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# **Melbourne University**

# **Law Students' Society**

  

# **Election Regulations**

14 August 2023

## I PURPOSE

1. The purpose of these Election Regulations is to establish a clear and just framework for overseeing elections within the Melbourne University Law Students' Society (MULSS). These regulations are intended to ensure fairness, transparency, and impartiality throughout the election process.

## II SCOPE

2. These regulations apply to the election of Executive Committee Members, as defined by the *MULSS Constitution*.

## III REGULATIONS

### A Interpretation

3. In these regulations:
  - a. 'Constitution' means the *MULSS Constitution*.
  - b. 'Returning Officer' has the same meaning as in the Constitution and means the designated individual responsible for supervising and administering the election proceedings, ensuring that they are conducted impartially and in accordance with the established guidelines.
  - c. 'Candidate' means a Member who has nominated for election.
  - d. 'Ordinary Conversation' means an informal conversation with two or more people, and does not include broadcasting, spamming, debate, lecturing, or presenting.
4. Definitions that are already outlined in the Constitution will be adopted here. If a definition differs, the Constitution will prevail to the extent of the inconsistency.
5. The regulations shall be interpreted in accordance with the Constitution, the purpose of the Association, and the purpose of these Regulations.
6. The Returning Officer may add footnotes to this document to aid interpretation and keep track of past precedent. Footnotes are not binding and do not form part of the regulations.

### B General

7. If the Secretary is nominating for election:
  - a. The Secretary's duties in these Regulations are assumed by the member(s) of the Leadership Team who are not nominating for election, and who appointed the Returning Officer.
  - b. The Leadership Team shall provide a contact email address to Members to replace the Secretary's email address.

8. A candidate must not make direct contact with the Returning Officer regarding the election except with the permission of the Secretary.
9. The dates and times for nominations, campaigning and voting shall be determined by the Secretary.
10. The Executive Committee who are not running for election must not expressly endorse candidates.

## C Campaigning

11. Campaigning is limited to a maximum of 7 days prior to the voting period.
12. The following methods of campaigning for MULSS elections are permitted:
  - a. The following delivered to the Secretary in the manner, format, and at the times directed by the Secretary, for display on the MULSS website:
    - i. one A4 sized poster for display on a designated MULSS noticeboard and on the official MULSS website;
    - ii. one profile, of no more than 250 words for display on the MULSS website; and
    - iii. one video of no more than two minutes in length to be displayed on the MULSS website.  
There should be no major editing of the video.<sup>1</sup>
  - b. lecture bashing, with the permission of the lecturer, provided the Candidate does not speak for more than one minute;
  - c. word of mouth in the course of Ordinary Conversation when approached by electors;
  - d. individual personal messaging, such as emails, SMS, and online messaging platforms, in the course of Ordinary Conversation. Unsolicited personal messaging to people with whom the candidate is not closely familiar with is not permitted;
    - i. Group messages are not permitted.
  - e. informing others via the candidate's personal 'status' on social media platforms:
    - i. No candidate is permitted to do, or to allow any third party to do, any of the following for the purposes of campaigning for any candidate:
      1. create, share or post in, any group, page or event, whether public or private;
      2. 'tag' any candidate or third party in any post or status; or
      3. 'share' any post or status with any candidate or third party,
    - ii. Candidates running on a joint-ticket may tag each other, and share each other's posts.

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<sup>1</sup> 2023 First Year Representative Election, Jonathan Ta—

[T]he purpose of the proscription around 'major editing' is to prevent candidates with video editing skills from gaining an undue electoral advantage. But at the same time, the candidates have been encouraged to show their creativity in their videos—that's a legitimate form of differentiation and the rules should allow for editing to this end, to the extent that the production doesn't give an undue advantage to the candidate.

[I]f MULSS did not want text or music in candidates' videos, 'no editing' or 'minimal editing' would have been more appropriate instructions. I think the prohibition on 'major editing' should exclude any editing which could not reasonably be done by someone with little to no prior video editing experience. Permissible editing would include adding text and music, as well as stitching clips together with very basic transitions.

- f. where requested, written responses to questions prepared by the incumbent Leadership Team, to be published on the MULSS website and via any other media deemed appropriate by the Leadership Team;
  - g. candidates running for President may engage in a single public debate or Q&A. The debate or Q&A shall be moderated by an impartial third party designated by the Secretary; and
  - h. candidates running for Disability Representative, Indigenous Representative, Queer Director, Ethnocultural Representative, International Representative, and WAGDI Director may make one post in their respective MULSS groups to post campaigning materials, restricted to their initiatives for that position.
    - i. Candidates must seek approval from the Secretary prior to posting.
13. Campaigning methods may use text, images or GIFs but may not include videos except the video permitted under r 12(a)(iii) once posted to the MULSS website.
14. Any campaigning method not expressly permitted by r 12 is prohibited.
15. A candidate must not at any time engage in the following conduct:
- a. dishonest conduct;
  - b. campaigning negatively against other candidates;
  - c. expressly endorsing other candidates;
  - d. conduct that is intended or likely to mislead or deceive an elector;
  - e. conduct that is intended or likely to bring the election process into disrepute;
  - f. breach of a provision of the Constitution or MULSS regulation, any MULSS policy or University of Melbourne policy relating to conduct; and
  - g. any other conduct declared to be contrary to these Rules by the Returning Officer.

## D Voting

16. Voting shall take place electronically.
17. The voting period shall be at least 30 hrs.
18. Links to the online voting form shall be made available to Members through the MULSS website.
19. The form shall collect:
- a. the University of Melbourne email address;
  - b. student number of the Member voting; and
  - c. any other information deemed necessary by the Secretary to verify the Member's eligibility to vote.
20. All identifying information collected via the online voting form will be used only for the purpose of verifying the Member's eligibility to vote and updating the Member's information on the MULSS Member Register.

## E Breach

21. All disputes over these rules shall be determined by the Returning Officer.
22. The Returning Officers' decision on any matter is final.
23. A breach of these Regulations may result in any one or more of the following penalties, to be made at the sole discretion of the Returning Officer:
  - a. a deduction of between 5% to 30% of the post-distribution votes of the breaching candidate; and/or
  - b. disqualification from one or more of the positions contested by the candidate.
24. In deciding if there has been a breach of these Regulations the Returning Officer must consider:
  - a. the evidence and arguments of the person or persons who reported the breach;
  - b. the evidence and arguments of the accused candidate;
  - c. the benefit afforded to the candidate by any breach;
  - d. the benefit or detriment afforded to another candidate by any breach;
  - e. whether the candidate was acting on the advice of the Secretary;
  - f. whether the candidate has been issued a penalty or warning in any other MULSS election;
  - g. the impact to the reputability of the election and authority of these Regulations; and
  - h. any other matters or material the Returning Officer deems appropriate.

## F Reporting

25. Candidates are encouraged to check with the Secretary if they are unsure about these Regulations.  
However—
  - a. the Returning Officer must be notified of any advice prepared by the Secretary;
  - b. the Secretary may defer to the Returning Officer for advice where appropriate; and
  - c. the Candidate must take immediate action on any correction by the Returning officer.
26. Members who experience or witness any breach of these Regulations are encouraged to report the incident to the Secretary ([secretary@mulss.com](mailto:secretary@mulss.com)).