

ELECTION POLICY

Responsible Officer:	Chief Executive Officer
Approved By:	Board of Management
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1. Background

The Tasmanian University Union, trading as the Tasmanian University Student Association (TUSA) holds annual student representative elections in semester 2 each year to elect positions on State Council for the following year as per the TUSA Constitution. This election and any by-election held to fill vacancies during the year, are normally conducted by an on-line ballot system with a provider such as BigPulse which has an arrangement with UTAS.

2. Objective

The objective of this policy is to:

- Provide a framework to ensure a fair and equitable election for all candidates, irrespective of their decision to run as part of a ticket or independently, and their conditions of access to financial and other resources to assist with campaigning.
- Communicate clearly to candidates and their campaigners, election rules and consequences for breaching these rules.

3. Scope

This policy applies to:

- a. TUSA State Council candidates, scrutineers and their campaigners;
- b. Candidates, scrutineers and campaigners in other elections approved by the TUSA Board of Management to be held in conjunction with TUSA elections;
- c. Currently enrolled University of Tasmania students; and
- d. TUSA election officers during the running of annual State Council elections and any subsequent by-elections.

4. Election Officers

The TUSA Board of Management shall appoint the following:

- a. Returning Officer
 - may be internally appointed as per the TUSA Constitution or outsourced.
 - the returning officer shall exercise their functions and powers (and are limited by) the provisions stated in Division 3 of the Electoral Act 2004. The role requires the returning officer to accept nominations and conduct the ballot in accordance with the TUSA Constitution
- b. TUSA Electoral Officer
 - Chair of TUSA Election Tribunal

- c. TUSA Election Tribunal
 - Appointed to receive complaints, investigate alleged breaches of electoral rules and determine appropriate disciplinary action.
 - Shall consist of TUSA Electoral Officer, TUSA Assistant Electoral Officer, and at least one other from a pool of appropriately skilled persons approved by the TUSA Board of Management.
 - members of the tribunal selected to hear any particular complaint must declare any conflict of interest, in which case an alternate member of the tribunal pool will be selected to hear the complaint.

5. Election Procedures

Reference should be made to the TUSA Constitution Part V for election procedures including the following:

- a. State Council positions;
- b. Commission for elections;
- c. Returning Officer;
- d. Eligibility of candidates and voters;
- e. Nominations;
- f. Conduct of Ballot;
- g. Scrutineers;
- h. Determination of election result; and
- i. Casual vacancies, recounts and By-elections;

6. Election Rules

Candidates, campaigners, scrutineers and voters must follow directions given by the Returning Officer, TUSA Electoral Officer or TUSA Election Tribunal at all times. Failure to do this may result in penalties being imposed.

6.1 Electoral Material

All electoral material must comply with the following:

- a. any electoral material (print and digital) to be published or distributed must be authorised, including the name and student ID number or UTAS email address for the candidate or their agent.
- b. authorised material shall:
 - i. be clearly stamped with the TUSA watermark/stamp by a TUSA staff member; or

- ii. receive approval in writing from the TUSA Electoral Officer or the TUSA Assistant Electoral Officer.
- c. A candidate may appoint a person as their agent either on the nomination form, or by providing a written letter of appointment that:
 - iii. is signed by the candidate; and
 - iv. states the name of the person to be appointed.
- d. A candidate may only have one person appointed as their agent at any one time.

6.2 Posters

Posters must specifically comply with the following requirements:

- a. Maximum size A3;
- b. Must be stamped by TUSA ;
- c. Only place on allocated TUSA notice boards (as advised by TUSA staff), or other UTAS authorised locations requested by the candidate;
- d. Correct method of adhesion must be used (as advised by TUSA staff);
- e. Do not cover other candidates posters, remove them or deface them; and
- f. Posters must be removed immediately after the election, or at the request of the TUSA Electoral Officer.

6.3 Campaigning

All campaigning by candidates and candidates' supporters must comply with the following:

- a. Campaigning is not permitted within lecture theatres, computer labs, classrooms or libraries without express permission from the person in charge of that area;
- b. Do not make defamatory remarks about other candidates;
- c. Do not use photos of other candidates or students without owner's permission;
- d. Do not make comments about other candidates without their permission;
- e. All campaigning material must be factual and able to be proven;
- f. No bulk emails that contravene the University of Tasmania Privacy Policy (ie email addresses cannot be used for any purpose other than the purpose for which they were collected without the consent of the student);
- g. No bullying or harassment of other candidates or voters;
- h. No TUSA resources are permitted to be used by candidates, including the TUSA logo, with the exception of TUSA resources offered to all candidates by the TUSA for election purposes;

- i. No campaigning at TUSA events, including the wearing of campaigning clothing with the exception of any specific election event organised by the TUSA;
- j. Permitting or authorising the printing, publishing or distribution of electoral material (print or digital) that has the capacity to mislead or deceive an elector in relation to recording his or her vote is prohibited;
- k. Any attempt to influence the vote of an elector or the results by way of bribery, intimidation, coercion, misinformation or other corrupt practices is prohibited. This includes elector gift giving and food/refreshments for voters;
- l. An organisation, person or party other than a candidate or the group of candidates that candidate is a part of, may not incur expenditure to promote or procure the election of a candidate, except where the TUSA may incur expenditure to offer support to all candidates;
- m. Only UTAS students permitted to campaign on behalf of candidates;
- n. All candidates and campaigners must clearly display their current UTAS student ID card in a lanyard provided by the TUSA while campaigning;
- o. All candidates including current student representatives seeking re-election, may in their capacity as a candidate communicate with the media; and
- p. All UTAS/TUSA policies must be adhered to.

6.4 Other Offences

The following acts are generally prohibited:

- a. permitting or authorising the printing, publishing or distribution of electoral material (print or digital) that has the capacity to mislead or deceive an elector in relation to recording his or her vote;
- b. breaching the rules and policies of the University of Tasmania while campaigning; and
- c. breaching the rules and policies of the TUSA while campaigning, except where specifically allowable under this Policy.

6.5 TUSA Responsibilities

The TUSA undertakes to perform the following during the election period:

- a. Advertise the timeline and locations for nominations and polling, including a bulk email to all UTAS students;
- b. Provide all relevant election forms and information on the TUSA website prior to nominations opening;
- c. Provide events on main campuses (if safe and practicable) to promote the election and allow candidates to engage with voters;
- d. Provide clear voting instructions and candidate statements;

- e. Enforce election rules and investigate allegations of breaches in a timely manner;
- f. Publish the results of the election on the TUSA website for a minimum of two weeks following the declaration of the polls; and
- g. Conduct a post-election feedback survey provided to all candidates and any voters who wish to participate.

7. Candidate Eligibility

To be eligible to be a candidate, students must adhere to the following:

- a. Role related eligibility criteria as per the position descriptions for each position.
- b. Valid enrolment under Clause 18.1 of the UTAS Student Participation and Attainment Ordinance.
- c. Good academic and conduct standing - Students must not be currently personally subject to any proceeding under a UTAS Ordinance for Student Behaviour and Conduct, or where the students' conduct has been determined to be misconduct or serious misconduct in accordance with such an Ordinance on Student Behaviour and Conduct. Unsuitable conduct also includes where the student has been charged with a serious criminal offence, until the charge or charges have been finalised, or has been convicted of a serious criminal offence.

8. Voter Eligibility

To be eligible to vote, students must adhere to the following:

- a. Valid enrolment under Clause 18.1 of the UTAS Student Participation and Attainment Ordinance, with the exception of the requirement for students to have met all financial obligations for fees, penalties and charges – students may be permitted to vote in the event of outstanding fees, penalties and charges.
- b. Good conduct standing - Students must not be currently personally subject to any proceeding under a UTAS Ordinance for Student Behaviour and Conduct, or where the students' conduct has been determined to be misconduct or serious misconduct in accordance with such an Ordinance on Student Behaviour and Conduct. Unsuitable conduct also includes where the student has been charged with a serious criminal offence, until the charge or charges have been finalised, or has been convicted of a serious criminal offence.

9. Complaints

Complaints regarding conduct during campaigning or alleged breaches of election rules should be directed to the TUSA Electoral Officer as chair of the Election Tribunal who may issue, or delegate authority to a member of the Election Tribunal to issue an

initial warning to a candidate who breaches election rules. Repeat breaches or more serious breaches will be referred to the TUSA Election Tribunal for investigation, and if deemed necessary, appropriate penalties.

All complaints should be lodged with the TUSA Electoral Officer at TUSA.elections@utas.edu.au and must be:

- a. in writing;
- b. state specific election rules breached;
- c. concise statement of the facts;
- d. supported by evidence of the breach;
- e. lodged before the declaration of the poll; and
- f. not be frivolous or vexatious.

10. Consequences of Breaches

Penalties that may be imposed for the breach of any election rule will be determined by the TUSA Electoral Tribunal, and may include the following depending on seriousness of the breach:

- a. Official warning;
- b. Suspend candidate from campaigning for a period of time determined by the tribunal;
- c. Disqualify candidate from the election; or
- d. Disqualify candidate from being elected if election results already declared.

Candidates are responsible for the actions of any students authorised to campaign on their behalf. Any breach of an election rule that is applicable to a nominated election ticket, may result in penalties for all candidates nominated as members of that ticket.

11. Appeal Process

A candidate may appeal a penalty imposed by the TUSA Election Tribunal. Appeals will be heard by the TUSA Board of Management, and should be forwarded to the secretary of the Board of Management and must be:

- a. in writing;
- b. state specific election rules breached;
- c. state penalty imposed;
- d. provide grounds for appeal;
- e. provide supporting evidence for appeal; and
- f. lodged within 24 hours of notification of penalty.

The appeal will be considered by the Board of Management and candidate advised of the decision, within 48 hours of the appeal being received.

12. Review

This policy will be reviewed annually, or as needed, by the General Manager. Any amendments deemed necessary will be approved by the TUSA Board of Management.

13. Versioning

TITLE	PARA. AMENDED	BOM APPROVAL DATE
Policy approval		10/09/2015
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