

# **BLACKSTONE SOCIETY**

## **ELECTION REGULATIONS 2022**

*As PASSED BY THE BLACKSTONE SOCIETY COMMITTEE ON 7 SEPTEMBER 2022*

## 1. DEFINITIONS

- 1.1. **Administrative Vice-President** shall have the meaning given to it by the Constitution.
- 1.2. **Annual General Meeting** means the Society's annual meeting of members.
- 1.3. **Authorised Proxy** means a person who, by confirmation in writing sent to the Administrative Vice-President before an Annual General Meeting, is authorised by a person nominating for an Executive or Elected Office-Bearer position to confirm his or her nomination in the manner contemplated by Regulation 5.
- 1.4. **Constitution** means the Constitution of the Society, as amended from time to time.
- 1.5. **Elected Office-Bearer** shall have the meaning given to it by the Constitution but does not include any First Year Representative or Pre-Law Representative.
- 1.6. **Executive** shall have the meaning given to it by the Constitution.
- 1.7. **First Year Representative** means any of the following positions:
  - First Year Social Representative;
  - First Year Education Representative;
  - First Year Careers Representative;
  - First Year Competitions Representative; and
  - First Year Wellness Representative,all of which shall have the meaning given to them by the Constitution.
- 1.8. **Nomination Form** means the prescribed form provided in Schedule 1 of these Regulations.
- 1.9. **Ordinary Member** has the meaning given to it by the Constitution.
- 1.10. **Pre-law Representative** means any of the following positions:
  - Pre-law Vice-President;
  - First Year Business Law Representative; and
  - First Year Law & Society Representative,all of which shall have the meaning given to them by the Constitution.
- 1.11. **President** shall have the meaning given to it by the Constitution.
- 1.12. **Regulations** means these Election Regulations of the Society, as amended from time to time.
- 1.13. **Returning Officers** means the individuals chosen to conduct and administer the Society's elections on behalf of the Society.

- 1.14. ***Social Media*** means any online platform including Facebook, Instagram and Snapchat.
- 1.15. ***Society*** means the Blackstone Society (Incorporated).
- 1.16. ***Society Common Room*** means room G09/10 on the eastern side of the law courtyard in the UWA Law Building.

## **2. INTERPRETATION**

- 2.1. These Regulations are subject to the Constitution. In the event of any inconsistency between these Regulations and the Constitution, the Constitution shall prevail.
- 2.2. Unless otherwise indicated, the words and phrases in these Regulations are to have the meaning given to them by the Constitution.
- 2.3. The Returning Officers shall determine any question regarding the interpretation of these Regulations.
- 2.4. A person affected by a determination made by the Returning Officers under Regulation 2.3 may challenge the determination in which case the person is considered to be in a dispute which is to be resolved in accordance with Article 15 of the Constitution.

## **3. RETURNING OFFICERS**

- 3.1. The Returning Officers shall be appointed by the Executive.

## **4. NOMINATIONS**

### ***Requirements for Nomination Forms***

- 4.1. Persons wishing to contest Executive or Elected Office-Bearer positions must submit a completed Nomination Form to be validly nominated.
- 4.2. The Nomination Forms shall be made available by the Returning Officers in the Society Common Room and on the Society's website, along with copies of these Regulations.
- 4.3. A valid Nomination Form must be in the prescribed form contained in Schedule 1 of these Regulations and must be:
  - In writing;
  - Signed by the nominee; and
  - Signed by two Ordinary Members
- 4.4. Nominees shall confirm their nomination, personally or by Authorised Proxy, at the Annual General Meeting.

- 4.5. A person will be prevented from confirming their nomination, either personally or by Authorised Proxy, if the person has been:
- Charged or convicted with a serious criminal offence (as defined in sch 7 of the *Evidence Act 1906* (WA));
  - Subject to a finding of moderate to severe academic misconduct by a university; or
  - Subject to a finding of personal misconduct by a university.
- 4.6. The Returning Officer shall provide the names of nominees to the Dean of the UWA Law School to confirm whether the nominee should be prevented from nomination under clause 4.5.

***Process of Submission of Nomination Forms***

- Nominations shall be submitted to the Returning Officers by depositing Nomination Forms in the designated box in the Society Common Room; or
- By any other means authorised by the Returning Officers.

***Deadline for Nominations***

- 4.7. Nominations must be received by the Returning Officers before open of business of the Annual General Meeting at which the persons wishing to contest Executive or Elected Office-Bearer positions must confirm their nominations, personally or by Authorised Proxy.

***Candidates running for multiple positions must submit multiple Nomination Forms***

- 4.8. Persons wishing to contest more than one Executive or Elected Office-Bearer position must submit one Nomination Form for each position they wish to contest.

**5. CONFIRMATION OF NOMINATION**

- 5.1. At the Annual General Meeting, the Returning Officers shall read each nomination in turn, specifying:
- The name of the nominee; and
  - If the person has nominated for one position, the Executive or Elected Office-Bearer position for which the nominee has nominated; or
  - If the person has nominated for more than one position, the Executive or Elected Office-Bearer positions for which the nominee has nominated.
- 5.2. When the Returning Officers read a nominee's nomination at the Annual General Meeting, that nominee, or their Authorised Proxy, shall orally confirm or withdraw the nomination.

- 5.3. Subject to Regulation 5.4, if a nominee, or their Authorised Proxy, is not present in person at the Annual General Meeting, that nominee’s nomination shall be deemed to have been withdrawn.
- 5.4. A person, who is not a nominee or an Authorised Proxy, may confirm a nomination on behalf of a nominee not present in person at the Annual General Meeting where the nominee has:
- In the opinion of the Returning Officers, a reasonable excuse for not being present in person; and
  - Informed the Returning Officers of that excuse before the Annual General Meeting.

## 6. ELIGIBILITY FOR NOMINATING

- 6.1. Only persons who are Ordinary Members of the Society at the time of nominating shall be eligible to nominate for any Executive or Elected Office-Bearer position that is not a Pre-law Representative position.
- 6.2. Only an Ordinary Member who has been enrolled in the Juris Doctor programme for less than 12 months shall be eligible to nominate for any First Year Representative position.

### *Additional Requirements for some Elected Office-Bearer Positions*

- 6.3. To nominate for a position listed in column A, the nominee must, at the time of nominating, fulfil the additional requirements listed in column B.

	<b>Column A</b>	<b>Column B</b>
	<b>Position</b>	<b>Additional Requirements</b>
6.4.1	Queer Representative	Must identify as Lesbian, Gay, Bisexual, Transgender, Intersex or Queer.
6.4.2	Indigenous Representative	Must identify as an Aboriginal or Torres Strait Islander.
6.4.3	Women’s Representative	Must identify as female.
6.4.4	Alternative Pathway Student Representative	Must be enrolled in the Juris Doctor Programme at the University of Western Australia as a part time student.
6.4.5	Male Sports Representative	Must identify as male.
6.4.6	Female Sports Representative	Must identify as female.

6.4.7	First Year Business Law Representative	Must be: (a) enrolled in the Business Law major; and (b) not have been enrolled in a degree programme offered by the University of Western Australia for more than 12 months.
6.4.8	First Year Law & Society Representative	Must be: (a) enrolled in the Law & Society major; and (b) not have been enrolled in a degree programme offered by the University of Western Australia for more than 12 months.
6.4.9	Pre-law Vice-President	Must be: (a) enrolled in either a Business Law major or a Law & Society major at the University of Western Australia; and (b) enrolled to study in a degree programme offered by the University of Western Australia, not being the Juris Doctor programme, in the year following their nomination.

## 7. OPTIONAL ADDITIONAL MATERIAL

- 7.1. Persons wishing to contest Executive or Elected Office-Bearer positions may submit a poster to advertise his or her candidacy that shall consist of images and/or text, and be no more than one A4 page (**Poster**).
- 7.2. The Poster shall not make reference to any other person contesting an Executive or Elected Office-Bearer position.
- 7.3. Where a person contesting an Executive or Elected Office-Bearer position wishes to submit the Poster, he or she must:
- Submit both a hardcopy and softcopy/electronic version of the Poster by the date determined by the Returning Officers;
  - Submit the hardcopy version of the Poster by depositing it in the designated box in the Society Common Room, to be provided by the Returning Officers;
  - Submit the softcopy/electronic versions of the Poster in the file type specified by the Returning Officers and via the method specified by the Returning Officers.
  - For the avoidance of any doubt, the Returning Officers may refuse to accept a Poster, or any other document, that does not comply with these Regulations.
- 7.4. Persons contesting more than one Executive or Elected Office-Bear position may not submit more than one Poster.

### *Obligations of Returning Officers*

- 7.5. The Returning Officers shall display boards in or around the Society Common Room displaying the Posters submitted by nominees during the entire period of polling.

- 7.6. The Returning Officers shall compile the Posters submitted into a book or document format, and shall make copies of that document available:
- In the Society Common Room from the first day of polling;
  - On the Society's website from the first day of polling; and
  - In any other physical or electronic location they consider appropriate.

## **8. CAMPAIGNING**

### ***Unauthorised campaigning***

- 8.1. Subject to Regulations 8.2 and 8.3, there shall be no campaigning, oral or written, by or on behalf of any nominee.

### ***Authorised campaigning***

- 8.2. Nominees may communicate their nomination and their reasons for nominating to other students through the following means, except that nominees may not refer to any other nominee for any other Executive or Elected Office-Bearer position:
- Nominees may speak about their nomination in private to other students;
  - Nominees may send private messages about their nomination to other students;
  - Nominees may post their Poster on the official Blackstone Society Election Facebook page provided they have complied with Regulation 7; and
  - Nominees may also include a description no more than 300 words when posting the Poster on the official Blackstone Society Election Facebook Page.
- 8.3. Nominees may not directly post their Poster or discuss their nomination on their own Social Media pages or on any other Social Media page (including any official Blackstone page or any student cohort pages), except:
- Nominees may share anything posted on the official Blackstone Elections Facebook page; and
  - Others may share anything posted on the official Blackstone Elections Facebook page on behalf of a nominee.
- 8.4. Nominees are not permitted to have others post or share on their behalf in a manner that would otherwise not be in accordance with Regulations 8.2 or 7.3.

### ***Presentations by Presidential Candidates***

- 8.5. Nominees for the position of President, and only nominees for the position of President, may speak at law lectures for the purpose of introducing themselves and their nomination, except that nominees:

- May only speak about their nomination for the position of President;
- May not refer to any other nominee for any Executive or Elected Office-Bearer position; and
- May not speak without having first received approval from the Returning Officers, not to be unreasonably withheld.

***Contraventions of this Regulation***

- 8.6. The Returning Officers shall have absolute discretion in sanctioning a nominee who breaches Regulation 7, or who knowingly permits or instructs another to do so. Sanctions available to the Returning Officers include, but are not limited to:
- Verbally warning the nominee;
  - Removing any post made on the official Blackstone Elections Facebook page;
  - Requesting the removal of any online post made by the nominee;
  - Removing the Poster submitted by the nominee from the display boards in the Society Common Room; and
  - Striking out the nomination of the nominee.

**9. ELIGIBILITY FOR VOTING**

- 9.1. Only persons who are Ordinary Members of the Society as at the date of the Annual General Meeting are entitled to vote.

**10. BALLOTS**

- 10.1. This Regulation applies to all ballots cast for Executive and Elected Office-Bearer positions.

***The Roll***

- 10.2. The Administrative Vice-President shall provide to the Returning Officers a list of all Ordinary Members of the Society current as of the date notice is given of the Annual General Meeting, which shall serve as the roll (**Roll**).

***Ballot format and requirements***

- 10.3. The election will be conducted by secret ballot using an electronic voting platform that has been designated by the Executive.
- 10.4. For each contested Executive or Elected Office-Bearer position, the Returning Officers shall prepare a ballot using the electronic voting platform.
- 10.5. Each ballot shall specify:



- The position to which it relates;
  - The names of the nominees for the position in a random order;
  - The number of nominees for the position;
  - That preferences should be indicated by numbering the boxes in order; and
  - That it is not necessary to number all the boxes.
- 10.6. A personalised and confidential link to the ballots contained on the electronic voting platform shall be distributed the personal email address belonging to each Ordinary Member of the Society. This email address shall have the domain name “@student.uwa.edu.au”.
- 10.7. Persons seeking to vote must do so in accordance with the instructions described in the email sent to each Ordinary Member of the Society, which is to be determined by the Returning Officers.
- 10.8. Persons seeking to vote must do so in the period described in the email sent to each Ordinary Member of the Society, which is to be determined by the Returning Officers but will not be shorter than two business days.
- 10.9. Each vote cast shall be securely stored on the electronic voting platform.

## **11. ELECTION RESULTS**

### ***Method of Counting***

- 11.1. On the day appointed for the counting of the ballots, the Returning Officers shall tally the votes for each contested Executive and Elected Office-Bearer position.
- 11.2. The results shall be determined in the order listed in the Constitution.
- 11.3. The Returning Officers shall tally the number of votes cast for each position by accessing the tally contained on the electronic voting platform.
- 11.4. If a nominee is indicated as the voter’s first preference on more than half of the votes, that nominee shall be elected.
- 11.5. If no nominee is indicated as the voter’s first preference on more than half of the votes, the nominee who was indicated as the voter’s first preference on the least number of the votes shall be discounted and those ballots shall be allocated according to the voter’s remaining preferences.
- 11.6. The process shall be repeated until one nominee is elected or until only one nominee remains, in which case that nominee shall be elected.
- 11.7. If two or more candidates are declared elected with the same total value of votes, the Returning Officers shall determine the matter by lot.
- The determination by lot must be decided at a place agreed upon by the candidates with the same total value of votes, and the Returning Officers.

- The candidates whose election is to be determined by lot are entitled to be present when the determination occurs.
- Determination by lot includes, but is not limited to, a coin toss.

***Running for multiple positions***

11.8. If a nominee has nominated for more than one position, prior to the count they may provide the Returning Officers with their preference order on the basis they win all or more than one of those positions.

- If no preference is given by a nominee, the preferred preference is assumed to be the order that the positions are listed in the Constitution.

11.9. Where a nominee has been elected to an Executive or Elected Office-Bearer position, the Returning Officers shall disregard references to that nominee in votes for other Executive or Elected Office-Bearer positions.

***Scrutineering***

11.10. Each nominee may, by providing a written signed statement to the Returning Officers, appoint one scrutineer to observe the vote count on their behalf, provided that:

- the scrutineer is not themselves a nominee in any vote count that they are appointed to observe;
- the scrutineer only observes the vote count or counts related to the nominee that appointed them; and
- the scrutineer does not obstruct or interfere with the processes of the Returning Officers.

***Announcing of the results***

11.11. The Returning Officers shall inform the out-going President and the out-going Administrative Vice-President of the names of the nominees elected to each Executive and Elected Office-Bearer position. The names of the nominees elected to each Executive or Office-Bearer position shall be announced no later than seven days after ballot is counted.

11.12. The Returning Officers shall comply with any request to see records of the ballot count from:

- the out-going President, in respect of each ballot; or
- a nominee, in respect of ballots related to their own nominations.

***Recount of ballot***

11.13. Any request for a recount shall be submitted to the Returning Officers:

- within forty-eight hours of the announcement of the election results;

- in writing; and
- signed by a nominee in the ballot to which the recount relates.

11.14. Upon receiving a request for a recount, the Returning Officers shall:

- conduct the recount in accordance with Regulation 9; and
- determine the result of the ballot to which the recount relates.

11.15. The Returning Officers' determination or purported determination of the result of the ballot to which the recount relates shall be final and conclusive.

### ***Destruction of the Roll***

11.16. After formally certifying the election results, the Returning Officers shall destroy the roll.

## **12. NON-CONTESTED POSITIONS**

12.1. If, after the period for submitting nominations has closed, only one person has nominated for an Executive or Elected Office-bearer position, that person will be deemed to have been elected to that position.

## **13. APPOINTMENT AND TERM OF OFFICE**

13.1. Subject to Article 17 of the Constitution, the members of the Executive and the Elected Office-Bearers shall hold office from 1 December of the year of their election until 30 November of the subsequent year.

## **14. FIRST YEAR REPRESENTATIVES**

14.1. The election of a First Year Representative is to be conducted in a manner considered appropriate by the Executive.

## **15. PRE-LAW REPRESENTATIVES**

15.1. The election of a Pre-Law Representative is to be conducted in a manner considered appropriate by the Executive.

## SCHEDULE 1

### BLACKSTONE SOCIETY

#### Prescribed Nomination Form for the 2022 Committee

This nomination form must be completed before 9am on 1 October 2022.

Candidate's Name (to appear on the ballot):

\_\_\_\_\_

Candidate's UWA Student Number: \_\_\_\_\_

I, \_\_\_\_\_, hereby nominate for the position of

\_\_\_\_\_

and agree to comply with and be subject to the *Blackstone Society Election Regulations 2022*.

I declare that I have not been charged or convicted with a serious criminal offence; subject to a finding of moderate to severe academic misconduct by a university; or subject to a finding of personal misconduct by a university.

Candidate's Signature: \_\_\_\_\_

Candidate's Contact Number: \_\_\_\_\_

Nominated by: \_\_\_\_\_

(name)

(signature)

Seconded by: \_\_\_\_\_

(name)

(signature)

Persons nominated and seconding the candidate must be currently enrolled in either the Juris Doctor Programme or LLB Programme at the University of Western Australia.

The candidate should carefully read the *Blackstone Society Election Regulations 2022*. Certain positions have special requirements (Regulation 6.3) and these should be noted by the candidate.

The candidate should also carefully read Regulation 7 which concerns authorised methods of campaigning.