

AUSTRALIAN COLLEGIATE ESPORTS INC.

ELECTION REGULATIONS

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PART 1 — PRELIMINARY

1 Authority

- (1) These regulations are made as a schedule to the Constitution of Australian Collegiate Esports Inc. (the **Association**)
- (2) These regulations are made under rule 70(2) of the Association constitution.

2 Application

- (a) These regulations apply to all elections held under Part 5, Division 4 of the association Constitution.
- (b) These regulations govern the manner in which Association elections should be conducted.

3 Amendment & Repeal

- (1) These regulations may be amended by a resolution of the Executive, passed by an absolute majority of the Executive voting in favour.
- (2) These regulations cannot not be amended less than 1 month prior to the opening of nominations for an election, or less than 1 month prior to the result of an election being declared, as per rule 73B(4) of the association Constitution.
- (3) The mechanism and restrictions for repealing these regulations are the same as those for amending these regulations.

4 Definitions & Interpretation

For the purposes of these regulations, unless contrary intention appears, terms have the same meaning as they do in the Association constitution.

PART 2 — ELECTIONS

5 Timing

- (1) The annual elections date must be no earlier than the 15th of August and no later than the 31st of October each year.
- (2) A by-election may be held any time during the year at the discretion of the Executive and subject to the Association constitution.

6 Appointment of Returning Officer

- (1) The Executive must appoint the Returning Officer no less than 6 weeks before the annual elections.
- (2) The Returning Officer for by-elections is the Secretary, unless the Executive resolves otherwise no less than 14 days prior to the by-election.
- (3) A temporary Returning Officer may be appointed while the appointment of a Returning Officer is finalised, however, an official Returning Officer must be appointed prior to the opening of nominations.

- (4) A person appointed as a Returning Officer must not for any election in which they are the Returning Officer—
 - (a) be a candidate;
 - (b) vote;
 - (c) endorse a candidate; or
 - (d) treat any candidate unfairly.
- (5) In the event that the Returning Officer resigns or is unable to act, the Executive must appoint a new Returning Officer as soon as practicable.
- (6) Other than under subclause (5), the Returning Officer may only be removed by absolute majority of the Executive, and cannot be removed after nominations have closed for the election until that election has concluded.

7 Responsibilities of Returning Officer

- (1) The Returning Officer—
 - (a) is responsible for the conduct of the election;
 - (b) must maintain a web page (“**election website**”) containing information required to be posted there under these regulations;
 - (c) may decide all matters not provided for in the Association constitution or these regulations; and
 - (d) is subject only to the Electoral Tribunal.
- (2) Any decision of the Returning Officer may be appealed to the Electoral Tribunal.
- (3) The Secretary must provide the facilities, resources and assistance necessary to enable the Returning Officer to carry out their responsibilities under these regulations.
- (4) The Returning Officer must, within 30 days of the close of polling, prepare a written report on the conduct of the elections and the results, and provide the report to the Executive. The report must contain—
 - (a) the results of the election;
 - (b) details of the conduct of the election;
 - (c) any recommendations of the Returning Officer;
 - (d) a summary of complaints and rulings made over the election period; and
 - (e) any other information the Returning Officer deems appropriate to be included.
- (5) The report must be submitted to the next General Meeting of Members by the Executive.

8 Deputies & Assistants to the Returning Officer

- (1) The Returning Officer may appoint and remove Deputy and Assistant Returning Officers to assist with the process of the election.
- (2) Any person appointed as a Deputy or Assistant Returning Officer must not be ineligible to be appointed as the Returning Officer.
- (3) Deputy and Assistant Returning Officers are subject to the direction of the Returning Officer.
- (4) The Returning Officer may delegate duties to Assistant and Deputy Returning Officers.

9 Electoral Roll

- (1) The Returning Officer must request a list of eligible voters, their contact information and their membership status and class if applicable, for the elections over which they will preside from the Secretary.
- (2) Using the information acquired under clause (1), the Returning Officer must email all eligible voters who are not members a registration link which shall close 72 hours prior to the opening of polling.
- (3) Voters who register via the registration link, and voters who are also members of the Association shall make up the Electoral Roll.
- (4) The Returning officer shall email all people on the Electoral Roll a secure voting link.

10 Opening of Nominations

For all elections, nominations open once the Notice of Election is given under clause 11.

11 Notice of Election

- (1) The Returning Officer must request the contact information for the following people & groups from the Secretary—
 - (a) all affiliated organisations; and
 - (b) all registered Supporters.
- (2) The Returning Officer, or the Secretary with the consent of the Returning Officer, must send emails to the email addresses requested under subclause (1) a notice of the election which must include—
 - (a) a call for nominations;
 - (b) a link to the election website, where potential nominees must be able to access the nomination form, these regulations and a copy of the Association constitution;
 - (c) notice of the time and date when—
 - (i) nominations will open;
 - (ii) nominations will close;
 - (iii) polling will open; and
 - (iv) polling will close;

- (d) a notice explaining that any person may nominate unless they are ineligible to be a registered Supporter of the Association; and
 - (e) a list of positions for which the election is being held.
- (3) Notice of Election must be sent no earlier than 5 weeks and no later than 4 weeks prior to the opening of polling for the annual elections.
 - (4) The Notice of Election must be sent our 10 days prior to the opening of polling for a by-election.

12 Eligibility to Stand

- (1) As per the Association constitution, any registered Supporter may stand for election for any of the positions on the Executive.
- (2) For any other positions being elected, any registered Supporter may stand for election for those positions, unless any Association statutes provide for any additional restrictions.
- (3) If the Returning Officer receives a nomination form from a person who is not a registered Supporter of the Association, the Returning Officer must assess that nomination as they would any other nomination, and if the Returning Officer would have accepted that nomination had the person been a registered Supporter, if that person is eligible to be a registered Supporter that person shall immediately be admitted as a registered Supporter and shall have their nomination accepted.
- (4) Where an additional requirement is imposed for eligibility by an Association statute, the burden of proof for that point of eligibility is on the nominee.

13 Form of Nominations

- (1) All nominations must be signed by the nominee, nominator and seconder.
- (2) At least one of the nominator and seconder must be—
 - (a) a member of the Association entitled to vote in general meetings; or
 - (b) the President, Vice President, Treasurer or Secretary of an affiliated organisation.
- (3) If a nominator or seconder is not within the meaning of subclause (2)(b), they must be a Supporter.
- (4) If a person nominates for more than one position, they may not have any of their nominations nominated by the same person.
- (5) If a person nominates for more than one position, they may not have any of their nominations seconded by the same person.
- (6) If a nominator or seconder is used by the same candidate for more than one nomination, none of the candidate's nominations that used that same nominator or seconder can be accepted.
- (7) Nominations must contain—
 - (a) the nominee's name, residential address, email address;

- (b) the nominee's date of birth;
 - (c) the nominee's consent to be a registered Supporter of the Association; and
 - (d) the nominator's and seconder's name and email address.
- (8) The Returning Officer must submit any nomination forms to the Secretary where the nominee is required to be added to the register of Supporters.
- (9) The Returning Officer must verify the legitimacy of a nomination, nominee and seconder.
- (10) Upon request, nominees are required to assist the Returning Officer in verifying the legitimacy of their nomination.

14 Receipt of Nominations

- (1) Nominations must be submitted to the Returning Officer via email.
- (2) Nominations must provide the person nominating with, at the close of nominations—
- (a) an acknowledgement of the receipt of their nomination;
 - (b) a copy of these regulations; and
 - (c) a copy of the Association constitution.
- (3) If a nomination is rejected, the Returning Officer must immediately notify the person concerned and state the reason for the rejection. If a contact telephone number has been given on the nomination form, the Returning Officer must attempt to contact them via telephone first.
- (4) No decision to reject a nomination may be appealed more than 24 hours after the list of candidates is published.

15 Close of Nominations

- (1) For the annual elections, nominations must be received no later than 2 weeks before the election date.
- (2) For a by-election, nominations must be received no later than 4 days prior to the election date.
- (3) Nominations cannot be amended after nominations have closed.

16 Verification of Eligibility

At the close of nominations, the Returning Officer must verify the eligibility of the nominees and the validity of their nominations.

17 Uncontested Positions

- (1) If the number of candidates for any position does not exceed the number to be elected, the Returning Officer must declare those candidates elected as soon as their nomination is accepted & the time to appeal nominations being rejected has elapsed.

- (2) If at the close of nominations there are less candidates for a position than the number to be elected, the Returning Officer must reopen nominations for the remaining positions to be elected:
 - (a) for the annual elections, as soon as practicable after the close of nominations, until 3 days before the election date;
 - (b) for by-elections, as soon as practicable after the close of nominations, until 12 hours before the election date.

18 Ballot Paper Order

- (1) If the number of candidates for any position exceeds the number to be elected, the Returning Officer must, at noon on the weekday closest to 10 days prior to the election date determine by lot the order of those candidates on the ballot paper.
- (2) The process under rule (1) shall be conducted 2 days prior to the election date for by-elections.
- (3) In the event of nominations being accepted after nominations have closed via subclause 17(2), ballot paper order for those nominations shall be in the order the nominations were received.
- (4) Any registered supporter may observe the draw under subrule (1).
- (5) Information on how to observe the ballot draw must be published on the election website.

19 List of Candidates

- (1) The Returning Officer must publish on the election website a list of candidates in the order they will appear on the ballot paper no later than 7 days prior to the opening of polls for the annual elections, and no later than 2 days prior to the opening of polls for a by-election.
- (2) For late nominations received under clause 17, the Returning Officer must publish a list of late nominations received as soon as practicable after the deadline for late nominations closes.

20 Withdrawing a Nomination

- (1) Candidates may withdraw their nomination at any time prior to the close of polls.
- (2) Withdrawals must be in the form made available under subclause (3), must be signed by the candidate, must specify what position(s) the candidate is withdrawing from, and must be sent from the same email address the candidate used to submit the nomination from.
- (3) The Returning Officer shall make available on the election website a form to be used to withdraw a nomination which must contain all the information required under subclause (2).
- (4) A withdrawal takes effect upon being received and processed by the Returning Officer.

- (5) If a candidate withdraws from contention for a position, the election must proceed as if that candidate never nominated for that position.

21 Candidate Statements

- (1) Candidates may submit a statement to the Returning Officer until the close of nominations.
- (2) Candidates who nominate late are not entitled to submit a statement.
- (3) Candidate statements must be no longer than 500 words.
- (4) A candidate statement must be rejected by the Returning Officer if—
 - (a) the Returning Officer beyond a reasonable doubt believes the statement contains false information;
 - (b) the Returning Officer on the balance of probabilities believes the statement contains material intended to bully or harass another candidate;
 - (c) the Returning Officer on the balance of probabilities believes the statement makes discriminatory statements against another person on attributes protected under Australian law; or
 - (d) the Returning Officer believes on the balance of probabilities the statement would constitute a breach of Australian law.
- (5) Where a candidate statement is rejected after the close of nominations, the Returning Officer must give the candidate the reasons and 72 hours to submit an amended candidate statement. If the amended candidate statement is also rejected, the candidate shall be given 24 hours to submit another amended candidate statement. If the 2nd amended candidate statement is rejected, the candidate shall not be afforded any more opportunities to submit a statement.
- (6) The Returning Officer shall publish all submitted candidate statements on the election website 7 days prior to the election date.
- (7) The Returning Officer shall distribute all submitted candidate statements to all voters on the electoral roll at the election date.

22 Publicity

- (1) This clause applies from the opening of nominations to the end of polling.
- (2) Election publicity is any material published with the intent to advance or detract from the electoral success of a candidate within elections held under these rules.
- (3) The content of all election publicity must be fair and honest.
- (4) Election publicity must not contain the word 'independent'.
- (5) Election publicity must not be likely to mislead or deceive a voter.
- (6) Candidates must provide the Returning Officer with the URL of any social networking page, website or other internet address where election publicity has been posted by the candidate, no less than 1 hour after any publicity is posted at the URL.

- (7) A copy of all election publicity must be given to the Returning Officer prior to it being distributed or displayed.
- (8) All election publicity must be authorised by a candidate and must contain the words “Authorised by” followed by the name of the candidate who authorised the publicity.

23 Indemnity

Australian Collegiate Esports Inc. does not indemnify any candidates for their conduct or publicity.

24 Dates of Polling

- (1) For the annual elections, polling shall open at the time and date which constitutes the election date, and shall stay open for 168 hours.
- (2) For a by-election polling shall open at the time and date which constitutes the election date, and shall remain open for 72 hours.

25 Voting

- (1) Only people on the electoral roll are able to vote.
- (2) Each voter may cast as many ballots as they are entitled to vote as per rule 73 of the Association constitution.
- (3) All voting must be conducted by secret ballot.

26 Ballot

- (1) The ballot must provide a separate segment for each position to be elected.
- (2) The ballot must be conducted online.

27 Method of Voting

- (1) All elections must be conducted using optional preferential proportional representation.
- (2) Voters must indicate their order of preference for candidates by placing the number 1 against the name of the candidate of first preference and consecutively higher numbers against the names of as many other candidates of lower preference in order as they wish, and for as many candidates as they wish.
- (3) A number against the name of a candidate indicates a preference for that candidate ahead of all candidates with higher numbers or no number against their name.
- (4) A vote is formal even if—
 - (a) the lowest number is not 1;
 - (b) the numbers are not consecutive;
 - (c) numbers are repeated.

- (5) A tick next to the name of a candidate where there is no number 1 against the name of another candidate is deemed to be the number 1.
- (6) A cross against the name of a candidate where there is no number 1 or tick against the name of another candidate is deemed to be the number 1.

28 Security of Ballots & the Electoral Roll

The election records become the property of the Association after the election result is declared.

29 Counting of Votes

- (1) The Returning Officer must start counting immediately after the close of polling.
- (2) The Returning Officer must provide a means by which for scrutineers to observe the counting of the votes.
- (3) A candidate may appoint a scrutineer but may not be appointed as a scrutineer unless the method of scrutineering is digital and not in-person, preventing any undue interference by the candidate.

30 Informal Votes

Only the Returning Officer may rule a vote informal, and only when the vote does not comply with clause 27 and the voter's intention is not clear.

31 Method of Counting

- (1) Votes must be counted in accordance with the following procedure—
 - (a) each ballot is given a value of 1;
 - (b) the value of each ballot must be allocated to the continuing candidate who is preferenced ahead of all other continuing candidates on that paper;
 - (c) a ballot which shows no preference for any continuing candidate is considered exhausted and cannot be allocated further;
 - (d) a quota must be calculated at each stage of counting by dividing the total value of ballots allocated to continuing candidates by one more than the number of positions remaining to be filled and rounding up the answer to the 6th decimal place;
 - (e) if at any stage of counting a continuing candidate is allocated a value in excess of that quota, that candidate must be declared elected and each ballot allocated to that candidate must be given a new value obtained by multiplying its current value by the candidate's transfer value;
 - (f) if at any stage of counting no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated. If there are two or more candidates with an equal value and no candidate has a lower value at an earlier stage of counting, the Returning Officer must determine by lot which

candidate is to be eliminated.

- (g) The procedure in subclauses (1)(b)-(1)(f) must be repeated in order until the number of positions to be filled is filled.
- (h) In this clause—
 - (i) “continuing candidate” means a candidate who has neither been elected nor eliminated;
 - (ii) “stage of counting” means when all ballots which have not been exhausted have been allocated to continuing candidates;
 - (iii) “candidate’s transfer value” is the elected candidate’s value, less the quota at the stage of counting, all divided by the elected candidate’s value.

32 Multi-Nomination

- (1) A candidate who nominates for two or more positions that they are unable to hold at the same time may submit to the Returning Officer, in the form provided by the Returning Officer, the order of their preferences for those positions.
- (2) If a candidate does not submit an order of preferences to the Returning Officer, the order of preferences shall be based on the following order—
 - (a) President;
 - (b) Vice President;
 - (c) Secretary;
 - (d) Treasurer;
 - (e) General Director; and
 - (f) by lot, any other positions.
- (3) If the candidate is elected to one position while in contention for one or more other position(s) that cannot be held at the same time, any nominations for those positions that are preferenced lower for that candidate shall be withdrawn.
- (4) Submissions of preferences under subrule (1) may be accepted by the Returning Officer until the close of polling.

33 Declaration of Election

- (1) The Returning Officer must declare the results of each election immediately after counting has concluded.
- (2) The Returning Officer must publish the results of the election on the election website.
- (3) The Returning Officer must notify all candidates of the results of the election as soon as practicable by email.

34 Recounts

- (1) A recount may be requested by a candidate.

- (2) Once a recount has occurred no further recounts may be requested for that election.
- (3) This clause does not apply for digital elections unless a flaw in the use of the digital software for the election occurred.

35 Prohibited Conduct

- (1) This clause applies from the appointment of the Returning Officer until the end of polling.
- (2) The following conduct is prohibited:
 - (a) Conduct intended or likely to mislead or deceive a student;
 - (b) Dishonest conduct;
 - (c) Breaching social distancing and PPE requirements while campaigning;
 - (d) Violent, abusive or threatening conduct;
 - (e) Providing false information or interfering in any form lodged with the Returning Officer;
 - (f) Voting or attempting to vote in a way not expressly authorised by these regulations;
 - (g) Interfering with ballots or the electoral roll;
 - (h) Violating the secrecy of the ballot;
 - (i) Election publicity not in accordance with clause 22;
 - (j) Unfairly interfering with other candidate's election publicity;
 - (k) Campaigning unless a member, supporter or member of an affiliated organisation;
 - (l) Campaigning if an employee of the Association and not a candidate;
 - (m) Campaigning for a candidate without the approval of that candidate;
 - (n) Paying a person to campaign;
 - (o) Offering gifts to voters or campaigners;
 - (p) Selling or exchanging goods to voters or campaigners during the week of polling;
 - (q) Using Association resources not generally available to all candidates for election campaigning purposes;
 - (r) Use of the Association logo to promote a candidate;
 - (s) Damaging Association property;
 - (t) Using a social media or other URL to promote a candidate without providing the URL to the Returning Officer;
 - (u) Failing to comply with a direction of the Returning Officer or a ruling of the Election Tribunal;
 - (v) Impeding the conduct of the election;

- (w) Bullying behaviour;
- (x) Discrimination based on protected attributes under Australian federal law.

36 Appointment of the Election Tribunal

- (1) The Election Tribunal must be 1 or 3 person(s) who are not and have not been a candidate in an election for the Association within the last 3 years.
- (2) The Executive must by absolute majority appoint the Election Tribunal before or at the same time the Returning Officer is appointed.

37 Procedure of the Election Tribunal

- (1) The Election Tribunal conducts proceedings via telephone and regulates its own proceedings subject to this clause
- (2) The Election Tribunal must conduct its hearings in camera.
- (3) Parties must not be represented unless expressly allowed by the Election Tribunal in the interest of procedural fairness.
- (4) Proceedings of the Election Tribunal are confidential.
- (5) Where the Election Tribunal determines a hearing is unnecessary it may give a ruling without holding a hearing.
- (6) Subject to the Act, decisions of the Election Tribunal are final.

38 Appeals to the Election Tribunal

- (1) A candidate may appeal a decision of the Returning Officer by writing to the Returning Officer within 24 hours after the original decision, who must then refer the matter to the Election Tribunal.
- (2) If the Election Tribunal considers the Returning Officer's decision should be reviewed, they must as a matter of urgency:
 - (a) Give the student appealing an opportunity to present their case; and
 - (b) Give the returning officer an opportunity to respond.
- (3) The Election Tribunal may request submissions from any other interested party.
- (4) The Election Tribunal must make the decision available to the Returning Officer and the appellant as soon as practicable after making it.
- (5) The Returning Officer must publish the decision on the election website as soon as practicable after the decision.
- (6) The Election Tribunal may not make any ruling under this clause which alters the result of an election which has been declared if the appeal was not brought within 24 hours after the original decision.
- (7) The Election Tribunal may make declaratory rulings under this clause.
- (8) The Returning Officer may appeal under this clause against their own decision if subsequently satisfied it was wrong and if the decision is not otherwise able to be reversed.

- (9) In this clause “decision” includes omission and failure to act.

39 Reporting Prohibited Conduct

- (1) A person who reports a breach must be given an opportunity to present their case.
- (2) Any person who has been reported must be given an opportunity to respond.
- (3) The Returning Officer may, whether they find there has been a breach or not, give directions as they deem appropriate.
- (4) Without limiting the Returning Officer’s powers under this clause, if the Returning Officer finds that a candidate has breached any part of these regulations, the Returning Officer may suspend that candidate from campaigning for a period of time determined by the Returning Officer.
- (5) If the Returning Officer finds that there has been a serious breach they may also disqualify the candidate from campaigning, standing or standing and campaigning from that election, a specified number of future elections and/or all elections.
- (6) For the purposes of subclause (5), a “serious breach”, includes but is not limited to a breach of subclause 35(2)(c) – 35(2)(g) and failing to comply with a direction or ruling of the Returning Officer or Election Tribunal.
- (7) If a candidate is disqualified their nominations are automatically withdrawn.

40 Appeal against results of elections

- (1) A candidate may appeal against the result of an election on the grounds that there was a defect in the conduct of that election which materially affected the results, but must lodge that appeal in writing with the Returning Officer no less than 7 days after the results of the election are declared.
- (2) The Returning Officer must advise the Election Tribunal of the appeal within 7 days of the appeal being made.
- (3) The Election Tribunal may only hear an appeal if satisfied there is a prima facie case.
- (4) The candidate appealing must be given an opportunity to present their case to the Election Tribunal.
- (5) The Election Tribunal may call upon submissions from any interested person.
- (6) If the Election Tribunal is satisfied there was a defect in the conduct of the election that materially affected the outcome, it may order a new poll or polls or election or elections, and may fix the timetable for the new poll or election ordered as it deems appropriate.

41 Validity

No act, decision or election is invalid because it was done, made or held after the time required by these regulations or the Association constitution, excluding appeals being lodged.

PART 3— CONTINGENCIES

42 Required elections

Where an election fails to be held under these regulations and can no longer be held under these regulations in a manner consistent with the Act or with the association Constitution, that election may be held by optional proportional preferential ballot within the AGM.

43 Concurrent election

Where an annual election is set to be held for a position, but that position is currently vacant or held by a person who was co-opted into the role, a single election can be held for that position as both a by-election and as the annual election, to elect an office bearer to hold that office for the remainder of its original term, and to elect that office bearer to hold that office for the standard term as per the annual election. In this circumstance, the timeframes for by-elections shall not apply.