BY-LAW 04: ELECTIONS

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Contents

PART 1 – DEFINITIONS

1.1. <u>Definitions</u>

1.1.2. All other terms are to take the meaning given to them in the Constitution.

1.1.3. All other terms not defined by this section are to take their ordinary meaning.

1.1.4. For the purposes of this By-Law, written correspondence/ communication shall include email correspondence/ communication.

1.1.5 "Returning Officer" means an individual that overviews the conduct of the election.

This conduct can include, but is not limited to:

- Correspondence from candidates or current committee members
- To oversee the counting of the votes and release the successful candidates once counting is complete.
- Concerns, questions and queries regarding campaigning
- Notifying the current executive committee if there is a equal number of votes
- To oversee the elections and to promote a fair and just process.
- To receive all candidate nominations and votes.
- To oversee the counting of the votes and release the successful candidates once counting is complete.
- To report all results of the election to the Supervisor
- To refer and consult with the Executive as to any grievances
- Should the Returning Officer be unable to fulfil their duties, they may delegate their powers for a specified purpose and period of time in writing with the approval of the existing NDSLS Committee

PART 2 - SCOPE AND PURPOSE

2.1. <u>Scope</u>

2.1.1. The scope of this By-Law is to regulate, and provide rules regarding nominations and elections under the Constitution and is binding on all NDSLS Members.

2.2. <u>Purpose</u>

2.2.1. The purpose of this By-Law is to maintain the integrity and fairness of NDSLS nomination and election procedures.

2.2.2. Should a conflict arise between the content of this By-Law and the Constitution, the Constitution will prevail.

PART 3 - NOTICE OF ELECTIONS AND NOMINATIONS

3.1. The President is to determine the date of the nomination and voting period.

3.2. It is the responsibility of the President to ensure that the notice requirement is satisfied.

3.3. The nomination period is to run for twelve (12) consecutive days.

3.4. The voting period is to run for four (4) consecutive days.

3.5 The Order of the Election Periods is as follows:

1. Nomination Period
2. Campaigning Period
3. Voting Period
4. Results Released

3.6 It is at the discretion of the Executive to choose the specific dates of those periods listed in 3.5

PART 4 – CAMPAIGNING

4.1. The campaign period shall begin upon written notice by the President to the Candidates via email

4.2. The campaign period shall run for seven (7) consecutive days.

4.3. This section shall apply to all candidates, and their representatives, during the election period.

> 4.3.1. A representative is any person actively or passively supporting a candidate.

4.4. Current NDSLS Committee Members who are candidates that participate in campaigning must include the following disclaimer:

> *"This is my own view and does not represent the views of the NDSLS"*

4.5. Any dispute or alleged breach regarding campaigning matters is to be brought to the attention of the Returning Officer.

4.6. Decisions of the Returning Officer and/or Supervisor as to the resolution of campaigning matters, including dismissing any dispute, shall be final.

4.7. Any NDSLS or University database cannot be accessed for the purpose of campaigning.

4.8. All candidates must comply with University policies regarding distribution and display of election and campaigning materials, including, but not limited to, posters and flyers

4.9. Nomination statements will be available to all students on the NDSLS website

> 4.9.1 Statement of candidature posted on the NDSLS website or on any NDSLS Social platform will list candidates in order of last name alphabetically.

In the case that individuals have the same last name, their first name(s) determines order.

4.10. Candidates must not use the NDSLS logo or NDSLS official means of communication.

> 4.10.1. Example: NDSLS publications, the NDSLS website, any NDSLS Facebook group, the NDSLS Facebook page, the NDSLS Instagram page, and emails facilitated by means exclusive to the NDSLS) for campaigning, unless otherwise provided in these rules.

4.11. All candidates must conduct their campaign in good faith and on positive terms
4.12. All candidates must comply with the NDSLS Code of Conduct and all University policies, including the Student Code of Conduct regarding discrimination, vilification, and harassment whilst campaigning.
> 4.12.1. Breaches of these policies are considered to be a fundamental breach.
4.13. All candidates must run independently.
> 4.13.1. This section does not forbid candidates from showing their support to other candidates, provided that:
>> (a) They remain in compliance with 4.4.; and
>> (b) They do not publish any material supporting another student.
4.14. Candidates must not provide any incentives to prospective or potential voters.
> 4.14.1. Incentives are anything that may be interpreted as inappropriately encouraging or motivating a person to do something, including but not limited to gifts and financial incentives.
4.15. Candidates must not remove, cover, alter or move the poster or campaigning material of another candidate.
4.16. All posters are constrained to a maximum A4 size.

PART 5 – VOTING

5.1. <u>Voting</u>

> 5.1.1. All NDSLS Members are eligible to vote in an election.This includes

> 1. Current NDSLS Committee Members
> 2. Students currently enrolled in a law program under the Sydney School of Law and Business
> 3. Sydney School of Law and Business Staff members

> 5.1.2. During the election period the method for casting votes may only be managed by the Returning Officer. In their absence the Returning officer may appoint a member of the executive committee provided that they are not also a candidate

5.1.3. Only the Member voting may complete their ballot paper.

5.1.4. Voting may take place through the discretion of the Executive Committee, either by paper ballot or electronically. Only one form of voting may be used in a single election.

5.1.5. As each candidate is taken to be independent, the use of pre-filled voting forms (either wholly or partially filled) is prohibited

5.1.6. The candidate with the majority of votes shall be declared elected

5.1.7. Members can only vote once per election.

5.2. Order of Candidates' Names on Ballots

5.2.1. The order in which candidates' names shall appear on the ballot shall be done by preferences first, and be alphabetical by surname.

5.2.2. Example: Robin Banks (1); Philippa Bucket (1); Anne Arkey (2); Theresa Green (2).

5.2.3 Candidates listed on the online voting system will be listed according to the position they are nominating for. Under the position, candidates will be sub-categorised alphabetically by last name.

Example
President Candidates

- Anna Apple (2)
- John Smith (1)
- Xavier Zeba (3)

PART 6 - COUNTING OF VOTES

6.1. The voting system for all NDSLS elections shall be by simple majority count.

6.2. If more than one candidate obtains an equal number of votes, the Returning Officer shall convene a General Meeting of the outgoing Committee and conduct a vote to determine the incoming Committee Member on the basis of general majority. In the case all members are not in attendance, the executive committee will obtain votes by way of email and ensure all members have voted no less than 24 hours before results are announced.

6.2.1. Each candidate shall be invited to submit an additional statement (200 words) as to their suitability for the position and quality of their candidature.

6.2.2. Each candidate shall be given three (3) days written notice to prepare the statement listed in 6.2.1.

6.2.3. When making this decision, Committee Members shall take into account the suitability and quality of the Candidate for the position and make a reasonable and considered decision.

6.3. Once votes have been counted, the ballots shall be retained by the Returning Officer for a period of at least two (2) weeks after the declaration of elected candidates by the Returning Officer.

6.4. All candidates have the right to request inspection of the ballots during this period

6.5. Should any candidate believe an error in counting has occurred, in accordance with the procedures under this section, a candidate may request a recount.

> 6.5.1. The request must be in writing and presented to the Returning Officer of that election within seven (7) dates of the declaration of the poll.
>
> 6.5.2. The Returning Officer may conduct a recount in the presence of the candidate
>
> 6.5.3. The Returning Office in their sole discretion may refuse either request if deemed vexatious or an abuse of process.

6.6. The ballots may be destroyed at the conclusion of the two (2) week period after the declaration of the poll but only until such time as all requests under the preceding clauses have been resolved.

6.7. The final election results (not including a breakdown of votes) shall be announced by the President through an email to all candidates and published on the Society website as soon as practicable after the positions have been filled.

> 6.7.1. An individual candidate's total number of votes shall be emailed to them upon written request. An individual is not permitted to request the number of votes of any other candidate.

PART 7 - BREACH OF ELECTION RULES

7.1. If the Returning Officer becomes aware of a breach of any of the election rules, whether that includes participation by a candidate or their representative(s), the Returning Officer must:

> 7.1.1. Notify the Supervisor;
>
> 7.1.2. Make a reasonable enquiry into the breach;
>
> 7.1.3. If satisfied a breach has occurred to immediately provide the candidate with warning of the breach and require the breach to be rectified as soon as reasonably practicable;
>
> 7.1.4. If the candidate fails to adhere to 8.1.3., the candidate must be disqualified immediately from the ballot.

7.2. A warning must be delivered by written notification to a candidate, and must state:

> 7.2.1. The nature of the breach;
>
> 7.2.2. How the breach may be rectified; and
>
> 7.2.3. The time in which the rectification must occur.

7.3. A candidate has the onus of:

7.3.1. Ensuring all contact information provided to the Returning Officer is correct;

7.3.2. Making themselves available for contact;

7.3.3. Notifying the Returning Officer of how and when the breach has been rectified.

7.4. A warning is deemed to have been provided after all reasonable attempts to contact the candidate have been made.

7.5. A determination and decision that the breach has not been rectified is at the discretion of the Returning Officer and Supervisor.

7.6. The Returning Officer, upon consultation with the Supervisor, may immediately dismiss a candidate from the election without warning in the event of a fundamental breach of the election rules.

7.7. Any such determination or decision of the Returning Officer and/or Supervisor shall be final.

PART 8 - WHAT CONSTITUTES A BREACH UNDER THIS BY-LAW

8.1. Under this By-Law, a breach of election rules includes:

8.1.1. Any breach of any section of this By-Law;

8.1.2. Any breach of any section of the Constitution;

8.1.3. Any breach of any section of the NDSLS Code of Conduct;

8.1.4. Any breach of any section of the University Code of Conduct;

8.1.5. Any act, omission or thing that adversely impacts another candidate or candidates;

8.1.6. Any act, omission or thing that is brought to the attention of the Returning Officer, Supervisor and/ or outgoing Executive Committee Member and is determined by all those named in this section, to be conduct serious enough to amount to a breach of the election rules.

8.1.6.1. Example: Discouraging another candidate to run for a certain position on the Committee or discouraging another candidate to run to be a Committee Member altogether.

8.1.6.2 Example: Using any university community platform (including social media) to encourage individuals to vote for them as candidates and the election generally.

PART 9 - AGM QUESTION TIME

9.1. Prior to the new Committee being confirmed, any Member may pose a question to any candidate regarding their suitability for the role.

9.2. Each candidate may be asked up to five (5) questions, received in chronological order.

9.3. In the event that additional questions arise, a motion must be passed with a general majority to allow further questioning

PART 10 - AMENDMENT OF BY-LAW 04

10.1. Amendment

10.1.1. This By-Law may be amended by resolution of the Committee.

PART 11 - LIST OF EDITORS

NAME	POSITION	DATE (FINAL EDIT)	DATE (EDITS PASSED BY COMMITTEE)
Andrew Gouveia	Vice President (2018-19)	05/12/2018	N/A
Paige Gavenlock-Ginns	President (2021-22)		
Olivia Passerini Brooke Nguyen Amy Skinstad Sam Keogh	President (2022-23) Vice President (2022-23) Secretary (2022-23) Treasurer (2022-23)	26/09/2023	N/A