

ADELAIDE UNIVERSITY LAW STUDENTS' SOCIETY ELECTION RULES

1—Objects

- 1) To provide the framework for a transparent, effective, and representative electoral process for the AULSS.
- 2) To determine the powers and duties of the Returning Officer.

2—Definitions

campaigning means any form of solicitation or canvassing of a vote for a candidate.

campaign material means any form of material including, but not limited to, posters, flyers, pamphlets, visual media, or any material directing a voter to cast a vote for a particular candidate or to not cast a vote for a particular candidate.

elections means the annual AULSS elections set forth in Part 7 of the AULSS Constitution and any by-elections held in accordance with Part 7.

group campaigning means multiple candidates running as a 'ticket', multiple candidates campaigning under a substantially identical name, multiple candidates adopting campaign materials that create a reasonable appearance of association between candidates, the use of any form of campaign material encouraging votes or voting preferences for other candidates, verbal endorsement of a candidate other than themselves, or any similar conduct as determined by the Returning Officer.

media platform or medium means any service, site, or method that delivers media to an audience including but not limited to radio, social media, television, or any written publication.

Returning Officer means the person appointed to oversee the AULSS elections in accordance with the terms set forth in Part 7 of the AULSS Constitution.

sponsored advertisement means any advertisement that a person has paid a person or organisation to feature.

valid nomination means a nomination that has met the eligibility requirements under these rules.

3—Interpretation

- 1) During the term of the Returning Officer, interpretation of these rules are within the jurisdiction of the Returning Officer.
- 2) Outside of the term of the Returning Officer, interpretation of these rules are within the jurisdiction of the Executive.
- 3) These rules shall apply to all positions requiring annual election, excluding First Year Representatives.
- 4) Subject to any explicit provision to the contrary, these rules shall become, and remain, operable and enforceable during the term of the Returning Officer, however nothing in this clause shall prevent the access of information made available by any other clause in these rules.

4—Returning Officer

- 1) There shall be a Returning Officer whom shall be appointed by the Dean of Law on the advice of the President.
- 2) The Returning Officer, subject to these rules and the AULSS Constitution, shall be the final arbiter of election outcomes and disputes.
- 3) The term of the Returning Officer shall be from their appointment until the certification of results for that year.
- 4) For administrative and record retention purposes, prior to the appointment of a Returning Officer for that year, the Returning Officer who held office for the most recent election may be relied on to clarify information about the most recent election.

5—Election Timeline

- 1) The elections of the Society shall be called at any time after 31 July in any calendar year, upon advice of the President to the Returning Officer.
- 2) The election must take place before the end of week 10 of semester 2 of the academic year.
- 3) There must be at least 14 calendar days between the calling of the election and the commencement of the election period.
- 4) The Returning Officer shall call the election in accordance with these timing requirements, and when calling the election shall send an email to all students which shall include:
 - a) a list of the positions available for election;
 - b) a current copy of these election rules;
 - c) a copy of the current nomination form for the election;
 - d) a copy of the current AULSS Constitution;
 - e) the location of the physical polling place;
 - f) instructions regarding the special eligibility requirements of any positions, the voting process, the nominations process, and the nominated email to which all nominations and election queries must be sent; and
 - g) any other information the Returning Officer deems relevant.
- 5) At the discretion of the President, information about the AULSS Election will be made available on as many authorised communication platforms as reasonably possible.

6—Voter and Candidate Eligibility

- 1) Subject to any prohibition in these rules, all members of the AULSS shall be entitled to stand and vote in elections.
- 2) No member shall be entitled to stand for election for any position if they are:
 - a) a cross-institutional student;
 - b) a non-award student;
 - c) an exchange student from a different university or institution; or
 - d) suspended from contesting elections.

7—Nominations & Withdrawal

- 1) By nominating in the Adelaide University Law Students' Society election, all candidates agree to comply with all aspects of the Society Election Rules.

- 2) By nominating in the Adelaide University Law Students' Society election, all candidates acknowledge that the Adelaide University Law Students' Society and the Adelaide Law School accept no responsibility for any statements or comments made by candidates during the election period.
- 3) A valid nomination for any elected position of the AULSS held under these rules shall include:
 - a) a candidate statement;
 - b) a passport sized photograph of the candidate; and
 - c) a completed nomination form.
- 4) A nomination form must be signed by the candidate, and further signed by two currently enrolled law students who must be students other than the candidate.
- 5) Candidates for the position of Magazine Editor that have indicated in their nomination form that they are jointly nominating for the position, may submit a joint nomination form rather than multiple individual forms.
- 6) A valid nomination must be submitted to the Returning Officer by the conclusion of the nomination period.
- 7) The Returning Officer must reject any late nominations, incomplete nominations, or nominations not submitted correctly.
- 8) Any nomination that is inconsistent with this clause shall be deemed invalid by the Returning Officer.
- 9) The Returning Officer shall nominate a preferred email address, which shall be published alongside the calling of the election notice to all members, to which all election related correspondence or nominations must be directed to.
- 10) Candidates may only nominate for one position in the election.
- 11) A candidate may up to 72 hours prior to the voting period opening, withdraw their nomination by informing the Returning Officer in writing that they wish to withdraw their nomination.
- 12) Once a valid nomination has been received, the Returning Officer must, within a reasonable time, contact the candidate to inform them they have received their nomination and to note that it is valid.
- 13) If the Returning Officer receives an invalid nomination, they must make reasonable efforts to contact the candidate prior to the close of nominations to:
 - a) inform them that the nomination is invalid;
 - b) state why the nomination is invalid; and
 - c) encourage the candidate to submit a valid nomination.
- 14) The President shall submit any templates necessary for the preparation of nomination forms to the Returning Officer prior to the calling of the election.

8—Uncontested Elections

- 1) In circumstances where the number of valid nominations for a position is equal or lesser than the total number of positions, the Returning Officer shall declare all eligible nominees for that position, or for those positions, as provisionally elected.
- 2) Provisionally elected candidates may still be disqualified for breach of these rules.

9—Ballot and Electoral System

- 1) The Returning Officer shall be responsible for the preparation of ballot papers for positions elected under these rules.

- 2) The order by which names appear on ballot papers shall be randomised by the Returning Officer using a method of their choosing.
- 3) The President shall submit any templates necessary for the preparation of ballots to the Returning Officer prior to the close of nominations.
- 4) The President may, at the request of the Returning Officer, assist with the preparation of ballots.
- 5) The electoral system used for AULSS elections shall be the Hare-Clark Optional Preference System.
- 6) Once voting has concluded but before the counting of votes has concluded, no person other than the Returning Officer, or any person that the Returning Officer has directly authorised to assist with counting, may retain or access the completed physical ballot papers used in the election nor, if applicable, any online equivalent ballots.
- 7) The Returning Officer shall be responsible for the counting, security and storage of uncompleted and completed ballot papers.
- 8) No ballot paper shall be counted unless it bears the Returning Officer's signature, or is otherwise authorised by the Returning Officer, to certify that it is a genuine ballot issued to a member entitled to vote.
- 9) No ballot paper shall be issued to a voter until the Returning Officer is satisfied that the member entitled to vote is in fact entitled to vote as per these rules and the AULSS Constitution.
- 10) The Returning Officer shall, within reason and to the best of their ability, offer members an online or virtual method of voting as an alternate to voting in a physical polling place.

10—Candidate Guide

- 1) The President shall create an AULSS Election Candidate's Guide using the candidate statements and passport sized photographs.
- 2) The President may request assistance when making the guide from either the IT Officer, or the Director of Communications, or both.
- 3) Candidate statements in the guide shall be ordered by position in the order they are listed in the AULSS Constitution. In the event multiple candidates are running for a position, candidates will be ordered alphabetically by their last name.
- 4) Candidates running for an Executive position shall submit a statement of up to 400 words.
- 5) Candidates running for a Committee position shall submit a statement of up to 200 words.
- 6) Candidates jointly running for the position of Magazine Editor shall collectively submit a candidate statement of up to 200 words.
- 7) If a candidate needs assistance drafting their candidate statement, they may contact the President who will refer them to an appropriate service, such as, but not exclusively, the Adelaide University Writing Centre.
- 8) The Returning Officer may exclude a candidate statement if it is, in the Returning Officer's reasonable opinion, intimidating, insulting, offensive or defamatory.
- 9) The AULSS Election Candidates Guide shall be distributed to members by the President at the start of the campaigning period.
- 10) The campaigning period shall commence after the close of nominations, at a time decided by the Returning Officer, in consultation with the President.
- 11) The Returning Officer must call a candidate briefing meeting with all candidates before the commencement of the campaigning period to explain the election rules to candidates and answer questions about the election.
 - a) All candidates must attend the candidate briefing meeting, however the Returning Officer must not penalise any candidate for reasonable non-attendance.

- b) The Returning Officer must send all candidates a summary of any information presented during the candidate briefing meeting.

11—Campaigning

- 1) No person shall provide any benefit, such as a BBQ, soft drinks, alcohol, funds, or prizes, to an eligible voter in order to solicit votes or otherwise influence the election.
- 2) Candidates must campaign independently, and group campaigning is prohibited.
- 3) No person may distribute any election material encouraging students to vote for any candidate other than themselves including, but not limited to, a 'how to vote' card which features other candidates.
- 4) Only candidates may campaign during the election, and any person who is not a candidate shall be prohibited from campaigning.
- 5) Neither the AULSS Executive or Committee shall endorse a candidate or a group of candidates, but this shall not prohibit any member of the Executive or Committee from campaigning for themselves if they are a candidate in the election.
- 6) Unless otherwise accessible to all members, no AULSS resource, asset, or facility may be used to assist any candidate to campaign including, but not limited to:
 - a) office space;
 - b) funds;
 - c) technological devices;
 - d) photocopiers or printers;
 - e) stationary; and
 - f) social media.
- 7) Nothing in this clause shall prohibit members who are not candidates from encouraging people to cast a vote in the election, provided that they are not encouraging them to vote for a particular candidate or candidates.
- 8) Clauses 11(2) and 11(3) shall not prohibit Magazine Editors from campaigning as a group, provided that they have jointly submitted a nomination.
- 9) No candidate may pay for sponsored advertisement of their candidacy on any media platform or medium.
- 10) Subject to clause 11(9) candidates may use any online media platform or medium to campaign to members, but must not contact those they do not already know personally.
- 11) Candidates may physically approach members and ask them to vote, but must not obstruct any thoroughfare or prevent people from walking through the Law School when doing so.
- 12) Candidates shall not campaign to people in person, or through any media platform or medium, who have expressed a desire not to be campaigned to, or contacted by, that candidate.
- 13) Candidates shall not make defamatory statements or comments when telling people why they should vote for them or why they should not vote for another candidate.
- 14) No candidate shall engage in any dishonest practice in relation to the election.
- 15) From the calling of the election until the commencement of the campaigning period, campaigning, either online or in person shall be prohibited.
- 16) A candidate's individual campaign must not be and must not include threats of conduct that would be, intimidating, insulting, offensive, defamatory or discriminatory.

12—Campaign Materials

All candidates must comply with the campaigning material instructions set forth in Appendix 1 of these rules.

13—Voting areas

- 1) The Returning Officer shall designate an area of the University of Adelaide's North Terrace Campus a physical polling place when calling the election.
- 2) If the physical polling place must be moved from the originally designated location due to its inability to be used, the Returning Officer must advise all members as soon as reasonably practicable.
- 3) Unless otherwise determined by the Returning Officer, physical voting shall be held in rooms 1.08 and 1.09 of the Ligertwood building of the University of Adelaide's North Terrace Campus. On election days no campaigning, including the distribution of any campaign material is permitted within 9 meters of the physical polling place.
 - a) This clause shall not prevent any member from taking campaign material into the physical polling place to assist them with voting.
- 4) The Returning Officer shall, to the best of their efforts, ensure physical polling places are as accessible as possible for members and shall clearly advertise the physical polling place in the Ligertwood Foyer during the election period.

14—Enforcement of these rules

- 1) No person shall be deemed to have breached these rules, nor may a penalty be imposed upon that person by the Returning Officer or Executive, if the alleged breach occurs prior to the calling of the election.
- 2) Subject to this clause, the Returning Officer may impose a penalty on any person who either breaches these rules or breaches a reasonable direction from the Returning Officer regarding the election.
- 3) When considering imposing a penalty, the Returning Officer shall consider all relevant factors, including but not limited to:
 - a) the proportionality of the punishment to the breach of these rules;
 - b) the damage done to the reputation of the candidate or any other person in connection with the breach; and
 - c) the severity of the breach.
- 4) The penalties that the Returning Officer may impose include, but are not limited to:
 - a) requesting a candidate issue a formal statement;
 - b) suspending the candidate from campaigning;
 - c) suspending the member from casting a vote if they have not already done so, and
 - d) disqualifying the candidate from running in that election.
- 5) The Returning Officer must report any breaches to the President of the AULSS who must in turn inform the Executive of the breaches.
- 6) If the Executive deems it appropriate, having regard to the proportionately of the punishment to the breach of these rules, and the potential damage done to the reputation of the AULSS or the integrity of the election process under these rules if no action is taken in response to a breach, the Executive may by special resolution:
 - a) impose a 12 month suspension upon a member who has breached these rules from contesting any position through election;

- b) impose a five year suspension upon a member from contesting any position through election;
- c) refer the matter to an appropriate university committee or disciplinary body to address; or
- d) impose any other penalty it is constitutionally authorised to impose which the Executive deems reasonable in the circumstances.

15—Complaints about election conduct

- 1) Any member of the Society may, between the commencement of the campaigning period and the conclusion of the voting period, submit a written complaint to the Returning Officer regarding the conduct of the election.
- 2) Any complaints regarding the conduct of the election must:
 - a) be directly relevant to a suspected breach of these rules by a person, including a candidate or member; and
 - b) be accompanied by any evidence supporting any assertion or allegation of such breach.
- 3) The Returning Officer shall make reasonable efforts to respond to each complainant within a reasonable time if such a complaint requires a response.
- 4) The Returning Officer must investigate any reasonable alleged breach of these rules that are raised by a member of the Society, however, they may refuse to acknowledge baseless, vexatious or trivial complaints.

16—Certification of results

- 1) The Returning Officer, within 3 academic days after the close of polls, shall certify the results of the election by providing to the President and all candidates of that election, a document containing:
 - a) the names of the successfully elected candidates;
 - b) the positions to which the successfully elected candidates have been elected;
 - c) the number of votes the successfully elected candidates received after preferences have been distributed; and
 - d) the total number of valid votes cast for each position.
- 2) The Returning Officer must sign the certification document before submitting it to the President.
- 3) The President shall, within 24 hours of receipt of the certification document from the Returning Officer, circulate this result on all authorised communication forums.
- 4) The Returning Officer must retain all completed ballots of the most recent election for at least four weeks after the certification of results.
- 5) Within four weeks of the certification of results, any candidate, whether successfully elected or not, may request from the Returning Officer the number of first preference votes they received in the election, and the Returning Officer must provide this figure within a reasonable time after receiving it.

17—Miscellaneous

- 1) If a candidate has an accessibility request, including but not limited to, the displaying of posters in the Ligertwood Building, they may contact the President, in conjunction with the Returning Officer, to best accommodate this request.

- 2) On any issue where these rules, or the AULSS Constitution, is silent, the Returning Officer shall issue directions, which shall be deemed to be binding to the extent that they do not infringe upon any requirement in these rules or in the AULSS Constitution.

Appendix 1

- 1) Postering in and around the Ligertwood Building is very limited. Legislation and University rules prohibit posters in stairwells and all walls inside Fire Doors (Fire Regulations), in the student area between the foyer and the door through to the Napier Building, on any painted surface and on the portico entrance to the Law School. That only leaves the single pillar between the foyer and the student area, brick areas (and posters on that surface must be attached by blu-tac) and the notice boards outside the lecture theatres and on the wall by the route to the stairs down to the Napier Building and the staff car park.
 - a) Postering space will be determined by the Returning Officer at a meeting with all candidates.
- 2) All campaign material must contain the words "Published by [*name*], [*Student ID number*]." Approval from the Returning Officer is not needed. However, defamatory or unacceptable material, as determined by the Returning Officer, will be removed.
- 3) Any campaign material larger than A4 in size shall be prohibited.
- 4) Candidates are responsible for removing their posters and other materials after the conclusion of voting.