

**ELECTORAL REGULATIONS OF THE  
AUSTRALIAN NATIONAL UNIVERSITY LAW STUDENTS' SOCIETY  
(INCORPORATED)**

As at 19 September 2020

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## **1 Name**

1.1 The name of the Electoral Regulations of the Australian National University (ANU) Law

Students' Society (Incorporated) is hereafter referred to as "the Regulations".

## **2 Interpretation**

2.1 In the Guidelines, unless a contrary intention appears:

2.1.1 College means the ANU College of Law;

2.1.2 Committee means the elected and appointed members of the Society responsible for the carrying out the objects of the Society;

2.1.3 Constitution means the Constitution of the Australian National University (ANU) Law Students' Society (Incorporated);

2.1.4 Executive means the elected President and Vice-Presidents of the Society responsible for the management of the Society;

2.1.5 Society means the Australian National University (ANU) Law Students' Society (Incorporated); and

2.1.6 University means the Australian National University.

2.2 These Regulations aim to:

2.2.1 Promote equitable, fair, and just elections;

2.2.2 Provide for a complaints and appeals process; and

2.2.3 Complement the substantive provisions relating to elections in Section 20 of the Constitution.

2.3 These Regulations are subject to any directions regarding the conduct of elections provided for in Section 20 of the Constitution.

## **3 Candidacy**

3.1 Candidates must first contact the relevant Vice-President or the President to be eligible.

3.1.1 Such candidates must declare on the nomination form that they have contacted and received advice from the relevant Vice-President or the President for the purpose of this section.

3.2 Candidates must be both a Paid and Voting member of the Society at the time of nomination, as per Section 12.4 of the Constitution.

## **4 Conduct of Campaigners**

### 4.1 No candidate may:

4.1.1 Set up polling stations. A polling station is defined as providing a physical mechanism to facilitate voting, such as providing your laptop to someone with the express purpose of them voting for you in the election.

4.1.2 Advertise, in the context of the election, any comments, remarks or insinuations designed to vilify or slander another candidate.

4.1.3 Make any comments, remarks or insinuations expressly recommending voters not to vote for another candidate. This does not include self-promotion, for example, asking voters to place you as first preference.

4.1.4 Candidates must not give money or give or sell food, drink, drugs, clothing, stickers, badges or any material which, in the opinion of the Returning Officer, is designed to promote their candidacy.

4.2 Candidates must not cause or encourage a non-candidate to act in a manner inconsistent with Regulation 4.1.

### 4.3 No candidate may:

4.3.1 Place advertising material around the College or associated areas without the express permission of the College.

4.3.2 Campaign during any lecture, tutorial, seminar or class conducted by the College; or any other area or time as designated by the Returning Officer.

### 4.4 No candidate may run on a ticket.

4.4.1 A ticket is defined as more than one (1) candidate running under an express common name or organising co-promotion for the purposes of the election.

4.4.2 Candidates may not make any reference to any other candidate for the purposes of the election in published material.

## **5 Candidate Statements**

5.1 The Returning Officer must request the submission of a Candidate Statement and a high-quality

headshot photograph from every candidate standing for election.

5.1.1 If a candidate is standing for election for more than one position, a Candidate Statement must be provided for each position.

5.1.2 The Returning Officer may request the submission of a Candidate Statement and a high-quality headshot photograph from every candidate as part of the nomination form.

5.1.3 Should the Returning Officer not request the submission of a Candidate Statement and a high-quality headshot photograph from every candidate as part of the nomination form, the request must be sent as soon as practicable after the close of nominations.

5.2 All candidates contesting for an Executive position must provide to the Returning Officer, when requested pursuant to Regulation 5.1, a written statement that:

5.2.1 does not exceed 200 words;

5.2.2 includes, but is not limited to, relevant experience and policy; and

5.2.3 does not expressly or impliedly refer to any other candidate standing for election.

5.3 The Returning Officer is to publish all Executive position Candidate Statements on:

5.3.1 the Society's website;

5.3.2 the Society's main Facebook page (defined so in the Society's Social Media & Publications Guidelines); and

5.3.3 any Facebook event created by the Society for the purpose of advertising the election.

5.4 All candidates contesting for a Committee position must provide to the Returning Officer, when requested pursuant to Regulation 5.1, a written statement that:

5.4.1 does not exceed 150 words;

5.4.2 includes, but is not limited to, relevant experience and policy; and

5.4.3 does not expressly or impliedly refer to any other candidate standing for election.

5.5 The Returning Officer shall not publish any material which, in the opinion of the Returning Officer, is, or could be perceived, as being defamatory, discriminatory, derogatory, or in breach of these Regulations. The Returning Officer is not obliged to inform a candidate that such a determination has been made.

## 6 Vote Incentives

6.1 Candidates must not give money or give or sell food, drink, drugs, clothing, stickers, badges, or any material which, in the opinion of the Returning Officer, is designed to promote their candidacy.

6.2 Candidates must not cause or encourage a non-candidate to give money or give or sell food, drink, drugs, clothing, stickers, badges, or any material which, in the opinion of the Returning Officer, is designed to promote their candidacy.

## **7 Effect of breach of these Regulations**

7.1 The Returning Officer shall determine whether, in their opinion, any conduct has breached these Regulations.

7.2 Where the Returning Officer determines that a contravention has occurred, the consequence shall be:

7.2.1 the disqualification of the breaching candidate; or

7.2.2 a warning given to the candidate; or

7.2.3 any other penalty or outcome the Returning Officer seems appropriate.

7.3 If the Returning Officer determines that a contravention has occurred, he or she shall notify the person held to have contravened these Regulations, the President, and the Vice-President (Administration) (if they are not acting as the Returning Officer), as soon as is convenient.

## **8 Appeal Process**

8.1 Candidates may appeal any decision of the Returning Officer in relation to breach of these Regulations by written notice submitted to the President.

8.1.1 Candidates may appeal a decision of the Returning Officer in issuing a sanction against them.

8.1.2 Candidates may appeal on the basis of the Returning Officer not making a decision which, in their opinion, adversely impacted their chance of election.

8.1.3 A member of the Society may appeal to President a decision of the Returning Officer in issuing a sanction where they were affected by a contravention of these Regulations.

8.1.3.1 Such a contravention may be by a Candidate, the Returning Officer, or a delegate of the Returning Officer.

8.2 Application to appeal must be made to the President within 24 hours of the candidate or member believing these Regulations have been breached.

8.2.1 An application to appeal under Regulation 8.1 is to be made by email.

8.3 Appeals are to be made to an Appeal Committee, on a full merits review basis, made up of any three (3) of the following:

8.3.1 no more than one (1) current member of the Executive not standing for election; or

8.3.2 a past member of the Executive; or

8.3.3 the Immediate Past President of the Society; or

8.3.4 one (1) member of the College academic staff; or

8.3.5 one (1) past Committee member currently registered as a legal professional in the ACT or NSW or admitted to practice before the High Court of Australia.

8.4 The Appeal Committee shall sit as soon as is reasonably possible after an appeal has been lodged.

8.4.1 If the Appeal Committee cannot sit before the voting for the election is scheduled to be held, the voting is to be delayed until the Appeal Committee makes a decision.

8.4.2 The Returning Officer is to advise of the delay in voting and when the voting will commence as is reasonably possible.

8.5 On appeal, the Appeal Committee 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 appeal.

8.6 The Returning Officer must be able to be present at a meeting of the Appeal Committee and/or be able to make a submission to the Appeal Committee.

8.7 Where an appeal is granted, the Appeal Committee, after taking submissions from the Returning Officer and the person lodging the appeal, shall determine the appropriate remedy. Such a determination is not subject to appeal.

8.8 In the event that the incumbent President is also a candidate in the election, procedures involving the President under Regulation 8 will be directed to the Immediate Past President.

8.8.1 In the event that the Immediate Past President is justifiably unavailable, procedures involving the President under Regulation 8 will be directed to a current member of the Executive not standing for election. The relevant person will be determined by a simple majority resolution of the current Executive, excluding those standing for election or serving as Returning Officer.