



ELECTION BY-LAWS

1. Authority

1.1. These rules are enacted pursuant to Section 4.13 of the USALSA Inc. Constitution (hereafter referred to as “the Constitution”).

2. Objectives

2.1. To regulate all aspects of conduct relating to elections and by elections;

2.2. To ensure that elections are held fairly and in an equitable manner; and

2.3. To ensure that USALSA Inc. members receive effective representation.

3. Interpretation

3.1. From the time of the appointment of the Returning Officer, until the announcement of election results, interpretation of these rules is the sole responsibility of the Returning Officer. At other times, interpretation of these rules is within the jurisdiction of the USALSA Inc. Election Tribunal.

3.2. Where another rule of USALSA Inc. is inconsistent with these rules, the former shall prevail over the latter to the extent of the inconsistency. The inconsistent rule remains valid for all other purposes.

4. Timetable

4.1. Annual elections to the USALSA Inc. Committee must occur in the academic week preceding the USALSA Inc. Annual General Meeting, as prescribed in Section 35.14 of the Constitution.

4.2. When any position on the USALSA Inc. Committee that requires a by-election becomes vacant, the timing of any by-election to replace that position shall be decided by simple majority vote of the Committee, within a time frame of three weeks.

4.3. If any by-election is held concurrently with the Annual Election, it will be held according to the same timetable as the Annual Election.

5. USALSA Inc. Election Tribunal

5.1. The USALSA Inc. Committee delegates its powers and duties regarding elections to the USALSA Inc. Election Tribunal. The USALSA Inc. Committee shall not overturn any resolution of the Election Tribunal. Any ruling by the Election Tribunal with regard to the Annual Election is conclusive, and may not be challenged or appealed with USALSA Inc.

5.2. The USALSA Inc. Election Tribunal:

5.2.1. Is responsible for the appointment of a Returning Officer.

5.2.2. Is responsible from the time of its appointment, until the appointment of the Returning Officer, for the interpretation of these rules.

5.2.3. Must act in accordance with these rules and the Constitution at all times.

5.2.4. May rule on all matters within its jurisdiction not laid out in these rules or the Constitution.

5.2.5. May, subject to the application of these rules, regulate its own activities.

5.2.6. Has jurisdiction in relation to:

5.2.6.1. The appointment and dismissal of the Returning Officer;

5.2.6.2. A disputed return concerning an election or part of an election;

5.2.6.3. Allegations of misconduct by the Returning Officer;

5.2.6.4. Complaints about the conduct of the election, or allegations of prohibited conduct.

5.2.7. Must decide questions of fact on the balance of probabilities.

5.2.8. May refer disciplinary issues regarding behaviour of students of the University to the appropriate University authorities.

5.3. The Election Tribunal will consist of three members, one of whom must hold an LLB degree or equivalent and has been admitted to practice as a barrister or solicitor of the South Australian Supreme Court for at least three years before their appointment; one academic member of staff; and one student currently enrolled in DBLA or DBLD programs at the University who is not a nominee.

5.4. The Election Tribunal will be appointed by resolution of the Committee.

- 5.5. Quorum for a meeting of the Election Tribunal will be all of its current members.
- 5.6. Rulings of the Election Tribunal shall take place with a simple majority vote of its members.
- 5.7. Proceedings of the Election Tribunal, other than decisions, are confidential. Decisions of the Election Tribunal must be written, and made available for inspection by members of USALSA Inc.
- 5.8. No further student representation shall be allowed at meetings of the Election Tribunal, unless the Tribunal feels it would be unfair or prejudicial to proceed without student representation.
- 5.9. The terms of members of the Election Tribunal are not limited. Tribunal members may continue to act in this capacity unless they resign or are removed by a two-thirds majority of the USALSA Inc. Committee.
- 5.10. If an Election Tribunal member resigns, or is otherwise unable to act, the USALSA Inc. Committee must as soon as practicable appoint another person to that position.
- 5.11. If an Election Tribunal member resigns, or is otherwise unable to act, or if up to two positions on the Tribunal are unable to be filled, the Tribunal will continue to act until such time as new members are appointed.

6. Appointment of the Returning Officer

- 6.1. The Returning Officer must be appointed no later than two (2) weeks before the Annual Elections, or as soon as practicable before a by-election not held in conjunction with the Annual Elections.
- 6.2. A Returning Officer appointed by the USALSA Inc. Election Tribunal has discretion to appoint any staff to assist as they see fit in any matter regarding the election. These appointments may not be repealed.
- 6.3. If at any time less than ten weeks before the Annual Election, the position of Returning Officer is vacant, the USALSA Inc. Committee may appoint a Returning Officer to oversee elections.
- 6.4. The term of the Returning Officer will be from the time of their appointment, until the declaration of results.

7. Responsibilities and Powers of the Returning Officer

- 7.1. The Returning Officer:
- 7.1.1. Is responsible for the conduct of elections;

7.1.2. Is responsible, from the time of their appointment until the announcement of election results, for interpreting these rules;

7.1.3. Must act at all times in accordance with these rules and the Constitution;

7.1.4. May decide on all matters not within the jurisdiction of the Election Tribunal, and not provided for in these rules or the Constitution, provided that they act fairly and do not bring the conduct of the poll into dispute;

7.1.5. May refer disciplinary issues regarding behaviour of students of the University to the appropriate University authorities; and

7.1.6. Must decide questions of fact on the balance of probabilities.

8. Dismissal of the Returning Officer

8.1. The Returning Officer may be dismissed from their position by a simple majority vote of the Election Tribunal, or by a 75% majority vote of the USALSA Inc. Committee. The Election Committee may then appoint another Returning Officer unless the dismissal occurs within ten weeks of the election, in which case the USALSA Inc. Committee may appoint another Returning Officer.

9. Notice of Elections

9.1. The Returning Officer, accompanied by the Executive Director of Administration, must ensure that for Annual Elections, appropriate notice of the elections is given, calling for nominations.

9.2. This notice must include:

9.2.1. A list of positions to be elected;

9.2.2. A brief outline of the responsibilities of each position;

9.2.3. Notification of the time and date that nominations open;

9.2.4. Notification of the time and date nominations close;

9.2.5. Notification of where nomination forms may be obtained; and

9.2.6. Notification of where nomination forms may be lodged.

9.3. Copies of this notice must be placed in the Law School Building, or in any other locations as the Returning Officer sees fit, no less than one week before nominations open.

9.4. When practicable, an e-mail must be sent to all students enrolled in DBLA or DBLD courses communicating the contents of this notice to them.

10. Opening of Nominations

- 10.1. Nominations must open no less than a week before the close of nominations as prescribed in section 35.3 of the Constitution.
- 10.2. For by-elections, nominations must open at least ten days before the conduct of such an election.

11. Eligibility to stand

- 11.1. All students currently enrolled in either a DBLA or DBLD course at the University of South Australia are eligible to stand for election.

12. Form of Nominations

- 12.1. All nominations must be signed by the student nominating, and by one other eligible members of USALSA Inc.
- 12.2. The Returning Officer must ensure that nomination forms are available to all eligible members who request them.

13. Receipt of Nominations

- 13.1. Nominations must be given to the Returning Officer, or any person authorised by the Returning Officer to receive such nominations, before the close of nominations.
- 13.2. The Returning Officer must send the student nominating:
 - 13.2.1. Acknowledgment that their nomination has been received; and
 - 13.2.2. A copy of these rules.
- 13.3. The Returning Officer may not refuse a nomination on the grounds that it is technically incorrect if the student and the intention of the student of which position they are nominating for may be clearly established.

- 13.4. The Returning Officer must not accept a nomination if the person nominating would not be eligible, if elected, to serve on the USALSA Inc. Committee according to the Constitution.
- 13.5. The Returning Officer, or any person authorised by the Returning Officer to receive nominations, must not make available or cause to be made available before the close of nominations, the identity of any persons who have nominated for any position.
- 13.6. As soon as practicable after the close of nominations, the Returning Officer must display a list of all those who have nominated to serve on the USALSA Inc. Committee.

14. Policy Statements

- 14.1. A candidate may submit with their nomination form a policy statement not exceeding two hundred words. If the number of words exceeds this limit, the excess words must not be published, or in any other way made available.
- 14.2. A candidate may submit with their nomination form a photograph of themselves. Neither USALSA Inc. nor the Returning Officer is obliged to return such photographs, and are not responsible for any loss or damage that may occur to them.
- 14.3. These items may be submitted electronically, in a manner approved by the Returning Officer, or in physical form.
- 14.4. All policy statements and photographs must be submitted before the close of nominations.

15. Close of Nominations

- 15.1. For Annual Elections, nominations close at 4:30 pm seven (7) days before the Annual General Meeting. All nominations must be received by the Returning Officer at this time.
- 15.2. For by-elections, nominations close at 4:30 pm six (6) days before the election takes place. All nominations must be received by the Returning Officer at this time.
- 15.3. The Returning Officer may not accept any nominations, policy statements or photographs lodged after this time, unless compelled to do so by 75% of the USALSA Inc. Committee pursuant to section 35.3 of the Constitution.

16. Uncontested Positions

- 16.1. If the number of candidates for any position does not exceed the number to be elected to that position, the Returning Officer must declare those candidates elected as soon as their eligibility has been verified.

17. Ballot Draw

- 17.1. If the number of candidates for any position exceeds the number to be elected to that position, the Returning Officer must, after the close of nominations, determine by random draw the position of those candidates on the ballot.
- 17.2. The draw will occur at a place determined by the Returning Officer, no less than three academic days after the close of nominations.
- 17.3. The draw must take place on an academic day, and in choosing the time and location of the draw, the Returning Officer must take into consideration the availability of students to attend the draw.
- 17.4. Any student may attend the draw.

18. List of Candidates

- 18.1. The Returning Officer must within four days of the close of nominations, place notice of the candidates for election, and the positions they are running for, in the Law School Building.
- 18.2. The Returning Officer must also send an e-mail to USALSA Inc. members informing them of the candidates for election, and the positions they are running for.

19. Permitted Material

- 19.1. Permitted materials include the following:
 - 19.1.1. Posters;
 - 19.1.2. Leaflets;
 - 19.1.3. Clothing;
 - 19.1.4. Badges; and
 - 19.1.5. Any other materials deemed appropriate by the Returning Officer.
- 19.2. The following materials are prohibited at all times:

- 19.2.1. Banners;
- 19.2.2. Any materials distributed in libraries, tutorial rooms or lecture theatres that is not given directly to students by the candidate;
- 19.2.3. E-mails sent to recipients not directly known to the candidate;
- 19.2.4. Chalking and/or marking on any university or USALSA Inc. property; and
- 19.3. No posters may be displayed in the Law Building.
 - 19.3.1. An exception to section 19.3 shall be a single A4 candidate profiles, created and displayed by the Returning Officer
 - 19.3.2. Candidate profiles shall include a brief paragraph written by the candidate and an optional photo, both to be approved by the Returning Officer.
- 19.4. The Returning Officer may make space available, or in any other way control the placement of posters and other materials as they see fit.

20. Authorisation of Material

- 20.1. USALSA Inc. does not indemnify any person for defamation conducted under these rules.
- 20.2. Any material concerning elections conducted under these rules, produced, displayed or distributed after the close of nominations, that either explicitly mentions, or comments visually, literally or figuratively upon other candidates or issues must be approved by the Returning Officer prior to being published, displayed or distributed.
- 20.3. The Returning Officer must not permit material which they deem to be offensive or derogatory.
- 20.4. All material submitted to, and authorised by, the Returning Officer, must have the words "Authorised by the Returning Officer" on every copy made of it.
- 20.5. In a case where material has not been authorised, or where authorization has been withdrawn, has been circulated, the Returning Officer may require that the material be taken down and/or removed by the candidate.
- 20.6. The decisions made by the Returning Officer with regard to the application of these rules are final and not subject to appeal.

21. Voting

- 21.1. All eligible members of USALSA Inc. may vote in Annual Elections or by-elections.
- 21.2. No other persons may vote in elections.
- 21.3. Persons entitled to vote may only do so once. All votes of a student who votes or attempts to vote more than once are invalid.
- 21.4. Elections must be conducted by secret ballot.

22. Ballot Papers

- 22.1. More than one election may be included on one ballot paper.
- 22.2. A candidate's position on the ballot paper must be determined by ballot draw, pursuant to these rules.
- 22.3. Ballot papers may only be distributed from the Reception of the Law School.
- 22.4. The Returning Officer must arrange for the printing of ballot papers.

23. Issuing of Ballot Papers

- 23.1. Before a voter is issued with a ballot paper, the polling clerk must:
 - 23.1.1. Establish the voter is eligible to vote by reference to the rolls;
 - 23.1.2. Obtain the voter's student number and verify it against the rolls;
 - 23.1.3. Check photo identification of the voter; and
 - 23.1.4. Highlight the voter's name and student numbers on the roll.
- 23.2. The student will then be issued with a ballot paper and are eligible to vote.
- 23.3. The student must return the ballot paper to the polling clerk once it has been completed. The polling clerk must then place the ballot paper into the ballot box.
- 23.4. A person who does not provide their student number and photographic identification is not eligible to vote unless they satisfy the Returning Officer of their eligibility.
- 23.5. A person whose name does not appear on the rolls is not eligible to vote unless they satisfy the Returning Officer of their eligibility.

24. Security of Ballot Papers

- 24.1. Ballot boxes may only be opened by the Returning Officer.
- 24.2. Before the commencement of counting, the Returning Officer must designate a secure place for the ballots to be counted. This room is to be kept locked while counting is not taking place. The ballot papers are not to be removed from this room until the announcement of results.
- 24.3. Upon the announcement of results, the Returning Officer must ensure that the ballot papers are safely locked away.

25. Method of Voting

- 25.1. The voting system for all USALSA elections shall be the optional preferential system.
 - 25.1.1. Voters may vote for as many or as few candidates in order of preference.
 - 25.1.2. Ballots are counted according to first preference votes, subject to the special provisions relating to the election of candidates to positions of multiple officers in the section of these rules pertaining to the same.
 - 25.1.3. The votes of the candidate with the lowest number of first preference votes will be eliminated and their votes distributed according to second preference votes and so on, to remaining candidates.
 - 25.1.4. If more than one candidate obtains an equal number of votes at any stage of the count and a determination must be made to eliminate a candidate who has not yet obtained a majority of votes, the Returning Officer shall toss a coin to determine which candidate shall be eliminated from the count.
 - 25.1.5. The candidate with the majority of formal votes shall be declared elected.

26. Counting of Votes

- 26.1. The Returning Officer must commence counting of ballots as soon as practicable after the close of the poll.

26.2. The only persons who may count the ballots are the Returning Officer and persons who the Returning Officers deems fit to assist in the counting of the ballots.

26.2.1. A nominee may not assist in the counting of the votes.

26.3. No other persons are authorised to take part in, or assist with, the counting of ballot papers.

26.4. The Returning Officer may expel any person they consider to be interfering with the count or not assisting with counting from the room.

27. Scrutineers

27.1. Candidates may nominate scrutineers to observe the vote counting process.

27.2. Scrutineers must be members of USALSA Inc. eligible to vote.

27.3. A candidate may act as a scrutineer for another candidate in a position which they have not nominated for.

28. Declaration of results

28.1. The candidates will be notified of the election results at the close of the AGM.

28.2. The Returning Officer must also, as soon as is practicable, place notice of the results in the Law School Building, and send an e-mail to USALSA Inc. members informing them of the results.