



# PARSA Election Regulations

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## 1. Overview

- 1.1. These Regulations are the Election Regulations of The Australian National University Postgraduate and Research Students' Association Incorporated (PARSA). These Regulations repeal and replace previous electoral and discipline regulations.
- 1.2. These Regulations are made pursuant to rules 48 and 48.5 of the PARSA Constitution and must comply with rule 19 of the PARSA Constitution.
- 1.3. Terms defined or used in the PARSA Constitution have the same meaning in these Regulations as in that Constitution.
- 1.4. Subject to the Constitution the Returning Officer shall have the power to interpret these Election Regulations and their interpretation, subject to clause 13.14 and 13.16 for these Regulations, is final.
- 1.5. For the purposes of these Regulations a person is a postgraduate student of the University if the Returning Officer determines that the student is recognised by the University as being a postgraduate student.
- 1.6. Unless the Constitution provides otherwise, any representative of the Association elected under the Constitution or these Regulations holds office until six (6) weeks after the declaration of the results of the next annual general election.
- 1.7. For the avoidance of doubt, if a person is appointed or elected to fill a casual vacancy in an office that person is to serve only so much of the term of that office as remains unexpired, but may then run for any position to which they are eligible.
- 1.8. Subject to rule 4.1.3 of the PARSA Constitution, Ordinary Members of the Association:
  - 1.8.1. have full voting rights as Members of the Association;
  - 1.8.2. may nominate persons to, or, subject to eligibility pursuant to [rule 16.2](#), may themselves stand as candidates for election as a Director of the Association pursuant to [rule 16.1.1](#) or as President pursuant to [rule](#)

16.1.2;

- 1.8.3. may nominate persons to, or themselves stand as candidates for election as, a Portfolio Officer of the Association pursuant to [rule 27.1.1](#) or a College Officer pursuant to [rule 27.1.2](#).

1.9. Subject to rule 23 of the PARSA Constitution concerning the Postgraduate Member of the University Council:

- 1.9.1. Any postgraduate student of the ANU, whether a member of the Association or not, may nominate for election as the Postgraduate Student Member of the University Council, and may nominate for re-election insofar as they are eligible;

- 1.9.2. The Postgraduate Student Member of the University Council may concurrently hold positions as a Director, an office bearer, President, or officer of the Association;

- 1.9.3. The Postgraduate Student Member of the University Council holds office subject only to the provisions of the Australian National University Act (or its successors) and any relevant Statute or Rule of the ANU;

- 1.9.4. A vacancy in the office of Postgraduate Student Member of the University Council must be filled in accordance with the Australian National University Act (or its successors), any relevant Statute or Rule of the ANU and as otherwise provided for in the PARSA Constitution or Election Regulations;

1.10. An annual general election must be held to elect the Directors, President, Vice-President, Portfolio Officers, College Officers, and the Postgraduate Student Member of the Council in accordance with these Election Regulations and the Constitution under the supervision of the duly appointed Returning Officer.

- 1.11. For the purpose of these Regulations, and unless the context otherwise provides, reference to a 'rule' is a reference to a rule in the Constitution, while reference to a 'clause' is a reference to a clause in these Regulations.

## **2. Application of Regulations**

2.1. These Regulations apply to:

2.1.1. annual general elections for the position of Director, President, Vice-President, Portfolio Officer, College Officer, and the Postgraduate Student Member of the Council; and

2.1.2. any election conducted to fill a casual vacancy or vacancies for the position of Director, President, Portfolio Officer, College Officer, or Postgraduate Student Member of the Council.

2.2. Pursuant to rule 48.5.1 of the PARSA Constitution, changes to these Regulations only take effect two (2) months after their adoption by a joint meeting of the Board and the Postgraduate Representative Committee.

## **3. Returning Officer**

3.1. At least eight (8) weeks before any annual general election is to be held and at least six (6) weeks before any election to fill a casual vacancy the Board must appoint a Returning Officer to conduct the election.

3.2. The appointment of the Returning Officer must be approved by the Vice-Chancellor of the University.

3.2.1. If not approved by the Vice-Chancellor, the Vice-Chancellor must provide reasons in writing for non-approval.

3.2.2. If the Vice-Chancellor does not approve the Returning Officer, or the Returning Officer resigns within six weeks of an election, the Board must appoint another Returning Officer at any time before an election. This may be done without the approval of the Vice-Chancellor.

3.3. For the purpose of these Regulations, the Returning Officer continues in their position for all subsequent elections held by PARSA unless or until they:

- 3.3.1. resign by notice in writing to the Secretary of the Board;
- 3.3.2. are no longer reasonably available or contactable to undertake the duties of Returning Officer;
- 3.3.3. become ineligible;
- 3.3.4. are replaced by appointment of a new Returning Officer pursuant to clauses 3.1 and 3.2;
- 3.3.5. become bankrupt or insolvent under administration within the meaning of the Corporations Act or makes arrangement or composition with their creditors generally;
- 3.3.6. are convicted on indictment of an offence in the promotion, formation, or management of a body corporate or involving fraud or dishonesty;
- 3.3.7. become of unsound mind or a person whose person or estate is liable to be dealt with in any way under a protective jurisdiction law relating to mental health; or
- 3.3.8. die

3.4. The Returning Officer must not:

- 3.4.1. be a proposer, seconder, or nominee in the election for which they are the Returning Officer;
- 3.4.2. have been a member of the PARSA Board or the Council at any time during the academic year in which the election is held; or
- 3.4.3. have been an employee of PARSA at any time during the academic year in which the election is held.
- 3.4.4. be an Ordinary member of the Association.

3.5. During any Election of the Association, any

3.5.1. question about membership eligibility to vote or stand for election is decided by the Returning Officer, whose decision is final.

3.5.2. dispute about the conduct of the election is to be decided by the Returning Officer, whose decision, subject to clause 13.15 is final.

3.6. The Returning Officer may appoint anyone as a delegate to assist them with any work necessary for the proper conduct of the election, except someone who is a proposer, seconder, or nominee in the election.

3.7. The voting system for elections shall be the Membership Solutions Limited (MSL) election package, which must be used for all elections unless it is determined by the Returning Officer to be impractical in any given election, in which case the Returning Officer must implement a suitable alternative.

3.8. The Board must not change the voting system in clause 3.7 of these Regulations less than:

3.8.1. eight (8) weeks before an annual general election; or

3.8.2. six (6) weeks before an election to fill a casual vacancy.

#### **4. Positions, Electoral System, and Eligible Voters**

4.1. The elections must be conducted using an optional preferential system and in accordance with the Constitution and these Regulations.

4.2. The positions to be filled by the voting system in each annual election are:

4.2.1. Pursuant to rule 16.1.1, four (4) of the elected Directors of the Board;

4.2.2. Pursuant to rule 16.1.2, the President;

4.2.3. Pursuant to rule 27.1, and clauses 5.1 and 5.2 of these Regulations, the Vice President, Portfolio Officers, and College Officers;

4.2.4. Pursuant to rule 23, the Postgraduate Member of the University Council;  
or

4.2.5. for an election to fill a casual vacancy, the position that has become  
vacant.

4.3. For each contested position, the voter must indicate in an unbroken sequence of numbers the order of their preference on the ballot by entering the numeral "1" against the name of the candidate of their first choice, "2" against the name of the candidate of their second choice, "3" against the name of the candidate of their third choice, and so on, against the names of candidates for whom the voter wishes to vote. A voter does not have to place a numeral against all candidates and a vote is valid even if only one or two preferences are indicated.

4.4. Each ballot shall have a randomly-ordered list of candidates. The name of each candidate shall be followed by the ticket name of the candidate (in brackets) if the candidate belongs to a ticket, or the word "Independent" if the candidate does not belong to a ticket.

4.5. The Returning Officer may arrange for the election to be conducted on a single ballot for all positions, or separate ballots for one or more positions, so long as the voter is able to cast all the votes that they are entitled to cast.

4.6. The census date for voter and candidate eligibility shall be the end of the final day of the period when nominations are open. The Returning Officer:

4.6.1. shall liaise with the appropriate administrative division of the University to arrange for the census to be taken; and

4.6.2. approves the voter list to be used for the purpose of conducting an election.

4.7. Pursuant to rule 16.1.4 of the Constitution, there shall be no less than two (2) persons who identify as female and two (2) persons who identify as male and two (2) international students and two (2) domestic students among the total compositional mix of the eight (8) elected Directors pursuant to [rule 16.1.1 of the Constitution](#)

(noting that a gender of the international and domestic students is counted among the quota for that gender and vice versa).

## **5. Portfolio and College Officer Positions**

5.1. Pursuant to rule 27.1.1 of the Constitution, the Portfolio Officer positions are:

- 5.1.1. Aboriginal and Torres Strait Islander Officer;
- 5.1.2. Coursework Officer;
- 5.1.3. Disabilities Officer;
- 5.1.4. Education Officer;
- 5.1.5. Environmental Officer;
- 5.1.6. Equity Officer;
- 5.1.7. Higher Degree by Research (HDR) Officer;
- 5.1.8. International Student Officer;
- 5.1.9. Queer Officer;
- 5.1.10. Social Officer;
- 5.1.11. Women's Officer; and
- 5.1.12. Such other Portfolio Officer positions as the Board determines from time to time but at least eight (8) weeks before the election date.

5.2. Pursuant to rule 27.1.2 of the Constitution, and subject to clause 5.3, there are two (2) College Officer positions for each ANU College. The Colleges are:

- 5.2.1. ANU College of Arts and Social Sciences;
- 5.2.2. ANU College of Asia and the Pacific;
- 5.2.3. ANU College of Business and Economics;
- 5.2.4. ANU College of Engineering and Computer Science;
- 5.2.5. ANU College of Health and Medicine;



5.2.6. ANU College of Law;

5.2.7. ANU College of Science.

5.3. Pursuant to rule 27.1.2.1 of the Constitution, the two (2) College Officers from each of the ANU Colleges in clause 5.2 shall consist of one coursework student and one Higher Degree by Research student except that, in the case that no nominations are received to enable this, the College Officers may be from the same category.

5.4. A member is not eligible to nominate for, be elected to, or vote for a position in clauses 5.1.1, 5.1.3, 5.1.9, or 5.1.11 unless they self-identify as, respectively, Aboriginal or Torres Strait Islander, having a Disability, Queer-identifying, or identifying as a Woman.

5.5. A member is not eligible to nominate for, be elected to, or vote for a position in clause 5.2 unless they are a member of the relevant College.

5.6. A member is not eligible to nominate for, be elected to, or vote for a position in clauses 5.1.2, 5.1.7, or 5.1.8 unless they are, respectively, a Coursework student, a Higher Degree by Research student, or an International student.

## **6. Prohibition on Dual Election and Eligibility Enforcement**

6.1. In the same election, a member of PARSA can only stand for election to one of the positions outlined in clause 4.2, subject to clause 6.3.

6.2. The Returning Officer must liaise with the appropriate administrative division of the University or take such other steps as are necessary to ensure that the requirements of clauses 4.7, 5.5, and 5.6 are met.

6.3. Clause 6 has no bearing on the eligibility of a Postgraduate Student to stand for election to the position of Postgraduate Student Member of the Council concurrently with another position elected under these Regulations.

## **7. Calling of Elections**

7.1. Subject to this clause, the Board may set the date for any election taking place under these Regulations provided that the date set provides the Returning Officer sufficient

time to comply with the provisions of these Regulations and the provisions of the PARSA Constitution.

7.2. The Board must ensure that the annual general election is held no earlier than nine (9) months and no later than fifteen (15) months after the previous annual general election. The Board should aim to conduct the election as close as possible to the twelve-month (12) anniversary of the previous annual general election.

7.3. In setting the election date, the Board must ensure that the period during which voters may vote for all positions being contested in the election is:

7.3.1. for an annual general election, four (4) consecutive academic days.

7.3.2. for an election to fill a casual vacancy, at least two (2) consecutive Academic Days and not more than four (4) consecutive Academic Days.

7.4. "Academic Day" means a day during which normal teaching is being carried out by the ANU (i.e days during a teaching period) in accordance with the ANU academic calendar in effect from time to time, excluding any teaching period conducted between 1 December and 31 January.

## **8. Nominations**

8.1. For the annual general elections, the Returning Officer must issue a call for nominations for each position identified in clause 4.2.

8.2. A call for nominations must be made at least four (4) weeks before the commencement of polling, and, after the call has been made, nominations must remain open for at least ten (10) academic days.

8.3. The call for nominations must state the:

8.3.1. positions to be contested;

8.3.2. eligibility criteria for members wishing to stand;

8.3.3. details of how nominations may be lodged;

8.3.4. date of the close of nominations; and

8.3.5. days and times of polling.

8.4. The call for nominations must be advertised by:

8.4.1. email sent to all postgraduate students via official ANU email addresses;

8.4.2. by notice on the PARSA website;

8.4.3. by notice on PARSA's Facebook page

8.4.4. by notice placed on the door of the PARSA's primary place of business;  
and

8.4.5. other methods as the Returning Officer deems practical.

8.5. The Returning Officer must produce and make available nomination forms.

8.6. Nominations for any position contested at the annual general election must:

8.6.1. indicate the position for which the nominee seeks election;

8.6.2. indicate which ticket the nominee is a member of, or if the member is standing as an independent candidate;

8.6.3. state that the nominee meets all eligibility criteria for election to the position for which the nominee is standing and will comply with the Constitution and these Electoral Regulations;

8.6.4. be signed by a proposer, a seconder, and by the candidate;

8.6.5. not be proposed or seconded by the nominee themselves; and

8.6.6. be proposed and seconded by persons who would be eligible for election to the position for which they are nominating the nominee.

Declaration forms affirming the proposer and seconder's eligibility must accompany the nomination form, in a manner and form determined by the Returning Officer.

8.7. A nominee may withdraw their nomination at any time up until one (1) working day after the date of the close of nominations.

8.7.1. If a nominee withdraws their name from nomination after the closing date set for withdrawals in clause 8.7 their name shall remain on the ballot and their decision to withdraw, and not take up the position if elected, shall be publically announced by the Returning Officer within two (2) days of the nominee's withdrawal.

8.8. Nominations must be kept in a secure place by the Returning Officer at a venue easily accessible to nominees between the hours of 10am and 4pm throughout the period nominations remain open. Nominations must be made available for inspection by any member of the Association during that period.

8.8.1. Requests to view the nominations shall be made to the Returning Officer.

8.8.2. The Returning Officer shall, within three (3) days of the request, arrange a suitable time to view nominations.

8.8.3. The Returning Officer shall certify on the nomination form that the nominee, their proposer, and seconder are all eligible to stand for election to the relevant position, and that they have received a suitably completed declaration form. The Returning Officer shall not be obliged to provide the declaration form to persons wishing to view nominations.

8.9. Completed nomination forms shall be sent to the Returning Officer by email, or other method as determined by the Returning Officer.

8.10. The Returning Officer must, within twenty-four (24) hours of receiving a nomination, provide a receipt of nomination to the nominating candidate.

8.11. Nominations shall only be accepted if they are submitted during the specified nomination period.

- 8.12. Where the Returning Officer determines that a nomination that is submitted during the period that nominations remain open is not valid the Returning Officer must, as soon as practical:
- 8.12.1. make a reasonable attempt to contact the candidate to inform them that the nomination is invalid.
  - 8.12.2. inform the candidate that the invalidity may be remedied and that the nomination may be resubmitted to the Returning Officer or their nominee at any time up until one (1) working day after the date of the close of nominations.
- 8.13. Where a nomination is resubmitted in accordance with clause 8.12:
- 8.13.1. the nomination must name the same candidate as the original nomination.
  - 8.13.2. the Returning Officer must determine the validity of the nomination.
- 8.14. The Returning Officer must, as soon as practical after the close of nominations, prominently display or distribute a list of nominations for all positions on any PARSA website and prominently at the PARSA place of business.
- 8.15. If the number of candidates nominated for any position is equal to or less than the number required to be elected an election for that position is not required and all nominees shall be deemed to have been elected unopposed. Any unfilled position shall be considered a casual vacancy.
- 8.16. If there are no nominations for the position of Postgraduate Student Member of the Council, the Returning Officer must call for nominations again, repeating the process as specified in clause 8, until at least one (1) nomination is received.
- 8.17. If the number of candidates nominated for any position is greater than the number required to be elected, the Returning Officer must conduct an election for that position.

8.18. The Returning Officer must arrange for the preparation of ballots and the voting system ready for the election as soon as practical after the close of nominations.

8.19. All nomination forms, valid and invalid, must be kept by the Returning Officer in a secure place until thirty (30) days after the poll is declared.

## **9. Candidate Supporting Statements**

9.1. During the period that nominations are open, candidates are permitted to send to the Returning Officer for publication:

9.1.1. a photograph of the candidate; and

9.1.2. a short (250 word maximum) personal statement in support of their nomination for inclusion on the PARSA website (“the Candidate Profile”). The Candidate Profile shall be submitted in writing and may, in addition, be provided, using the same words, as an audio or video statement.

9.2. Submission of a Candidate Profile does not constitute a formal nomination for a representative position.

9.3. Only students who have submitted a formal nomination to the Returning Officer shall be eligible to have their candidate profile displayed on the PARSA website.

9.4. The Returning Officer shall have the right to refuse to publish or amend a Candidate Profile if they judge that it contains inappropriate material or is contrary to these Regulations or the Constitution.

9.5. The option of submitting or amending a Candidate Profile closes at the same time as nominations close, unless the Returning Officer approves a later submission or amendment.

9.6. Subject to the provisions of this clause, Candidate Profiles must be able to be viewed on the PARSA website as soon as practical after the close of nominations, and must remain able to be viewed on the PARSA website until the close of voting.

9.7. In the case of a candidate running for election under a ticket name in accordance with clause 10 of these Regulations, the Candidate Profile must include the ticket name.

## **10. Tickets and Registration of Ticket Names**

10.1. The Returning Officer must maintain a Register of Ticket Names for each year's annual general election.

10.2. Between the day on which nominations open and the day on which ticket registration closes, which is one full day prior to nominations closing, five (5) or more ordinary members of the Association may apply to the Returning Officer for registration of a ticket name.

10.3. No person is entitled to apply to the Returning Officer for registration of a ticket name under clause 10.2 if that person was a signatory to an application to register a ticket name for another ticket already entered in the register.

10.4. The Returning Officer must process each application for registration of a ticket name in order of receipt. If two (2) or more applications are received at the same time, the Returning Officer shall determine the order in which they are dealt with by lot.

10.5. The Returning Officer must enter a ticket name in the Register of Ticket Names if the proposed ticket name is, in the opinion of the Returning Officer:

10.5.1. not more than ninety (90) characters long, including spaces;

10.5.2. not obscene, defamatory, sexist, racist, or homophobic;

10.5.3. not the same as the name of another registered ticket name;

10.5.4. not the same or so nearly the same as the name of another registered ticket name, including a registered ticket name used in an election in the previous three (3) years, that it is likely to be confused or mistaken for that name;

- 10.5.5. not the same or so nearly the same as any name of a political party or political figure in Australia or another country as likely to be confused or mistaken for that name;
- 10.5.6. not including the word “independent”; and
- 10.5.7. not the same or so nearly the same as any name Associated with or owned by the ANU, PARSA, or other student Associations of the ANU.
- 10.6. The application for registration of the ticket name must be signed by at least five (5) eligible voters, subject to clause 10.3.
- 10.7. The application shall be made between the day on which nominations open and the day on which ticket registration closes, subject to clause 10.8.
- 10.8. If, for any reason, the Returning Officer rejects an application to register a ticket name, or cancels the registration of a ticket name, the Returning Officer shall permit the applicants to reapply to register a ticket name at any time up until two (2) working days after the date of the close of ticket name registration.
- 10.9. Persons nominating for the position of Director pursuant to clause 4.2.1 are not eligible to join, nominate for, or otherwise participate in the formation of tickets under clause 10. All candidates for this position must run, in word and deed, as independent candidates and shall have the word ‘Independent’ placed after their name pursuant to clause 4.4. This prohibition applies to persons running concurrently for the position of Director and Postgraduate Member of Council.
- 10.10. The Returning Officer shall have the authority to approve and oversee any process created to assist members in learning about, joining, or forming tickets for the purpose of elections.

## **11. Polling Procedure**

- 11.1. The Returning Officer must ensure that procedures are in place to:
- 11.1.1. limit each eligible voter to voting no more than once for each position that they are eligible to vote for; and



11.1.2. ensure that the way in which any eligible voter votes is not revealed, either when that member votes or at any later stage.

11.2. Where a person claiming to be an eligible voter is unable to log on to the voting system or is unable to use the voting system due to disability, system malfunction or other reason, the Returning Officer must provide to the person a declaration vote envelope and a set of ballot papers for the elections for which the person claims they are eligible to vote, with each ballot paper bearing the word "declaration".

11.3. Where an eligible voter is issued ballot papers under clause 11.2, the member shall mark their ballot papers, enclose the ballot papers in the declaration vote envelope provided, sign the declaration on the envelope, and return the envelope to the Returning Officer.

11.4. Where the Returning Officer receives a declaration vote envelope containing ballot papers pursuant to clause 11.3, the Returning Officer must, after the close of the poll, determine whether the member is entitled to vote at the elections and:

11.4.1. if the declaration is complete and the Returning Officer decides the member is entitled to vote, the envelope is to be opened in such a way as to ensure that the way in which the voter marked their ballot papers is not revealed and the ballot papers therein must be included in the count of votes; or

11.4.2. if the declaration is incomplete or if the Returning Officer decides the member is not entitled to vote, the declaration envelope must be set aside unopened.

11.4.3. All paper ballots are to be destroyed within three (3) business after the declaration of polls.

## **12. Counting of Votes and Declaration of Poll**

12.1. The Returning Officer must, as soon as practical after the close of polling, arrange for the counting of votes to commence.

12.2. Preferential counting of votes shall be carried out for all positions contested at the election.

12.3. To be elected as a Director:

12.3.1. The candidate or candidates running for election must receive a quota of formal votes.

12.3.2. The quota is calculated by dividing the total number of formal votes by the number of positions to be elected plus one, and then adding one to the result (ignoring any remainder). The formula for determining a quota is:

$$\text{(Number of formal votes / (Number of positions to be elected + 1))}$$
  
rounded down + 1 = quota.

12.3.3. Votes are sorted according to which candidate has received the number '1' preference. Candidates who receive the quota, or more, of first preference votes are elected immediately. If a candidate is elected with a surplus of votes that surplus is transferred before any exclusion is undertaken.

12.3.4. Any surplus votes from elected candidates (votes in excess of the quota they need) are transferred to the candidates who were the second choice of voters. Because it is not possible to determine which votes actually elected the candidate and which votes are surplus, all the elected candidate's votes are transferred at a reduced rate according to the following formula:  $\text{Surplus / Number of votes for candidate} = \text{Transfer value}$ .

12.3.5. As surplus votes are transferred, other candidates may be elected. If all surplus votes from elected candidates are transferred and there are still unfilled positions, further counting is undertaken as explained below.

12.3.6. Starting with the candidate who has the lowest number of votes, unelected candidates are excluded from the count. Their ballot papers are distributed to the remaining candidates based on preferences. If any of the

remaining candidates obtain a quota through this process of distribution, they are elected. Their surplus (if any) is transferred before any other candidates are excluded. This process continues until all positions are filled.

12.3.7. When there is no next available preference for any continuing candidate then that vote shall be considered "exhausted" and it must be set aside from scrutiny at that point.

12.3.8. If, as a result of exhausted ballot votes, there are not enough votes in the count to fill remaining vacancies then:

12.3.8.1. if one position remains to be filled, and two candidates remain, the candidate with the highest number of votes shall be elected irrespective of whether they have reached the quota;

12.3.8.2. if the number of continuing candidates is equal to the number of remaining vacancies, those candidates are elected.

12.3.9. Pursuant to rule 16.1.4 of the Constitution, the identity quota requirements in clause 4.7 of these Regulations related to the election of Directors are to be satisfied first from the highest votes in descending order pertaining to those quota characteristics, and, once achieved, the next highest votes among the candidates in descending order shall be elected as Directors of the Board regardless of gender or residential origin status. When counting the votes for Directors in any election, the Returning Officer must ensure that the identity quota requirements are satisfied for the Board as a whole but not necessarily for the Directors elected in each election.

12.4. To be elected as President, Vice President, Portfolio Officer, College Officer, or the Postgraduate Student Member of Council:

12.4.1. The candidate receiving at least one (1) vote more than half of first preference votes shall be declared the winner.

12.4.2. If no candidate has received a majority of votes, the candidate receiving the lowest number of votes shall be removed from the ballot and their votes shall be re-allocated to the remaining candidates in accordance with any next preference indicated by the voter.

12.4.3. If no preferences have been indicated or remain, the vote shall be discarded.

12.4.4. This process shall be repeated until one candidate is allocated one (1) vote more than half of votes cast or allocated to remaining candidates. That candidate shall be declared elected.

12.5. In the case that, pursuant to clause 5.3, there are two (2) Coursework or two (2) HDR College Officer positions being contested for the one College, the quota system in clause 12.3 shall be followed, excepting clause 12.3.9.

12.6. The Returning Officer shall determine the results for each position in the following order:

12.6.1. President;

12.6.2. Vice President;

12.6.3. Portfolio Officers;

12.6.4. College Officers;

12.6.5. Postgraduate Student Member of the Council;

12.6.6. Directors.

12.7. The Returning Officer shall arrange a meeting to which persons who have been appointed as scrutineers shall be invited to attend to observe the calculation of voting outcomes as calculated by the voting system.

12.7.1. Persons may be appointed as scrutineers by nomination from any independent candidate running for election or any of the five (5) signatories to the registration of a ticket in clause 10.2.

12.7.2. Independent candidates may nominate up to one (1) person to act as scrutineer on that candidate's behalf.

12.7.3. Signatories to a ticket may nominate up to two (2) persons to act as scrutineer on that ticket's behalf.

12.7.4. The process for nominating to be a scrutineer shall be conducted in a manner and form determined by the Returning Officer and publically advised to Members.

12.7.5. The eligibility requirements for being a scrutineer are the same as those at clause 1.8.

12.7.6. The Returning Officer may refuse to accept a nomination for scrutineer, or require that a scrutineer cease observing the counting of votes, if, in the opinion of the Returning Officer, the scrutineer does not adhere to any directions or instructions given by the Returning Officer.

12.8. The results of the election shall be declared by the Returning Officer by notice placed on the PARSA website and by notice displayed prominently at the PARSA place of business as soon as practical, but no later than twenty-four (24) hours after the results of the election are known to the Returning Officer. The notice shall include:

12.8.1. a count of all votes cast, including any informal votes;

12.8.2. the successful candidates for each ballot, including the number of votes received by those candidates; and

12.8.3. the number of votes received by all candidates in each ballot.

12.9. The Returning Officer must notify the Vice-Chancellor of the University of the result of the election of the Postgraduate Student Member of the Council no later than twenty-four (24) hours after the results of the election are declared by the Returning Officer.

### 13. Electoral Offences

13.1. The electoral offence provisions in clause 13 reflect the intention that PARSA elections should be conducted in the spirit of open and collegiate democratic debate.

13.2. It is an electoral offence for any candidate, member of a ticket, or any other person to publish, in connection with an election, any physical election-related publication which:

13.2.1. does not clearly identify that the publication is on behalf of the ticket or candidate in letters at least 10mm high or in font at least as large as the most commonly used font on the publication, whichever is larger;

13.2.2. does not contain a date of publication;

13.2.3. contains obscene, defamatory, sexist, racist, or homophobic material;

13.2.4. contains any untrue statement or is materially misleading in a manner likely to mislead a voter in casting their vote; or

13.2.5. is larger than A3 size.

13.3. It is an electoral offence for any candidate, member of a ticket, or any other person to send or publish any election-related electronic communication, including emails, webpages, social networking posts, audio, or audio-visual communication, which:

13.3.1. does not clearly identify that the communication is sent on behalf of the ticket or candidate in font at least as large as the most commonly used font in the communication or at the commencement of an audio or audio-visual communication;

13.3.2. does not contain a date of communication;

13.3.3. contains obscene, defamatory, sexist, racist, or homophobic material;

13.3.4. contains any untrue statement or is materially misleading in a manner likely to mislead a voter in casting their vote; or

13.3.5. is a paid advertisement.

13.4. The Returning Officer may cause or require the removal of any publication or the deletion of any communication, where practical, which contravenes clause 13.2 or 13.3. It is an electoral offence to refuse to remove any publication or delete any communication which in the opinion of the Returning Officer contravenes those clauses. Removal or deletion must occur as soon as possible after a determination is made by the Returning Officer.

13.5. Unless otherwise authorised by the Returning Officer, it is an electoral offence for any person to assist, or offer to assist, another person when that person casts their vote, whether by instructing them how to complete a vote or inviting them to vote on a device provided by or accessed in the presence of the person offering the assistance or by other means.

13.6. It is an electoral offence for a person to:

13.6.1. offer or provide gifts, bribes, money, food, drink, or any other enticement to any person to influence that person to exercise their vote in favour of any candidate. This provision does not prevent a candidate or ticket from explaining policies for the benefit of students that the candidate or ticket would pursue if elected;

13.6.2. campaign on behalf of a candidate or ticket during an election if that person is not an eligible voter. Campaigning is defined broadly to be “working with a collective goal of the team in mind” as opposed to just showing support independently and not as part of a team’s collective effort;

13.6.3. cast a vote which that person is not entitled to cast;

13.6.4. engage in discrimination or intimidation in the course of an election;

13.6.5. make obscene, defamatory, sexist, racist, or homophobic statements in the course of an election;

13.6.6. make untrue statements likely to mislead a voter in casting their vote;

- 13.6.7. incite another person to commit an electoral offence;
- 13.6.8. use the PARSA office, PARSA materials, or PARSA-owned goods for a campaign;
- 13.6.9. campaign outside of the campaign period, which shall be from the close of nominations until the close of polling;
- 13.6.10. breach any part of clause 10.9;
- 13.6.11. campaign, whether on or off campus, in a or any:
  - 13.6.11.1. place of work, including the PARSA office;
  - 13.6.11.2. place designated by the university, PARSA, or the Returning Officer as a place of study for students;
  - 13.6.11.3. student accommodation, excepting common areas of residential colleges if permission is obtained in advance from the residence's administration;
  - 13.6.11.4. university library;
  - 13.6.11.5. university laboratory;
  - 13.6.11.6. office; or
  - 13.6.11.7. spaces managed by PARSA for student activities, including the Brian Kenyon Student Space (BKSS) or Molly Huxley Room.
- 13.6.12. fail to cooperate with the Returning Officer or a Probity Officer in relation to a request for information or documents relating to an alleged commission of an electoral offence under these Regulations.
- 13.6.13. campaign at an official PARSA event during the election period.



- 13.6.14. It is an electoral offence for elected student representatives of the Association to breach the PARSA Election Lock Down Policy.
- 13.7. Any written allegation of commission of an electoral offence must be referred initially to the Returning Officer in a manner consistent with the process authorised by the Returning Officer.
- 13.8. The Returning Officer may, of their own motion, initiate an investigation into any potential electoral offence which comes to the attention of the Returning Officer, and may refer any allegation for investigation or decision to one or more Probity Officers appointed pursuant to clause 14.
- 13.9. Any investigation of a possible electoral offence must be carefully carried out, be based on any written evidence (including statutory declarations), and must provide any person accused of an electoral offence adequate time to respond to the allegation of the offence, taking into account the need for the Returning Officer or Probity Officer to act swiftly to remedy any advantage arising from commission of an electoral offence and the need to ensure that natural justice is observed in consideration of any allegation of an electoral offence.
- 13.10. If a person is found to have committed an electoral offence, the Returning Officer or Probity Officer may:
- 13.10.1. reprimand a person or persons involved in commission of an offence;
  - 13.10.2. place constraints on campaigning for a candidate or ticket to compensate for any benefit derived by a candidate or ticket from commission of an electoral offence;
  - 13.10.3. declare the candidacy of a candidate benefiting from an electoral offence null and void;
  - 13.10.4. remove membership rights from a member for a period not exceeding twelve (12) months;

13.10.5. remove a member's right to stand for any elected office in the Association for a specified period not exceeding 2 years;

13.10.6. declare an entire poll null and void and order a new election; or

13.10.7. any combination of the above.

13.11. In determining an outcome under clause 13.10, the Returning Officer or Probity Officer shall consider:

13.11.1. the seriousness of the offence;

13.11.2. whether the person or persons assisting a candidate or a ticket have committed additional electoral offences;

13.11.3. the wilfulness of the breach;

13.11.4. whether the person, the ticket, or the candidate have cooperated with the investigation; and

13.11.5. the impact of the offence on the free and fair conduct of the election.

13.12. If the Returning Officer or a Probity Officer determines that an electoral offence has been committed, or that any penalty should be imposed under clause 13.10, the Returning Officer or Probity Officer must:

13.12.1. communicate the determination to the person concerned in writing as soon as practical, including in the communication a concise explanation of the reasons for the determination;

13.12.2. ensure that the communication includes an unabridged copy of these Regulations;

13.12.3. provide the same information to all other candidates running for election in the affected position or positions and publically announce the determination on the PARSA website.

13.13. Any part of a determination of the Returning Officer or Probity Officer made pursuant to clause 13.12 which has or could have an effect on the electoral outcome is final.

13.14. A person subject to a decision under clause 13.12 may only appeal to the Disputes Committee if that decision is made pursuant to clauses 13.10.4, 13.10.5, 13.10.6, or 13.10.7.

13.15. The Disputes Committee must observe the rules of natural justice in its review of any penalty imposed by the Returning Officer or Probity Officer pursuant to clause 13.12 and may, taking into account the factors identified in clause 13.11, and taking into account any information provided by the person appealing the decision or by the Returning Officer or Probity Officer, including any relevant evidence which was not available at the time of the original decision, decide to:

13.15.1. affirm the decision;

13.15.2. replace the decision and impose a penalty provided for by clause 13.10 other than a penalty imposed by the Returning Officer or Probity Officer; or

13.15.3. replace the decision with a decision that no offence has been established or that no penalty should be imposed, subject to clauses 13.13 and 13.16.

13.16. Pursuant to clause 13.13, the Disputes Committee does not have power under clause 13.15 to consider an appeal or make any decision that affects or changes the outcome of an election.

13.17. A determination of the Disputes Committee made pursuant to clause 13.15 is final and, once a determination is made, the Disputes Committee must:

- 13.17.1. communicate the determination to the person concerned in writing as soon as practical, including in the communication a concise explanation of the reasons for the determination;
- 13.17.2. ensure that the communication includes an unabridged copy of these Regulations; and
- 13.17.3. provide the same information to all other candidates running or who ran for election in the affected position or positions.

13.18 For the purpose of clarity but subject to these Regulations, examples of electoral offences, as well as acceptable electoral actions and behaviours are included in Appendix A.

#### **14. Probity Officers**

- 14.1. The Returning Officer may appoint up to three (3) Probity Officers.
- 14.2. A person is not eligible to be appointed as a Probity Officer unless they meet the qualifications for appointment as a Returning Officer pursuant to clause 3.4, except that they may be an Ordinary member of the Association.
- 14.3. A person asked to serve as a Probity Officer must provide the Returning Officer with a written statement of any potential or perceived conflicts of interest, such as membership of a registered political party, membership of a political club or society, or at any time having held an elected office or employment with PARSA.
- 14.4. The Returning Officer shall ensure the names of any Probity Officers, together with their declaration of potential conflicts of interest, are posted on the PARSA website for the duration of the election in question.
- 14.5. The Returning Officer may delegate any of their powers to investigate an alleged breach of these Regulations, or to impose a penalty for that alleged breach, to a Probity Officer.

- 14.6. The Returning Officer may require appointed Probity Officers to act as a committee in relation to an allegation or may appoint a Probity Officer to act individually in relation to an allegation.
- 14.7. A Probity Officer investigating an alleged electoral offence must comply with these Regulations in investigating an alleged breach.
- 14.8. A finding or penalty imposed by a Probity Officer has the same effect as if imposed by a Returning Officer, and may, pursuant to clause 13.15, be appealed to the Disputes Committee.
- 14.9. Any person involved in campaigning for a PARSA election must cooperate with the Returning Officer or a Probity Officer seeking information or documents for the purposes of investigating an alleged breach of these Regulations. Failure to do so shall be deemed an electoral offence and subject to penalties provided in clause 13.10.

**Appendix A – examples of acceptable, and prohibited, electoral behaviour**

<b>Acceptable electoral actions</b>	<b>Electoral Offence</b>
Placing posters (that are A3 or smaller, and comply with electoral regulations) in common spaces in ANU e.g. public billboards, residential common spaces (with permission)	Place posters in any ANU library, inside or immediately outside classroom spaces or academic offices, in laboratories
Posting on social media about yourself, your team and what you aim to achieve – so long as this is genuine and true	Posting on social media statements about another team which as misleading, or statements that are false
Promoting your team in relevant social media groups	Paying for social media advertising
Talk to people in a friendly and factual way about your team, or yourself, and what you want to achieve	Offering people money, food, or a promise of a specific individual benefit in exchange for their vote. This includes red packets on WeChat or any sum of money.
Asking fellow postgraduate students who are supporting you to talk to other students and gather support	Ask anyone who is not a postgraduate student to talk to other people in order to support you
Be truthful and collegiate in your conduct at all times	Make untrue, misleading or defamatory statements

## 15. SCHEDULE 1. TRANSITION ARRANGEMENTS

- I. These Election Regulations only take effect on the passage of the new Constitution of 2018.
- II. Pursuant to rule VI of Schedule 1 of the Constitution, in order to expedite the new election arrangement under the newly amended Constitution, the requirement for the current Election Regulations to *“not take effect until three (3) months after their adoption by the joint meeting of the Board and the Postgraduate Representative Committee”* pursuant to [rule 48.5.1](#) shall be waived for the first elections of the Association following the approval of the newly amended Constitution and not otherwise.
- III. Reflecting the need to have up to date Election Regulations following the passage of the new Constitution of 2018, these Regulations repeal and replace the previous Election Regulations which referenced the old Constitution of 2017.
- IV. For the first election following the passage of the new Constitution of 2018, the timelines specified in clauses 3.1, 3.8.1, and 8.2 shall be waived in their entirety to permit the election to be held at the appropriate time.
- V. For the first election following the passage of the new Constitution of 2018, and pursuant to rule VII of the Schedule to the Constitution, clause 4.2.1 of these Regulations shall not apply and, instead, there shall be elections for all eight (8) of the Director positions elected pursuant to rule 16.1.1 of the Constitution. Half of the Directors elected pursuant to this clause shall be chosen by lot to only hold office for a term of one (1) year so that a split rotation of Directors may be commenced. The first four (4) Directors receiving a quota pursuant to clause 12.2.1 of these Regulations shall serve the full two (2) year term. The Directors chosen to serve a term of one (1) year shall be eligible for re-election for a subsequent one (1) x two-year term pursuant to [rule 16.3.2.1](#) – i.e. their first term of one (1) year shall be deemed to count as a full two (2) year term.
- VI. These Transition Arrangements become null and void six (6) weeks after the first election under the new Constitution of 2018, and may then be removed by resolution of the Board.