

# WORONI

Australian National University Student Media

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## ELECTORAL REGULATIONS POLICY

1. These regulations have been formulated under the power delegated to a general meeting of the association under s8.6 of the ANUSM Constitution, which allows it to make regulations for the management of elections consistent with section 8.

### 2. Purpose

1. To complement section 8 of the ANUSM Constitution in providing additional regulations for governing the conduct of elections as deemed appropriate by the membership of the association.
2. To allow for flexibility in governing elections of the association to account for changes in values of the membership and the university.
3. To promote fair and equitable elections of the association to ensure all members are able to access office-bearer positions on ANUSM.

### 3. Definitions

1. All definitions used within these regulations are drawn from the ANUSM Constitution.

### 4. Powers and Responsibilities of the Returning Officer

1. During an election of the association, any dispute about membership eligibility is to be decided by the Returning Officer, whose decision will be final.
2. The Returning Officer must, as soon as is practicable after the close of polling, arrange for final results of the online ballot to be announced.
3. Votes may be recounted at the discretion of the Returning Officer or their nominee.
4. The Returning Officer must ensure that all voting results are retained and stored securely for twelve (12) months after the election or referendum in which they are cast.

### 5. Elections Procedure

1. The electoral systems to be used in the biannual elections elections and the method of counting votes must comply with the optional preferential voting system.
2. The Returning Officer must arrange for an online ballot using the ANU's online electoral system.

3. The biannual elections must each be conducted over five (5) consecutive academic days.
4. The Returning Officer must call for nominations that comply with section 8 of the ANUSM Constitution.

## 6. Nominations

1. A nominee can withdraw their own nomination at any time after the date of the close of nominations.
2. Nominations must be sent to the Returning Officer and at the close of nominations the Returning Officer or their nominee must, in consultation with the Board via the Deputy Editor-in-Chief, determine the validity of the nominations.
3. Nominations must include:
  - a. The candidate's name;
  - b. The candidate's student number;
  - c. The candidate's current year of study;
  - d. The position(s) the candidate is nominating for;
  - e. One example of written, videographic, photographic or multi-media work which is the original work of the nominee; and
  - f. A short biography including why you are interested in being an editor of Woroni (no more than 200 words).
4. At the time of the election, a nominee must have made three (3) valid contributions to ANUSM.
5. Where the Returning Officer or their nominee determines that a nomination submitted during the period that nominations remain open is not valid, the Returning Officer or their nominee must:
  - a. make a reasonable attempt to contact the candidate to inform them that the nomination is invalid; and
  - b. inform the candidate that the invalidity may be remedied and the nomination may be resubmitted to the Returning Officer or their nominee at any time up until two (2) working days after the close of nominations.
6. The Returning Officer or their nominee must, on, or before, midday on the first Wednesday after nominations close, display a list of all nominations for all positions online.
7. If the number of candidates nominated is equal to the number required to be elected for any position, an election for that position is not required.
8. If the number of candidates required for any position is below the number required to be elected, an election for that position is not required, and any unfilled position is to be considered a casual vacancy, and must be filled in accordance with section 10 of the ANUSM Constitution.
9. 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.

10. All nominations, valid and invalid, must be kept by the Returning Officer in a secure place until after the poll is declared.

## 7. Casting of Votes

1. The voter must indicate the order of their preferences on the online ballot by writing 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, in an unbroken sequence of numbers against the names of candidates.
2. A ballot paper will not be valid if the voter has not indicated their preferences for at least one candidate.

## 8. Limits on Campaign – Related Expenditure

1. The campaign-related expenditure of a candidate must not exceed \$50.

## 9. Disclosure Requirements

1. Upon nomination, each candidate must complete and lodge with the Returning Officer a statement of intention identifying anticipated sources of campaign funding. This statement will include all financial and non-financial contributions to the campaign, including but not limited to printing facilities, paper, paint, glue, T-shirts, BBQ supplies and other sundry items.
2. Candidates must disclose to the Board, alongside their nomination, their conflicts of interest which could reasonably, or reasonably be perceived, to influence the execution of their duties as an Editor, as outlined in the Constitution.
  - a. The Board must then decide whether all, or part, of these conflicts of interest should be made public. If so, they should be included wherever the candidates are listed, and in electoral publications. In making this decision the Board should consider whether this conflict of interest:
    - i. Would significantly impact the candidate's ability to perform their Editorial duties;
    - ii. Would be in the voters'/public interest to know;
    - iii. And would suggest the candidate has an ulterior motive for running for office, other than to fulfill the duties of the role;
  - b. Examples of conflicts of interest that should be made public include, but are not limited to: membership of a ticket/faction in campus political life, or membership/employment by a political party
  - c. However, the Board should refrain from publishing conflicts of interest where such conflicts of interest could make the candidate a subject of discrimination. This includes, but is not limited to: membership of an autonomous organisation.

- i. This does not apply where the membership includes a public role, such as an officer or deputy role.
- d. If the Board decides to publicise a candidate's conflict of interest, they must provide the candidate with two days' notice before the publication.
  - i. If the candidate wishes to appeal the decision to publish, in the first instance they may appeal to the Board, and in the second instance they may appeal to the Returning Officer.
- e. The statute of limitations on a conflict of interest is one year.

## 10. Electoral Publications

1. An Electoral Publication is any material used by a candidate or ticket in campaigning for election, including online and hardcopy materials, and including but not limited to how-to-vote cards, policy statements, flyers, websites, Facebook pages and other works with a substantial or significant proponent of their content dedicated to furthering their election-related messages.
2. Electoral Publications:
  - a. Must be published by or with the permission of a candidate;
  - b. Must not constitute an electoral offence; and
  - c. Must not, in the opinion of the Returning Officer, contain material which is defamatory, ageist, racist, homophobic, sexist, transphobic or otherwise discriminatory.
3. Material of any candidate and/or ticket must not, in the opinion of the Returning Officer, significantly resemble in style or appearance the material of any other contesting candidate.
4. If an Electoral Publication violates 11.2, the Returning Officer must direct that the Electoral Publication be removed from public display.
5. It is an offence to not comply with a direction of the Returning Officer in 11.4.

## 11. Electoral Offences

1. It is an offence to place on any notice board an election notice larger than A3 size.
2. It is an offence to publish any publication during an election campaign that contains untrue statements likely to mislead a voter in the casting of her/his vote.
3. It is an offence to remove from any place any registered publication. No offence is committed by:
  - a. a person removing a reasonable quantity of the publication for their own or another's information; or
  - b. a member of the group in whose name the publication is registered; or
  - c. a person authorised by a member of the group in whose name the publication is registered; or
  - d. a person who has the right to control the entrance to the place where the publication lies or that person's agent.

4. It is an offence to cast or attempt to cast a vote to which the person is not entitled.
5. It is an offence to offer gifts, bribes, money, food, drink, or any other inducement to vote, or to otherwise exert undue influence, over electoral officials or voters at any time.
6. It is an offence to incite any other person to commit any of the Electoral Offences detailed in this section.
7. It is an offence to engage in negative discrimination, harassment or intimidation. This includes any repeat unwanted contact to incite somebody to vote, or any other coercive conduct, either online or in person.
8. It is an offence to violate any of the clauses in 9.2.

## 12. Action by the Returning Officer During an Election of the Association

1. The Returning Officer must undertake a thorough investigation into any matter referred to it during an Election of the Association under the Constitution, Regulations or Policy.
2. The possible commission of an electoral offence is taken to be referred to the Returning Officer if:
  - a. an allegation of that offence is made in writing addressed to the Returning Officer by any member of the Association; or
  - b. the Returning Officer of their own motion decides that an electoral offence may have been committed.
3. If an allegation of an Electoral Offence is referred to the Returning Officer in accordance with the Constitution, the Returning Officer may exercise any power detailed in section 3.2 of the Election Regulations.
4. If, after thoroughly investigating the conduct of an election referred to under the ANUSM Constitution, the Returning Officer accepts that there has been a breach of the Constitution or the Regulations, then the Returning Officer may, at their discretion:
  - a. affirm the result and declare the poll; or
  - b. disqualify a candidate; or
  - c. declare the poll null and void and order a new election or referendum.
    - i. In the case of multiple candidates and a null and void election, the candidate with the second-most votes shall be the winner.
    - ii. In the case of only one candidate, and if the poll is declared null and void due to 11. 8, the Returning Officer may declare that the position be filled by casual vacancy.
5. During an election of the Association, the Returning Officer may impose a fine; revoke membership rights or such or such other penalty as is prescribed upon a member or former member of the Association in accordance with the Regulations.

- a. Any fine imposed by the Returning Officer should be proportional to the seriousness of the offence committed, and must not exceed \$100 for each offender.
  - b. The revocation of an offender's membership rights must immediately be communicated by the Returning Officer to the offender, and must be accompanied by a reasonable justification for the imposition of the penalty.
6. Any member with a fine outstanding to the Association is to have their membership privileges suspended, and may not hold any position within the Association.
7. In the event that the Returning Officer determines that any member(s) have breached sections 6-13 of the Regulations, there shall be a presumption in favour of the revocation of the impugned individual(s) membership rights for a period of time not exceeding twelve months from the date of the Returning Officer's decision.
8. In considering whether the presumption from the operation of section 13.7 has been rebutted, the Returning Officer may take into account factors including, but not limited to:
  - a. the presence or absence of intent on the part of the impugned individual(s);
  - b. the extent of any breach; and
  - c. the extent to which the breach had the potential to undermine the integrity of the electoral process.
9. The provisions of sections 13.7 and 13.8 of the Electoral Regulations do not affect the Returning Officer's power to impose an alternative sanction upon the provision of exculpatory evidence or additional information.

### 13. Appeal Process

1. A candidate or member of the Association may appeal a decision of the Returning Officer in relation to breach of these Regulations, pertaining to themselves, by written notice submitted to the Editor-in-Chief.
  - a. Candidates may appeal a decision of the Returning Officer in issuing a sanction against them.
  - b. Candidates may appeal on the basis of the Returning Officer not making a decision which, in their opinion, adversely impacted their chance of election.
  - c. A member of the association may appeal to the Editor-in-Chief a decision of the Returning Officer in issuing a sanction where they were affected by a contravention of these Regulations.
    - i. Such a contravention may be made by a candidate, the Returning Officer, or a delegate of the Returning Officer.
2. Appeals must be made to the association's Grievances and Disputes Panel.
3. The Grievances and Disputes Committee shall convene as soon as is reasonably possible after an appeal has been lodged.
4. On appeal, the Grievances and Disputes Panel shall overturn a decision of the Returning Officer if, in its opinion, the decision is manifestly wrong. This is the only ground on which an appeal may be granted. Such a determination is not subject to further appeal.

#### 14. Policy Details

These regulations were adopted by ANU Student Media on 10/05/2014

These regulations were last updated on 13/03/2019

These regulations were last updated on 8/08/2023