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# Student Guild Election Regulations

**Approved by Senate on 23 May 2022**

These Regulations are made by the Senate of the University of Western Australia, as the governing authority of the University of Western Australia, under section 16E of the *University of Western Australia Act 1911*.

## SECTION 1

UWA Student Guild

GUILD ELECTION REGULATIONS

## SECTION 2

Student Members Of Senate

UNIVERSITY SENATE STANDING ORDERS

## SECTION 3

NUS National Conference Delegates

NATIONAL UNION OF STUDENT RULES

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## SECTION 1 - UWA STUDENT GUILD - GUILD ELECTION REGULATIONS

### PART 1 DEFINITIONS

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#### 601 DEFINITIONS

601(1)

In these Regulations, unless the context otherwise indicates or requires:

**A4 Page** means in the opinion of the Returning Officer, an amount of paper that is substantially the same as a page measuring 297mm by 210mm and weighing 80 grams per square meter, which has minimal or imperceptible shine, printed with black ink.

**Annual General Election** means the annual election referred to in regulation 610 for the Guild Council positions listed in Schedule 1 of these Regulations.

**Authoriser** means the person submitting Election Material for Costing Approval.

**Campus Polling Place** means one of the static Polling Places, either outside Reid Library or the Guild building.

**Codes of Conduct** means any code of conduct binding candidates in an Election or as an elected representative including the UWA Student Guild Election Candidate Code of Conduct and the Student Representative Code of Conduct and Ethics as outlined in Schedule 3 or as issued by the Guild from time to time.

**Complaint** means any charge or complaint.

**Costed Election Material** means the Election Material that has received Costing Approval.

**Costing Approval** means the process (outlined in regulation 622(2)(p)) by which Election Material is reviewed and a Determination is made on whether the Election Material complies with both the form and costing requirements applicable to such material under regulation 622, but does not include a review of the content of the Election Material.

**Counting Centre** means a location where the official counting of votes takes place.

**Day** means any 24 hour period reckoned from and to midnight and includes public holidays, University holidays and weekends.

**Determination** means any order, ruling or direction validly made under these Regulations.

**Disputed Return** means an allegation as to the invalidity of an Election by way of:

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- (a) the breach of, or non-compliance with, one or more of these Regulations sufficient to influence the outcome of the Election;
  - (b) an act of Misconduct by a person, either specified or not, that is sufficient to influence the outcome of an Election; or
  - (c) an act in breach of the law of the State or the Commonwealth that is sufficient to influence the outcome of an Election.

**Distribute** means the publication, display or handing out of material, including by any electronic means.

**Election** means any Annual General Election for a position set out in Schedule 1, a position in any Election or Referendum administered by the Guild under these Regulations.

**Election Handbook** means the document 'Election Handbook' published by the Guild from time to time.

**Election Material** means:

- (a) any written, printed, photographic or electronic material including a voting guide, poster sign, leaflet, audio or visual display (including any electronic audio or visual display) whether attached to any fixed or mobile structure or not, or content of any Guild publication or subsidiary publication, provided that such material has been Distributed during an Election Period and directly supports any candidate and has the purpose of causing or not causing the election of any candidate; and
- (b) any other material that, in the opinion of the Returning Officer at their absolute discretion, constitutes Election Material;

but does not include any material of the type referred to in regulation 622(1)(b) that is prohibited from being used by Groups or candidates as Election Material.

**Election Period** means the period of time from the opening of nominations to the lodgement of the Returning Officer's Election Report.

**Election Report** means the report lodged by the Returning Officer with the Secretary of the Guild after the declaration of polls, or following the resolution of any Disputed Returns.

**Electoral Assistant** means a person appointed by the Returning Officer to assist with the conduct of the Election.

**Electoral Commission** means the Western Australian Electoral Commission or the Australian Electoral Commission as applicable.

**Electoral Commissioner** means the Commissioner of the Western Australian Electoral Commission or the Commissioner of the Australian Electoral Commission as applicable.

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**Electoral Official** includes the Returning Officer or Substitute Returning Officer, Electoral Assistant, Secretary and anyone else to whom duties are delegated by the Returning Officer or Substitute Returning Officer under these Regulations.

**Electoral Roll** means the electoral roll which lists the names of all Students enrolled at UWA.

**Electronic Media** means Personal Electronic Media and Group Electronic Media.

**First Semester** means the first semester of the University calendar of the year following the year the candidate takes office.

**Formal Defect** includes only those errors or omissions which do not constitute a lack of substantial compliance.

**Group** means a group of candidates that have been registered under Part 9 of these Regulations.

**Group Agent** means the person appointed by a Group to act on their behalf in relation to administrative matters and the participation of the Group.

**Group Electronic Media** means any public social media profile created for the express purpose of the Election, including but not limited to:

- (a) stand-alone websites hosted by the Guild;
- (b) Facebook;
- (c) Google+;
- (d) Instagram;
- (e) Twitter;
- (f) YouTube; and
- (g) Snapchat.

**Guild** means the Student Guild referred to in section 28 of the *University of Western Australia Act 1911*.

**Guild Administration** means the administration reception, which at the date these Regulations are first published, is located in the Guild Village, South Wing, and associated Guild staff members.

**Guild Administrator** means the Managing Director of the Guild or the person to whom they have delegated responsibility for electoral matters.

**Guild Council** means the Council of the Guild constituted under the UWA Statute.

**Guild Member** means a Student who is a member of the Guild on the day of the close of the Electoral Rolls.

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**Guild Misconduct Tribunal** means the 'Guild Misconduct Tribunal' as referred to in the Guild Regulations.

**Guild Regulations** mean the Regulations made by the University Senate pursuant to the *University of Western Australia Act 1911* section 16E.

**How-to-Vote** means how-to-vote cards handed out by or on behalf of a candidate or a Group prior to or during an Election.

**Independent Candidate** means a candidate who is not a member of, or otherwise affiliated with, a Group.

**Instrument of Appointment** means the document that appoints the Returning Officer, Substitute Returning Officer or Electoral Official as applicable.

**Issuing Officer** means a person appointed by the Electoral Commission to fulfil the role of issuing ballot papers to voters at Polling Places.

**Misconduct** means conduct on the part of a Specified Person which:

- (a) is a breach of these Regulations or an offence under regulation 631(1);
- (b) is 'Guild Misconduct' as defined in the Guild Regulations;
- (c) is a breach of, or wilful non-compliance with a Determination made by the Returning Officer or an Electoral Official; or
- (d) interferes with the rights of a person to participate in an Election.

**Nominator** means a person who nominates a nominee for an Election (other than the nominee).

**Nomination** means any Guild Member's nomination for one or more positions.

**NUS** means the National Union of Students.

**Officer-in-Charge** means the officer in charge of the Election.

**Ordinary Guild Councillor** means a position listed in Table D of Schedule 1.

**Personal Electronic Media** means:

- (a) personal profiles and accounts on electronic and social media; and
- (b) any group, page or website created for the express purpose of promoting the Election.

**Polling Place** includes a Campus Polling Place and a Special Polling Place.

**Printed Election Material** means Election Material that has been produced by Printing.



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**Printing** includes photocopying, plate, photographic, paper masters and other like processes.

**Prescribed Areas** means those areas set aside for the display of Election Material and includes any wall, rotunda, noticeboard, support or structure whether fixed, mobile or electronic and belonging to the Guild, the University, University residences or any other body.

**Public List** means the list of candidates whose Nominations have been accepted by the Returning Officer.

**Public Notice** means communication of the declaration of the poll in accordance with regulations 611(10) and 630.

**Referendum** means the submission to the voters of a proposal and includes a referendum under these Regulations and under the UWA Statute.

**Regulations** means the current UWA Student Guild Electoral Regulations.

**Returning Officer** means a person appointed by the Electoral Commissioner or Guild Council to fulfil the position of returning officer under these Regulations.

**Scrutineer** means a person appointed in accordance with regulation 605 to oversee the count at a Counting Centre in accordance with regulation 609.

**Secretary** means the secretary of the Guild Council.

**Semester One** means the first semester of the teaching year (as specified in the University calendar).

**Semester Two** means the second semester of the teaching year (as specified in the University calendar).

**Special Polling Place** means one of the Polling Places specified under regulation 619(1).

**Specified Person** means a Guild Member, or a member or officer of a Student Society.

**Student** means a person enrolled in the University as a student on the date of the close of Electoral Rolls.

**Student Society** means a University club, society or association which is registered by the Guild in accordance with the Guild Regulations.

**Substitute Returning Officer** means a person appointed by the Electoral Commissioner or Guild Council to fulfil the position of substitute returning officer under these Regulations.

**Teaching Day** means a Day which is officially designated by the University as a day when classes are scheduled and excludes:

- (a) any Day which falls outside a semester designated by the University;
- (b) public holidays observed by the University, and Saturdays and Sundays;

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- (c) Days designated by the University as "free from class-contact";
  - (d) Days designated by the University as part of formal examination periods; and
  - (e) the seven Days immediately prior to a Week designated as a formal examination period.

**Uncosted Election Material** means:

- (a) prohibited Election Material as prescribed in these Regulations; and
- (b) any Election Material which has not received Costing Approval.

**University** or **UWA** means the University of Western Australia.

**UWA Statute** means the University of Western Australia Statute made pursuant to the *University of Western Australia Act 1911 (WA)*.

**Verification Program** means an electronic plagiarism detection program or service used by the University, including Turnitin, or as otherwise determined by the Returning Officer.

**Week** means any seven Day period reckoned from and to Saturday midnight.

## PART 2 INTERPRETATION

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### 602 INTERPRETATION

#### 602(1) Initial interpretations

All initial interpretation of these Regulations shall be made by the Returning Officer.

#### 602(2) "May" and "Shall" usage

- (a) Where in these Regulations the word "may" is used to confer a power, the word shall be interpreted to imply that the power so conferred may be exercised at the discretion of the exercising party.
- (b) Where in these Regulations the word "shall" is used to confer a power, the word shall be interpreted to mean that the power so conferred must be exercised.

#### 602(3) Use of the word "person"

Where in these Regulations the word "person" is used, the word shall be interpreted to include a person who is a Guild Member and a person who is not a Guild Member.

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602(4) Powers to appoint to include revocation

Where in these Regulations a power or a duty to make appointments to an office or position is imposed on a person or body, unless the contrary intention appears, this power includes the power to remove or suspend a person appointed, and to appoint another person temporarily in the place of the person suspended or in the place of a sick, absent or deceased holder of the office or position.

602(5) Precedence of electoral regulations over other regulations

Where another regulation is inconsistent with these Regulations, the latter prevails and the former, to the extent of inconsistency, is invalid. The inconsistent regulation remains valid for all other purposes.

602(6) Remedial action where appointments untimely

Where the Regulations provide that an appointment shall be made at a specific meeting of Guild Council and such appointment is not made, for whatever reason, the appointment shall be made at the earliest next meeting.

602(7) Singular to mean the plural

In these Regulations unless the context otherwise requires each singular number is to be construed as including the plural number.

### **PART 3 ADMINISTRATIVE APPOINTMENTS**

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#### **603 RETURNING OFFICER/SUBSTITUTE RETURNING OFFICER**

603(1) Eligibility for appointment

- (a) A Returning Officer or Substitute Returning Officer may be appointed by the Electoral Commissioner or the Guild Council to conduct an Election.
- (b) If the Electoral Commissioner is unable or unwilling to make such an appointment, or if the Guild Council decides that a Returning Officer and/or Substitute Returning Officer need not be appointed by the Electoral Commissioner, the Guild Council shall appoint a Returning Officer and a Substitute Returning Officer.
- (c) A Returning Officer and / or Substitute Returning Officer appointed by the Guild Council must:
  - (i) have conducted an Election or similar Election in the past;
  - (ii) be capable of administering all aspects of the Election efficiently;  
and

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(iii) be impartial.

- (d) The appointment of a Returning Officer or Substitute Returning Officer will not be effective until the person appointed signs an undertaking stating that they will perform the duties associated with the position impartially and in accordance with the spirit and detail required by these Regulations.

603(2) Disqualification from appointment

A person may not be appointed as a Returning Officer or Substitute Returning Officer if that person was within the last 5 years:

- (a) a member of the Guild;
- (b) an employee of the Guild or the University;
- (c) a member of a political party registered at Federal or State level; or
- (d) a candidate in an Annual General Election.

603(3) Form of appointment

The Returning Officer and/or Substitute Returning Officer shall be appointed in writing by the Electoral Commissioner or the Guild President as the case requires.

603(4) Mode of appointment

- (a) Where the Returning Officer or Substitute Returning Officer is appointed by the Electoral Commissioner, the Electoral Commissioner will make arrangements for copies of the Instruments of Appointment and the declarations of the Returning Officer and Substitute Returning Officer to be displayed on the Guild noticeboard as soon as possible after such appointments have become effective.
- (b) Where the Returning Officer or Substitute Returning Officer is appointed by the Guild Council, the Secretary will make those arrangements.

603(5) Time and duration of appointment

- (a) The Returning Officer shall be appointed annually.
- (b) The appointment of the Returning Officer and Substitute Returning Officer shall be effective from the date of the Instrument of Appointment until the declaration of all polls for which that officer has been appointed.

603(6) Resignation from office

- (a) A Returning Officer and Substitute Returning Officer may resign by lodging a written resignation with the Electoral Commissioner (where

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the Electoral Commissioner made the appointment) or with the Secretary (where the Guild Council made the appointment).

- (b) The resignation will be effective from the time and date it is received by the Electoral Commissioner or the Secretary as the case requires.

603(7) Revocation of appointment

- (a) A Returning Officer and Substitute Returning Officer may have their appointment revoked at any time by the Electoral Commissioner, where the Electoral Commissioner made the appointment.
- (b) A Returning Officer and Substitute Returning Officer may have their appointment revoked at any time by the Guild Council, where the Guild Council made the appointment, provided that such a motion receives a two-thirds majority vote of the Guild Council at a meeting for which at least 48 hours' notice of the motion has been given to members of the Guild Council.

603(8) Casual vacancies

In the event of the resignation or death of a Returning Officer and / or Substitute Returning Officer, or the excessive absence of either, a replacement will be appointed as soon as possible by the Electoral Commissioner or Guild Council, as the case requires.

603(9) Remuneration

- (a) Where the Returning Officer and/or Substitute Returning Officer is appointed by the Electoral Commissioner, the Guild will remunerate the Returning Officer and/or Substitute Returning Officer in accordance with the pay rates set and notified to the Guild President by the Electoral Commissioner.
- (b) Where the Returning Officer is appointed by the Guild President pay rates shall be agreed upon by the Returning Officer and the Guild President.
- (c) The Guild shall reimburse the Electoral Commission for all costs incurred by the Electoral Commission in the conduct of an Election for which the Electoral Commissioner has appointed the Returning Officer.

## **604 ELECTORAL ASSISTANTS**

604(1) Eligibility for appointment

- (a) No person under the age of 18 years may be appointed as an Electoral Assistant.
- (b) The appointment of an Electoral Assistant is not effective until the person concerned has signed an undertaking stating that they:

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- (i) are eligible for appointment;
  - (ii) will not contest the Election; and
  - (iii) agree to perform the duties associated with the office impartially and in accordance with the spirit and detail required by these Regulations.

604(2) Disqualifications from appointment

A person is not eligible to be appointed or remain appointed as an Electoral Assistant if, within the last two years, they:

- (a) were a candidate at a contested Election; or
- (b) hold or have held office as a voting member of the Guild Council.

604(3) Mode of appointment

The Returning Officer shall appoint all Electoral Assistants in writing.

604(4) Form of appointment

The appointment of Electoral Assistants will be made by an Instrument of Appointment which shall be signed by the Returning Officer.

604(5) Time and duration of appointment

The duration of an appointment may be specified on the Instrument of Appointment or may be left on a needs basis for the period of the Election.

604(6) Resignation from office

- (a) An Electoral Assistant may resign by notifying the Returning Officer either verbally or in writing.
- (b) The resignation may be effective immediately, or at a time and date acceptable to the Returning Officer.

604(7) Revocation of appointment

The appointment of an Electoral Assistant may be revoked at any time by the Returning Officer.

604(8) Casual vacancies

Any vacancy that occurs through the resignation or revocation of an appointment of an Electoral Assistant may, or may not be filled at the Returning Officer's discretion.

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604(9) Remuneration

- (a) Rates and conditions of employment for Electoral Assistants shall be in accordance with a schedule provided by the Electoral Commissioner.
- (b) These rates and conditions shall reflect the contemporary pay rates and conditions for equivalent State Electoral Officials.

**605 SCRUTINEERS**

605(1) Eligibility for appointment

- (a) Any person 16 years of age or older may be appointed as a Scrutineer.
- (b) A candidate at an Election will not be permitted to act as their own Scrutineer.
- (c) A candidate may not act as a Scrutineer for any poll taken in conjunction with the poll at which that person is a candidate.

605(2) Mode of appointment

- (a) The appointment of a Scrutineer shall be made in writing and signed by the candidate on whose behalf the Scrutineer will act.
- (b) The appointment must be lodged with the Returning Officer or the Officer-in-Charge of the Polling Place or Counting Centre.

605(3) Form of appointment

The appointment of a Scrutineer shall be in accordance with the Instrument of Appointment prepared by the Returning Officer.

605(4) Time and duration of appointment

The appointment shall be effective from the date of the Instrument of Appointment until the poll is declared.

605(5) Limitation of numbers

- (a) A candidate may appoint more than one Scrutineer.
- (b) A candidate may not have more than one Scrutineer present at any one time in the counting centre.

605(6) Resignation from office

A Scrutineer may resign from office at any time by notifying the candidate who appointed them.

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605(7) Revocation of appointment

- (a) An appointment may be revoked by the candidate at any time by notifying the Returning Officer in writing. The revocation will take effect on the day that the Returning Officer receives the written revocation.
- (b) The appointment may be revoked by the Returning Officer at any time if, in their opinion, the Scrutineer has failed to obey a lawful direction of the Returning Officer or an Electoral Assistant.

## **PART 4 POWERS, RIGHTS AND RESPONSIBILITIES OF ELECTORAL OFFICIALS AND SCRUTINEERS**

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### **606 RETURNING OFFICER**

606(1) Powers

The Returning Officer has the power to:

- (a) recruit, engage and appoint Electoral Assistants to assist in the conduct of the Election and/or poll;
- (b) determine the interpretation of any word, regulation or other related electoral matter;
- (c) issue any Determination in whatever terms they see fit for the fair conduct and administration of any Election, or in regard to any relevant electoral matter in general;
- (d) act on their own motion to prevent a breach or attempted breach of the Regulations;
- (e) requisition expenditure on behalf of the Guild for goods and services related to the preparations for and conduct of an Election;
- (f) remove any person wilfully interfering, obstructing or disputing procedures at the poll or count; and
- (g) take any other action they, in their absolute discretion, deem appropriate to ensure the fair conduct and administration of the Election.

606(2) Responsibilities

The Returning Officer is responsible for ensuring:

- (a) the fair conduct and administration of the Annual General Election and the polls held in conjunction with that Election;



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- (b) that the Annual General Election and other polls held in conjunction with that Election are conducted in accordance with these Regulations;
  - (c) that Election preparations are complete and timely;
  - (d) that duties expressly or implicitly required in these Regulations are carried out;
  - (e) the maintenance of security in respect to Electoral Rolls, ballot papers and boxes; and
  - (f) that casual staff receive adequate training and supervision.

606(3) Delegation

The Returning Officer may delegate to an Electoral Official any of the Returning Officer's duties and functions.

606(4) Attendance requirements

The Returning Officer or their delegate must be in attendance on campus throughout the hours of polling and the conduct of the counts.

## **607 SUBSTITUTE RETURNING OFFICER**

607(1) Powers

In the absence of the Returning Officer, the Substitute Returning Officer may exercise the powers of the Returning Officer if necessary, except for the power of delegation.

607(2) Responsibilities

In the absence of the Returning Officer, the responsibilities of the Substitute Returning Officer shall be identical to those of the Returning Officer.

607(3) Attendance requirements

In the absence of the Returning Officer, the attendance requirements of the Substitute Returning Officer shall be identical to those of the Returning Officer.

## **608 ELECTORAL ASSISTANTS**

608(1) Powers

Electoral Assistants have no specific powers other than those conferred on them by the Returning Officer.

608(2) Responsibilities

Electoral Assistants must provide assistance to the Returning Officer or Officer-in-Charge of the polling and / or count as directed.

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608(3) Delegation

An Electoral Assistant has no powers of delegation.

608(4) Attendance requirements

Electoral Assistants must be in attendance at the Polling Centres and/or Counting Centres in strict accordance with the terms of their appointment.

**609 SCRUTINEERS**

609(1) Powers

A Scrutineer who is duly appointed may direct the attention of the Officer-in-Charge of the count to any irregularity concerning the:

- (a) admission of any vote to the scrutiny;
- (b) admission of a ballot paper as formal;
- (c) rejection of a ballot paper as informal; and
- (d) counting of the votes.

609(2) Responsibilities

- (a) A Scrutineer must obey all lawful directions of the Returning Officer, Substitute Returning Officer, Officer-in-Charge of the count, and Electoral Assistants.
- (b) A Scrutineer must not:
  - (i) touch a ballot paper at any time;
  - (ii) interrupt the scrutiny otherwise than in accordance with their powers;
  - (iii) communicate with any person in the Counting Centre except so far as is necessary in the discharge of their functions.
- (c) A Scrutineer shall wear a badge supplied by the Officer-in-Charge that identifies the person as a Scrutineer.

609(3) Delegation

A Scrutineer has no powers of delegation.

609(4) Attendance

- (a) A Scrutineer may be present while the Returning Officer carries out their functions in respect to the counts.

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- (b) Each candidate may only have a maximum of one Scrutineer in attendance at any one time at the count.

## PART 5 GUILD OFFICES AND TERMS

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### 610 GUILD OFFICE POSITIONS AND TERMS

#### 610(1) Positions for Annual General Elections

The positions for Annual General Elections are listed in Schedule 1.

#### 610(2) Vacation of position.

A position on the Guild Council listed in Schedule 1 shall be deemed vacant if the holder of that position:

- (a) dies;
- (b) is permanently incapacitated by mental or physical ill health;
- (c) resigns in accordance with regulation 610(7);
- (d) is no longer eligible to hold a position on the Guild Council under regulation 613;
- (e) fails to attend compulsory Council transition training without approval from the Managing Director of the Guild;
- (f) commits an offence under regulation 631; or
- (g) is absent for more than three Guild Council Meetings in the same year, of which he or she has received notice, without tendering an apology to the person presiding at each of those Guild Council Meetings.

#### 610(3) Filling of vacant positions other than Ordinary Guild Councillor

The Guild Council may appoint any person who is eligible under regulation 613 to fill a position listed in Table A, B or C of Schedule 1 that has become vacant under regulation 610(2).

#### 610(4) Filling of vacant Ordinary Guild Councillor positions in the First Semester

- (a) If an Ordinary Guild Councillor position becomes vacant under regulation 610(2) before, but not on, the last Day of the First Semester, the Guild Council may order that all votes cast for that position, at the Annual General Election at which the person vacating their position (**Vacating Officer**) was elected, be recounted (**Recount**).
- (b) If the Guild Council orders a Recount under regulation 610(4)(a):

- 
- (i) the Vacating Officer shall be deemed to be an ineligible candidate and all votes cast for the Vacating Officer will be disregarded in the Recount; and
  - (ii) the person who receives the highest number of votes (**Alternate Candidate**) will be deemed elected to the vacant position, provided that the Alternate Candidate is able and willing to fill the position, and is eligible to hold a position on the Guild Council under regulation 613.
- (c) If the Alternate Candidate is unable or unwilling to fill the vacant position, or is ineligible to hold a position on the Guild Council under regulation 613, the Guild may order a further Recount, with the Vacating Officer and Alternate Candidate being deemed to be ineligible candidates and all votes cast for the Vacating Officer and Alternate Candidate being disregarded.
- (d) If the person who receives the highest number of votes under regulation 610(4)(b)(ii) is unable or unwilling to fill the vacant position, or is ineligible to hold a position on the Guild Council under regulation 613, the Guild may:
- (i) repeat the Recount process set out in this regulation 610(4), until an eligible person has been deemed elected to the vacant position; or
  - (ii) appoint a person who is eligible under regulation 613 to fill the vacant position.

610(5) Filling of vacant Ordinary Guild Councillor positions after the First Semester

If an Ordinary Guild Councillor position becomes vacant under regulation 610(2) after the end of the First Semester, the Guild Council may appoint any person who is eligible under regulation 613 to fill the vacant position.

610(6) Term of office

- (e) The term of office for each Guild Councillor position listed in Schedule 1 is 12 months, commencing on 1 December following the Annual General Election, and ending on 30 November the following year.
- (f) The term of office for a person appointed to fill a vacant position under this regulation 610, commences:
  - (i) if the person is elected in accordance with regulation 610(4), on the date that the person is so elected, or the date that the position became vacant, whichever is the later; or
  - (ii) if the person is appointed under regulation 610(3), 610(4)(d)(ii) or 610(5), on the date that the person is so appointed,

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and ends on the date that the term of office for the vacant position would have otherwise ended in accordance with regulation 610(6)(a).

610(7) Resignations

- (a) A person may tender their resignation from a position listed in Schedule 1 by notifying the Secretary in writing.
- (b) A resignation becomes effective the Day after it is received by the Secretary, or on a date nominated by the person resigning.

## **PART 6 ELECTION TIMETABLE**

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### **611 ELECTION TIMETABLE AND KEY DATES**

611(1) Annual General Elections

The general Elections for the positions set out in Schedule 1 shall be held annually.

611(2) Establishment of Election

- (a) If the Guild Council decides to request the Electoral Commission to conduct the Election and appoint the Returning Officer then the following provisions apply.
- (b) The Managing Director of the Guild shall provide notification to the Electoral Commissioner of the Annual General Election of the Guild.
- (c) Such notification shall be made by the end of the First Semester and shall include:
  - (i) a request to the Electoral Commissioner for assistance in the recruitment and appointment of a Returning Officer and / or Substitute Returning Officer;
  - (ii) details of the proposed timetable for the Elections submitted by Guild Council; and
  - (iii) a copy of all current electoral Regulations (certified correct by the relevant authorities) relating to the Annual General Election and any other polls held in conjunction with the poll for which the Returning Officer will have responsibilities.
- (d) A request made outside this period may still be considered provided the Electoral Commissioner is satisfied that it is still practicable for the Election to be conducted, and a timetable can be set to meet with all other timetable requirements set out in these Regulations.

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- (e) The actual timetable for the Elections must be both proposed by the Guild Council and approved by the Returning Officer before it is officially adopted.

611(3) Parameters of close of Electoral Rolls

The close of Electoral Rolls shall be 2400 hours midnight on the Friday preceding the opening of nominations.

611(4) Parameters of close of Group registrations and candidate nominations

- (a) Nominations for candidates in an Election shall open on the date of the official Public Notice inviting nominations.
- (b) Nominations must be open for at least 5 Teaching Days.
- (c) Subject to regulation 611(8) nominations must close at least 7 Days before polling commences.

611(5) Parameters of polling dates

- (a) Ordinary voting for the Annual General Election shall be held over 4 consecutive Teaching Days during the first half of second semester.
- (b) Polling shall commence on a Monday.

611(6) Parameters of declaration of poll

The poll shall be declared by the Returning Officer on the completion of counting but not later than 30 Days after the close of the poll.

611(7) Determination of order of name on ballot paper

Within 7 Days of the close of nominations (excluding a Saturday or Sunday), the Returning Officer shall determine by lot the order in which names will appear on the ballot paper for positions for which a poll will be held.

611(8) Extensions

- (a) No extensions to the timetable are permitted where the Returning Officer has not been appointed by the Electoral Commissioner.
- (b) If the Returning Officer has been appointed by the Electoral Commissioner, they may in their absolute discretion, extend the time appointed for the Nomination of candidates and the taking of the poll.
- (c) No extension of the time for taking the poll may be extended by up to 7 Days from the date that was originally set. Only one such extension shall be permitted.
- (d) Where an extension of time is made under this section, Public Notice of the extension shall be given by the Returning Officer by placing a

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notice to that effect on the Guild notice board and by publicising through any other means that the Returning Officer deems appropriate.

- (e) A Returning Officer appointed by the Electoral Commissioner may extend the period of nominations where no nominations are received or for any unfilled vacancies in multi-member positions until 12 noon on the third Teaching Day following the original close of nominations.

#### 611(9) Other polls

The timetable of polls held in conjunction with the Annual General Election shall be in accordance with the parameters prescribed in the Regulations that govern those polls.

#### 611(10) Display of Public Notice

- (a) A Public Notice inviting nominations shall be placed on the Guild notice board and in the official Student Guild publication at least 7 Days before nominations open.
- (b) The nomination period for Group registrations will commence on Monday of the 12<sup>th</sup> teaching week of Semester One and will open for a period of 4 Weeks.
- (c) The nomination period for individual nominations (as a member of a Group or an Independent Candidate) will commence on Monday of the second teaching week of Semester Two and will close on Friday of that week.

#### 611(11) Form of Public Notice

The Public Notice shall contain:

- (a) the name of the Guild;
- (b) the title and number of vacancies for all offices due for Election;
- (c) the form in which nominations are to be made;
- (d) the location where nominations and accompanying documents may be lodged;
- (e) the times and dates of the commencement and closure of the period for lodging nominations;
- (f) the eligibility criteria for voters, nominees and nominators;
- (g) details of the relevant dates and times of the Election timetable (including the times, dates and places for the draw for positions on the ballot paper and, where it applies, the lodgement of Group Registration Forms); and

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- (h) an invitation for interested and eligible persons to nominate.

## **PART 7 ELIGIBILITY TO PARTICIPATE IN THE ELECTION**

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### **612 GROUP AGENTS**

#### 612(1) Eligibility for appointment

A Group Agent must be at least 18 years of age and meet the requirements of eligibility for election in accordance with Table D in Schedule 1 of these Regulations.

#### 612(2) Form of appointment

- (a) The formal appointment of a Group Agent shall be prepared by the Returning Officer.
- (b) The Group Agent appointment form must contain a signed statement by the appointee declaring they are eligible and consent to act in the position and must be witnessed and signed by at least two Guild Members.
- (c) Where the authority of a Group Agent is revoked in accordance with regulation 612(5), the Group shall inform the Returning Officer of a new appointment 48 hours after the revocation.
- (d) Where a candidate is nominating without a Group as an Independent Candidate they shall be deemed to be their own Group Agent.

#### 612(3) Time and duration of appointment

Subject to these Regulations, an appointment of a Group Agent is effective when accepted by the Returning Officer and will expire at the declaration of the poll.

#### 612(4) Resignation from office

A Group Agent may resign from office by notifying the Returning Officer either verbally or in writing, and the resignation shall be effective immediately.

#### 612(5) Revocation of appointment

- (a) The appointment of a Group Agent may be revoked by:
  - (i) a majority of the candidates in the Group; or
  - (ii) the Returning Officer if, in their opinion, the Group Agent has consistently failed to discharge their obligations to their Group.



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- (b) Revocation in accordance with regulation 612(5)(a)(i) must be in writing and shall not take effect until it is received by the Returning Officer.

612(6) Limitation of numbers

- (a) A Group may have no more than one Group Agent appointed at any given time.
- (b) A Group Agent may only be appointed as a Group Agent for one Group.
- (c) A Group Agent may not nominate or be a candidate for another Group.

612(7) Responsibilities

The Group Agent will be responsible for:

- (a) registering their Group under regulation 614(5);
- (b) the content of the Election Material created and Distributed by their Group;
- (c) ensuring all Election Material for their Group has been submitted for Costing Approval as per regulation 622; and
- (d) ensuring all Election Material for their Group is otherwise in accordance with regulation 622.

612(9) Register of Group Agents

The Returning Officer will maintain a register of Group Agents which shall be reproduced and made available for public inspection at the Guild Office and on the Guild Notice Board after the close of nominations.

## **613 CANDIDATES / VOTERS**

613(1) Qualifications for candidates

Specific eligibility criteria for candidates in respect to each Guild Councillor position is contained in Schedule 1.

613(2) Disqualifications from candidature

- (a) A person shall be disqualified from candidature if they:
  - (i) are an enrolled Student at UWA with suspended rights and privileges at the close of nominations;
  - (ii) have been convicted of an offence and are under sentence, or are subject to be sentenced, for an offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer;

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- (iii) are ineligible to hold a sought position due to any statute, regulation, by-law or rule;
  - (iv) are a non-voting Guild Member at the close of Electoral Rolls;
  - (v) are an undischarged bankrupt or has entered into a scheme of arrangement with creditors; or
  - (vi) are certified as mentally unfit.
- (b) No person shall be elected to the office of President on more than one occasion.
  - (c) Unless otherwise specified in these Regulations, a person elected to any Guild office immediately becomes ineligible to be elected to any subsequent office for which the count is still to be conducted due to the order of counts prescribed in these Regulations.
  - (d) Any former member of the Guild Council who has had their position declared vacant due to excessive absence without apology may not contest an Election for at least one year after that vacancy was declared.

613(3) Multiple nominations

- (a) A person may nominate for more than one position at the same Election.
- (b) A Group may only nominate a maximum of:
  - (i) one person for each Guild Councillor position to be filled in Tables A – C (inclusive) of Schedule 1; and
  - (ii) 13 people for the Ordinary Guild Councillor positions in Table D of Schedule 1.

613(4) General qualifications for enrolment and voting

To be eligible for enrolment for an Annual General Election a person must be:

- (a) an enrolled Student of the University at the close of Electoral Rolls; and
- (b) not otherwise disqualified from being enrolled at the University.

613(5) Specific qualification for voting

Specific eligibility criteria for each position is shown in Schedule 1.

613(6) Voting obligations and limits

- (a) Voting is voluntary. No sanctions are attached to failure to vote.

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- (b) Each voter may only vote once in respect of each position for which they hold entitlement.
  - (c) Electors must vote personally. There shall be no right of proxy vote.
  - (d) A person's right to vote at an Election for which the person is enrolled is not affected by any change in the person's name or by any change in residence or other qualification if the person continues to be eligible to be enrolled on the Electoral Roll to vote in the Election.

## PART 8 REGISTRATION OF GROUPS AND COLOURS

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### 614 REGISTRATIONS

#### 614(1) Groups of candidates

- (a) Registration of a Group contesting office shall be by means of a form as prepared by the Returning Officer which shall be Distributed by the Returning Officer with Nomination forms (**Group Registration Form**).
- (b) A Group is eligible for registration if it has a validly appointed Group Agent in accordance with regulation 612.
- (c) A Group is eligible to participate in an Election if by the end of the nomination period set out in regulation 611(10):
  - (i) It has 5 or more candidates who are eligible to be candidates for a position at an Election in accordance with regulation 613; and
  - (ii) At least 1 candidate nominates for a position other than an Ordinary Guild Councillor position set out in Table D in Schedule 1.

#### 614(2) Registration of a colour on which Election Material is to be printed

- (a) An Independent Candidate or Group may nominate a colour (excluding white) on which to produce their Election Material from the available list of colours set out in the Election Handbook (if any).
- (b) A Group will register their colour on the same form on which they register their Group. An Independent Candidate will register their colour on a separate form available from Guild Administration.
- (c) Once a colour has been registered, no other Group or Independent Candidate may register or use that colour or a substantially similar colour.

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- (d) The Returning Officer has discretion to determine which colour is to be registered to a Group and must give consideration to the colour registered to the Group in previous years (if any).
  - (e) An Independent Candidate or Group may not produce material in a colour other than their registered colour.
  - (f) The deadline for registering colours shall be the same as that for the registration of Groups.
  - (g) The Returning Officer may, in their absolute discretion, make any Determination they see fit concerning registration or use of colours in order to ensure the fair conduct of the Election, including a Determination about whether the use of colours may amount to Misconduct. The Returning Officer's decision regarding a Group's colour, including its use of a colour, is final and binding.

#### 614(3) Place of registration of Groups

The Group Registration Form may either be lodged in the locked receptacle provided for that purpose at the Guild Office, or be hand-delivered to the Returning Officer.

#### 614(4) Deadlines to register Groups

The Group Registration Form must be lodged with the Returning Officer by the close of nominations for Groups set out in regulation 611(10)(b).

#### 614(5) Requisites for registration of Groups

- (a) Each Group must submit a statement of between 100 to 150 words setting out the Group's vision and values and a description of what they stand for, the Group Agent's contact details and information about how Students can get involved with the Group (**Group Statement**) to be submitted to the Verification Program prior to the close of the nomination period and in hard copy at the same time the Group Registration Form is submitted. Each Group Statement is to be published on the Guild website.
- (b) A registration will not be accepted if the Verification Program indicates an unacceptable plagiarism score, as determined by the Returning Officer, acting reasonably.
- (c) Each candidate wishing to be part of a Group at the time of registration of the Group must sign a declaration on the Group Registration Form which states:
  - (i) that the candidate consents to be part of the Group;
  - (ii) that the candidate supports the Group name; and

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(iii) the position(s) which each candidate is standing for.

- (d) A candidate may not be registered in more than one Group contesting the Guild Council Election by the close of nominations. If a candidate does register for more than one Group, their name will not be included in any Group, and the Groups for which they have registered will be processed disregarding the name of the candidate seeking multiple registration. If only one candidate remains in a Group, after this action, the remaining candidate will not be treated as a Group.
- (e) Each Group must be registered by its Group Agent, appointed in accordance with regulation 612.

614(6) Formal Defects

- (a) The Returning Officer may, in their absolute discretion, accept a Group Registration which, in their opinion, substantially complies with the requisites for registration.
- (b) The Returning Officer may, in their absolute discretion, allow a candidate to be included in a Group or allow a Group Agent to correct any Formal Defect in the registration form.
- (c) A Group may de-register its name if an application to do so is made and signed by its Group Agent or all the individual members of that Group in writing.

614(7) Withdrawal of candidates consent to be part of a Group

- (a) A candidate who has been included in the registration of a Group may, by means of a form approved by the Returning Officer, and before the close of nominations, withdraw their consent to be included in that Group.
- (b) Where one or more withdrawals within a Group are effected by the close of nominations, but more than one name remains within the Group, the remaining names shall still be grouped, and the order shown on the original registration will stand, save for those excluded.

614(8) Grounds for rejection of Group names

A Group name shall not be accepted by the Returning Officer if it:

- (a) comprises more than 4 words or 25 characters;
- (b) is obscene or in poor taste in the opinion of the Returning Officer;
- (c) is the name, or is an abbreviation or acronym of the name of another Group name already accepted for the Election;

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- (d) so nearly resembles the name, or an abbreviation or acronym of the name, of another Group name already accepted for the Election that it is likely to be confused with or mistaken for that Group or that abbreviation or acronym, as the case may be;
  - (e) comprises the words "Independent Party" or comprises or contains the word "independent"; or
  - (f) in the opinion of the Returning Officer, has the potential to interfere with the fair conduct of the Election.

614(9) Ungrouped candidates

Any person not registering as part of a Group shall be treated as an Independent Candidate.

614(10) Disqualification of Groups

A Group may be disqualified from contesting an Election by the Returning Officer if:

- (a) at the close of the nomination period in accordance with regulation 611(10), a Group does not meet the requirements in regulation 614. The candidates who were members of the Group prior to its disqualification will be treated as an ungrouped Independent Candidate in accordance with regulation 614(9); or
- (b) the Group commits an offence under regulation 631.

## **PART 9 NOMINATIONS OF CANDIDATES**

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### **615 NOMINATIONS**

615(1) Form and mode of nomination of candidates

- (a) A Nomination should be made on an official Nomination form which shall be prepared by the Returning Officer and is available from Guild Administration.
- (b) A Nomination form shall:
  - (i) be held in Guild administration for public inspection,
  - (ii) be signed by not less than 2 Nominators, who must be entitled to vote at the Election for which the nominee is nominating;

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- (iii) contain the position(s) the nominee is nominating for and contain a signed statement by the nominee stating that they consent to act in the position(s) nominated for, if elected;
  - (iv) contain a signed statement by the nominee stating that they are qualified in accordance with the rules of the Guild to hold office;
  - (v) be accompanied by a “Nominee Contact Details Form” which sets out the name, contact number, Student number and place of residence of the nominee entitled to vote at the Election and which shall be held by the Managing Director and/or Returning Officer in accordance with the Guild privacy policy;
  - (vi) be accompanied by a personal statement of between 100 to 150 words setting out the nominee’s vision, values and reasons for nominating, and if the nominee is a member of a Group, the name of the Group (**Personal Statement**) to be submitted electronically in such form and at such time to the Verification Program prior to the close of the nomination period as set out in the Public Notice and in hard copy at the same time as the Nomination form is submitted;
  - (vii) not be accepted if the Verification Program indicates an unacceptable plagiarism score as determined by the Returning Officer, acting reasonably;
  - (viii) be accompanied by a copy of the Codes of Conduct signed by the nominee;
  - (ix) if the nominee is a member of a Group, a statement that they consent to be part of the Group;
  - (x) if the nominee is an Independent Candidate, be accompanied by a declaration that the nominee is independent and not affiliated with any Group and acknowledging that they must not distribute or display Election Material endorsing one particular Group or a member of a Group; and
  - (xi) be accompanied by an acknowledgement signed by the nominee acknowledging:
    - (A) that the Personal Statement will be published on the Guild website for public access;
    - (B) they are required to attend compulsory Council transition training after they have been elected at a time to be determined by the Guild; and
    - (C) non-attendance of the Council transition training will result in the Guild forwarding the matter to the Guild Misconduct Tribunal and/or the candidate forfeiting their position.

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- (c) A Nominator:
    - (i) may nominate multiple nominees however cannot nominate more than one individual for the same position in an Election;
    - (ii) must nominate a maximum of one person for an Ordinary Guild Councillor position;
    - (iii) if the Nominator is a member of a Group, the Nominator cannot nominate candidates from a different Group or an Independent Candidate.

615(2) Requisites for nomination

A Nomination will only be valid if:

- (a) the Nomination form and accompanying documents are fully completed;
- (b) the Nomination form and accompanying documents set out in regulation 615(1)(b) are submitted electronically or personally delivered by the person nominated and received by the Returning Officer after nominations are publicly invited and before the close of nominations (as required and notified by the Public Notice);
- (c) the person nominated deposits with the Returning Officer the relevant Nomination deposit in cash or banker's cheque (not a personal cheque), at the time the Nomination form is personally delivered to the Returning Officer;
- (d) the Nomination form is accompanied by a signed declaration that the nominee agrees to the Codes of Conduct provided in Schedule 3, or as amended or replaced from time to time; and
- (e) the Nomination form is accompanied by a signed declaration that the nominee agrees that their Personal Statement will be published online.

615(3) Supplementary information and documents may be provided

Details of the Candidate's preferred name to be included on the ballot paper and Public Notices may be provided by the nominees prior to the close of nominations.

615(4) Form of names of candidates

- (a) The statement of the form of the candidate's name to be printed on the ballot papers shall include the candidate's surname and may include each, or one or more, of the candidate's given names.
- (b) A given name may be stated by specifying:
  - (i) the name;



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- (ii) an initial standing for the name; or
  - (iii) a commonly accepted variation of the name (including an abbreviation or truncation of the name or an alternative form of the name).

- (c) The Returning Officer may reject any varied name which in their opinion is obscene or in poor taste.

615(5) Time for receipt of nomination

Subject to regulation 611(8) nominations must be received by the Returning Officer by 5.00 pm on the Day that nominations close.

615(6) Place of nomination

Nominations must be delivered personally or by mail to the Returning Officer or lodged at the Guild Administration office in the locked receptacle provided for that purpose.

615(7) Lodgement of deposit

If the Nomination deposit of \$10 is not lodged at the time of personal delivery to the Returning Officer, the Nomination is to be rejected by the Returning Officer.

615(8) Formal Defects

- (a) The Returning Officer may, in their absolute discretion, accept a Nomination which, in their opinion, substantially complies with the Nomination requisites.
- (b) The Returning Officer may allow a nominee to alter or correct any Formal Defect in a Nomination form or supplementary information and documents lodged by the close of nominations whenever this is practicable.

615(9) Mode of rejection of nomination

The Returning Officer shall take reasonable steps to notify any nominee before nominations close of the rejection of that person's Nomination and reasons for that rejection. Any Nomination rejection must later be confirmed in writing.

615(10) Mode of withdrawal of nomination

A person nominated as a candidate may withdraw their Nomination by lodging a notice of withdrawal with the Returning Officer before the close of nominations.

615(11) Requisites for notice of withdrawal

Unless the withdrawal is lodged personally with the Returning Officer, it shall be signed by the nominee and witnessed by another person who shall be a voter for the position for which the Nomination refers.

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615(12) Action on receipt of Nomination withdrawal

- (a) Where the withdrawal is received before the Printing of the Public List, the name shall be excluded from the Public List.
- (b) Where the withdrawal is received before the Printing of the ballot papers, the name shall be excluded from the ballot paper.
- (c) Where the withdrawal is received after the Printing of the ballot paper, a notice shall be displayed to alert voters in the Polling Place, and the candidate shall be excluded from the count.

615(13) Failed Elections

An Election shall fail where:

- (a) no Nomination is declared (after the expiration of the extension period);
- (b) a candidate for an office with a single vacancy in the Election dies after the close of polling but before the declaration of the poll; and
- (c) there are insufficient nominations received, (where this is the case, Elections shall fail only in respect to the vacancy or vacancies for which a Nomination is not received).

615(14) Lodgement of nominations received by the Returning Officer

The Returning Officer must lodge any nominations delivered to them directly or by mail before the close of nominations in the ballot box provided for lodgement of nominations.

615(15) Validity checking

On an ongoing basis throughout the nomination period, the Returning Officer shall check the validity of Nomination forms lodged.

615(16) Grounds for rejection of nomination

If a candidate is ineligible as a result of a by statute, by-law, regulation or rule, the Nomination shall be declared invalid.

615(17) Declaration of nominations received

- (a) The Returning Officer shall display on the Guild notice board, and other forums deemed appropriate, the Public List of candidates for each position and any other relevant details as soon as practicable after the close of nominations.
- (b) The Returning Officer shall provide photocopies of all accepted nominations for public inspection at the Guild Administration Office as soon as practicable after the close of nominations.

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615(18) Additional description of candidates

Where similarity in the names of 2 or more candidates is likely to cause confusion, the names of those candidates may be arranged with such description or addition as will, in the opinion of the Returning Officer, distinguish them from one another.

615(19) Provision of information to candidates

(a) The Returning Officer must make available free of charge to each candidate a copy of these Regulations and any other information deemed relevant as soon as possible after nominations, if not before.

615(20) Return or forfeiture of deposit

- (a) The Nomination deposit shall be refunded in full to all candidates declared elected to any Guild office by the Returning Officer.
- (b) Nomination deposits shall also be returned to all candidates who, in the official results, received at least 10% of the quota at the primary vote count for each and every position contested.
- (c) Nomination deposits shall be returned to the estate in respect to any candidate who dies before polling closes.

615(21) Candidates to be bound by Regulations

- (a) A candidate who nominates is deemed to have agreed to be bound by these Regulations.
- (b) A candidate who nominates is deemed to be bound by the Codes of Conduct.

615(22) Retention of Nomination forms

The original Nomination forms shall be retained in safe keeping by the Returning Officer throughout the course of the Election. Following the Election, the nominations shall be placed with the other Election Material for storage until destruction is authorised.

**616 DEATH OF A CANDIDATE FOR AN OFFICE WITH A SINGLE VACANCY**

616 (1) Before nominations are declared

Where a nominee dies before the declaration of nominations, their name shall not be declared as a candidate and the Election (s) shall proceed as normal.

616 (2) Between the declaration of nominations and the dispatch of postal votes

Where the death occurs after the declaration of nominations but before the postal votes are dispatched, no voting shall take place for the relevant position(s) for which the deceased was a declared candidate.

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616 (3) Between the dispatch of postal votes and the close of polling

Where the death occurs after the dispatch of postal votes but before the close of polling, all further voting is to be suspended in respect to only the position contested by the deceased. No count of any votes already received shall take place, and the votes themselves shall be placed in a sealed parcel if the ballot paper is solely devoted to that particular position.

616 (4) After close of polling but before declaration of the poll

If, after the close of polling but before the declaration of the poll any candidate in an Election dies, the Election (s) in which that candidate was contesting shall, by reason of such death, be deemed to have wholly failed and a fresh Election shall be held.

### **617 DEATH OF A CANDIDATE FOR AN OFFICE WITH MULTIPLE VACANCIES**

617(1) Before nominations are declared

Where a nominee dies before the declaration of nominations, they shall not be declared as a candidate and Elections shall proceed as normal.

617(2) Between the declaration of nominations and the close of the poll

Where a candidate dies between the declaration of nominations and the close of the poll:

- (a) the name shall be excluded from that list if the Public List has not been printed;
- (b) the name shall be excluded from the ballot paper if the ballot papers have not been printed; and
- (c) a notice shall be displayed to alert voters in the Polling Place and the candidate shall be excluded from the count if the ballot papers have been printed.

## **PART 10 POLLING LOCATIONS**

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### **618 CAMPUS POLLING PLACE**

618(1) Appointment of Campus Polling Places

- (a) The Returning Officer shall appoint two static Polling Places, one within 50m of the Guild building foundation stone and one at the base of the Reid Library stairs.

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- (b) The Returning Officer shall advertise on the Guild Notice Board, and take whatever other steps they consider appropriate and convenient to give Public Notice of the location of the Polling Place and the dates and times of operation.
  - (c) The Returning Officer shall act as the Officer-in-Charge of the Polling Places throughout their hours of operation or may appoint an Electoral Assistant to be the Officer-in-Charge at any Polling Place.

618(2) Exclusions

A Polling Place shall not be appointed in licensed premises within the meaning given to that phrase by section 3 of the *Liquor Control Act 1988* (WA).

618(3) Precincts

- (a) The precincts of the Polling Place shall include the area within a 5 metre radius of any entrance or exit to a Polling Place.
- (b) Precincts of the Polling Place shall be designated before the commencement of polling by the Officer-in-Charge of the Polling Place but may be altered at any time thereafter by the Officer-in-Charge of the Polling Place.

618(4) Polling hours

Polling hours shall be from 10:00 am to 5:00 pm.

**619 SPECIAL POLLING PLACES**

619(1) Appointment of Special Polling Places

- (a) The Guild Council, at its sole discretion may appoint Special Polling Places at any location it determines prior to the Election Period:
- (b) Polling shall take place for one Day at each of the Special Polling Places but not on the same Day as another Special Polling Place.
- (c) The Returning Officer shall take such steps as necessary to give Public Notice of the location of the special Polling Places and the dates and times of operation.

619(2) Exclusions

A Special Polling Place shall not be appointed in licensed premises or within 50 metres of licensed premises.

619(3) Precincts

Precincts of the Special Polling Place shall be designated by the Officer-in-Charge of the polling team in accordance with the Regulations governing the Campus Polling Place or as near as can be practically achieved.

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619(4) Days and hours of operation

- (a) The hours of operation of the polling at Special Polling Places shall be in accordance with regulation 618(4).
- (b) The hours of operation of a Special Polling Place may be altered or extended by the Officer-in-Charge provided such extension does not go beyond the closure of the Campus Polling Place on the last Day of polling or the commencement of polling on the first Day of polling.
- (c) If the hours of operation are altered or extended, every reasonable endeavour should be made by the Returning Office to give Public Notice of the change(s) as soon as possible.

619(5) Adjournment of polling

- (a) An Officer-In-Charge of a Polling Place or the Returning Officer may adjourn polling from Day to Day where the polling is interrupted by:
  - (i) riot or open violence; or
  - (ii) fire, storm, tempest, flood or a similar occurrence.
- (b) A Returning Officer may adjourn polling at a Polling Place for a period not exceeding 7 Days, where, from any cause, the Polling Place is not open, and shall take such steps as they may consider necessary or convenient to give Public Notice of that adjournment as soon as possible.

## **PART 11 ELECTORAL ROLL, ELECTION MATERIAL AND VOTING EQUIPMENT**

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### **620 ELECTORAL ROLL**

620(1) Form

- (a) The Electoral Roll shall be produced as a consolidated listing of all Students in alphabetical order. The Electoral Roll must indicate which ballot paper(s) each voter is entitled to receive.
- (b) The Electoral Rolls must be certified correct, to the best of their knowledge, by the Managing Director of the Guild.

620(2) Preparation and supply

The Electoral Roll must be delivered to the Returning Officer within 7 Days of the Electoral Roll closure by the Managing Director of the Guild.

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620(3) Public access

A copy of the Electoral Rolls will be made available for public inspection at the Guild Office within 7 Days of their closure by the Managing Director of the Guild.

620(4) Alterations to the Electoral Roll

- (a) Alterations to the Electoral Roll may be made at any time by the Returning Officer if that officer is satisfied that an error exists.
- (b) The Returning Officer shall add to the Electoral Roll the names and addresses of persons who, after the date of receipt by the Returning Officer of such Electoral Rolls, were entitled to vote in the Election, prior to the close of Electoral Rolls.
- (c) The Returning Officer shall delete from the Electoral Roll the names of persons who, after the date of receipt by the Returning Officer of such Electoral Rolls, ceased to be entitled to vote in the Election prior to the close of nominations.
- (d) The Returning Officer shall, at the place where they carry out their functions as Returning Officer, make a copy of the Electoral Rolls available for inspection by members of the Guild or by any person authorised by the Returning Officer during the ordinary hours of business until the Day on which the result of the Election is declared.

620(5) Preservation of Electoral Roll

A copy of the Electoral Roll shall be retained by the Guild for inspection after the Election, and for archival purposes.

## **621 BALLOT PAPERS AND OTHER ELECTION MATERIAL**

621(1) General form of ballot papers

- (a) The Returning Officer shall determine the size, colour and number of ballot papers.
- (b) The Returning Officer shall determine the font, and font size of the Printing on a ballot paper. The capitalisation of a Group name on a ballot paper shall be the same as registered by the Group Agent.
- (c) The Returning Officer shall include on the ballot paper:
  - (i) the title of the office to which the Election relates;
  - (ii) an instruction on How-to-Vote and mark the ballot paper in order to record a formal vote (such instructions shall comply with the requirements of these Regulations);
  - (iii) an instruction not to put on the ballot paper any mark or writing by which the voter can be identified; and

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- (iv) the candidates' registered Group name or blank space as applicable.
  - (d) A ballot paper for a single office of only one vacancy shall be prepared by the Returning Officer.
  - (e) A ballot paper for a single office of multiple vacancies shall be prepared by the Returning Officer.
  - (f) A ballot paper containing an office of multiple vacancies shall be prepared by the Returning Officer.
  - (g) The order of names on the ballot paper for each position shall be in accordance with the results of the draw by lot held by the Returning Officer.

621(2) Additional form requirements for declaration ballot papers

- (a) Postal ballot papers should include the time and date of the close of the ballot.
- (b) Ballot papers issued to Postal and Provisional voters must be printed or endorsed "Postal" and "Provisional" as the case requires and include instructions to:
  - (i) place the ballot paper when completed in the envelope marked "Ballot Paper" and then seal the envelope;
  - (ii) complete the details on the counterfoil printed on the declaration envelope; and
  - (iii) place the ballot paper envelope into the declaration envelope and either return it to the Returning Officer in the case of a postal vote, or place it in the ballot box in the case of a provisional vote.

621(3) Printer's statement

The Returning Officer shall obtain from the printer of the ballot paper a certificate stating the number of each type of ballot paper printed in respect of the Election.

621(4) Preservation of ballot papers and other Election Material

- (a) The Returning Officer shall make special provision for the preservation in safe custody of:
  - (i) all Nomination papers;
  - (ii) all ballot papers admitted as formal;
  - (iii) all ballot papers rejected as informal;
  - (iv) all declaration envelopes, whether formal or informal;



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- (v) all postal votes received after the close of the ballot;
  - (vi) the marked Electoral Roll showing voters that have recorded a vote; and
  - (vii) unused ballot papers, declaration envelopes and other documents prepared in connection with the Election;

which shall be respectively placed in separate containers and endorsed with the name of the Guild and the official to which the Election relates (if applicable) and shall be sealed, signed and dated by the Returning Officer.

- (b) Where the Returning Officer was appointed by the Electoral Commissioner ballot papers and other Election Material shall be kept in safe keeping at the Western Australian Electoral Commission.
- (c) Where the Returning Officer was not appointed by the Electoral Commissioner the ballot papers and other Election Material shall be kept in safe keeping by the Guild.

#### 621(5) Destruction of Election Material

- (a) Ballot papers, declaration envelopes (admitted and rejected) and other Election Material may not be destroyed for a minimum period of 12 months from the date of the Returning Officer's Election Report.
- (b) When any ballot papers and other Election Material reaches its destruction date, the current Returning Officer shall order their destruction.
- (c) The Returning Officer must personally oversee the destruction of the ballot papers, declaration envelopes (admitted and rejected) and other Election Material and complete a Certificate of Destruction once the task has been completed.

#### 621(6) Ballot boxes

Each Polling Place or section of a Polling Place shall be provided with a ballot box with a lock and key (or other sealing device), which has a cleft for receiving the ballot papers.

### **622 CANDIDATE/GROUP ELECTION MATERIAL**

#### 622(1) Election Material

- (a) All printed Election Material shall be Printed by UniPrint or a substitute printing service as determined by the Returning Officer.
- (b) The following are prohibited from being used by Groups or candidates as Election Material;

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- (i) banners; a banner being a piece of material larger than A3 piece of paper, or a series of pieces of material placed together to make a message or symbol, and being designed to promote or discourage the election of any candidate or candidates in the Annual General Election;
  - (ii) stickers;
  - (iii) chalking (on footpaths, wall, whiteboards, blackboards or any other place);
  - (iv) items of clothing other than t-shirts that form part of the Costed Election Material;
  - (v) merchandise branded with the name and/or logo of a Group or candidate;
  - (vi) Election Material in substantially a colour other than a colour registered to that Group or candidate (as the case may be); and
  - (vii) any other Election Material that the Returning Officer does not confirm as permissible in accordance with the process outlined in the Election Handbook.

622(2) Display and distribution of Election Material

- (a) Election Material may only be Distributed by Students. For the avoidance of doubt, only Students may campaign in relation to an Election and will need to show their proof of enrolment if requested by the Returning Officer.
- (b) Election Material may only be Distributed during the week which polls are open in accordance with regulation 611(5).
- (c) Printed Election Material shall only be affixed in Prescribed Areas by persons specifically appointed by the Returning Officer.
- (d) Election Material including How-to-Votes shall not be Distributed:
  - (i) within five metres of a Polling Place at any time; or
  - (ii) in person between 12:30pm to 1:30pm.
- (e) How-to-Votes shall only be Distributed within fifty metres of a Polling Place, or such lesser distance as may be prescribed by the Returning Officer. In respect of each Polling Place:
  - (i) no candidates are permitted to be present at a Polling Place between 12:30pm to 1:30pm.

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- (f) Printed Election Material shall be removed from lecture theatres at the end of each Day.
  - (g) If Campus Services are required to clean or remove any Election Material, the cost, as assessed by Campus Services, will be charged to the candidate(s) responsible or to their Group.
  - (h) No person shall remove, alter, deface, obstruct, attach or affix Election Material in a Prescribed Area unless authorised to do so by the Returning Officer.
  - (i) A person who Distributes Uncosted Election Material shall be charged with Misconduct.
  - (j) The Returning Officer, or their delegate, shall immediately remove, alter or confiscate Uncosted Election Material and may destroy it.
  - (k) The following types of Election Material should be approved in accordance with the procedure outlined in regulation 622(2)(p) to become Costed Election Material:
    - (i) electronic communications;
    - (ii) badges;
    - (iii) leaflets;
    - (iv) posters;
    - (v) speeches;
    - (vi) How-to-Votes;
    - (vii) overhead transparencies; and
    - (viii) t-shirts,the specifications of which shall be determined at the Returning Officer's discretion and clearly recorded in the Election Handbook.
  - (l) The Returning Officer may, on request, confirm Election Materials other than those listed in regulation 622(2)(j) as Costed Election Materials.
  - (m) Candidates may lodge their Election Material, except material of the kind referred to in regulation 622(2)(j)(i) and 622(2)(j) (viii), with Guild Administration for approval by the Returning Officer on either or both of two dates:
    - (i) by 10:00am on the Day one Week before polling commences; and
    - (ii) by 10:00am on the Day two Weeks before polling commences.

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- (n) All Election Material submitted for Costing Approval shall state “Authorised by:” and then state the name and phone number of the relevant Group Agent.
  - (o) The Guild Administration shall issue a receipt for any Election Material lodged.
  - (p) A copy of the Election Material which is submitted under this regulation 622(2) shall be entered in the Minutes Book.
  - (q) The Costing Approval process on the two dates specified in regulation 622(2)(l) shall be as follows:
    - (i) Election Material will be reviewed by the Returning Officer within 24 hours of the submission deadline;
    - (ii) a list of Uncosted Election Material shall be posted in a Prescribed Area within 24 hours of the submission deadline;
    - (iii) a copy of the Uncosted Election Material shall be available for review at Guild Administration together with an explanation of why the material was declared to be Uncosted Election Material;
    - (iv) candidates will be allowed 24 hours to resubmit a modified version of the material referred to in regulation 622(2)(j) for Costing Approval;
    - (v) candidates will have only one opportunity to resubmit Uncosted Election Material;
    - (vi) as far as is reasonable, the Returning Officer shall make available consultation time to assist candidates in making appropriate alteration for Costing Approval;
    - (vii) the Returning Officer shall send Costed Election Material directly to UniPrint for production, and may set a minimum number of copies; and
    - (viii) the Returning Officer may, in their absolute discretion, alter these procedures in any manner they see fit if they form an opinion that the fair conduct of the Election will be best served by doing so.
  - (r) A candidate submitting Election Material shall attach an “Authoriser Contact Details Form” which shall contain the name, address, Student number and contact number of the Authoriser and shall be held by the Managing Director and/or the Returning Officer in accordance with the Guild privacy policy.
  - (s) An “Election Material Costing Approval Form” available from the Returning Officer shall accompany each piece or design of Election Material submitted and specify the proposed amount to be printed,

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Printing costs, the Authoriser's name and contact number, deadlines for submission of Election Material and times/dates for collection of Costed/Uncosted Election Material.

- (t) Two copies of each piece of Election Material shall be submitted.
- (u) Costed Election Material shall be stamped with the words 'Costed' and the year of the Election, and may then be collected by the candidate, or nominee, for distribution.
- (v) How-to-Votes must be approved but are not subject to requirements of regulation 622(3)(a).
- (w) Costed Election Material may only be displayed in accordance with regulation 622(4).
- (x) The Returning Officer may require any Election Material submission(s) to be accompanied by an electronic copy of that material, provided that the Returning Officer provides notice of such a requirement to the Group Agents or unaligned candidates at least one Week prior to the submission deadline.
- (y) an Independent Candidate must not distribute or display Election Material endorsing a Group or a member of a Group.

#### 622(3) Costing of Election Material

- (a) A Group shall not print more than the equivalent of 280 A4 Pages of Election Material per aligned candidate and 6,000 A4 Pages in total.
- (b) Notwithstanding regulation 622(3) (a), each unaligned candidate or Group shall be entitled to print a minimum of the equivalent of 750 A4 Pages of Election Material.
- (c) Where the Returning Officer is satisfied beyond reasonable doubt that a candidate had knowledge that Election Material, other than that was granted Costing Approval by that officer was to be used by the candidate for Election purposes, the Returning Officer may, at their discretion, determine the equivalent A4 pages used by the candidate on Election Material.
- (d) For the purposes of this regulation 622, an omission may be regarded as evidence of knowledge.
- (e) Material shall be counted towards the expenditure Printing limit of a candidate if the material could have a reasonable effect on the possibility of their Election.
- (f) Determinations pursuant to regulation 622(3) shall be at the discretion of the Returning Officer.

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- (g) Where a candidate exceeds their expenditure Printing limit, the Returning Officer may prevent the candidate from submitting further material for Costing Approval (including How-to-Votes).
  - (h) The Returning Officer shall rule that:
    - (i) an A4 Page printed with colour ink on one side shall be the equivalent of two A4 Pages;
    - (ii) an A3 page printed on one side with black ink shall be the equivalent of two A4 Pages;
    - (iii) an A3 page printed on one side in colour ink shall be the equivalent of four A4 Pages;
    - (iv) an A4 Page printed on both sides with black ink shall be the equivalent of one and a half A4 Pages; and
    - (v) an A4 Page printed on both sides with colour ink shall be the equivalent of three A4 Pages.
  - (i) Where printed Election Material is not defined under regulation 622(3)(h), the Returning Officer shall make a ruling as to the equivalent A4 value of that Election Material.

#### 622(4) Display of Election Material

- (a) Costed Election Material may be displayed in any manner whatsoever subject to regulation 622(4)(e), provided there is compliance with regulation 622(3).
- (b) Costed Election Material may be submitted for display in Prescribed Areas. Display in Prescribed Areas shall be in a manner consistent with the fair conduct of the Election.
- (c) Prescribed Areas are set by the Returning Officer after consultation with the University authorities.
- (d) No person other than a person authorised by the Returning Officer shall remove, obstruct, alter or deface affixed Election Material within the Prescribed Areas.
- (e) No printed Election Material is to be displayed outside of University grounds, including in residential colleges, libraries, catering outlets or licensed premises.

#### 622(5) Distribution of Election Material

- (a) Election Material may not be Distributed within 5 metres of the entrance or exit of a Polling Place.

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- (b) No printed Election Material is to be Distributed outside of University grounds, including in residential colleges, libraries, catering outlets or licensed premises.

## **622A ELECTRONIC COMMUNICATIONS CONSTITUTING ELECTION MATERIAL**

- (a) No candidate or Group is under any circumstances permitted to allocate expenditure to the promotion of electronic Election Material.
- (b) Candidates are responsible for moderating electronic communications made by non-candidates on the candidates' personal Electronic Media so that they are not defamatory or insulting in any way.
- (c) Candidates and Groups shall not use Electronic Media in a manner that identifies a candidate, or has the effect of targeting a candidate, in a defamatory or insulting way.
- (d) All Group Electronic Media shall be removed in the month immediately after the declaration of the poll.
- (e) Material of the kind referred to under regulation 622(2)(j)(i) conducted through any Electronic Media shall be subject to the Codes of Conduct.
- (f) At the request of the Guild, the Candidate must provide to the Guild, its representative or nominee, full access and control to external websites not hosted by the Guild in which the Candidate promotes/campaigns themselves.

## **622B T-SHIRTS**

### **622B(1) Costing Approval**

- (a) By 5:00pm on the day nominations close, candidates and Groups shall submit a design proof to Guild Administration for Costing Approval.
- (b) The Returning Officer shall confirm whether t-shirt designs have been granted Costing Approval in a manner consistent with the fair conduct of the Election and in a reasonable time after submission.
- (c) Candidates and Groups shall be given a fair opportunity to resubmit design proofs that are not granted Costing Approval.
- (d) All t-shirts shall be submitted for Costing Approval on the date referenced in 622(2)(j)(i) together with receipts.
- (e) T-shirts shall be marked as approved as Costed Election Material and returned to candidates within a reasonable time.
- (f) The cost of t-shirts will form part of the total expenditure for a candidate or Group for the purpose of regulation 622(3)(a) and 622(3)(b).

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- (g) The number of t-shirts produced by a Group shall not exceed the number of candidates in that Group.

622B(2) Display

- (a) Only candidates are permitted to wear approved t-shirts.
- (b) Notwithstanding regulation 622(4), t-shirts may be worn in any place.

**623 VOTING EQUIPMENT**

623(1) Voting screens

- (a) A Polling Place shall have separate polling booths constructed so as to screen a voter from observation while a ballot paper is marked.
- (b) No person, other than an Electoral Official shall exhibit in a polling booth, a card or paper having on it any directions or instructions with respect to voting.

623(2) Ballot boxes

- (a) Ballot boxes are to be sealed during the Election unless otherwise prescribed.
- (b) A Polling Place shall be provided with such ballot boxes as the Returning Officer sees fit.

**PART 12 POLLING SERVICES AND PROCEDURES**

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**624 ORDINARY VOTING**

624(1) Eligibility criteria for an ordinary voter

A voter may cast one ordinary vote provided that their name is on the Electoral Roll and the prescribed bona fides are presented.

624(2) Bona fides for ordinary voting

- (a) Electors must present a commonly accepted photographic identification (or satisfy the Returning Officer personally of their identity by other means) in order to be issued with an ordinary vote.
- (b) The Returning Officer shall determine what types of photographic identification can be accepted.
- (c) Where these requirements cannot be readily satisfied, a person may make a provisional vote.



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624(3) Deadlines for issue and return of ordinary votes

Any person eligible for an Ordinary Vote who is within the precincts of the Polling Place at the time of its closure is entitled to vote on request.

624(4) Withholding an ordinary ballot paper

- (a) The Issuing Officer shall refuse to issue an ordinary ballot paper to a person who fails to answer any question satisfactorily in relation to their eligibility to receive that ballot paper.
- (b) Where an Issuing Officer refuses to issue a ballot paper to a person, they shall make a written note of the person's request to be issued with a ballot paper and the reasons for refusing to issue the ballot paper. They must sign the note in the presence of such Scrutineers as are present at the Polling Place. The note shall be passed on to the Returning Officer at the appropriate time.

## 625 PROVISIONAL VOTING

625(1) Eligibility criteria for provisional voters

- (a) A voter who claims to be eligible to receive a ballot paper shall be issued a provisional vote where:
  - (i) the person's name cannot be found on the Electoral Roll or the Electoral Roll does not indicate that the voter is entitled to receive a particular ballot paper which the voter claims he or she is entitled;
  - (ii) a mark on the Electoral Roll used at the Polling Place indicates that the person has already voted at the Polling Place;
  - (iii) the elector cannot supply acceptable photographic identification as required under regulation 624(2).
- (b) An elector shall become entitled to a provisional ballot by signing a statement which provides their full name, Student number and a statement that they are the person to which those details refer.

625(2) Issuing procedures

- (a) A provisional vote shall not be issued to a person, unless the person signs a declaration which contains the following:
  - (i) their full name;
  - (ii) Student number; and
  - (iii) a statement that they are the person to whom those details refer.

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- (b) Where a ballot paper is issued to a provisional voter, the Issuing Officer shall:
    - (i) endorse the ballot paper(s) "PROVISIONAL" (if not already printed as such);
    - (ii) make and sign a record of the name of the person and the types of ballot papers issued to that person; and
    - (iii) instruct the voter to return the completed ballot paper(s) in a sealed "Ballot Paper" envelope for inclusion in the declaration envelope prior to lodgement in the ballot box.

625(3) Deadlines for issue and receipt

Any person eligible to receive a provisional ballot paper who is within the precincts of the Polling Place during the hours of polling, at the time of its closure, is entitled to vote.

625(4) Withholding a provisional ballot paper(s)

- (a) The Issuing Officer shall refuse to issue a provisional ballot paper to a person who fails to answer any question satisfactorily in relation to their eligibility to receive that ballot paper.
- (b) Where an Issuing Officer refuses to issue a ballot paper to a person, they shall make a written note of the person's request to be issued with a ballot paper and the reasons for refusing to issue the ballot paper. They must sign the note in the presence of such candidate's representatives as are present at the Polling Place. The note shall be passed on to the Returning Officer at the appropriate time.

## 626 POSTAL VOTING

626(1) Eligibility criteria to apply for a postal vote

A voter may apply for a postal vote.

626(2) Requisites for an application for a postal vote

- (a) A postal vote application prepared by the Returning Officer, must:
  - (i) contain a declaration by the applicant stating they qualify for a postal vote;
  - (ii) be signed by the applicant and a witness; and
  - (iii) be lodged with the Returning Officer before the last dispatch deadline.
- (b) Postal vote applications shall be made available to all eligible voters in a manner determined by the Returning Officer.

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626(3) Formal Defects

Where the Returning Officer receives an application for a postal vote or a returned postal vote, and is satisfied that the application or returned postal vote contains a Formal Defect, the Returning Officer may amend the application or certificate to correct the Formal Defect.

626(4) Rejection of postal vote application

- (a) The Returning Officer may reject any application for a postal vote that, in the opinion of the Returning Officer, does not meet the above application requirements.
- (b) A written advice shall be sent to the applicant wherever a postal vote application is rejected.

626(5) Issue of postal vote

- (a) Dispatches shall be forwarded to the address shown for the forwarding of mail on the application if an address for the forwarding of mail is provided. If a forwarding address has not been supplied, the dispatch shall be forwarded to the voter's enrolled address.
- (b) A unique annotation should be made on the Electoral Roll against the name of a voter who has been forwarded postal ballot papers.
- (c) The Returning Officer shall provide a post office box for the purpose of receiving postal vote applications or ballot papers.

626(6) Requisites for an application for a postal vote

A postal vote dispatch envelope shall include the following:

- (a) a ballot paper(s) initialled by the Returning Officer or bearing a facsimile of those initials;
- (b) an envelope marked "Ballot Paper"; and
- (c) a prepaid return envelope to the Returning Officer.

626(7) Form of envelopes in postal vote dispatch

- (a) The postal vote dispatch envelope shall bear an instruction that, if it is not delivered to the addressee, it shall be returned to the post office box being used by the Returning Officer for return of postal ballots.
- (b) The ballot paper envelope shall include a counterfoil which shall be printed on the back with the unique number that the Returning Officer has given the relevant application.
- (c) The details of the counterfoil shall be as follows:

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- (i) the full name of the voter;
  - (ii) the address of the voter;
  - (iii) the signature of the voter; and
  - (iv) the type of ballot paper(s) issued to the voter.

626(8) Deadlines for postal votes

- (a) Wherever practical, the dispatch of postal voting material to voters who have applied for a postal vote shall be effected on the same Day as receipt of the application, once the ballot papers have been received from the printer.
- (b) The deadline for postal vote applications is 4:00pm on the Teaching Day prior to the commencement of polling.
- (c) Postal votes must be returned to the Returning Officer by the close of polls in order to be included in the count.

626(9) Duplicate issue of postal votes

- (a) Where, on application by the voter before the time of the close of the ballot in an Election, the Returning Officer is satisfied that a ballot paper or return envelope issued to a person whose name is on the Electoral Roll has not been received or has been lost, destroyed or spoilt, that officer shall issue to that person a duplicate ballot paper or return envelope as the case requires. In these cases the return envelope shall be marked "DUPLICATE".
- (b) An application for a duplicate issue of a ballot paper or return envelope for an Election shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the Election and shall, if practicable, be accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

626(10) Procedures for receipt of postal votes

- (a) The Returning Officer may, at any time prior to the close of the ballot, place unopened into a sealed ballot box, all postal votes received by that officer before the time of the close of the ballot.
- (b) The Returning Officer shall keep each of the ballot boxes in safe custody until the ballot boxes are opened for the scrutiny.
- (c) As soon as practicable after the time of the close of the ballot, and in the presence of the Scrutineers (if in attendance), the Returning officer shall take the ballot box(es) to the place of the count, and proceed to undertake the count and keep all envelopes so collected in safe custody until the count is complete.

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- (d) The Returning Officer, at the time of the close of the ballot but not before, in the presence of Scrutineers (if in attendance), shall collect all envelopes from the private box at the post office and take all the envelopes so collected to the place of the count and keep all those envelopes in safe custody until the count is complete.
  - (e) The Returning Officer, before proceeding to count the number of votes to ascertain which candidate is successful in the Election, shall:
    - (i) compare the signatures on the postal vote application and counterfoil to verify that they are a match;
    - (ii) check each postal vote declaration against the member's name on the Electoral Roll and, if the voting papers are in order, mark the Electoral Roll;
    - (iii) remove the "Ballot Paper" envelope from the envelope addressed to the Returning Officer and place the ballot paper envelope unopened into a separate container until all declaration are checked; and
    - (iv) open the ballot paper envelopes when all declarations have been checked and cleared.
  - (f) The Returning Officer shall then extract the ballot papers and proceed with the count.

## **PART 13 POLLING AND COUNTING**

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### **627 POLLS**

#### **627(1) Conduct of poll**

The poll shall be conducted as follows:

- (a) before any vote is taken, the Officer-in-Charge shall exhibit each ballot box empty and shall then securely fasten and seal them so that nothing can be removed without breaking the seal;
- (b) the Polling Place shall remain open during the hours prescribed and every voter inside the Polling Place at the time of its closure shall be permitted to vote;
- (c) at the close of the poll the Officer-in-Charge shall publicly close, fasten, seal and take charge of the ballot boxes and, with the least possible delay, forward them to the Counting Centre for the purposes of scrutiny, and it should on no account be opened except in accordance

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with of these Regulations. The cleft shall also be closed and sealed unless the ballot box has an outer cover without a cleft; and

- (d) the Officer-in-Charge shall forward to the Counting Centre the marked Electoral Roll(s) used at the poll and any other documents received before or during the poll, having first certified such Electoral Rolls as a true record of the taking of the votes.

627(2) Candidate's responsibilities

- (a) Without the express permission of the Returning Officer a candidate may not attend and remain in the Polling Place other than to cast their own vote.
- (b) A candidate may not attend the count without the express permission of the Returning Officer.

## **628 CASTING A VOTE AT ELECTIONS**

628(1) Method of marking ballot papers

Each voter must indicate a first preference for a candidate by placing the numeral "1" in the square opposite the name of that candidate. The voter may then show further successive preferences for any or all of the remaining candidates by placing the numbers 2, 3, 4 and so on, in the squares opposite the names of the remaining candidates as the case requires.

628(2) Spoilt ballot papers

- (a) Where a person who has been issued with a ballot paper satisfies the Issuing Officer that the ballot paper has been spoilt by mistake or accident, the Issuing Officer shall, on receiving the spoilt ballot paper, cancel it and issue to that person another ballot paper.
- (b) Where an Issuing Officer cancels a spoilt ballot paper, that officer shall write the word "Spoilt" across the face of the paper, place it in an envelope provided for that purpose, and return it to the Returning Officer with the rest of the Election Material at the close of polling.

628(3) Assistance for disabled voters

A voter who is unable to vote without assistance because of a disability may request any person other than a candidate or a Scrutineer to provide assistance, which includes marking the ballot paper for the voter in accordance with the voter's instructions.

628(4) Secrecy of vote

Voting is by secret ballot.

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628(5) Preliminary scrutiny of postal votes

- (a) The Returning Officer may undertake any check that they determine to be necessary, to adjudge whether a postal vote should be included in the count. These checks shall take place at any time that the Returning Officer deems practicable and must ensure that:
  - (i) a signature appears on the counterfoil;
  - (ii) the signature matches that which is on the application and the Returning Officer has no reason to doubt its authenticity; and
  - (iii) the postal ballot paper was received by the close of the poll.
- (b) Where the Returning Officer is satisfied that a postal vote should be included in the count they shall:
  - (i) place a mark against the name of the voter on the Electoral Roll; and
  - (ii) place the envelope unopened in the postal ballot-box labelled "Admitted to the Count".
- (c) Where the Returning Officer is not satisfied that the postal vote should be included in the count, they shall mark the unopened envelope with the word "Rejected" and place it in the postal ballot box labelled "Rejected from the Count".
- (d) Where a voter is eligible to have one or more but not all ballot papers included in the count, those ballot papers which are not included in the count shall be placed in a sealed envelope provided for this purpose and set aside as rejected.

628(6) Preliminary scrutiny of provisional votes

- (a) The Returning Officer shall make all reasonable enquiries that they deem necessary to ascertain whether provisional votes should be included in the count.
- (b) Where the Returning Officer is not satisfied that the provisional vote should be included in the count, they shall mark the unopened envelope with the word "Rejected" and place it in the postal ballot box labelled "Rejected from the Count".

628(7) Times and locations for counts

- (a) The Returning Officer shall determine the location and time for the counts.
- (b) The Returning Officer may adjourn the count at any time at their absolute discretion.

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- (c) Counting for the position of Guild President shall commence as soon as practicable after the close of polls.
  - (d) Preliminary checking of declaration votes and the sorting (not allocation to candidates/Groups) of ballot papers may commence as soon as practicable after the close of the poll.

628(8) Order of Election of office bearers

- (a) The declarations for various Elections will be conducted in the order listed in Schedule 1.
- (b) The Returning Officer may, at their discretion, conduct counts in any order, subject to regulation 628(7)(a) provided the outcome could not be affected by a preceding count, however the declaration of the results of the Elections must still occur in accordance with Schedule 1.

628(9) Commencement of counting and subsequent adjournments

- (a) Each adjournment shall be announced to all of the Scrutineers and officers present at that time by the Officer-in-Charge. The time and place for the continuation of the count shall also be advised at that time, if known.
- (b) Before every adjournment of the count, all ballot papers and other documents connected with such count shall be placed in one or more ballot boxes, and the officer conducting the count shall then, in the presence of such Scrutineers and officers in attendance, seal the ballot box or boxes. The cleft shall also be closed and sealed unless the ballot box is provided with an outer cover without a cleft.
- (c) Before recommencing the count after an adjournment, the seals shall be exhibited unbroken to the Scrutineers and officers present.

**629 CRITERIA FOR FORMALITY**

629 (1) General

- (a) A ballot paper shall not be informal for any reason other than those reasons mentioned in these Regulations.
- (b) Without limiting the generality of the method by which a ballot paper may be marked, a vote which is marked on a ballot paper other than in the prescribed manner but which clearly indicates the voter's intention and is not otherwise informal, shall be formal.
- (c) A ballot paper shall be informal if it:
  - (i) is not initialled by the Returning Officer or Issuing Officer;



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- (ii) has upon it any mark or writing not authorised by these Regulations which, in the opinion of the Returning Officer will enable any person to identify the voter;
  - (iii) shows no first preference or more than one first preference; and
  - (iv) has no mark indicated on it, or the surname of any candidate is omitted from it, or no name of any candidate is written on it.
- (d) Where a candidate dies between the date of Nomination and the commencement of polling and the number of candidates remaining is greater than the number of candidates to be elected, a ballot paper shall not be informal or become exhausted by reason only of the:
- (i) inclusion on the ballot paper of the name of the deceased candidate;
  - (ii) marking of any consecutive number opposite that name; or
  - (iii) omission to place any number opposite that name, or of any resultant failure to indicate in consecutive order the voter's preferences.
- (e) Where a ballot paper does not carry the Returning Officer's initials, it should still be included in the count provided that the Returning Officer is satisfied that it is on authentic ballot paper.
- (f) Where a tick or cross is the sole mark on the ballot paper, it shall be taken to indicate a first preference for the candidate or Group concerned.
- (g) Where ticks, crosses and other marks are mixed on the same ballot paper it shall be treated as informal.
- (h) Where further preferences cease to be cast or a duplication or omission in the sequence occurs, that ballot paper becomes exhausted at that point.
- (i) Where 2 or more ballot papers are printed on one piece of paper, the presence of any mark or writing identifying the voter makes the votes on each ballot paper informal. Informality on one ballot paper for other reasons does not extend to other ballot papers on the same piece of paper.

#### 629 (2) Specific formality of declaration votes

A postal or provisional ballot paper which is not enclosed in its declaration/return envelope (not ballot paper envelope) is informal.

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629 (3) Objections by Scrutineers

- (a) A Scrutineer may make submissions in relation to any ballot paper that the ballot paper is formal or informal and the Officer-in-Charge shall endorse the paper as "Rejected" or "Admitted" according to their decision to admit or reject the ballot paper. Where an officer makes such an endorsement, they shall initial the endorsement.
- (b) Nothing in this regulation 629(3) prevents the Officer-in-Charge, in the absence of a submission by a Scrutineer, from rejecting any ballot paper as being informal or from admitting a ballot paper to the count.

629 (4) Method of counting votes for a position other than Guild Councillor

The method of counting votes for a position other than a Guild Councillor shall be optional proportional representation as interpreted by the Returning Officer having regard to Schedule 2.

629 (5) Method of counting votes for Guild Councillors

The method of counting votes for Guild Councillors shall be by optional proportional representation as interpreted by the Returning Officer, having regard to Schedule 2.

629 (6) Validity of result

An Election is not invalid because of:

- (a) any delay, error or defect of a procedural nature if the delay, error or defect does not affect the result of the Election; and
- (b) any omission, error or defect in the appointment or authorisation of an Electoral Official.

629 (7) Recounts

- (a) At any time before the declaration of the poll the Returning Officer may, if they think fit or at the request of any Scrutineer, recount the ballot papers.
- (b) The Returning Officer, in conducting the recount, shall have the same powers as if the recount was the count, and may reverse any decision in relation to the scrutiny as to the allowance, admission or disallowance or rejection of any ballot paper.

629 (8) Use of computers in the counting process

The Returning Officer may decide to use computers in the counting process for any ballots where they consider this method would be the most cost-efficient and appropriate means of conducting the count.

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## PART 14 DECLARATION OF THE POLL AND ELECTION REPORTING

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### 630 DECLARATION OF THE POLL AND ELECTION REPORTING

#### 630(1) Action where nominations for the position(s) do not exceed the vacancy(ies)

Where, at the close of nominations, the number of candidates for an Election is equal to or less than the number of vacancies to be filled at the Election, the respective candidates are declared elected subject to the candidate not being a candidate for a conflicting position higher in the hierarchy of positions, as per Schedule 1.

#### 630(2) Failed or partly failed Elections

- (a) An Election shall be declared a failed Election where no Nomination is received or a candidate for an office with a single vacancy dies after nominations have been declared.
- (b) Where there are insufficient nominations for multi-member vacancies, an Election shall fail only in respect of in the vacancy or vacancies for which nominations are not received.

#### 630(3) Validity of result

No Election shall be liable to be questioned by reason of any:

- (a) defect in the title or any want of title of any person by or before whom such Election is held, if such person really acted at such Election;
- (b) formal error or defect in any declaration or other instrument, or in any publication made under these Regulations or intended to be so made;
- (c) publication of the declaration of the poll made under these Regulations (in accordance with regulation 611(6)) being out of time.

#### 630(4) Public Notice

The Returning Officer shall declare the poll by providing Public Notice on the Guild notice board at the completion of counting.

#### 630(5) Form of Public Notice

The Public Notice shall contain a signed and dated declaration of result by the Returning Officer. Full details of the count shall also be provided wherever practical. Where this is not practical, the details outlining where this information is available for public inspection shall be provided.

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630(6) Election Report and statistics

- (a) The Returning Officer shall lodge an Election Report with the Guild Council through its Secretary within 30 Days after the declaration of polls, or, within 30 Days following the resolution of any Disputed Returns.
- (b) The Election Report shall include the details of the arrangements made for the polls, the results of the count, and the Returning Officer's comments and recommendations for improvement, for consideration by Guild Council.
- (c) The Secretary of the Guild must table the Returning Officer's Election Report at the next ordinary Guild Council meeting following receipt of the Election Report.

## **PART 15 OFFENCES & MISCONDUCT**

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### **631 OFFENCES AND ENFORCEMENT**

631(1) Offences

A person commits an offence if that person wilfully:

- (a) offers a bribe or exerts undue influence, directly or indirectly, on a voter, candidate or Electoral Official;
- (b) canvasses for votes in a Polling Place;
- (c) interferes with and infringes the secrecy of the ballot;
- (d) acts when disqualified;
- (e) falsely impersonates another person;
- (f) destroys or defaces a ballot paper, ballot box or Election notice with the intention to defraud;
- (g) deposits a ballot paper in the ballot box, returns a postal ballot paper through the mail, or removes a ballot paper from the Polling Place of Counting Centre with the intention to defraud;
- (h) forge nominations, ballot papers or electoral forms;
- (i) fail to obey the lawful instruction of the Officer-in-Charge within a Polling Place or Counting Centre;
- (j) supplies ballot papers without authority;

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- (k) vote more than once at the same Election;
  - (l) defaces, mutilates, destroys or removes any notice, list or other document affixed by the Returning Officer or by their authority;
  - (m) makes a false statement in any claim, application, return or declaration or in answer to a question under these Regulations;
  - (n) distributes any advertisement, handbill or pamphlet which is not approved as prescribed or otherwise published in contravention of these Regulations;
  - (o) in the case of an Electoral Official, candidate or Scrutineer, wears or displays, a badge or emblem of a candidate or Group in a Polling Place during polling or at a Counting Centre during counting;
  - (p) obstructs an Election meeting;
  - (q) hinders, obstructs or prevents an Electoral Official or candidate from discharging their duties or exercising their rights;
  - (r) deface mutilate, remove or interfere with Election Material without authority;
  - (s) interfere with, deface or destroy a ballot paper, electoral form, nomination, official electoral notice, ballot box/ Nomination receptacle, lock, seal Electoral Roll or other significant object pertaining to the Election;
  - (t) bring alcohol to a Polling Place or Counting Centre;
  - (u) engage in disorderly conduct at a Polling Place or Counting Centre;
  - (v) in the case of a candidate, remain within 5 metres of a voting enclosure after a formal warning;
  - (w) Distribute or display Election Material within 5 metres of a voting enclosure following a formal verbal warning;
  - (x) duplicates, conceals or unlawfully marks a ballot paper;
  - (y) witness an electoral paper which has not been completed;
  - (z) witness a signature without actually seeing the person concerned write that signature;
  - (aa) act as a witness on an electoral form whilst being a candidate or Group Agent;
  - (bb) hinder, obstruct or prevent an Electoral Official or candidate from discharging a duty or exercising a right under these Regulations;

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- (cc) directly or indirectly attempts to induce an Electoral Official to alter the course of an Election;
  - (dd) in the case of a candidate, exceed their expenditure limit as prescribed in regulation 622(3);
  - (ee) cast more than one vote in contravention of regulation 613(6)(b);
  - (ff) Distribute or authorise the distribution of Uncosted Election Material;
  - (gg) fail to obey a Determination of the Returning Officer; and
  - (hh) disobeys the lawful and reasonable directions of the Guild or the Returning Officer.

#### 631(2) Enforcement

- (a) The Returning Officer is responsible for considering any complaint alleging Misconduct, and making a Determination in respect of any Misconduct, in relation to the administration of the Election.
- (b) A complaint about Misconduct must be submitted to the Returning Officer either during the Election or prior to the declaration of the poll. The complaint must:
  - (i) state the ground of complaint and alleged Misconduct;
  - (ii) outline the facts and evidence relied upon;
  - (iii) state the remedy sought;
  - (iv) be in written form; and
  - (v) be addressed from the Group Agent.
- (c) The Returning Officer may make any Determination in response to a complaint received under regulation 631(2)(b) in the Returning Officer's sole discretion.
- (d) Any objections to the Determination of the Returning Officer should be submitted to the Commissioner or Guild Council, whichever is applicable, in the format outlined in 631(2)(b).
- (e) Any candidate that breaches the Student Charter of Rights and Responsibilities or a Code of Conduct in the course of the Election shall be referred to one or more of the following bodies (as replaced or renamed from time to time):
  - (i) the UWA Board of Discipline;
  - (ii) the Guild Misconduct Tribunal;

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- (iii) the UWA Integrity and Standards Unit; and
  - (iv) the UWA Board of Discipline.

## **PART 16 REFERENDUM**

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### **632 REFERENDUM**

#### 632(1) General application

Unless expressed to the contrary in this regulation 632, regulations that apply to an Annual General Election shall also apply to a Referendum in so far as they are appropriate and practical.

#### 632(2) Authorisation of Referendum

- (a) A Referendum shall be called:
  - (i) whenever a motion calling for a Referendum is passed by an absolute majority of Guild Council;
  - (ii) when, at a General Meeting, two-thirds of those present and voting approve a motion to call a Referendum; or
  - (iii) whenever a petition containing at least 500 signatures of Guild Members calling for a Referendum is received by the Guild General Secretary.
- (b) Such a motion or petition shall contain the exact wording of the proposal.

#### 632(3) Enrolment and eligibility to vote

- (a) All Guild Members at the close of the Electoral Rolls shall be entitled to vote once in respect to each proposal put at a Referendum.
- (b) No person shall be permitted to vote on behalf of a voter.
- (c) Postal votes shall be made available in the same manner as General Elections.

#### 632(4) Administrative appointments

- (a) The Returning Officer shall be appointed in the same manner as prescribed for the Annual General Elections.
- (b) Scrutineers shall be appointed by any member of the current Guild Council in accordance with appointment procedures prescribed for the Annual General Elections.

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632(5) Notice of a Referendum

- (a) The Returning Officer shall, within seven Days of their appointment, advertise the authorisation of a Referendum via any method they deem appropriate, but shall include a notice on the Guild Notice Board.
- (b) Such notice shall contain the polling dates and locations, the wording of the Referendum proposal, and the date the notice was first displayed.

632(6) Miscellaneous

- (a) The Guild shall meet the cost of any Referendum held under these Regulations.
- (b) Where applicable, in the opinion of the Returning Officer, Complaints and Disputed Returns shall be handled in the manner set down for the Annual General Election. Where not applicable, the Returning Officer shall determine the appropriate procedures.
- (c) The Returning Officer shall have the same powers, rights and responsibilities as the Returning Officer for the Annual General Election, insofar as they may be applied to the conduct of a Referendum.
- (d) Except where otherwise specified in Part 16 of these Regulations, all regulations applying to an Annual General Election shall also apply to a Referendum insofar as they are appropriate and practical.

**633 POLLING**

633(1) Close of Electoral Rolls and polling dates

- (a) The Returning Officer shall determine the dates of polling for a Referendum such that polling:
  - (i) is open for at least three consecutive Days for at least six hours on each Day;
  - (ii) occurs during the Academic Teaching Weeks as prescribed by the University; and
  - (iii) does not commence within 30 Days of notice of the Referendum being issued.
- (b) Notwithstanding (a), where, in the opinion of the Returning Officer, it is practical the Returning Officer shall run the Referendum concurrently with the Annual General Election.



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- (c) Where a Referendum is run concurrently with the Annual General Election, the close of Electoral Rolls shall be the same as for that Election.
  - (d) Where a Referendum is not run concurrently with the Annual General Election, the close of Electoral Rolls shall be 5:00pm, seven Days after notice of the Referendum is issued.

633(2) Polling locations

- (a) Where a Referendum is held in conjunction with the Annual General Election, polling for the Referendum shall occur in the same place as that Election.
- (b) Where a Referendum is not held in conjunction with the Annual General Election, the Returning Officer shall determine not less than two locations within the grounds of the University.

633(3) Ballots and Counting

- (a) The Returning Officer shall determine the form of the ballot for a Referendum.
- (b) A ballot paper is informal if:
  - (i) it is not authenticated by the initials of the Returning Officer or an Issuing Officer;
  - (ii) it has no vote marked on it or the voter's intention is not clear;
  - (iii) it has more than one vote marked on it; or
  - (iv) it has upon it any mark or writing by which in the opinion of the Officer-in-Charge the voter can be identified.

633(4) Result of the Referendum

- (a) The proposal shall be approved if the number of votes in favour of the proposal is greater than those not in favour and the total number of favourable votes is equal to or exceeds 10% of the number of eligible voters.
- (b) The proposal shall not be approved if the number of votes not in favour is greater than those in favour.
- (c) In the event of a tie the proposal shall be lost.

633(5) Declaration of the poll and Election reporting

- (a) Requirements in relation to the declaration of the poll and Election reporting shall be identical to those for an Annual General Election whenever applicable and appropriate.

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- (b) At any time before the declaration of the poll, the Returning Officer may, at the request of a Scrutineer or of their own volition, recount the ballot papers.
  - (c) The results of the Referendum shall determine policy and be binding on the Guild Council.

## **PART 17 MISCELLANEOUS**

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### **634 REPEAL**

634(1) The following Regulations are repealed:

- (a) Guild Election Regulations 600 - 699 which predated these Regulations are repealed.
- (b) Any right conferred or office gained by individuals under the repealed Regulations shall remain in force until the holding of the first Annual General Election using these Regulations.

### **635 EXTENSION OF TIME**

635(1) Where an Electoral Official is required by a provision of these Regulations to do an act and the Electoral Official refuses or fails to do the act at the time, or within the period required by that provision in a case where the Returning Officer was appointed by the Electoral Commissioner, the Electoral Commissioner may determine that the act may be done within such further time not exceeding 48 hours.

## SCHEDULE 1 – GUILD COUNCIL POSITIONS

<b>TABLE A: CANNOT HOLD A POSITION ON TABLE B OR D</b>		
<b>Position</b>	<b>Voting Qualification</b>	<b>Candidate Qualification</b>
<b>President of the Guild</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild
<b>President of Societies Council</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild
<b>President of Education Council</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild
<b>President of Public Affairs Council</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild
<b>General Secretary</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild
<b>Women’s Officer</b>	A woman who is an enrolled Student at UWA	A female who is an enrolled Student at UWA and who is a member of the Guild
<b>International Student Service Director</b>	An International Student who is an enrolled Student at UWA	An International Student who is an enrolled Student at UWA and who is a member of the Guild
<b>TABLE B: CANNOT HOLD A POSITION ON TABLE A</b>		
<b>Position</b>	<b>Voting Qualification</b>	<b>Candidate Qualification</b>
<b>Environment Officer</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild
<b>Welfare Officer</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild
<b>TABLE C: CAN HOLD POSITIONS ON A, B, D OR E EXCEPT GUILD PRESIDENT</b>		
<b>Position</b>	<b>Voting Qualification</b>	<b>Candidate Qualification</b>
<b>Sports Representative</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild
<b>TABLE D: CAN HOLD POSITIONS ON B, C OR E</b>		
<b>Position</b>	<b>Voting Qualification</b>	<b>Candidate Qualification</b>
<b>Guild Councillors (13) persons to be elected</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild

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**TABLE E:****CAN HOLD POSITIONS ON A, B, C OR D**

<b>Position</b>	<b>Voting Qualification</b>	<b>Candidate Qualification</b>
<b>National Union of Students (7) persons to be elected</b>	An enrolled Student at UWA	An enrolled Student at UWA who is a member of the Guild

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## **SCHEDULE 2 – RULE OF OPTIONAL PROPORTIONAL REPRESENTATION**

- S1.** Each voter shall indicate on each ballot paper an order of preference amongst the candidates by placing the number 1, 2 and 3, and so on against the name of each candidate. A voter need not place a number against the name of every candidate.
- S2.** The Returning Officer shall accept a ballot paper which does not satisfy the above procedure where they are satisfied that the voter has unambiguously indicated an order of preference by some other means.
- S3.** A ballot paper which does not comply with the above procedures is deemed informal and shall be set aside as finally dealt with.
- S4.** (a) Where a candidate has nominated for more than one of the positions listed in Table A of Schedule 1 and the candidate has been declared elected to one of the positions listed in that table, counting shall proceed as if that candidate's name did not appear on the ballot paper. All votes cast in favour of the candidate shall immediately be allocated to the candidate next in the order of the voter's preference. Such allocation shall not be considered a transfer.
- (b) Subject to regulation S1 where a candidate has nominated for any position listed in the Schedule 1, and the candidate has been declared elected to one of the positions listed in Table A, counting shall proceed as if that candidate's name did not appear on the ballot paper for the counting for position on Table B. All votes cast in favour of the candidate shall immediately be allocated to the candidate next in the order of the voter's preference. Such allocation shall not be considered a transfer.
- S5.** In determining the candidate next in order of the voter's preference, a candidate shall be disregarded who, in the course of the Election, has been declared elected to the position listed in Table A of Schedule 1 or has been declared elected to another position listed in the Table or has had their candidature declared void.
- S6.** A quota shall be calculated by dividing the number of formal votes cast by one more than the number of candidates to be elected and taking the next highest whole number.
- S7.** Each ballot paper shall first be given a value of one and shall be allocated to the candidate first in the voter's order of preference or such other candidate determined in accordance with regulation S4 above.
- S8.** Any candidate who achieves a total value of ballot papers greater than or equal to the quota shall be declared elected.
- S9.** Where a candidate achieves a total value greater than the quota then all those ballot papers which cause the last increase in the total value of ballot papers for the candidate shall be reallocated to the candidate next in the voter's order of preference. The remaining ballot papers shall be set aside as fully dealt with.

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- S10.** A transfer value shall be calculated by taking the amount by which the total value exceeds the quota and dividing by the number of ballot papers to be reallocated.
- S11.** The number of such reallocated ballot papers shall be counted for each candidate and shall be multiplied by the transfer value and this amount shall then be added to the total value of ballot papers received by that candidate. Where this amount is not a whole number the fractional amount shall be rounded to one decimal place.
- S12** Where after the allocation or reallocation more than one candidate achieves a total value greater than the quota, the ballot papers of the candidate with the highest total value shall be dealt with first provided that if any candidate is declared elected after an allocation or reallocation previous to that at which another candidate is declared elected then the ballot papers of the former shall be dealt with first.
- S13.** If two or more candidates are declared elected with the same total value, for the purpose of regulation S12 above, the ballot papers of the candidate who achieved a higher total value at the most recent allocation or reallocation at which the candidates had an unequal total value shall be dealt with first. If this procedure fails to differentiate two or more candidates, the Returning Officers shall determine the matter by lot.
- S14.** When all reallocations of ballot papers of elected candidates have been completed, subject to regulation S16, the candidate with the lowest total value shall be eliminated. The ballot papers allocated to the eliminated candidate shall be reallocated to the candidate next in the voter's order of preference and shall have a transfer value of one. The ballot papers that had been reallocated to the eliminated candidate next in the voter's order of preference in the order in which and at the transfer value at which eliminated candidate had been reallocated them. The reallocations of each of these Groups of ballot papers shall be considered as separate reallocations. Such series of reallocations shall be completed notwithstanding that one or more candidates is declared elected as a result of one of these reallocations.
- S15.** If two or more candidates have an equal total value and any one of them must be eliminated that candidate who achieved the lower total value at the most recent allocation or reallocation at which the candidates had an unequal total value shall be eliminated. If this procedure fails to differentiate between two or more candidates the Returning Officers shall determine the matter by lot.
- S16.** The process of elimination shall continue until the required number of candidates have been declared elected or until the candidates, except the number required to be elected, have been eliminated whereupon the remaining candidates who have not already been declared elected shall be declared elected.
- S17.** For interpretation of these rules reference shall first be made to Appendix 5 of N.E. Renton's "Guide for Meetings and Organisations" (1972) with the exception of the Note appearing on page 201.

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## **SCHEDULE 3 – CODES OF CONDUCT**

### **GUILD ELECTION CANDIDATE CODE OF CONDUCT**

I agree, as an Election candidate, to the following conditions on my participation in the UWA Student Guild's (Guild) Election for Guild, Senate, and NUS:

1. Object

This Code of Conduct details the policies of the Guild and the conditions of participation in an Annual General Election for Election candidates. The Guild is committed to strong Student representation thus, is committed to ensuring that Elections are free and fair. Candidates must read and agree to comply with this Code of Conduct in order to ensure that these principles are upheld.

2. Definitions

- (a) Terms used in this Code of Conduct have the meaning provided for by section 1 of the UWA Student Guild Election Regulations (Regulations). For the purposes of this Code of Conduct, section 1 of the Regulations is a complete list of defined terms.
- (b) A reference in this Code of Conduct to Misconduct, shall be construed as a reference to an offence of Misconduct.
- (c) A reference in this Code of Conduct to a complainant is a reference to the person who lodged a Complaint of Misconduct against a candidate.

3. Breach of Code of Conduct

- (a) A candidate shall breach this Code of Conduct if the candidate deliberately or intentionally:
  - (i) assaults or harasses, or attempts to assault or harass, another candidate, voter or Electoral Official;
  - (ii) distributes defamatory statements;
  - (iii) acts in a manner which discriminates against another Person the basis of discrimination may include gender or gender history, sexual orientation, race, pregnancy, religious conviction, impairment, socioeconomic status birth, or other status;
  - (iv) damages Guild property or fixtures in a manner that affects the conduct of the Election;
  - (v) distributes any Uncosted Election Material; and
  - (vi) brings alcohol, drugs or any other illicit substance to a Polling Place or Counting Centre; or fails to obey a Determination made by the Returning Officer.

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- (b) A breach of this Code of Conduct is deemed to be an offence of Misconduct.

4. Enforcement

- (a) This Code of Conduct is applicable to, and shall be enforced on all candidates in an Election.
- (b) A breach of this Code of Conduct will be referred to the Guild Misconduct Tribunal at first instance and may be dealt with by the Guild Misconduct Tribunal itself or referred to the UWA Board of Discipline or the UWA Integrity and Standards Unit.
- (c) Candidates are bound by any decision made by the Guild Misconduct Tribunal in respect of a Complaint of Misconduct.
- (d) A candidate may appeal a decision made by the Guild Misconduct Tribunal in accordance with the Guild Regulations.

5. Penalties

A breach of this Code of Conduct may result in disqualification from the Election, and any other penalties that the UWA Board of Discipline sees fit.



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## **STUDENT REPRESENTATIVE CODE OF CONDUCT AND ETHICS**

The UWA Student Guild is a representative body run by students for students and exists to make sure each student has the best University experience possible.

As an integral part of the community of the University of Western Australia, the Student Guild, its Council and Councillors and its members are each committed to acting, at all times, ethically and with integrity. This promotes a culture of fair , respectful and ethical behaviour and, in turn, this reflects positively on all concerned.

This Code of Conduct (**Code**) provides guidance as to an individual's obligations and expected behaviours when making decisions or taking actions, particularly in their capacity as a student member of the Student Guild.

This Code is to be read in conjunction with the UWA Statute(s), Regulations for Student Conduct and Discipline; UWA /Student Guild Policies and Procedures and all relevant laws and legislation.

### **Underlying Principles**

The ethical principles, values and behaviours expected of all members of the Student Guild are founded on the following universally recognised principles:

- (1) Equity and Justice;
- (2) Respect for Individuals;
- (3) Taking Responsibility – Personal and Professional.

### **Exemplary Conduct**

In the performance of our duties, both in our personal conduct and how we treat others, we will act with honesty and integrity; demonstrate respect and courtesy; take all care and diligence while complying with our legal obligations and upholding our values, integrity and reputation. Particularly, we:

- (1) lead by example and strive for excellence by setting high standards;
- (2) act with honesty, integrity and impartiality and not for ulterior/extraneous purposes or with malice;
- (3) at all times, show respect, courtesy, consideration, sensitivity and no prejudice/discrimination/bias in the performance of duties;
- (4) be respectful of the point of view of others while advancing yours;
- (5) act in the best interests of the Student Guild and its members rather than in your own interests or in the interests of others;
- (6) maintain a professional approach to all matters at hand, including refraining from name-calling or any sledging;

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- (7) be a team player by consulting, co-operating and co-ordinating with others;
  - (8) maintain a safe and healthy working environment in which all can thrive including not engaging in bullying behaviours or sexual harassment;
  - (9) use confidential /official /personal information for authorised purposes only;
  - (10) not make public comments (orally/in writing/via social media /or the like) for and on behalf of the Student Guild or the Student Council unless expressly authorised to do so;
  - (11) when making comments or expressing a point of view, you must ensure that your expression is free from prejudice; non-discriminatory and unbiased and make clear that you are expressing your personal views and not those of the Student Guild or Student Council;
  - (12) utilise Student Guild resources and tools of trade in a responsible and accountable manner;
  - (13) avoid any conflicts of interest – actual/perceived/potential and always put the interests of the Student Guild ahead of your personal interests;
  - (14) not accept any offers/gifts/gratuities or other incentives/inducements;
  - (15) disclose information in a timely/accurate/consistent/complete/fair manner;
  - (16) report suspected breaches through normal/approved channels;
  - (17) adhere to legal requirements, policies and lawful directions; and
  - (18) you must make clear that any views you express while participating in any political process (at whatever level) are your personal views and not those of the Student Guild or the Student Council.

We have a shared responsibility to ensure the Student Guild not just survives but thrives and that individuals within it reach their full potential.

Remember, you role model the values, behaviours and beliefs/practices of the Student Guild. Proceed with courage and determination.

**SIGNED BY:**

[Name]: \_\_\_\_\_

[Signature]: \_\_\_\_\_

Date: \_\_\_\_\_

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UNIVERSITY SENATE STANDING ORDERS

SECTION 8(1)(G) OF THE UNIVERSITY ACT

*(Extract taken from UWA website <http://calendar.publishing.uwa.edu.au/latest/parte/senateordersandelection/senateelect> as at 3 August 2011)*

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**METHOD OF ELECTION OF MEMBERS OF THE SENATE UNDER SECTION 8(1)(g)  
OF THE UNIVERSITY ACT**

1. In these Regulations except where the context otherwise requires, terms which are defined in the Regulations have the meaning given to those terms in the Regulations.
- 2.(1) The two members of Senate who are elected by and from the Students pursuant to Section 8(1)(g) of the *University of Western Australia Act 1911* are those who are elected in the manner prescribed in the Guild Election Regulations to the offices of —
  - (a) President of the Guild; and
  - (b) President of the Postgraduate Students' Association.
- 2.(2) The Senate members elected in accordance with subsection (2) holds office for a term of one year, commencing on December 1 of the year of their election.

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## SECTION 3 - UWA STUDENT ANNUAL GENERAL ELECTION FOR NUS NATIONAL CONFERENCE DELEGATES

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## **REGULATIONS NUS ELECTIONS**

### **R18 Election of Delegates**

- 18.1** Each member organisation must elect its delegates to meetings of National Conference at its annual Elections.
- 18.2** Delegates must be elected:
- (i) by secret ballot;
  - (ii) using optional preferential proportional representation;
  - (iii) in a separate ballot in which other positions are not elected;
  - (iv) from the Students represented by that organisation; and
  - (v) by the Students represented by that member organisation.
- 18.3** A delegate of 1 member organisation is not eligible to be elected as the delegate of another member organisation.
- 18.4** A delegate who ceases to be a Student represented by the member organisation on whose behalf that delegate was elected ceases to be a delegate.
- 18.5** A member organisation that has held its annual Elections before it was admitted as a member organisation:
- (i) may elect its delegates without complying with regulation R18.1; and
  - (ii) if National Executive is satisfied that it is not possible for the member organisation to comply with regulation R18.2(e), National Executive may by resolution passed by an absolute majority allow the governing body of the member organisation to elect its delegates.
- 18.6** If a member organisation amalgamates after the annual meeting of National Conference and before 1 July:
- (i) it must elect new delegates:
    - (A) within 2 months of the amalgamation, or
    - (B) before 1 May, whichever is the later; and
  - (ii) in the meantime, its delegates are the combined delegates of the member organisations that have amalgamated, subject to regulation R18.1.
- 18.7** If a member organisation amalgamates on or after 1 July and before the annual meeting of National Conference, its delegates are the combined delegates of the member organisations that have amalgamated (unless it elects new delegates), subject to regulation R18.1.
- 18.8** Delegates elected in accordance with regulation R18.1 hold office from the beginning of the next annual meeting of State Conference until the beginning of the following annual meeting of State Conference.

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- 18.9** Delegates elected in accordance with regulation R18.5 hold office from the time of their election until the beginning of the annual meeting of State Conference in the year after their election.
- 18.10** Delegates elected in accordance with regulation R18.6(a) hold office from the time of their election until the beginning of the next annual meeting of State Conference.
- 18.11** By nominating for election, delegates agree to comply with the rules of NUS.

**R19 Number of Delegates**

The number of delegates to be elected by each member organisation is:

EFTSUs number of delegates	
1-2,000	2
2,001-5,000	3
5,001-8,000	4
8,001-12,000	5
12,001-18,000	6
more than 18,000	7

where “EFTSUs” are the EFTSUs of the Students represented by the member organisation.

**BY-LAWS**

**B3 Notification of Election**

Each member organisation must notify the National General Secretary of the Election:

- (i) By certified mail,
- (ii) at least 2 Weeks before the close of nominations.

**B4 Nominations**

**4.1** Notice of the close of nominations must be:

- (i) published in at least 1 issue of the official publications of the member organisation; or
- (ii) prominently advertised in some other way practical for the member organisation.

**4.2** Nominations must remain open for at least 5 academic Days.

**4.3** The Returning Officer for the Election must issue all candidates with a receipt for their nomination.

**4.4** Nominations must close at least 2 academic Days before the commencement of voting.

**B5. Ballot**

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**5.1** There must be a ballot to determine the order of election, unless the delegates are elected unopposed.

**5.2** Voting must take place

- (i) on at least 3 consecutive academic Days, and
- (ii) for at least 5 hours each Day.

**5.3** The following must be widely advertised on all campuses of the member organisation:

- (i) the times and place or places of voting, and
- (ii) any brief policy statements submitted by candidates before the close of nominations.

## **B6 Returning Officer's Report**

**6.1** Within 2 Weeks of the end of the Election, the member organisation must send to the Accreditations Committee a report on letterhead signed by the Returning Officer:

- (i) stating that the Election was conducted in accordance with B3-B5;
- (ii) setting out the names of the delegates in the order in which they were elected; and
- (iii) including:
  - (A) the rules under which the Election was conducted, and
  - (B) details of voting.

**6.2** If delegates have been elected unopposed, the member organisation must send to the Accreditation Committee within 2 Weeks of the close of nominations a report signed by the Returning Officer:

- (i) stating that B4 was complied with; and
- (ii) setting out an order of Election agreed to and signed by each delegate.

**6.3** If the Accreditation Committee does not receive an agreed order of election as required by B6.2(ii), it must determine the order of election by lot.

## **PART 8 – ELECTIONS GENERALLY**

### **B107** Optional Preferential Proportional Representation

For the purposes of regulation R18.2(ii), the Election must be conducted in accordance with the following procedure:

- (i) the voter must indicate an order of preference for 1, some or all of the candidates by placing the number 1 against the candidate of first preference and consecutive higher numbers against candidates of lower preference in order;
- (ii) each ballot paper must be given a value of 1;



- (iii) the value of each paper must be allocated to the candidate against whose name appears the lowest number on the ballot paper among those candidates not elected or eliminated;
- (iv) a ballot paper that does not show a valid preference for at least 1 continuing candidate is exhausted and may not be allocated further;
- (v) a “stage of counting” is when all ballot papers have been allocated to candidates not yet elected or eliminated;
- (vi) a quota must be calculated at each stage of counting by dividing the total value of ballot papers allocated to continuing candidates by 1 or more than the number of positions remaining to be filled and rounding up the answer so obtained in at least the 6th decimal place;
- (vii) if at any stage of counting a candidate is allocated a value in excess of the quota, that candidate must be declared elected, and each ballot paper allocated to that candidate must be assigned a new value obtained by multiplying its current value by the candidate’s transfer value;
- (viii) the “candidate’s transfer value” is an elected candidate’s value, less the quota, all divided by the elected candidate’s value;
- (ix) if at any stage of counting no candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated; If there are 2 or more candidates with an equal value and no candidate has a lower value at an earlier stage of the counting the returning officer must determine by lot which of these candidates is to be eliminated; and
- (x) the procedure in B107(i) – B107(ix) must be followed in order until the number of positions to be filled is filled.

<b>Version History Version</b>	<b>Approved / Amended</b>	<b>UWA Endorsement</b>	<b>Commencement</b>
V1	Approved – New Regulations		2014
V2	Approved – Amended		2015
V3	Approved – Amended		2018
V4	Approved – Amended	23 May 2022 Senate Resolution [S R34/22]	31 May 2022



The UWA Guild of Undergraduates respects the rights of individuals to privacy and complies with the Privacy Act 1988 and the National Privacy Principles 2001. Information provided on forms will be managed, stored and used only for the purposes of the Election and in adherence with the Guild Privacy Policy 2002, which can be found at <http://www.uwastudentguild.com/policies/privacy-policy/> or a copy can be obtained from the Guild Student Centre.

ENQUIRIES

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