

ANU Sport and Recreation Association Incorporated

Electoral Regulations

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Part 1

1. INTRODUCTION

- 1.1. These are the Election Regulations (**Regulations**) of The Australian National University Sport and Recreation Association Incorporated (**Association**).
- 1.2. These Regulations are made pursuant to clause 17.1(b) of the Constitution in relation to clause 19 (Election to the Board).
- 1.3. All capitalised terms in these Regulations have the meaning given to them in the Constitution of the Association, unless otherwise defined in these Regulations.
- 1.4. Subject to the Constitution, the Returning Officer shall have the power to interpret these Regulations and the Returning Officer's interpretation of these Regulations is final.
- 1.5. These Regulations may be amended by the Board from time to time but must not be amended from the time nominations open until the results of the election are officially declared (**election period**).

Elections

- 1.6. An annual general election must be held to elect the Board Directors in accordance with these Regulations, the Constitution and under the supervision of the duly appointed Returning Officer.
- 1.7. During any election for the Association's Board, the Returning Officer has authority to make a final decision about any question or dispute in relation to:
 - a) a person's eligibility to nominate;
 - b) a person's eligibility to vote; and
 - c) the conduct of the election;and the Returning Officer may request further information from a person in order to reach such a decision.
- 1.8. Notices under these Regulations must be made:
 - a) On the Acton ANU campus—at the Association's place of business, such as on a notice board, at the entrance or front desk;
 - b) on the Association's website;
 - c) on one or more of the Association's social media pages, if any; and
 - d) via any other method as the Returning Officer deems practical.

2. RETURNING OFFICER

- 2.1 By the time specified in Schedule 2, the Board must appoint a Returning Officer to conduct the election.
- 2.2 The Returning Officer must not:
 - a) be a proposer, seconder or candidate in the election for which they are the Returning Officer;
 - b) have been a director on the Association's Board at any time since 1 January 2025 until the time of the election; or

- c) have been an employee of the Association at any time since 1 January 2025 until the time of the election.
- 2.3 The Returning Officer may appoint any person who is not a proposer, seconder or candidate in the election as a nominee to assist them with any work necessary for the proper conduct of the election.

3. ELECTORAL PROCESS

- 3.1 If the Constitution requires one or more positions to be filled by election, the elections must be conducted in accordance with these Regulations and the Constitution.
- 3.2 The positions to be filled in each annual election are those set out in clause 18.1(a) of the Constitution.
- 3.3 Pursuant to clause 19.7 of the Constitution, if the number of eligible nominations received is equal to the number of positions on the Board to be filled by election, the candidates nominated are taken to be elected, subject to ratification at the annual general meeting.
- 3.4 Pursuant to clause 19.8 of the Constitution, if the number of eligible nominations received is greater than the number of positions on the Board to be filled by election, a secret ballot poll to elect the number of positions on the Board must be held prior to the annual general meeting in accordance with these Regulations, and ratified at the annual general meeting.
- 3.5 Pursuant to clause 19.9 of the Constitution, if the number of eligible nominations received is less than the number of positions on the Board to be filled by election:
 - a) the candidates who nominated are taken to be elected, once ratified at the annual general meeting; and
 - b) further nominations may be received at the annual general meeting.
- 3.6 Pursuant to clause 19.10 of the Constitution, if the number of eligible nominations received at the annual general meeting is:
 - a) equal to the number of positions on the Board to be filled by election, the candidates who nominate are taken to be elected, once ratified at the annual general meeting;
 - b) greater than the number of positions on the Board to be filled by election, a secret ballot poll to elect the number of positions on the Board must be held at the annual general meeting in accordance with these Regulations; or
 - c) less than the number of positions on the Board to be filled by election:
 - i. the candidates who nominate are taken to be elected, once ratified at the annual general meeting; and
 - ii. the remaining positions are taken to be vacancies, which the Board may, in its discretion, fill by appointment.

4. CALLING OF ELECTIONS - TIMING

- 4.1 When setting the date for an election prior to the annual general meeting, the Board must ensure that the period during which:

- a) individuals may nominate for a position on the Board is a period of 7 consecutive days (**nomination period**), ending at least 28 days before the annual general meeting is held, in accordance with clause 19.6(b) of the Constitution; and
- b) Members may vote for positions open for election at least 6 hours each day for a period of 3 consecutive days (**polling period**).

4.2 A schedule of critical dates is set out at Schedule 2.

5. CALL FOR NOMINATIONS

- 5.1 The Returning Officer or their nominee must issue a notice at the time(s) set out in Schedule 2, calling for nominations.
- 5.2 The notice must state:
 - a) the positions open for election;
 - b) the eligibility criteria for individuals wishing to nominate for each position;
 - c) details of how nominations may be submitted;
 - d) the days and times during which individuals may nominate for a position on the Board;
 - e) the days, times and place of polling, should polling be required.
- 5.3 The Chief Executive Officer must make nomination forms available as soon as practicable after the call for nominations.

6. ELIGIBILITY TO NOMINATE FOR ELECTION

- 6.1 For the purposes of clause 19.1 of the Constitution, an individual's eligibility to be elected to the Board will be measured on both the final day of the nomination period and the date of the annual general meeting.
- 6.2 If a Student is elected as a director of the Board at the annual general meeting, that individual will, until the next annual general meeting, be counted as a Student for the purposes of the following clauses in the Constitution provided that they continue to be a Member:
 - a) clause 19.3 (Board to take reasonable measures to appoint additional Students to the Board if only 1 elected director is a Student);
 - b) clause 23.13 (quorum of Board includes 1 Student).

7. RECEIVING NOMINATIONS

- 7.1 All nominations must be submitted using ANU Sport's online system.
- 7.2 Nominations for election must include:
 - a) the candidate's name;
 - b) a statement of whether or not the candidate is at least 18 years old;

- c) a statement of whether or not the candidate is a Member of the Association, and which type of Member;
- d) a statement of whether or not the candidate is enrolled as a Student at the ANU;
- e) a statement of whether or not the candidate is an employee of the Association;
- f) details of any Association, Club or University disciplinary action that has been taken against the candidate in the past 5 years;
- g) a statement that the candidate is not ineligible or disqualified from holding office under the Act;
- h) a statement that the candidate will support the Association's Objects and comply with the Act and the Association's Constitution, policies and procedures;
- i) the written consent of the candidate to nominate for election;
- j) the endorsement of 2 Members of the Association (other than the candidate) to propose and second the nomination, in accordance with clause 19.6(a) of the Constitution;
- k) a headshot photo of the candidate, which will be published by the Returning Officer; and
- l) a statement in support of the candidate's nomination in the form of responses to questions set by the Board, which will be published by the Returning Officer with the candidate's nomination.

8. VERIFICATION OF NOMINATIONS

- 8.1 The Returning Officer, or their nominee, must as soon as practicable after the end of the nomination period, verify that all candidates are eligible to nominate for election.
- 8.2 The Returning Officer must reject a nomination if:
 - a) the nomination is not submitted during the nomination period; or
 - b) the candidate does not meet the eligibility criteria for election in clause 19.1 of the Constitution.
- 8.3 The Returning Officer may reject a nomination if not satisfied that the candidate will support the Association's Objects and comply with the Act and the Association's Constitution, policies and procedures. In making this decision, the Returning Officer may consider information about the candidate's previous involvement with the Association (including any Club) and the University, including the nature of any disciplinary action that has been taken against the candidate in the previous 5 years.

9. NOTIFICATION OF NOMINATIONS

- 9.1 The Returning Officer, or their nominee, must as soon as practicable after verifying the nominations:
 - a) notify ineligible candidates (if any) that they are ineligible for nomination; and
 - b) publish a notice that includes:

- i. the name, headshot photo and personal statements of each candidate that is eligible for election;
 - ii. details of the current composition of the Board; and
 - iii. if the number of eligible nominations received is equal to or less than the number of positions on the Board to be filled by election – a statement that the candidates nominated are taken to be elected, subject to ratification at the annual general meeting, in accordance with clauses 19.7 and 19.9(a) of the Constitution. Nominations for any vacant positions may be made at the annual general meeting, in accordance with clause 19.9(b) of the Constitution; or
 - iv. if the number of eligible nominations received is greater than the number of positions on the Board to be filled by election – a statement that there will be an election prior to the annual general meeting, in accordance with clause 19.8 of the Constitution, and the days, times and place for polling to take place.
- 9.2 If a candidate’s personal statement is longer than the maximum word count indicated on the nomination form, only the words within the limit will be published by the Returning Officer.
- 9.3 A candidate may withdraw their nomination at any time up until 5pm 2 days after the notification of nominations by the Returning Officer or their nominee. If a candidate withdraws, the Returning Officer, or their nominee, must publish a notice indicating that the candidate has withdrawn and removing that candidate’s details from the list of candidates.

Receiving nominations at the annual general meeting

- 9.4 Nominations for election made at the annual general meeting pursuant to clause 3.5b) (insufficient nominations received during nomination period) must be:
- 9.4.1 proposed and seconded by 2 Members of the Association present at the meeting, in accordance with clause 19.6(c) of the Constitution;
 - 9.4.2 accompanied by a short personal statement in support of the candidate’s nomination (given verbally up to 2 minutes in duration if the candidate is present at the meeting, or in a written statement no longer than 250 words if the candidate is not present);
 - 9.4.3 the consent of the candidate (given verbally if the candidate is present at the meeting, or in writing if the candidate is not present); and
 - 9.4.4 made during the period when the Returning Officer calls for nominations.
- 9.5 The Returning Officer, or their nominee, must verify that all candidates are eligible to nominate for election before voting commences at the annual general meeting.

Part 2

10. POLLING

10.1 Where required by clauses 19.8 and 19.10(b) of the Constitution, a poll will be held in accordance with Part 2 of these Regulations.

11. POLLING PROCEDURE

11.1 The Returning Officer must ensure that procedures are in place to ensure that:

- a) each Member may only vote once; and
- b) in the case of a secret ballot, the content of any vote is not revealed to any person other than the Returning Officer or their nominee until polling has closed and votes are being counted.

11.2 Votes must be cast in accordance with clause 12.

12. CASTING OF VOTES

Eligibility to vote in elections

12.1 In accordance with clause 11.1 of the Constitution, each Member of the Association is eligible to vote at any general meeting or in any election of the Association. For clarity, a staff member of the Association is not eligible to vote unless they are an ANU student or have been admitted as an Associate Member or Life Member in accordance with clause 9 of the Constitution.

Voting process

12.2 ANU Sport may arrange for online polling, in person polling or both.

12.3 A Member may only vote once in a poll. For clarity, a candidate is permitted to cast a vote.

12.4 To cast a vote for a position open for election, a Member must indicate the candidate for whom they wish to vote by:

- a) on an online ballot: selecting that candidate's name; or
- b) on a physical ballot: putting a mark such as a tick or cross next to the candidate's name;
or
- c) on a physical blank paper: writing the candidate's name;
The Member must then submit the vote.

12.5 The Member may only cast a vote for the positions open for election. For clarity, if there are 3 positions open for election, a Member can vote for a maximum of 3 candidates.

13. COUNTING OF VOTES

13.1 Votes will be calculated in accordance with the procedure set out in Schedule 1.

13.2 The Returning Officer must, as soon as practicable after the end of the close of polling, arrange for the counting of all votes to commence.

13.3 The Returning Officer, in their discretion, may admit any Member(s) to attend the counting of votes.

13.4 The Returning Officer must determine the validity of each vote and count all valid votes.

13.5 Votes may be recounted at the discretion of the Returning Officer.

13.6 The Returning Officer, or their nominee, must declare the results of an election:

- a) held prior to an annual general meeting – as soon as practical, but in any case, by written notice no later than 24 hours after the results of the poll are known to the Returning Officer; and
- b) held at an annual general meeting – by oral declaration at the annual general meeting, and by written publication no later than 24 hours after the annual general meeting.

14. PROHIBITED CONDUCT

14.1 The Returning Officer may direct any person breaching any part of these Regulations to cease doing so.

14.2 A person must not publish any election related communication during an election campaign that:

- a) contains untrue statements likely to mislead a voter in the casting of their vote;
- b) contains obscene, defamatory, sexist, racist, or homophobic material; or
- c) is larger than A3 size.

14.3 A person must not:

- a) offer or provide gifts, bribes, money, food, drink, or any other enticement to any person to influence that person to exercise their vote in favour of any candidate;
- b) canvass votes within 3m of a polling station;
- c) actively canvass within the Association's building;
- d) cast a vote which that person is not entitled to cast;
- e) incite another person to commit an electoral offence;
- f) make obscene, defamatory, sexist, racist, or homophobic statements in the course of an election; or
- g) remove from any place or cover another candidate's publication material.

14.4 The Returning Officer must undertake a thorough investigation into any prohibited conduct if:

- a) an allegation of that conduct is made in writing to the Returning Officer by any Member of the Association during the election period; or
- b) the Returning Officer believes that a person may have engaged in prohibited conduct.

14.5 After the Returning Officer has undertaken an investigation, the Returning Officer may, at their discretion:

- a) affirm the results of the election; or
- b) declare the election null and void and order a new election; and
- c) report the conduct to a meeting of Members, including a recommendation on whether punitive action be taken.

SCHEDULE 1: VOTING METHOD

First Past the Post

1. For each position up for election, the candidate with the highest number of votes is elected.
2. In the case of a tie in the highest number of votes for a position up for election, the polling for that position must be rerun between the candidates that have an equal number of votes.

SCHEDULE 2: KEY DATES

The table below sets out the key dates for the annual elections of the Association's Board.

Time	Activity	Clause
At least 5 weeks before AGM	Board to appoint Returning Officer	Regulations cl 2.1
At least 5 weeks before AGM	Returning Officer to call for nominations (7-day nomination period starts)	Regulations cl 5.1
At least 28 days (4 weeks) before AGM	Nomination period ends	Constitution cl 19.6b) Regulations cl 4.1a)
As soon as practicable after the end of the nomination period and verification of nominations	Returning Officer to give notice of candidates (following verification of eligibility to nominate) and whether there is a requirement for polling, and notify any ineligible candidates	Regulations cl 9.1
Up until 5pm 2 days after the notification of nominations by the Returning Officer	Candidate may withdraw their nomination	Regulations cl 9.3
3 consecutive days	Polling period (if required)	Regulations cl 4.1b)
Within 24 hours after counting the votes	Returning Officer to give notice of the results of the poll	Regulations cl 13.6a)
14 days (2 weeks) before AGM ¹	CEO gives notice of AGM	Constitution cl 27.2
On or before 31 May	Annual general meeting held Polling to elect candidates (if required)	Constitution cl 27.1
Within 24 hours after the AGM	Returning Officer to give notice of the results of the elections	Regulations cl 13.6b)

¹ Note, 21 days notice is required for an AGM at which a special resolution will be made (s 70 of the Act).