works.</p> <p>Clause 8 point 3 and 4 of the mechanisms of ballot added to include the ability to blend models and allow for in person voting.</p> <p>Clause 10 paragraph 2 amended to require the approval of the UNSA Board of Directors in place of the UNSA SRC.</p>