



ELECTION REGULATIONS

(with adjustments for outcomes of Electoral Tribunal Review)

Queensland University of Technology Student
Guild

ABN: 77 713 415 382

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1. Introductory provisions

1.1. Definitions

1.1.1. In these regulations:

- a. **by lot** means making a determination or choice by lottery. For example, conducting a draw at random;
- b. **campaigning** means any activity designed to influence the vote of a student in the Queensland University of Technology Student Guild elections;
- c. **Constitution** means the constitution of the Guild;
- d. ~~**First Election** means the first annual elections of the Guild conducted after the approval and implementation of these election regulations;~~
- e. **Guild** means the Queensland University of Technology Student Guild;
- f. **Guild Council** means the governing body of the Guild that exercises the powers of the Guild;
- g. **member** means a student currently enrolled at the Queensland University of Technology;
- h. **student** means a student currently enrolled at the Queensland University of Technology;
- i. **University** means the Queensland University of Technology;

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

1.1.3. Definitions in the Constitution and Regulations apply to these Election Regulations, unless the contrary intention appears.

1.1.4. 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.

2. Elections

2.1. General provisions of elections

- 2.1.1. Subject to clause 16.1 of the Constitution, Guild Council must make regulations for the conduct of free and democratic elections with independent oversight.
- 2.1.2. 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.
- 2.1.3. 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.
- 2.1.4. Elections shall be decided by optional preferential voting.
- 2.1.5. In the event of a tie in the election of any members to any position in Guild Council, the successful candidate or candidates shall be decided by lot in a manner determined by the Returning Officer.

2.2. Returning Officer

- 2.2.1. Subject to clause 16.1(b) of the Constitution, Guild Council shall appoint a Returning Officer to conduct the annual elections in accordance with the Constitution and relevant regulations made under the Constitution.
- 2.2.2. Guild Council shall appoint a non-member as the Returning Officer and may pay the Returning Officer for the work carried out in relation to elections.
- 2.2.3. The Returning Officer must be an independent person, not connected with any person who proposes to stand for any position in that election.
- 2.2.4. The Returning Officer may not be a person who is, or has nominated or seconded, a candidate in the current elections or any other elections conducted for any position within the Guild within the last five years.
- 2.2.5. The Returning Officer is to act at all times in a manner that is consistent with the Constitution and these regulations.
- 2.2.6. The Returning Officer shall have the power to:
 - a. determine any issues of interpretation over:
 - i any aspects of the regulations relating to elections, where the plain meaning of the language used in the relevant regulation is unclear;
 - ii 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;
 - c. 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;

- d. approve or reject any promotional or campaign materials of candidates;
- e. appoint, train and supervise polling clerks where necessary;
- f. obtain a roll of students, or reasonable alternative as determined by the Guild Council from time to time, who are entitled to vote in Guild elections, containing relevant information as required to confirm each student's eligibility to vote;
- 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, nominators, seconders and campaign managers as required to ensure compliance with these election regulations;
- j. count votes as soon as practical after polling closes;
- k. issue a declaration of the poll when the result of the election has been determined;
- l. provide an opportunity for electoral groups to select a different name and/or colour if deemed to be ineligible at the time the nomination period closes;
- m. oversee the general conduct of the elections and any other matters related to the elections.

2.2.7. At the conclusion of the elections, the Returning Officer is to prepare and submit a report to Guild Council, 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.

2.3. Eligibility to stand and vote

- 2.3.1. Only persons who are eligible under clause 18 of the Constitution and regulation 54 are eligible to stand for election to any position within the Guild.
 - a. Under clause 15.4 of the Constitution, only Queer identifying students may stand as candidates in an election for the Queer candidate in the position of Vice-President (Gender & Sexuality Rights);
 - b. Under clause 15.4 of the Constitution, only women identifying students may stand as candidates in an election for the woman candidate in the position of Vice-President (Gender & Sexuality Rights);
 - c. ~~Only students identifying as living with a disability may stand as candidates in an election for the position of Abilities Officer.~~
- 2.3.2. Any person standing for election is responsible for ensuring that they are eligible for election prior to nomination.
- 2.3.3. Candidates are eligible to nominate for one position only, and in one electoral group only.
- 2.3.4. A candidate may withdraw their nomination at any time during the voting period by notifying the Returning Officer.

- 2.3.5. Electors shall be afforded the opportunity to self-identify to be eligible to vote in the following positions:
- a. ~~Vice-President (Gender & Sexuality Rights);~~
 - i. ~~Queer;~~
 - ii. ~~Women;~~
 - b. Caboolture Campus Officer;
 - c. Indigenous Officer;
 - d. International Students Officer;
 - e. Postgraduate Students Officer;
 - f. ~~Abilities Officer;~~
 - g. Faculty Councillors.

2.4. Notice of elections

- 2.4.1. 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. up to how many candidates shall be elected in each position;
 - c. eligibility requirements for candidates, nominators and seconders;
 - d. details of the availability of nomination forms;
 - e. the closing date and time for nominations;
 - f. the manner in which nomination forms may be submitted;
 - g. the opening and closing dates and times for the voting period;
 - h. the means by which the election shall be conducted.
- 2.4.2. The notice of elections shall be publicised on the Guild website, all 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.

2.5. Nominations

- 2.5.1. The Returning Officer must call for nominations at least 28 days prior to the opening of the voting period.
- 2.5.2. The nomination period is to close not less than 14 days before the voting period opens.
- ~~2.5.3. In the First Election, a shorter notice period than that mentioned in election regulation 2.4.1 and shorter nominations periods than those mentioned in election regulations 2.5.1 and 2.5.2 shall be permitted, as determined by the Returning Officer.~~
- a. ~~A notice of election shall be published on the 23rd October.~~
 - b. ~~Nominations shall open at 9AM on the 23rd October.~~

- ~~e. Nominations shall close at 5PM on the 1st November.~~
- 2.5.4. The Returning Officer shall issue a nomination form which must include the following requirements:
- a. The full legal name of the candidate, nominator and seconder;
 - b. The original signature of the candidate, nominator and seconder;
 - c. The position the candidate is nominating for;
 - d. A copy of the current enrolment advice of the candidate, nominator and seconder, as obtained from the University.
 - e. Any other conditions the Returning Officer deems necessary.
- 2.5.5. The nomination form shall be made available in a manner that is reasonably accessible to all students, including the Guild website.
- 2.5.6. 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.
- 2.5.7. 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.
- 2.5.8. 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.
- 2.5.9. The Returning Officer must not, prior to the close of nominations, make available any information about nominations received.
- a. Regulation 2.5.9 does not apply to notification of the official acceptance or rejection of a nomination to the candidate.
- 2.5.10. 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.
- a. ~~In the First Election, a shorter period than that mentioned in election regulation 2.5.10 shall be permitted, as determined by the Returning Officer.~~
- 2.5.11. At the close of the nomination period, 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.

2.6. Electoral groups

- 2.6.1. Candidates for election to any position on Guild Council may register as part of an electoral group.
- 2.6.2. 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 be a part of the electoral group and the positions for which they are standing for election;
 - c. nomination of a campaign manager, who will be available for contact by the Returning Officer for matters relating to the electoral group.
- 2.6.3. Colours of electoral groups shall be approved by the Returning Officer.
 - a. Once an electoral group colour has been approved by the Returning Officer, it cannot be changed;
 - b. The Returning Officer must ensure no more than one electoral group is approved to use the same colour;
- 2.6.4. 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.
- 2.6.5. Electoral groups shall consist of a minimum of seven eligible candidates.
- 2.6.6. Electoral groups shall not include more than the amount of candidates eligible to hold a position.
- 2.6.7. An Electoral Group Standard Protection form may be submitted alongside an Electoral Group Registration Form to provide conditions surrounding future use of the electoral group.
- 2.6.8. The Electoral Tribunal Registrar 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.
- 2.6.9. The name of an electoral group must be no longer than five words, including any acronym.
- 2.6.10. Any electoral group name that has been used at any time in the past five years cannot be used, unless a valid Electoral Group Standard Protection form is submitted and accepted by the Returning Officer.
- 2.6.11. Electoral group logos are permitted but shall be prohibited from inclusion on the online voting programme.
- 2.6.12. 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.
- 2.6.13. An electoral group name may be rejected by the Returning Officer if it:
- a. does not comply with election regulation 2.6.12;
 - 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

3.1. General Provisions

- 3.1.1. Only students currently enrolled at the University are permitted to campaign for election on campus.
- a. Students must display a valid Student Identification Card at all times while campaigning.
 - b. No other person is permitted to campaign on campus on behalf of a candidate or electoral group.
 - c. ~~In the First Election, campaigning on campus is prohibited. Any candidate or electoral group found to be campaigning on campus shall be subject to disqualification, as determined by the Returning Officer. This shall exclude:~~
 - ~~i— impartial, equitable and informative activities and promotion organised by permanent Guild staff, as approved by the Returning Officer;~~
 - ~~ii— fair and equitable printing and distribution of campaign material submitted by candidates and/or groups to fixed noticeboards on campus, as determined and approved by the Returning Officer;~~
 - ~~iii— use of digital resources on campus to assist in campaigning, as approved by the Returning Officer.~~
- 3.1.2. No candidate or electoral group may campaign for any candidate or electoral group other than themselves or other candidates within their own group.
- a. Candidates or electoral groups are prohibited from indicating how electors should preference their votes outside of their individual candidacy or electoral group, e.g. How-To-Vote cards listing other candidates or electoral groups.

- 3.1.3. Candidates are prohibited from wearing any campaign clothing or uniforms and/or election material inside any building at the University.
- 3.1.4. Incentivised voting of any kind is prohibited.
 - a. Any candidate found to be using incentives to solicit votes shall be subject to disciplinary action up to and including disqualification, as determined by the Returning Officer.
- 3.1.5. A candidate may be disqualified for using any campaign materials that are not consistent with these election regulations.
- 3.1.6. 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.
- 3.1.7. The following campaign material is prohibited:
 - a. Flyers or posters reproduced on gloss or coated paper;
 - b. The distribution of campaign material in any University building;
 - c. Flyers or posters affixed to any immovable object;
 - d. Chalking;
 - e. Stickers;
 - f. Skywriting;
 - g. Publicity in newspapers, on radio and on television;
 - h. The use of performers who are not students;
 - i. Any banner hung in a position not approved by the Returning Officer or any banner larger than 5m x 3m;
 - j. Any campaign material without clear written indication that it has been approved by a candidate and/or campaign manager; and
 - k. Publicity not approved by the Returning Officer.

3.2. Digital Campaigning

- 3.2.1. Paid or sponsored social media posts, paid or sponsored advertising, and paid or sponsored digital advertising in connection with the campaign of any electoral group or candidate for election to any position within the Guild is prohibited.
 - a. Any candidate found to be in breach of regulation 3.2.1 shall be subject to disciplinary action up to and including disqualification, as determined by the Returning Officer.
 - b. Non-paid and non-sponsored web and social media pages, profiles and posts are acceptable.
- 3.2.2. 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, such as friends on Facebook);
 - 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 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 or not be direct messaged again.
- 3.2.3. 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. Any candidate found to be in breach of anti-spam requirements or legislation shall be subject to disciplinary action up to and including disqualification, as determined by the Returning Officer.

3.3. Dedicated campaigning times and venues

- 3.3.1. Campaigning on campus shall only be permitted in designated areas and times that are approved by Guild Council and the University and communicated to all candidates by the Returning Officer prior to the elections.
- ~~a. In the First Election, campaigning on campus is prohibited. Any candidate or electoral group found to be campaigning on campus shall be subject to disqualification, as determined by the Returning Officer.~~
- 3.3.2. Campaigning is prohibited inside any building on any campus.
- a. Any candidate or electoral group found to be campaigning inside a campus building shall be subject to disqualification, as determined by the Returning Officer.
- 3.3.3. Campaigning is prohibited in any physical locations off campus, e.g. Kelvin Grove Urban Village and Speakers' Corner.
- a. Any candidate or electoral group found to be campaigning off campus shall be subject to disqualification, as determined by the Returning Officer.

4. Voting

4.1. Electronic ballot

- 4.1.1. Elections shall take place via electronic ballot.
- 4.1.2. 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.
- 4.1.3. The electronic voting program to be used in the election must:
 - a. allow an elector to cast an optional preferential vote in each position for which they are eligible to vote;
 - b. allow an elector to self-identify for positions which have eligibility requirements;
 - c. be available online and accessible at all times during the voting period;
 - d. not allow an elector to vote a first preference for more than one candidate for any position;
 - e. not allow an elector to vote for multiple candidates 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. not allow an elector to cast more than one optional preferential vote in each position for which they are eligible to vote;
 - j. allow a candidate's electoral group and colour to be displayed alongside
 - k. 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.
- 4.1.4. Electors must indicate their first order of preference for candidates in each position they choose to and are eligible to vote for, by placing the number 1 against the name of the candidate of their first preference, and may continue to place consecutive higher numbers against the names of as many other candidates of lower preference as they wish.

4.2. Voting period

- 4.2.1. The days and hours of the voting period shall be approved by Guild Council and shall be publicised by the Returning Officer prior to the elections.
 - a. ~~The voting period shall be in Semester 2.~~
- 4.2.2. The voting period shall be open for a period of five consecutive academic days, commencing on a Monday.

- a. ~~In the First Election, the voting period shall be 9AM Monday 11th November to 5PM Friday 15th November.~~
- 4.2.3. All students wishing to vote must be permitted to do so:
- a. independently;
 - b. confidentially; and
 - c. without coercion.
- 4.2.4. If a candidate is found to have prevented any student from voting in the manner described in regulation 4.2.3, that candidate shall be subject to disciplinary action up to and including disqualification, as determined by the Returning Officer.
- 4.2.5. Voting in elections for any position within the Guild is voluntary and no sanctions shall be attached to a failure to vote.
- 4.2.6. Students may vote once in elections for each position in Guild Council which they are eligible to vote for.
- 4.2.7. 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.
- 4.2.8. 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.

4.3. Counting of votes

- 4.3.1. At the time appointed for the scrutiny of ballots, the electronic voting program shall be closed and all votes counted in the ordinary manner.
- 4.3.2. The method of determining the results of elections shall be optional preferential voting.
- 4.3.3. Each candidate is entitled to nominate one scrutineer who is not a candidate in the election for the counting of the ballot.
- 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.
- 4.3.4. 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.
- 4.3.5. 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.
- 4.3.6. Declaration of the poll shall be made no later than 5:00pm on the Monday following the close of voting.

4.4. Electoral Tribunal

- 4.4.1. Subject to clause 16 and 17 of the Constitution, Guild Council must make regulations for the appointment of an independent Electoral Tribunal.
- 4.4.2. 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.
- 4.4.3. The Electoral Tribunal shall have the powers specified in clause 17.3 of the Constitution.
- 4.4.4. The Guild's General Manager shall assume the position of 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.
- 4.4.5. Any member of the Guild may lodge an appeal or complaint with the Electoral Tribunal with respect to the conduct during and/or outcome of an election, including the conduct and decisions of the Returning Officer.
 - a. Appeals and complaints may be submitted at any time from the open of nominations up until to seven days after declaration of the poll.
 - b. Following the initial lodgement of the appeal or complaint, the member lodging the appeal or complaint has seven days to lodge a fully prepared case of the appeal or complaint.
 - c. If no information of the appeal is submitted in that seven days, the appeal shall lapse and shall not be heard by the tribunal.
- 4.4.6. 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.
- 4.4.7. 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 Guild;
 - 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.
- 4.4.8. The Electoral Tribunal shall make its determination on the outcome of the elections within 14 days of the deadline for the lodgement of appeals and complaints.
- 4.4.9. An Election is not invalid because of a defect of a merely formal nature.

4.5. Misbehaviour

- 4.5.1. The following actions shall constitute misbehaviour in an election:
- a. interfering unduly with the freedom of speech of a person during an election;
 - b. obstructing any meeting of candidates held in connection with an election;
 - c. damaging University or Guild property or fixtures in a manner calculated to affect the conduct of the elections;
 - d. harming, or attempting to harm, a person in a manner calculated to affect the conduct or outcome of an election;
 - e. hindering, obstructing, or preventing an electoral officer or candidate from discharging a duty or exercising a right under these election regulations;
 - f. 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;
 - g. campaigning in a manner that is deemed false or defamatory;
 - h. directly or indirectly attempting to induce an electoral officer to alter the course of an election;
 - i. offering free or discounted products or services as an inducement to vote;
 - j. paying a person to campaign;
 - k. attempting to vote more than once or otherwise interfering with the voting system;
 - l. tampering with votes;
 - m. duplicating a vote;
 - n. engaging in disorderly conduct on the premises of a campaigning place, polling place or counting place;
 - o. coercing or pressuring students to vote.
- 4.5.2. Any candidate found to be guilty of misbehaviour shall be subject to disciplinary action up to and including disqualification and referral to the University's Student Misconduct Committee, as determined by the Returning Officer.
- 4.5.3. The Guild does not indemnify any person for misbehaviour for the purpose of influencing an election, including defaming another person, during an election campaign.

4.6. Amendments to election regulations

- 4.6.1. Guild Council shall review these election regulations annually.
- 4.6.2. These election regulations may only be amended in accordance with clause 32.2 of the Constitution.

4.6.3. No amendment to these election regulations, including to this clause, made during the election period shall have effect until the conclusion of the election period unless approved by the Electoral Tribunal.

Electoral Group Registration Form – Name & Colour

Proposed Name of Electoral Group (*up to five words*):

Proposed Colour of Electoral Group:

Please provide name and contact details for a student formally nominated as campaign manager by the candidates of this proposed electoral group (for the purposes of communication between the Returning Officer and the electoral group):

Name: _____

Address: _____

_____ Postcode: _____

Contact number: () _____ Email address: _____

Student number: _____

Ensure an 'Electoral Group Registration Form – Candidates' form is submitted alongside this form.

An Electoral Group Standard Protection Form may be submitted alongside this form.

