



# Rules for Election of Council Members

## 1. Definitions

### 1.1. In these rules

- (a) 'continuing candidate' means a candidate not already elected or excluded from the count;
- (b) 'close of ballot', in relation to an election, means 10am on the day appointed for the election;
- (c) 'Roll of the University' means a Roll referred to in clause 5.

## 2. Returning Officer

- 2.1. An election referred to in these rules is to be conducted by the Council Secretary who is to be the Returning Officer for the election. The Returning Officer may delegate any of his or her powers or functions under these rules.
- 2.2. Subject to these rules, detailed arrangements for the conduct of any election shall be made by the Returning Officer.
- 2.3. The Returning Officer shall prepare and circulate a notice calling for nominations in accordance with the rules.
- 2.4. The Returning Officer shall check the validity of all nominations received during the nomination period and advise each candidate of the outcome of their nomination. The Returning Officer shall reject any nominations received after the nomination period has closed.
- 2.5. The Returning Officer shall accept all nominations, which satisfy the requirements of these rules.
- 2.6. The Returning Officer shall treat any defective nominations in the manner prescribed in these rules.
- 2.7. Where a ballot is required, the Returning Officer shall conduct the ballot in accordance with the provisions of these rules.
- 2.8. In respect to any matter pertaining to the conduct of any election, and notwithstanding anything else contained in the rules, the Returning Officer shall take such action as the Returning Officer considers necessary, including but not limited to making void a step already taken in the election, to ensure the secrecy of the ballot and to prevent or remedy an irregularity.
- 2.9. The Returning Officer shall, subject to the University of Adelaide Act 1971 and to these Rules, determine finally on questions of detail concerning any election.

## 3. Scrutineers

- 3.1. Each candidate may appoint a scrutineer in writing to act on their behalf. A candidate in any election for the Council (including a candidate that may have been declared elected) cannot be a scrutineer.
- 3.2. Scrutineers have the right to view all facets of the election process.

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#### **4. Time of elections**

- 4.1. The Council in consultation with the Returning Officer shall determine the election dates in each category of membership for which election is required by the University of Adelaide Act 1971.

#### **5. Electors and candidates**

- 5.1. A person is eligible to vote if their name appears on a roll referred to in 5.3 below on Close of Roll Day.
- 5.2. Close of Roll Day shall be a day which is no earlier than 30 days and no later than 7 days before the day on which nominations for the election open.

#### **Rolls**

- 5.3. On Close of Roll Day, the Returning Officer will generate, or cause to be generated, from the records of the University, the following rolls:
- (1) a Roll of Academic Staff containing the names and addresses of those persons who hold a continuing or fixed term appointment to the post of professor, associate professor, principal lecturer, senior lecturer, lecturer or associate lecturer at the University (or, if an alternative designation is adopted for any of those posts, the post as so designated);
  - (2) a Roll of General Staff containing the names and addresses of those persons who hold a continuing or fixed term appointment to a post at the University other than a post referred to in paragraph (1);
  - (3) a Roll of Undergraduate Students containing the names and addresses of those persons who are enrolled as students of the University proceeding towards:
    - (a) a bachelor's degree; or
    - (b) a diploma other than a graduate diploma;
  - (4) a Roll of Postgraduate Students containing the names and addresses of those persons who are enrolled as students of the University proceeding towards:
    - (a) a degree other than a bachelor's degree; or
    - (b) a graduate diploma; or
    - (c) a graduate certificate;
  - (5) a Roll of Graduates as ascertained by the Returning Officer from the records of the University.

*Note: Section 3 of the University of Adelaide Act 1971 defines*

- *the academic staff as the officers or employees of the University classified by the Council as members of the academic staff;*
- *the general staff as the officers or employees of the University classified by the Council as members of the general staff;*
- *an undergraduate student as a student enrolled at the University in an academic program designated by the statutes or rules to be an undergraduate program;*
- *an postgraduate student as a student enrolled at the University in an academic program designated by the statutes or rules to be a postgraduate program;*
- *a graduate of the University as a person on whom the University has conferred an academic award, including an honorary award and an award conferred jointly with another body under section 6 of the Act.*

#### **Ineligibility to nominate if membership would exceed 12 years**

- 5.4. Pursuant to section 12A sub-section (6) of the University of Adelaide Act 1971, except by resolution of the Council, a person is ineligible to nominate if their election would result in the person being a member of the Council for more than 12 years.
- 5.5. A person wishing to nominate who, if elected, will exceed the 12 year limit during their term of office must lodge an application seeking a resolution of Council under section 12A sub-section (6) of the University of Adelaide Act 1971, giving reasons why they should be

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permitted to nominate, with the Returning Officer by the due date prescribed for such applications in the notice of election.

- 5.6. Applications to nominate must be considered by Council before nominations close.

#### **Eligibility to nominate as a member of academic staff**

- 5.7. In respect of a person seeking election as a member of the academic staff of the University, the prescribed qualification subject to section 5.4 is that the person's name is on the Roll of Academic Staff on Close of Roll Day.

#### **Eligibility to nominate as a member of general staff**

- 5.8. In respect of a person seeking election as a member of the general staff of the University, the prescribed qualification, subject to section 5.4, is that the person's name is on the Roll of General Staff on Close of Roll Day.

#### **Eligibility to nominate as an undergraduate student**

- 5.9. In respect of a person seeking election as an undergraduate student of the University, the prescribed qualifications subject to section 5.4, are that the person's name:
- (a) is on the Roll of Undergraduate Students;
  - (b) is not on the Roll of Academic Staff or the Roll of General Staff; and
  - (c) was enrolled as required by sub-section 12(7) of the *University of Adelaide Act 1971*, on Close of Roll Day.

#### **Eligibility to nominate as a postgraduate student**

- 5.10. In respect of a person seeking election as a postgraduate student of the University, the prescribed qualifications subject to section 5.4 are that the person's name:
- (a) is on the Roll of Postgraduate Students;
  - (b) is not on the Roll of Academic Staff or the Roll of General Staff; and
  - (c) was enrolled as a postgraduate student for the semester last preceding the date of the election, on Close of Roll Day.

#### **Eligibility to nominate as a graduate**

- 5.11. In respect of a person seeking election as a graduate of the University, the prescribed qualifications, subject to section 5.4, are that the person's name:
- (a) is on the Roll of Graduates; and
  - (b) is not on the Roll of Academic Staff, the Roll of General Staff, the Roll of Undergraduate Students or the Roll of Postgraduate Students, on Close of Roll Day.

### **6. Notice of election and call for nominations**

- 6.1. The Returning Officer may publish a notice before the opening of nominations stating that an election is to take place and specifying when nominations open.
- 6.2. At the opening of nominations for an election, the Returning Officer must publish a notice which (a) specifies the number and category of vacancies to be filled at the election, the term of office, the names of retiring members and whether the retiring members are eligible for re-election; (b) invites nominations for election to the vacancies; (c) specifies how nominations are to be made and the date and time by which nominations must reach the Returning Officer, and (d) specifies the due date for applications under section 5.5.
- 6.3. The closing date for nominations be at least 14 days after the notice is published.
- 6.4. In the case of an election by graduates, the notice must be published at least once in any University publication specifically aimed at graduates, which may be online or in print, or in an email to voters.
- 6.5. In the case of an election by staff or students, must be published at least once in a bulletin which circulates to all staff or all students, which may be online or in print, or in an email to voters.

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## **7. Making of nominations**

- 7.1. Each nomination form shall state the number of vacancies for each category of member, and the date and time by which nominations must reach the Returning Officer.
- 7.2. Each nomination shall be completed in full and be signed by two members of the electorate for the election.
- 7.3. Each candidate nominated shall declare, on the nomination form, that he/she is qualified to be elected in the category of membership for which he/she is nominated, and signify thereon his/her consent to the nomination.
- 7.4. Complying nominations must reach the Returning Officer by the close of nominations. Nominations received after the date and time set for the close of nominations shall be invalid. The signed nomination form may be forwarded electronically, provided the original nomination form is sent in the post.
- 7.5. Where the Returning Officer finds that a nomination is or may be defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect prior to the close of nominations.
- 7.6. Where the Returning Officer has notified a person of a defective nomination, and where that person has corrected the defect and advised the Returning Officer prior to the close of nominations, the Returning Officer shall accept the nomination.
- 7.7. Where the Returning Officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the Returning Officer prior to the close of nominations, the nomination shall be rejected.
- 7.8. Candidates must provide a statement in support of their nomination of not more than 150 words. (b) A candidate may provide a photograph taken within the last 24 months.
- 7.9. If a statement exceeds the 150 word limit and the candidate has not reduced the size of the statement to 150 words or less by the close of nominations, the Returning Officer will exclude from the statement all words appearing after the 150<sup>th</sup> word.
- 7.10. A statement must not refer to another person who has nominated as a candidate for election to the council without the written consent of that person.
- 7.11. All nominations and candidate statements must reach the Returning Officer before noon on nomination closure day.
- 7.12. A candidate duly nominated for any office may subsequently withdraw their nomination by letter to the Returning Officer at any time before the closing date for the receipt of nominations, and receipt by the Returning Officer of such letter shall be held to cancel such nomination. Nominations may not be withdrawn after the close of nominations.

## **8. Uncontested elections**

- 8.1. If the number of valid nominations received is less than or equals the number of vacancies to be filled, the Returning Officer shall declare the nominated candidate/s elected.

## **9. Conduct of ballot**

- 9.1. If the number of valid nominations received exceeds the required number of candidates, the Returning Officer shall conduct a ballot.

### **Form of ballot**

- 9.2. A ballot for a Council election must be a secret ballot using the preferential system.

### **Notification of voters**

- 9.3. If there is to be an election for members of the Council, the Returning Officer is to notify each person whose name is on the relevant Roll of the University by e-mail addressed to the person at his or her last known e-mail address.
- 9.4. The online voting system will open at least 14 clear days before the day appointed for the election.

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- 9.5. The fact that a person whose name is on the relevant Roll of the University did not receive notification of the election does not invalidate an election.

### **Information for voters**

- 9.6. The following information will be published on the University's website:
- (a) Instructions on how to vote and the date and time of the close of ballot
  - (b) A statement for each of the candidates. The statements will be published in a consistent format by the Returning Officer and will be set out in the same order as the names are to appear on the ballot.

### **Contents of ballot webpage**

- 9.7. The ballot webpage must contain the names of the candidates in the order determined by lot in accordance with subsection 9.8.
- 9.8. The Returning Officer is to determine the order of candidates in following way:
- (a) the names of the candidates concerned are to be written on separate and similar slips of paper;
  - (b) the slips are to be folded so as to prevent identification;
  - (c) the slips are then to be mixed and drawn at random;
  - (d) the candidates' names are to be listed in the order in which they are drawn.

### **Method of voting**

- 9.9. To make a formal vote at an election a person must vote—
- (a) if only one candidate is required to be elected – by placing the number 1 in the square opposite the name of the candidate of the voter's first preference and, if the voter so desires, by placing the number 2 and consecutive numbers in the squares opposite the names of other candidates in the order of the voter's preference for them;
  - (b) if more than one candidate is required to be elected – by placing consecutive numbers beginning with the number 1 in the squares opposite the names of candidates in the order of the voter's preference for them until the voter has indicated a vote for a number of candidates equal to the number of candidates required to be elected and then, if the voter so desires, by continuing to place consecutive numbers for one or more additional candidates in the order of the voter's preference.
- 9.10. Voters may only vote once in an election.

### **Informal ballot papers**

- 9.11. A ballot is informal if:  
it has no vote indicated on it or does not indicate the order of the voter's preference in a manner required by Rule 9.9

- 9.12. If –
- (a) a series of numbers (starting from the number 1) appearing on a ballot is non-consecutive by reason only of the omission of one or more numbers from the series or the repetition of a number (not being the number 1); and
  - (b) if more than one candidate is required to be elected – the numbers are at least consecutive up to the number of candidates required to be elected,
- the ballot is not informal and the votes are valid up to the point at which the omission or repetition occurs.

A ballot is not informal by reason of non-compliance with this section if the voter's intention is clearly indicated on the ballot.

- 9.13. Where, during the ballot, the Returning Officer is informed by a scrutineer that the scrutineer objects to a vote being accepted or rejected, the Returning Officer shall decide whether the vote is to be admitted or rejected. The decision of the Returning Officer is to be final.

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### **Procedure on close of ballot**

- 9.14. As soon as practicable after the close of ballot, the Returning Officer, in the presence of any appointed scrutineer shall:
- (a) download the ballot file from the online voting system
  - (b) input the ballot file into appropriate tallying software and ascertain the result of the ballot.

### **Informal ballots to be rejected**

- 9.15. The Returning Officer is to reject any informal ballots and count the formal ballots.
- 9.16. A reference in any other clause of these rules to a ballot is taken to be a reference to a formal ballot, and a reference to a vote is taken to be a reference to a vote in a formal ballot.

### **Death of candidate**

- 9.17. If a candidate has died between the close of nominations and the close of the ballot, then the Returning Officer will disregard that candidate in the final ranking of candidates.

### **Declaration of result**

- 9.18. When the Returning Officer is satisfied that the votes have been correctly calculated and counted, the Returning Officer shall declare the result of the election by:
- (a) writing to all candidates contesting the election and advising them of the outcome;
  - (b) writing to the University Council with a written election report that will be tabled at the next meeting of the Council which shall include:  
the total number of persons on the roll of voters and  
the total number of votes cast.

### **Paper-based elections**

- 9.19. In the event that electronic systems are unavailable the Returning Officer may re-schedule the election.
- 9.20. If it is not possible to re-schedule an election, the election may be conducted using physical documents.
- 9.21. For a paper-based election, any reference in these rules to an electronic document may be read as a reference to an appropriate physical document.
- 9.22. The votes in a paper-based election will be tallied in accordance with the method of counting set out in the Local Government (Elections) Act 1999.

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Formerly Statute 85. Statute repealed 14 May 2004  
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