Election Rules of the University of Western Australia

Postgraduate Students’ Association

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## **DEFINITIONS**

* 1. Standard Definitions
     1. For the purposes of these rules, unless otherwise specified:

1. **UWA Student Guild** means the Guild of Undergraduates as established under Section 28 of the University of Western Australia Act (1911);
2. **PSA** means the UWA Postgraduate Students’ Association as per 7.2.1.e of the Guild Regulations made the University Statute;
3. **Candidate** means any student standing for election to any of the positions up for election at an election held under these rules;
4. **Day** means any 24 hour period reckoned from and to midnight and includes public holidays, University holidays and weekends;
5. **Distribute** means the publication, display or handing out of material, including by any electronic means;
6. **Formal Defect** includes only those errors or omissions which do not constitute a lack of substantial compliance;
7. **Guild Council** means the Council of the Guild constituted under the University Statute;
8. **Scrutineer** means a persons appointed in accordance with rule 9.2 to oversee the count at the place of counting;
9. University means the University of Western Australia; and
10. Week means any seven day period reckoned from and to Saturday midnight.
    * 1. Terms not otherwise defined
11. Where a term is not clearly defined above, the definition of such a term shall be taken from the UWA guild Regulations.
12. Where no such definition is available, the Governance Committee shall have the power to determine the definition of the term in question.

## **INTERPRETATION**

* 1. Reading of these rules
     1. These rules should be read in conjunction with the PSA Rules and the Guild Regulations
  2. Joint Candidates
     1. For the purposes of these rules, where two individuals nominate together for the position of President of the PSA, those two candidates shall be treated as if they were a single candidate running for that position.
  3. Determination on interpretation
     1. The Governance Committee shall have the power to make determination on the interpretation of these rules
  4. Situations requiring an immediate determination
     1. Where the situation requires an immediate decision, the duly appointed Returning Officer may issue an interim interpretation, which shall be subject to review at the next meeting of the Governance Committee.

## **ADMINISTRATIVE APPOINTMENTS AND POWERS**

* 1. Appointment of a Returning Officer
     1. The PSA Committee shall appoint a Returning Officer to conduct an election held under these rules.
  2. Disqualification from appointment
     1. A person shall not be eligible to serve as Returning Officer if that person:

1. Is a member of the PSA
2. Has been a candidate in a Guild Election in the last 2 years; or
3. Is under 18 years of age
   1. Responsibilities of the Returning Officer
      1. The Returning Officer is responsible for ensuring:
4. The fair conduct and administration of the election held under these rules for which they are appointed;
5. That the PSA elections are conducted in accordance with these rules, the PSA Rules and the Guild Regulations;
6. That elections preparations are complete and timely;
7. That the duties expressly or implicitly required in these rules are carried out; and
8. The maintenance of security in respect to the Electoral Rolls, ballot papers and boxes.
   1. Powers of the Returning Officer
      1. The Returning Officer shall have the power to:
9. Issue any Determination in whatever terms they see fit for the fair conduct and administration of any election for which they are appointed, guided by Part 11 of these Rules;
10. Act on their own motion to prevent a breach or attempted breach of these rules or the offences set out in Rule 11.1;
11. Spend any monies assigned by the PSA Committee for the purposes of the administration of an election;
12. Direct any person wilfully interfering, obstructing or disrupting procedures at the poll or count; and
13. Take any other reasonable action they deem appropriate to ensure the fair conduct and administration of the election.
    1. Time and duration of appointment
14. Except where a Returning Officer is appointed under Rule 3.6, the Returning Officer shall be appointed no later than one week prior to the opening of nominations;
15. The appointment of the Returning Officer shall be effective from the date of appointment until the declaration of all polls for which that officer has been appointed.
    1. Resignation of the Returning Officer
16. The Returning Officer may resign by lodging a written resignation with the President of the PSA.
17. The resignation shall be effective from the time and date it is received by the PSA President.
18. Should a Returning Officer resign, the PSA Committee shall, as soon as practicable, appoint a new Returning Officer.

## **ELIGIBILITY**

* 1. Eligibility to vote:
     1. All current members of the PSA at the close of the nomination period shall be entitled to vote for all position elected in an election held according to these rules. Except where otherwise determined by the Guild Regulations, no other person shall be entitled to vote in an election held under these rules.
  2. Eligibility to nominate:
     1. Subject to Rules 4.2.2, all Ordinary Members of the PSA as at the close of the nomination period shall have the right to nominate for a position contested at an election held under these rules.
     2. Persons wishing to contest the positions listed in Schedule A must, at the time of the close of nominations, meet the eligibility criteria listed within Schedule A.
     3. No person may simultaneously hold an elected office in the PSA and be an employee of the UWA Student Guild.
  3. Eligibility to be a nominee:
     1. All ordinary members of the PSA that will be continuing postgraduate studies in the nominated term.
     2. Any prospective UWA postgraduate (ordinary PSA member) pending successful enrolment as a UWA postgraduate.

## **NOMINATIONS**

* 1. Submission of nominations
     1. Nominations shall be submitted in the manner prescribed by the Returning Officer.
     2. The process for the nominations shall be communicated through all channels deemed appropriate by the Returning Officer such as:

1. The PSA website;
2. The PSA Facebook page;
3. The Guild Facebook page;
4. The PSA Newsletter
5. Guild Weekly;
6. The Guild Noticeboard.
   * 1. All nominations must be endorsed by at least two members of the PSA who are not themselves candidates for the position to which the candidate is nominating.
     2. Candidates may nominate under any name that, in the opinion of the Returning Officer, best reflects their identity.
   1. Timing of the nomination process
      1. Nominations shall be open for a period of at least two weeks and shall close no later than one business day before the open of polls.
   2. Nomination for multiple positions
      1. A person may nominate for more than one position at the same election and must provide to the Returning Officer the order of their preferred positions.

## **POSITIONS NOT FILLED**

* 1. Opening of positions not filled
     1. Any positions not filled by the close of nominations shall be opened at the Annual General Meeting of the PSA.
  2. Election of persons to positions not filled
     1. Should a candidate nominate at the Annual General Meeting, all present members shall vote for that position in a manner determined by the Returning Officer.
  3. Positions vacant after the Annual General Meeting
     1. Any positions left vacant at the close of the Annual General Meeting shall remain vacant until such time as an eligible member presents themselves to the PSA.
     2. Should an eligible member present themselves to the PSA in accordance with rule 6.3.1, the PSA Committee shall post notice on the Guild Noticeboard and any PSA Newsletter or publication available.
     3. If, 7 days following the delivery of notice, no other person has put themselves forward for the position, the member referred to in rule 6.3.2 shall be deemed to be elected to the position for which they have been nominated.
     4. Should, within the 7 day notice period, another eligible member present themselves to the PSA, an election for the position shall be held for the position.
     5. The mechanics of any such election shall be determined by the PSA Committee
     6. The candidate who receives a majority of votes under the optional preferential counting system shall be deemed elected.

## **MATERIALS**

* 1. Election Roll
     1. The Guild shall make available an Electoral Roll bearing the names of all eligible candidates and electors to the Returning Officer prior to the close of nominations.
     2. The Electoral Roll must be certified correct, to the best of their knowledge, by the Managing Director of the Guild.
     3. The Returning Officer may make alternations to the Electoral Roll if that officer determines that an error exists.
  2. Ballot Papers
     1. The Returning Officer shall determine the size, colour and number of ballot papers and ensure that they are securely stored prior to use.
     2. Internet ballot papers may take a different visual form to printed ballot papers as long as the following remain identical on both forms of ballot paper:

1. The order of the candidates on the ballot paper;
2. The order of the positions to be elected; and
3. The instructions given to participants regarding how to submit a valid vote.
   1. Candidate Material
      1. Subject to rule 7.3.2, candidates shall be entitled to submit to the Returning Officer, no later than one business day after the close of nominations, the following material:
4. A photograph depicting the candidate, taken within the prior 12 months;
5. A statement of up to 200 words; and
6. A poster no larger than 210mm by 297mm.
   * 1. No material submitted to the Returning Officer shall depict or reference any other candidate in an election being held under these rules.
     2. The Returning Officer shall publish all submitted material that complies with these rules through the PSA website and/or via any other method that the Returning Officer deems appropriate, such as those in rule 5.1.2.
     3. Candidates may not campaign, or distribute any election material, but may direct potential voters towards any location that the Returning Officer has displayed material in accordance with rule 7.3.1

## **POLLING PROCEDURES**

* 1. Internet Voting:
     1. The Returning Officer, at their discretion and in consultation with the PSA President, may allow voting via the Internet where they are confident that the procedure for online voting will be reasonably similar to the procedure for paper ballot voting, and will be reliable, fair and secure. This includes:

1. That electors will only be able to vote once;
2. That candidate will not interfere with internet voting;
3. That the system will be robust and not likely to fail;
4. That the elector anonymity will be maintained; and
5. Any other factors deemed relevant by the Returning Officer.
   * 1. Such Internet voting shall be open for a period of at least one week, and shall cease no later than 5pm on the Friday before the Annual General Meeting.
     2. The Returning Officer shall have the power to determine the system by which Internet voting takes place, such that such a system ensures:
6. Only eligible members are able to vote;
7. Voters may only vote once;
8. Such a system allows for secret voting;
9. Such a system allows for optional preferential voting as defined in Section 9; and
10. Such a system conforms to all other applicable rules and regulations.
    1. Voting at the Annual General Meeting
       1. Voting at the Annual General Meeting shall be conducted via paper ballot.
       2. Nominees for contested positions shall be given five minutes to address the meeting.
       3. Should a nominee be unable to attend the meeting, and notify the Returning Officer in advance, they may:
11. Appoint a delegate to speak on their behalf; or
12. Have the Returning Officer read a written statement on their behalf.
    * 1. Addresses given to the meeting must not reference any other candidate for any position elected as part of this election.
      2. The Returning Officer shall provide ballot cards to a person seeking to vote, if the person seeking to vote:
13. Is an ordinary member appearing on the electoral role;
14. Has not already voted in the election; and
15. Presents a UWA Campus Card or other form of identification, to the satisfaction of the Returning Officer.
    1. Voting Procedures
       1. Voting shall be by secret ballot for all positions.
       2. Persons seeking to vote shall indicate their preferences by numbering the nominees in their order of preference, with the number “1” indicating their most preferred candidate.

## **COUNTING AND RE-COUNTS**

* 1. Counting Procedures
     1. Counting of ballots shall take place as soon as practical after the close of polls.
     2. The Returning Officer shall make available a space for the purpose of counting ballot papers and shall communicate the time and location of the counting of ballots to all candidates contesting an election for which ballots are to be counted.
     3. No candidate for any position being contested may be present in the space referenced in rule 9.1.2 while ballots are present in that space.
     4. Counting of ballots shall occur in accordance with Schedule 2 of the UWA Student Guild Election Regulations.
     5. The Returning Officer may suspend, delay or move the counting of ballots at any time.
  2. Scrutineers
     1. Any candidate for a position for which ballots are being counted may appoint a scrutineer to oversee the counting of ballots who is not also a candidate for that same position.
     2. The PSA President, provided they are not a candidate for which ballots are being counted, shall be allowed to scrutineer without being appointed by a candidate.
     3. The appointment of a scrutineer shall be done in writing by the candidate to the Returning Officer.
     4. Scrutineers are required to obey all reasonable instructions given to them by the Returning Officer whilst at the location of the counting of ballots.
     5. Scrutineers may not touch, handle or otherwise interfere with the ballots being counted in any way, unless given an explicit instruction by the Returning Officer to do so.
     6. The Returning Officer shall have the power to remove any Scrutineer who has not been properly appointed or who, in the opinion of the Returning Officer, is acting in a way that is disrupting the count.
  3. Re-Counts
     1. A candidate, or scrutineer on their behalf, may, anytime until the declaration of the poll, request from the Returning Officer a re-count of any ballot for which that candidate is contesting.
     2. Such a recount must be held by the Returning Officer as soon as practical and the Returning Officer shall communicate the time and location of this recount to all candidates for the position for which the recount has been requested.
     3. The Returning Officer may, during the recount, overturn or otherwise change any decision made during the original count.
     4. The result of the recount shall be final.

## **DECLARATION**

* 1. Declaration where nominations of the position do not exceed the vacancy
     1. Where at the close of nominations the number of candidates equals the number of vacancies, the respective candidate are declared elected, subject to any other elections for more preferred positions where the candidate is also running.
     2. Where at the close of nominations the number of candidates is less than the number of vacancies, the respective candidates are declared elected, subject to any other elections for more preferred positions where the candidate is also running, and the vacancies shall be declared positions not filled.
  2. Timing of declaration – contested positions
     1. The Returning Officer shall declare the results of the election no later than one week after the PSA Annual General Meeting.
  3. Validity of the result
     1. No election shall be liable to be questioned by reason of any:

1. Formal error or defect in any declaration or other instrument, or in any publication made under these rules; or
2. Publication or declaration of the poll made under these rules being out of time.
   1. Public Notice
      1. As soon as practical after the completion of counting, the Returning Officer shall declare the poll by providing public notice, that has been signed and dated by the Returning Officer, on the Guild notice board.

## **OFFENCES AND PENALTIES**

* 1. Offences
     1. It shall be an offence for any person to:

1. Campaign or distribute campaign material that is not in accordance with rule 7;
2. Fail to obey any reasonable request from the Returning Officer, in relation to the election;
3. Destroy, deface or otherwise interfere with any ballot;
4. Interfere with the act of voting via paper ballot or Internet ballot;
5. Forge, or lie on, an electoral form;
6. Wilfully breach any rule in this document; or
7. Otherwise act in a way that hinders to proper conduct of the election.
   1. Penalties
      1. Where an individual has, in the opinion of the Returning Officer, committed an offence, the Returning Officer shall have the power to, at their discretion:
8. Remove a candidate’s submitted material from display for any duration;
9. Ban that person from any place associated with the election;
10. Strike a candidate’s name from the ballot, where, in the opinion of the Returning Officer, such offence has undermined the integrity of the ballot for which that person is a candidate; or
11. Take any other reasonable action or apply any reasonable penalty to ensure the fair conduct of the election is maintained.

## **STORAGE AND DESTRUCTION OF ELECTION MATERIALS**

* 1. Guild Regulations on record keeping
     1. Throughout the PSA Elections, the Returning Officer shall adhere to the record keeping, storage and destruction requirements of the Guild.

## **CHANGES TO THESE RULES & THE SUPREMACY OF THESE RULES**

* 1. Proposing changes
     1. The PSA Committee, or 7 ordinary member in writing, may propose amendments to these rules. The PSA Committee upon decision or receipt of proposed amendments must call an AGM within four weeks.
  2. Members to vote on changes
     1. Changes to these rules must be passed by a two-thirds majority of present and voting PSA members at a General Meeting of the PSA.
  3. Guild Council Oversight
     1. Changes to these rules must be passed by a simple majority of the Guild Council of the UWA Student Guild.
  4. Changes to be recorded
     1. The amended version of these rules, once approved in accordance with rule 13.1 and rule 13.2, must be placed in the Guild Statute Book, in accordance with the Guild Regulations.
  5. Commencement of the new rules
     1. The amended rules will come into force upon Guild Council’s approval or approval at a PSA AGM, whichever is the latter.
  6. Supremacy of these rules
     1. These rules replace all previous rules governing the administration of the election of PSA committee members, including the PSA Election Regulations (2013).