



ELECTION REGULATIONS

Queensland University of Technology Student Guild

ABN: 77 713 415 382

Adopted at Guild Council 20th September 2021

Contents

1. Introductory provisions	3
R1 Definitions	3
R2 Application	3
R3. Interpretation	3
2. Elections.....	4
R4 General provisions of elections.....	4
R5 Returning Officer	4
R6 Eligibility	5
R7 Notice of elections	6
R8 Nominations	6
R9 Electoral groups.....	7
3. Campaigning	9
R10 General Provisions.....	9
R11 Digital Campaigning.....	10
R12 Dedicated campaigning times and venues	10
4 Voting.....	11
R13 Electronic ballot.....	11
R14 Voting period.....	11
R15 Counting of votes	12
R16 Electoral Tribunal	13
R17 Misbehaviour	14
R18 Transitional.....	14
R19 Amendments to election regulations	15

1. Introductory provisions

R1 Definitions

1.1 In these regulations:

- a. **board** means the people elected or appointed to govern the business and operations of the Guild and who are deemed to be agents of the Guild for all purposes within its objects;
- b. **by lot** means making a determination or choice by lottery. For example, conducting a draw at random;
- c. **campaigning** means any activity designed to influence the vote of a student in the Queensland University of Technology Student Representative Council, Student Guild board elections, or other elections;
- d. **constitution** means the constitution of the Guild;
- e. **First Election** means the first annual elections of the Guild conducted after the approval and implementation of the 2021 constitution;
- f. **Guild** means the Queensland University of Technology Student Guild;
- g. **member** means a student currently enrolled at the Queensland University of Technology;
- h. **SRC** means the Student Representative Council of the Queensland University of Technology Student Guild;
- i. **student** means a student currently enrolled at the Queensland University of Technology;
- j. **University** means the Queensland University of Technology;

1.2 Words importing the singular include the plural where context requires or permits.

1.3 Any mention of a named position within the Guild or a named position within the University refers equally to the person filling that position and the office of the position.

R2 Application

2.1. These regulations are made under clause C18 of the constitution, for the management of all Guild elections.

R3. Interpretation

3.1 The board has authority to interpret the meaning of these regulations, but any interpretation must have regard to the constitution and the Queensland University of Technology Act 1998.

2. Elections

R4 General provisions of elections

- 4.1 Subject to clause C18 of the constitution, the board must make regulations for the conduct of free and democratic elections with independent oversight.
- 4.2 An election, including the conduct and outcome of an election, is valid notwithstanding a procedural irregularity which, in the opinion of the Returning Officer, would not have affected the result.
- 4.3 In the event of a technical failure, the Returning Officer, at their discretion may apply an equitable remedy, including, but not limited to, extending the ballot closing time. The application of an equitable remedy does not affect the validity of an election.
- 4.4 Elections shall be decided on a first-past-the-post basis for the student positions on the board.
- 4.5 Elections shall be decided on an optional preferential voting basis for all positions on the Student Representative Council.
- 4.6 In the event of a tie in the election of any student members of the board, the successful candidate or candidates shall be decided by lot in a manner determined by the Returning Officer.
- 4.7 Elections will be conducted online to ensure maximum access to voting for the members.

R5 Returning Officer

- 5.1 Subject to clause C18.9 of the constitution, the board shall appoint a Returning Officer to conduct the annual elections in accordance with the constitution and relevant regulations made under the constitution.
- 5.2. The board may appoint an internal staff member to conduct by-elections in the instance of an unfillable casual vacancy on the board, conducting an online vote.
- 5.3 The board must appoint a non-member as the Returning Officer and may pay the Returning Officer for the work carried out in relation to elections.
- 5.4 The Returning Officer must be an independent person, not connected with any person who proposes to stand for any position in that election.
- 5.5. The Returning Officer may not be a person who is a candidate in the current elections or any other elections conducted for any position within the Guild within the last five years.
- 5.6 The Returning Officer is to act at all times in a manner that is consistent with the constitution and these regulations.

- 5.7 The Returning Officer shall have the power to:
- a. determine any issues of interpretation over any aspects of the regulations relating to elections, where the plain meaning of the language used in the relevant regulation is unclear and relevant electoral matters on which these regulations are not explicit;
 - b. issue determinations, directions and exercise discretion in whatever terms the Returning Officer sees fit for the fair conduct and administration of the elections except where direction is explicit in these regulations;
 - c. take any action that the Returning Officer deems appropriate to ensure the fair conduct and administration of the elections;
 - d. appoint officers (not being candidates) as the Returning Officer considers necessary to assist in the conduct of the elections. Such officers shall have no specific powers other than those conferred upon them by the Returning Officer;
 - e. approve or reject any promotional or campaign materials of candidates;
 - f. appoint, train and supervise polling clerks where necessary;
 - g. review and approve or reject candidate nominations;
 - h. clarify candidates' queries on matters relating to the election regulations;
 - i. seek any clarification from candidates and campaign managers as required to ensure compliance with these election regulations;
 - j. count votes within 24 hours of the close of voting
 - k. issue a provisional declaration of the poll when the result of the election has been determined and a final determination after all possibilities for appeals have been exhausted;
 - l. oversee the general conduct of the elections and any other matters related to the elections.
- 5.8 Within 2 weeks of the close of appeals following the elections, the Returning Officer is to prepare and submit a report to the board, including the official election results, a budget/expenses statement, details of observations made regarding the effectiveness of the elections and any recommendations for future elections or updates to the election regulations.

R6 Eligibility

- 6.1 Only persons who are eligible under clause C21 of the constitution may stand for election to any position within the Guild.
- 6.2 Any person standing for election is responsible for ensuring that they are eligible for election prior to nomination.
- 6.3 Candidates are eligible to nominate for one position only.
- a. A candidate for election to the board is ineligible to stand concurrently for election to any position on the SRC.
 - b. A candidate for election to any position on the SRC is ineligible to stand concurrently for election to the board.
 - c. A candidate for election to the SRC is eligible to stand for election to one position on the SRC only.

- d. A candidate for election as Womens Officer must be a woman
- e. A candidate for election as Queer Officer must be Queer
- f. A candidate for election as Postgraduate Officer must be a postgraduate student
- g. A candidate for election as Abilities Officer must identify as living with a disability, serious or long-term illness.
- h. A candidate for election as First Nations Officer must be an Aboriginal or Torres Strait islander student.
- i. A candidate for elections as International Officer must be an international Student.

R7 Notice of elections

- 7.1 A notice of elections shall be published at least 28 days before the voting period opens and shall include:
 - a. the positions for which nominations are invited;
 - b. eligibility requirements for candidates;
 - c. details of the availability of nomination forms;
 - d. the closing date and time for nominations;
 - e. the manner in which nomination forms may be submitted;
 - f. the opening and closing dates and times for the voting period;
 - g. the means by which the election shall be conducted.
- 7.2 The notice of elections shall be publicised on the Guild website, all non-commercial social media channels operated by the Guild and by any other means the Returning Officer considers appropriate and convenient, to ensure public notice of the elections is accessible to all students.

R8 Nominations

- 8.1 The Returning Officer must call for nominations under clause C18.10 of the constitution at least 28 days prior to the opening of the voting period.
- 8.2 The nomination period is to close not less than 14 days before the voting period opens.
- 8.3 Subject to verification by the Returning Officer that the candidate is eligible to stand for the nominated position, the Returning Officer shall forward to the candidate official acknowledgement of acceptance of the nomination within two business days of receipt of the nomination.
- 8.4 If a nomination is rejected, the Returning Officer shall notify the candidate that their nomination has been rejected within two business days of receipt of their nomination, together with the grounds on which the nomination was rejected and the candidate's rights of appeal to the Electoral Tribunal.
- 8.5 No decision of the Returning Officer to reject a nomination may be appealed to the Electoral Tribunal after 5.00pm three business days after the close of nominations.
- 8.6 Any nominee who appeals a nomination rejection to the Electoral Tribunal will be expected to continue as a provisional nominee until the outcome of the appeal is

received from the tribunal and notified to the nominee and Returning Officer by the Electoral Tribunal Registrar.

- 8.7 The Returning Officer must not, prior to the close of nominations, make available any information about nominations received.
- a. Election Regulation 8.7 does not apply to notification of the official acceptance or rejection of a nomination to the candidate.
- 8.8 As soon as practical after the close of nominations, but at least seven days prior to the opening of the voting period, the Returning Officer shall publicise the list of nominations received on the Guild website and by any other means the Returning Officer considers appropriate and convenient, to ensure public notice of the nominations is accessible to all students.
- 8.9. At the close of the nomination period, and pending any appeals against rejected nominations, where the number of eligible candidates nominated for election to any positions is equal to or less than the number of vacancies for those positions, the Returning Officer shall declare the nominated candidates elected unopposed and no election for those positions shall be conducted.
- 8.10 Following the close and confirmation of nominations, and before the commencement of campaigning, there will be 2 opportunities to attend a compulsory Pre-Election Meeting so that nominees all hear the same information regarding the conduct of the elections and consequences of misbehaviour.
- 8.11 Any candidate that does not attend one of the two meetings and sign a register agreeing to the terms of the elections, or in the case of an online meeting send a confirmation email, will be excluded from the elections.
- a. Anyone who cannot attend due to extenuating circumstances, such as illness supported by a medical certificate, may still organise a meeting with the returning officer to go through the pre meeting. It is the responsibility of the candidate to arrange this and if they fail to do so their nomination will be rejected.
- 8.12. The Guild and returning officer will ensure that all documentation and promotion surrounding the elections highlights clauses ER8.10 and ER8.11.

R9 Electoral groups

- 9.1 Candidates for election to any position on the SRC may register as part of an electoral group.
- 9.2 Candidates nominating for positions on the board are prohibited from registering in any electoral group.
- 9.3 The compulsory pre-election meeting will;
- a. provide an opportunity for the Returning Officer to present the election rules to candidates.
- 9.4 By the close of the nominations each electoral group must submit to the Returning Officer an electoral group registration form which provides:

- a. application for approval of the name of the electoral group;
 - b. a complete list of all candidates who wish to campaign as the electoral group and the offices for which they are standing for election;
 - c. nomination of campaign manager.
- 9.5 Colours of new electoral groups shall be approved by the Returning Officer and will take into account past historical precedent, schedule nine forms and existing electoral group forms from prior Guild elections.
- a. Once an electoral group colour has been approved to an electoral group by the Returning Officer, it cannot be changed.
- 9.6 No candidate may be registered in more than one electoral group.
- a. If a candidate registers for more than one electoral group, that candidate shall not be included in any electoral group.
- 9.7 Following the compulsory Pre-Election Meeting, the Returning Officer shall create and maintain a register of electoral group names, colours and the conditions (if any) surrounding their use, which shall be used by the Returning Officer to ensure compliance with these election regulations.
- 9.8 The name of an electoral group must be no longer than five words, including any acronym.
- 9.9 Electoral group logos are permitted.
- 9.10 The name of an electoral group must not include any words that are, or are a substantial part of:
- a. a registered trademark of the University;
 - b. the names of businesses or services of the University;
 - c. the names of businesses or services of the Guild;
 - d. the names of the University's faculties or schools;
 - e. the name of an affiliated body;
 - f. a political party;
 - g. a religion or religious organisation.
- 9.11 An electoral group name may be rejected by the Returning Officer if it:
- a. does not comply with election regulation 9.10;
 - b. is obscene or in poor taste;
 - c. is misleading;
 - d. may bring the Guild or the University into disrepute;
 - e. closely resembles the name or a version of the name of another group;
 - f. makes any mention of free or discounted products or services, or similar; or
 - g. comprises or contains any version of the words, "independent", "non-aligned", "voucher" or "Guild".

3. Campaigning

R10 General Provisions

- 10.1 Only registered and approved candidates are permitted to campaign for election on campus.
 - a. No other person or people are permitted to campaign on campus on behalf of a candidate.
- 10.2 No candidate or group may campaign for any candidate or group other than themselves.
- 10.3 Candidates are prohibited from wearing any campaign clothing or uniforms inside any building at the University.
- 10.4 Each candidate may submit for approval to the Returning Officer, campaign flyers for distribution. *Note – the Guild would prefer that candidates have a campaign flyer to show people that includes a QR code for more information so as to reduce the environmental impact of the elections.
- 10.5 All physical campaign marketing materials (i.e shirts, flyers etc) must be approved by the Returning Officer prior to being used in any campaigning.
- 10.6 All candidates must wear their student ID card prominently at all times whilst campaigning.
- 10.7 Incentivised voting of any kind is prohibited.
 - a. Any candidate found to be using incentives to solicit votes shall be subject to instant disqualification, as determined by the Returning Officer. E.g. Giving out lollies, parties, promotion of existing Guild services etc
- 10.8 A candidate found to be using any campaign materials that are not consistent with these election regulations, or not approved by the returning officer will be prohibited from using any campaign materials for the following day. Any additional or subsequent breaches of this rule will result in disqualification from the election.
- 10.9 Any Electoral Group found to be using any campaign materials that are not consistent with these election regulations, or not approved by the Returning Officer will be prohibited from using any campaign materials for the following day. This will include all candidates in the Electoral Group. Any additional or subsequent breaches of this rule will result in disqualification from the election of all members of the Electoral Group.
- 10.10 No staff member of the Guild, who is not a student, may canvass support for or against a candidate in any election under the constitution or election regulations.

R11 Digital Campaigning

- 11.1. Paid or sponsored social media posts, paid or sponsored advertising, and paid or sponsored digital advertising in connection with the campaign of any candidate for election to any position within the Guild is prohibited.
 - a. Any candidate found to be using paid or sponsored social media posts, paid or sponsored advertising, or paid or sponsored digital advertising in connection with their campaign shall be disqualified.
 - b. Non-paid and non-sponsored web and social media pages, profiles and posts are acceptable.
- 11.2. When sending direct messages, emails or SMS messages in relation to election campaigning, candidates are required to comply with the following anti-spam requirements:
 - a. Candidates must not send messages to a student who has not provided their direct or implied permission to contact them (e.g. to class lists or to students who are not personally connected to the candidate);
 - b. Candidates must provide an unsubscribe mechanism that instantly removes the student from the contact list if they request to be removed.
 - c. Candidates must include their name and contact details in all messages so that they are easily identifiable and contactable.
 - d. Candidates must not re-contact a person who has previously requested to unsubscribe.
- 11.3. If a student receives any messages that they consider to be spam, they are invited to contact the Returning Officer with the details of the message and the matter shall be investigated by the Returning Officer.
- 11.4. Any candidate who is found to be in breach of the anti-spam requirements shall be subject to disciplinary action up to and including disqualification, as determined by the Returning Officer.

R12 Dedicated campaigning times and venues

- 12.1. Campaigning shall be restricted to areas as set in negotiation between the Returning Officer, the Guild, and the University. This will be advertised to students through all non-commercial social media channels operated by the Guild and by any other means the Returning Officer considers appropriate and convenient, to ensure information is accessible to all students.
- 12.2. Campaigning shall only be permitted in the areas designated in regulation ER12.1 during designated times that are approved by the board and the University and communicated to all candidates by the Returning Officer prior to the elections.
- 12.3. Campaigning is prohibited inside any building on any campus.

- a. Any candidate found to be campaigning inside a campus building will face instant disqualification, as determined by the Returning Officer.
- 12.4 Campaigning is prohibited in any locations off campus, as any information regarding elections or candidates is relevant to the students only.
- a. Any candidate found to be campaigning off campus shall be subject to instant disqualification, as determined by the Returning Officer.

4 Voting

R13 Electronic ballot

- 13.1 Elections are permitted to take place via electronic ballot.
- 13.2 If an electronic ballot is to be conducted, the Returning Officer shall publicise a notice detailing the nature of the election and instructions on how to access the electronic voting program on the Guild website and take whatever other steps they consider appropriate and convenient, to give public notice of the electronic ballot to all students.
- 13.3 The electronic voting program to be used in the election must:
- a. allow an elector to cast a vote for a candidate in each position for which they are eligible to vote;
 - b. not allow an elector to vote for more than one candidate for any position on the board;
 - c. allow voters to preference as many candidates as possible in the SRC elections.
 - d. ensure that an elector votes separately for candidates in each position for which they are eligible to vote;
 - e. not allow an elector to vote for every candidate in an electoral group with a single vote;
 - f. give an elector an opportunity to correct any mistakes before processing the elector's vote;
 - g. not allow a person to find out how a particular elector cast their vote;
 - h. not allow an elector to vote more than once in any ballot;
 - i. ensure that the candidate's names are presented in a randomised order each time the application is opened to ensure equity in the order of names.

R14 Voting period

- 14.1 The days and hours of the voting period shall be approved by the board and shall be publicised by the Returning Officer prior to the elections.
- 14.2 The voting period shall be open for a period of four consecutive days on which teaching at the University is scheduled.
- 14.3 All students wishing to vote must be permitted to do so:

- a. independently;
 - b. confidentially; and
 - c. without coercion.
- 14.4. If a candidate is found to have prevented any student from voting in the manner described in regulation ER14.3, that candidate shall face instant disqualification, as determined by the Returning Officer.
- 14.5 Voting in elections for any position within the Guild is voluntary and no sanctions shall be attached to a failure to vote.
- 14.6 As per clause C18.12 of the constitution, students are eligible to vote once in elections for student members of the board, as well as the positions on the SRC and other elected guild positions for which they are entitled to vote.
- 14.7 During the voting period, no candidates may discuss or otherwise influence the course of the election within five metres of any place set aside as a static polling booth or computer where a student is voting online.
- 14.8 No candidate or any other person may seek to influence or coerce any elector while that elector is in the process of, or preparing to, cast their vote using any electronic device that allows them to vote.
- 14.9 Any person voting in an election for any position within the Guild is responsible for ensuring that they are eligible to vote in that election.

R15 Counting of votes

- 15.1 At the time appointed for the scrutiny of ballots, the electronic voting program shall be closed and/or the ballot boxes shall be opened, and all votes counted in the ordinary manner.
- 15.2 The method of determining the results of elections for the board shall be first-past-the-post.
- 15.3 The method of determining the results of elections for the Student Representative Council and any other elected positions shall be optional preferential voting.
- 15.4 A vote or ballot paper shall be deemed to be informal if the voter has not followed the instructions on the ballot paper or if the intention of the voter is not clear.
- 15.5 Each candidate is entitled to nominate one scrutineer who is not a candidate in the election, for the counting of the ballot, and observation of ballot boxes whilst being transported to and from secure storage.
- a. Nominations of scrutineers must be signed by the candidate making the nomination and delivered to the Returning Officer before the close of the voting period.
- 15.6 If votes are counted electronically, the Returning Officer shall provide at the request of a scrutineer a full record of the number of eligible votes each candidate received during the election.

- 15.7. The Returning Officer shall publicise the results of the poll as soon as practical after the conclusion of counting and the declaration of the poll on the Guild website and by any other means the Returning Officer considers appropriate and convenient, to ensure public notice of the results is accessible to all students.
- 15.8 Declaration of the poll shall be made no later than 5:00pm on the Monday following the close of voting and will be provisional pending the outcome of any appeals to the Electoral Tribunal.

R16 Electoral Tribunal

- 16.1 Subject to clause C19.1 of the constitution, the board must make regulations for the appointment of an independent Electoral Tribunal.
- 16.2 Members of the Electoral Tribunal are not eligible to be candidates in the elections or to canvass votes in support of or against any candidate.
- 16.3 The Electoral Tribunal shall have the powers specified in clauses C19.3 and C19.4 of the constitution.
- 16.4 The board shall appoint an Electoral Tribunal Registrar who shall be responsible for receiving any complaints or appeals to the Electoral Tribunal and for the administration of the proceedings of the Electoral Tribunal.
- 16.5 Any member of the Guild may lodge an appeal or complaint to the Electoral Tribunal with respect to the conduct or outcome of an election for any position within the Guild.
 - a. Appeals and complaints may be submitted at any time from the opening of nominations up until two working days after close of business following the declaration of the poll.
- 16.6 An appeal or complaint may be rejected by the Electoral Tribunal where the Electoral Tribunal is of the view that the appeal or complaint is vexatious, trivial, or unlikely to have a bearing on the election outcome.
- 16.7 The Electoral Tribunal shall follow the principles of natural justice in its deliberations:
 - a. Any student lodging an appeal or complaint shall be given the opportunity to present their case, though this does not necessarily require an oral hearing;
 - b. The person about whom an appeal or complaint is made shall be informed of the details of the appeal or complaint and shall be given the opportunity to respond;
 - c. Any member of the Electoral 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 a suitable person nominated by the Tribunal;
 - d. Where an appeal or complaint is rejected, the Electoral Tribunal shall state its reasons, which shall be communicated in writing to the person who lodged the appeal or complaint via the Electoral Tribunal Registrar.
- 16.8 The Electoral Tribunal shall endeavour to make its determination on the outcome of the elections within 14 days of the deadline for the lodgement of appeals and complaints.

R17 Misbehaviour

17.1 The following actions shall constitute misbehaviour in an election:

- a. interfering unduly with the freedom of speech of a person during an election;
- b. coercing or pressuring a member to vote
- c. campaigning during voting
- d. verbal or physical abuse of another candidate for election or member
- e. obstructing any meeting of candidates held in connection with an election;
- f. damaging University or Guild property or fixtures in a manner calculated to affect the conduct of the elections;
- g. assaulting, or attempting to assault, a person in a manner calculated to affect the conduct or outcome of an election;
- h. hindering, obstructing, or preventing an electoral officer or candidate from discharging a duty or exercising a right under these election regulations;
- i. 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;
- j. directly or indirectly attempting to induce an electoral officer to alter the course of an election;
- k. attempting to vote more than once or otherwise interfering with the voting system;
- l. interfering with or destroying a validly marked ballot paper, ballot box, lock, seal, electoral roll, or other objects;
- m. duplicating or concealing a ballot paper;
- n. engaging in disorderly conduct on the premises of a campaigning place, polling place or counting place.
- o. Breaching the QUT M.O.P.P. in the course of running a campaign.

17.2 Any candidate found to be guilty of misbehaviour shall face instant disqualification, as determined by the Returning Officer.

R18 Transitional

18.1 Before the first election, the Guild Council will appoint the Returning Officer in accordance with the prior Constitution and Regulations.

18.2 In the First Election the Guild Council will approve the days, times and locations of campaigning, following negotiations between the Returning Officer, the Guild, and the University.

18.3 In the First Election, the days and hours of the voting period shall be determined by Guild Council.

- 18.4 In the First Election the Guild Council shall appoint an Electoral Tribunal Registrar who shall be responsible for receiving any complaints or appeals to the Electoral Tribunal and for the administration of the proceedings of the Electoral Tribunal.
- 18.5 Following the First Election the Returning Officer will complete an Election Report as per ER5.8 but will submit the report to the Guild Council for consideration, to be distributed to the board, once constituted.

R19 Amendments to election regulations

- 19.1 The board shall review these election regulations annually.
- 19.2 These election regulations may only be amended following;
- a. Special resolution of the board, and
 - b. Special resolution of the Student Representative Council.