

## 2022 BUSA ELECTION BY-LAWS

Any queries regarding these by-laws must be emailed to the President of the Bond University Student Association Inc. and Chair of the Electoral Sub-Committee, Josiah Neal, at [president.busa@bond.edu.au](mailto:president.busa@bond.edu.au).

The following Election By-Laws have been made by the Management Committee of the Bond University Student Association pursuant to Clause 24.1 of the Constitution of the Bond University Student Association Inc.

### Definitions:

In these By-Laws, unless where otherwise indicated:

*Candidate* means a student nominated and standing for election of a position on the BUSA Management Committee 2022-23 Reference to the singular includes the plural and vice versa.

*Candidates' Meeting* refers to the meeting held by the Chair of the Electoral Sub-Committee on Monday Week 1 of Semester 223.

*Campaign Days* refers to the days of on-campus campaigning in Week 2 of Semester 223.

*Campaign Suspension* refers to disciplinary action taken by the Electoral Sub-Committee against a Candidate whereby the Candidate may not actively campaign or be involved in the campaign process at all, for the specified time period, in accordance with the relevant penalty unit(s) issued.

*Constitution* refers to the Constitution of the Bond University Student Association Inc.

*Election* refers to the election of the BUSA Management Committee 2022-23.

*Electoral Officer* means an independent person selected by the Electoral Sub-Committee who is not a current student of Bond University. This may include staff or alumni and will be announced at the Candidates' Briefing.

*Election Period* means the period from the Candidates' Debate in Week 1 to the close of voting in Week 2.

*Election Promotions Policy* refers to Appendix A of these By-Laws.

*Mature Age Student* means a student over the age of 25 as of the close of nominations.

*Penalty Unit* is a time period of thirty (30) minutes to which a Campaign Suspension is enforced. A penalty unit is measured by the Electoral Sub-Committee.

*Promotional Activities* refer to any methods of promotion of a Candidate including any communication referring to the Election made by any Candidate or for the benefit of any Candidate.

*Promotional Material* refers to any communication intended to promote a Candidate for the purpose of the Election.

*Sponsorship* includes any cash or in kind donations provided by another entity, or exchanges made between a Candidate and another entity.

*Student Association* refers to the Management Committee of the Bond University Student Association Inc.

## 1. Governing Rules

- a. The Election of the BUSA Management Committee 2022-23, including nomination of Candidates, campaigning, voting, counting of votes, announcement of the committee and any other function pertaining to the election, shall be governed by the Student Association Constitution, these By-Laws, and any decision made by the Electoral Sub-Committee.
- b. These By-Laws are subject to the interpretation of the Electoral Sub-Committee.

## 2. Electoral Sub-Committee

- a. The Electoral Sub-Committee for 2022 will be:
  - i. Mr Josiah Neal (Chair),
  - ii. Miss Paige Prieditis, and
  - iii. Miss Annabel Smyth.
- b. Decisions of the Electoral Sub-Committee must be decided by a simple majority vote.
- c. All decisions of the Electoral Sub-Committee are final and binding upon all parties, subject to the review clauses below.

## 3. Electoral Pod System

- a. Candidates are permitted to run independently or in a complete or partial pod of the following divisions:

### Senior Executive:

- President
- Secretary
- Treasurer

### Education:

- Vice-President (Education)
- Wellness Director
- First Nations Director
- International Director
- Postgraduate Director

### Representation:

- Vice-President (Representation)
- Inclusion Director

### Recreation:

- Vice-President (Recreation)
- Social Director
- Clubs and Societies Director
- Clubs and Finance Liaison

### Sport:

- Vice-President (Sport)
- Sporting Events Director
- Sporting Clubs Liaison

### Administration and Communication:

- External Relations Director
- Marketing Director
- Publications Director

- b. Candidates cannot affiliate with a Candidate outside of their Electoral Pod. For the purpose of this subdivision, a Candidate will be deemed to affiliate if they explicitly or implicitly suggest an alliance or campaigning relationship between Candidates. This includes conducting promotional activities and the distribution of promotional material.
- c. In the event that no nominations are received for any of the positions above, that position will be filled by the incoming Management Committee in accordance with the Constitution.

## 4. Nominations

- a. Nominations for candidates open 6pm Wednesday July 27 2022 (Week 11, Semester 222) and close 6pm Wednesday 7 September 2022 (Orientation Week, Semester 223).

b. Nomination forms are accepted only in the form of Appendix 2 emailed to president.busa@bond.edu.au

### **5. Candidates' Briefing**

a. The Candidates' Briefing will be held on Monday 12 September 2022 (Week 1, Semester 223) at Bond University. All Candidates must attend the Candidates' Briefing.

b. If a Candidate is unable to attend the Candidates' Briefing for a legitimate reason, notice must be given to the Chair of the Electoral Sub-Committee at least 1 business day prior to the commencement of the Candidates' Briefing.

### **6. President's Debate**

a. A President's Debate for all Candidates will be held on Wednesday of Week 1 of Semester 223.

b. If a Candidate is unable to attend the President's Debate for a legitimate reason, notice must be given to the Chair of the Electoral Sub-Committee at least 1 business day prior to the commencement of the Candidates' Briefing.

### **7. Promotional Activities**

a. All Candidates must abide by the Election Promotions Policy as determined by the Electoral Sub-Committee in Appendix 1.

b. No promotional activities are to be conducted before the conclusion of the Candidates' Briefing.

c. No Candidate is to defame a Bond University staff member, Bond University student and/or another Candidate.

d. No promotional activities are to purport to have the support of the University, University Administration, a University Faculty, Office or Department, or the Student Association or any of its affiliated bodies.

e. No Candidate is to vandalise Bond University property, or any other property of any Bond University staff member or Bond University student.

f. Candidates must behave in a manner that is consistent with honest and fair competition and not alter any promotional materials of any other candidate.

g. No Candidate or representative of a Candidate may offer:

- i. Alcohol; or
- ii. Promotional material related to alcohol; or
- iii. Promotional material related to nightclubs, bars and taverns.

h. No representative of an organisation that is providing sponsorship for a Candidate may have a physical presence on the Bond University campus that is in any way related to the promotion of that Candidate during the election period.

i. Candidates are obliged to encourage supporters and representatives to uphold the spirit of campaigning and general rules provided for in these by-laws.

### **8. Complaints Procedure**

a. Complaints against a Candidate must be made in writing to the Chair of the Electoral Sub-Committee, Josiah Neal, at president.busa@bond.edu.au

b. The Electoral Sub-Committee will acknowledge the receipt of a complaint as soon as is practicable.

c. The Electoral Sub-Committee must then investigate and if necessary, convene a meeting to respond to a complaint within 1 business day of the receipt of complaint.

## **9. Disciplinary Measures**

a. In the event that any Candidate is deemed by the Electoral Sub-Committee to be in breach of these By-Laws, the Electoral Sub-Committee has the power to take disciplinary actions against a Candidate.

b. Without limiting the range of orders available to the Electoral Sub-Committee under this section, upon a finding of misconduct or breach of these By-Laws, the Electoral Sub-Committee may:

- i. Issue a Candidate with a written warning;
- ii. Issue a Campaign Suspension not exceeding 5 Penalty Units
- iii. Issue an order to remove certain promotional materials;
- iv. Order the disqualification of a Candidate from the election;
- v. Refer a matter to the Registrar;
- vi. Issue an all student notification; or
- vii. Any other action that the Electoral Sub-Committee deems appropriate in the circumstance.

c. An order under the above must be given to the offending Candidate and specify in writing:

- i. The alleged misconduct or breach of the By-Laws;
- ii. When the misconduct occurred; and
- iii. The nature of the disciplinary action.

d. Disciplinary action may be taken by the Electoral Sub-Committee upon a finding of misconduct, regardless of whether the Electoral Sub-Committee has received a complaint.

e. The Electoral Sub-Committee will not be bound by legal rules of evidence.

f. Each decision made by the Electoral Sub-Committee regarding these disciplinary measures shall be made on a case-by-case basis.

g. The Chair must keep a record of the proceedings of each case containing a fair summary of the evidence submitted to, or obtained by the committee and other minutes of its proceedings necessary to show fairly the way in which it conducted the inquiry.

h. As soon as practicable after the Electoral Sub-Committee has reached a decision, it must communicate the decision to the offending Candidate(s).

i. Decisions of the Electoral Sub-Committee may be appealed in accordance with the review provisions below.

## **10. Election of the BUSA Management Committee 2022-23**

a. The election of each position will be determined by a 'first-past-the-post' voting system (i.e., the candidate with the greatest numbers of votes wins).

b. The ordering on the ballot paper will be determined randomly by the Electoral Sub-Committee at the Candidates' Briefing.

c. Voting will take place during Weeks 1-2 of semester 223 and will close on Thursday 22 September at 12pm.

d. Voting will be conducted via an electronic token provided by the Electoral Sub-Committee to all students. This token will serve as the ballot paper and be limited to one completion per Student Identification Number.

e. Votes will be collated automatically at the close of polling on Thursday and provided to the Scrutinising Electoral Officer for checking and final confirmation before release to the Returning Electoral Officer.

- i. All result statistics are confidential to the Electoral Officer
- ii. Only the voting results for the winning candidates will be released at the Annual General Meeting
- iii. Losing candidates can access results via written request to the Returning Electoral Officer

f. In the event that two or more Candidates obtain an equal number of votes, the ultimate victor will be determined in a By-Election to be held in Week 3 of Semester 223. Regulations and By-Laws regarding such a By-Election will be at the sole discretion of the Electoral Sub-Committee.

g. Subject to the above By-Law, the announcement of the BUSA Management Committee 2022-23 occur at the Student Gala.

#### **11. Effect of By-Laws**

a. These By-Laws are to be deemed effective on release; however, any breaches of the By-Laws prior to these By-Laws coming into effect may be acted upon as the Electoral Sub-Committee deems appropriate.

b. A Candidate shall have a right of appeal against any determination made under the Constitution or these By-Laws to the Electoral Officer. Such an appeal must be lodged in writing with the Chair of the Electoral Sub-Committee within two hours of that decision being communicated to the Candidate.

c. A Candidate may appeal the decision of the Electoral Officers to the University Registrar. Such an appeal must be lodged in writing to the Chair of the Electoral Sub-Committee within two hours of the decision of the Electoral Officer being communicated to the Candidate. Such an appeal can only be made after unsuccessfully appealing to the Electoral Officer under Clause 8(i).

d. If a Candidate is unable to stand in the election due to disqualification, however, successfully appeals their disqualification, a By-Election conducted by the Electoral Sub-Committee will be held for the contested position at a time determined by the Electoral Sub-Committee.

## **Appendix 1: Promotions Policy and Permissible Campaigning Activities**

- a. This Appendix outlines the promotions policy as determined by the Electoral Sub-Committee.
- b. Lists in this appendix are not intended to be exhaustive.
- c. All promotional activities and items must be approved by the Electoral Sub-Committee before being distributed or used as a promotional tool by any candidates or their representatives.
- d. Any candidate who breaches this policy may face disciplinary action in accordance with the By-Laws.
- e. The Electoral Sub-Committee may, at any time, prohibit any promotional activity or item regardless of the rules contained in this policy, and the candidate may be required to remove the effect of this promotional activity or item in the manner prescribed by the Electoral Sub-Committee.

### **Expressly Prohibited**

- a. The following activities and items are to be taken as being prohibited and will under no circumstances be approved by the Electoral Sub-Committee:
  - i. Res drops;
  - ii. The use of pens or markers to write on another person's body or clothes;
  - iii. Unsolicited emails (including: Service Desk moderated emails, non-candidates Facebook groups and spam emails); and
  - iv. Any other promotional activities prohibited by the Electoral Sub-Committee.
  - v. Any promotional materials of more than \$100 per individual or more than \$400 per pod. Receipts must be provided upon request.

### **BUSA-Provided Promotions**

- a. Provided that the materials are emailed to busa@bond.edu.au before the Candidates' Briefing on Monday 12 September, BUSA will provide candidates the following promotions:
  - i. A stall at the physical campaigning locations explained in the Candidates' Briefing
  - ii. The name of each candidate, short bio of up to 200 words and a professional headshot to be used on the electronic ballot
- b. Otherwise, Candidates are solely responsible for all other promotions including, but not limited to: t-shirts, additional posters, hand-outs, how-to-vote cards, merchandise, wristbands, websites and social media pages.

## Appendix 2: Nomination Form

Nominee Details	
Full name of person nominated ("Nominee"):	
Nomination for the position of:	
Nominee's Student ID Number:	
Nominee's Date of Birth:	
Nominee's Phone Number:	
If nominating as part of a Pod, my Pod name is:	
<b>Pod Details (complete if nominating in a full or partial pod)</b>	
NOTE: All pod members must complete a separate nomination form	
Pod Member 1: Full name	
Pod Member 1: Position nominated for	
Pod Member 2: Full name	
Pod Member 2: Position nominated for	
Pod Member 3: Full name	
Pod Member 3: Position nominated for	

I certify that all information supplied on this form is correct and I agree that I have read and understand the Electoral By-Laws.

Further, by signing below, I accept:

- To be bound by BUSA's Constitution and Electoral By-Laws
- I am required to attend the Candidates' Briefing and President's Debate
- I may only be nominated for one position on the BUSA Management Committee 2022-2023

I also affirm that at 5 October 2022, I will be:

- 18 years of age
- A full-degree seeking student
- Enrolled until Semester 233
- A financial member of BUSA

Signature:

Date:

Nominations must be returned to the Chair of the Electoral Sub-Committee by 6pm AEST on Wednesday 7 September 2022. Nominations must be returned via email to [president.busa@bond.edu.au](mailto:president.busa@bond.edu.au).