

MONASH ELECTRONIC GAMING ASSOCIATION ELECTION REGULATIONS 2019

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PART 1 — PRELIMINARY

1 Application

- (1) These regulations are made as a schedule to the Constitution of the Monash Electronic Gaming Association.
- (2) These regulations apply to all elections held by the Club.

- (3) These regulations shall be construed subject to the Constitution of the Club, and any clause of this document which conflicts with the Constitution shall be superseded by the rules of the Constitution.

2 Jurisdiction

- (1) These rules are regulations and apply to the Club as a schedule under the rules of the Constitution.

3 Repeal

These regulations may be repealed by a resolution of the Committee passed with an absolute majority of the Committee voting in favour.

4 Amendment

These regulations may be amended by a resolution of the Committee passed with an absolute majority of the Committee voting in favour.

5 Operation

These regulations come into force on the 1st of January 2019 or when adopted by the Committee, whichever is later.

Upon coming into force, these regulations repeal the regulations previously known as the "SVGA Election Regulations".

PART 2 — BALLOT PAPERS

6 Validation

- (1) The Returning Officer shall mark each ballot at an election prior to distribution using a pen of a colour different to the colour the ballot is printed in, so as to provide a means by which the Returning Officer may verify the legitimacy of the ballot.
- (2) The markings the Returning Officer places on the ballot must include at least the date, time and a variation of their signature specific to that general meeting, as well as an indication of whether the ballot is to be cast by proxy.
- (3) The Returning Officer shall not count a ballot submitted to them if they believe the ballot submitted to be fraudulently submitted or the verification features are flawed.
- (4) The Returning Officer shall only distribute ballots to members entitled to vote in the election.
- (5) If an ordinary member has specified a proxy to vote for them, and has given that proxy instructions to vote in a particular way in the election, the Returning Officer shall-

- (a) Ensure that the proxy is aware that they are required to follow the instructions;
- (b) Verify that the instructions have been followed prior to accepting the ballot; and
- (c) Mark the ballot in a particular way to note it has been verified;
- (d) Reject any ballots for proxies which do not bear the mark to indicate it has been verified.

7 Preservation

- (1) A candidate, the chair, the Returning Officer or a scrutineer may impose a requirement that the ballots for a particular election be retained, upon such an imposition the club must preserve the ballots for at least 14 days.
- (2) Upon request from a member of the C&S Executive, or a C&S Staff Member the club must extend the length of time for which they preserve the ballots.
- (3) By resolution, a general meeting may impose upon the club an obligation to retain a set of ballots for up to a maximum of 7 years.
- (4) Where no request is in effect to preserve ballots for an election, the club shall preserve the ballots for the election until such a time as the Committee resolves to dispose of them, or 90 days has elapsed since the election was held, whichever is earlier.

8 Disposal

- (1) Where a set of ballots are no longer required to be preserved under part 7 of these regulations, the club shall dispose of them.
- (2) Ballots are to be disposed of by—
 - (a) Shredding;
 - (b) Incineration; or
 - (c) Any other manner of destruction which complies with subrule 3.
- (3) Ballots that are disposed of must be destroyed beyond the point where it would be reasonable to expect their contents to be recoverable.

9 Interpretation of Voter Intention

- (1) Where rule 54(4)(a) makes a provision for the “name” of a candidate, and no clear definition is outlined for this term within the constitution, it shall be interpreted to mean any spelling, variation in name or nickname of a candidate that—
 - (a) Indicates a clear choice of candidate by the voter;
 - (b) Can be uniquely attributed to a particular candidate in that election; and

- (c) Does not indicate the voter intended to cast an informal ballot.
- (2) Where two or more candidates have identical names, the Returning Officer shall assign **all** candidates with a unique number to differentiate them from the other candidates. Voters must indicate their choice of preference between identical candidates by using a combination of name and number in this instance. Numbers must be assigned in the order of nomination.
- (3) The Returning Officer must provide an explanation to all members present of the requirements under subrule 2, should it apply.

PART 3 — CLARIFICATION OF PROCEDURE

10 Short Speech

- (1) Part 54(1) of the club constitution makes a provision with respect to a “short speech”.
- (2) A short speech shall be defined as a speech made by the candidate to the other members in the room.
- (3) While a candidate gives their short speech, other candidates in the same election shall be required to leave the room and remove themselves from the area as such to not hear what is being said by the candidate during their speech and whilst questions are being asked and answered.
- (4) Where a candidate is declared elected unopposed they may choose to give a speech of no more than one minute to the members in the room.

11 Length of Short Speech

- (1) The meeting may resolve prior to speeches commencing for an election the length of time each candidate will have to present their speech, which must be no less than one minute of speaking time per candidate.
- (2) In any other case, the maximum speaking time allowed for a candidate during their short speech shall be—
 - (a) Where there are two candidates, five minutes;
 - (b) Where there are three candidates, three minutes and twenty seconds;
 - (c) Where there are four candidates, two and a half minutes; or
 - (d) Where there are five or more candidates, two minutes.
- (3) A candidate may voluntarily yield the remainder of their speaking time should they so choose.
- (4) The Returning Officer must indicate to the candidate that their time is up and require the candidate to stop their speech once they have used up their speaking time.

12 Member Questions

- (1) Prior to an election occurring the meeting may resolve the number of questions from the floor each candidate may be asked before proceeding to another candidate.
- (2) The meeting may resolve to have no limit on the number of questions.
- (3) In any other case, the maximum number of questions shall be—
 - (a) Where there are two candidates, nine questions;
 - (b) Where there are three candidates, six questions; or
 - (c) Where there are four or more candidates, four questions.
- (4) Members may ask questions to a candidate after their short speech concludes.
- (5) The Returning Officer is to cease question asking if—
 - (a) The maximum questions to be asked have been asked; or
 - (b) In their opinion, the floor appears to have no more questions of substance to ask.
- (6) On a ruling under subrule 5(b) the Returning Officer can be overruled by a two thirds majority of the ordinary members present.

13 Decision by lot

- (1) Under rule 54(6)(e) and rule 54(6)(f) or the club constitution, provisions are made for determinations by lot.
- (2) A determination by lot must provide an equal likelihood of selecting each candidate or have only a negligible difference in likelihood comparable to the flipping of an official Australian coin.

PART 4— SCRUTINEERS

14 Right to scrutiny

- (1) A candidate in an election shall have the right to appoint a person to watch and verify the vote counting in an election.
- (2) A candidate may appoint themselves to watch and verify the vote counting.

15 Call for scrutineers

- (1) Prior to collecting ballots, the Returning Officer is to inform all candidates of their right to appoint a scrutineer.
- (2) Prior to counting ballots, the Returning Officer must give each candidate an opportunity to appoint a scrutineer.

16 Eligibility to be appointed

- (1) A person may be appointed as a scrutineer if they are present and—

- (a) they are an Ordinary Member;
- (b) they are an Honorary Life Member;
- (c) they are the Patron; or
- (d) they are a member of the C&S Executive.

17 Scrutineer Rights

- (1) The Returning Officer must give notice to the scrutineers prior to commencing any of the following actions—
 - (a) Removal of ballots from a container which voters submitted completed ballots into;
 - (b) A determination of lot outcomes under rule 13 of these regulations;
 - (c) Counting of ballots; and
 - (d) Declaration of the result of an election.
- (2) The Scrutineers of an election are entitled to witness any of the actions listed in sub rule 1.
- (3) A scrutineer may—
 - (a) Request a closer look at a particular ballot or set of ballots;
 - (b) Report their findings back to the person who nominated them as a scrutineer;
 - (c) Raise reasonable concerns or questions to the Returning Officer with respect to the consistency between any processes they are following and the processes required by the club constitution and these regulations.

18 Scrutineer Restrictions

- (1) While witnessing an action under rule 17 of these regulations, scrutineers must not—
 - (a) Interfere with the counting of votes;
 - (b) Interfere with other scrutineers conducting their role;
 - (c) Interfere with the fair conduct of the election;
 - (d) Be within one and a half metres of the action being conducted without special permission from the Returning Officer; or
 - (e) Interfere with the Returning Officer conducting their duties.
- (2) The Returning Officer may dismiss a scrutineer from their role if a scrutineer breaches any of the requirements under subrule 1.
- (3) Where a scrutineer is dismissed, the candidate who appointed them may appoint another scrutineer to take their place who has not yet been

dismissed, and the Returning Officer must provide a reasonable period of time to allow for such an appointment to occur.

19 Special Scrutineers

- (1) The following persons and entities may also appoint a scrutineer—
 - (a) The chairperson of the general meeting in which the elections have been held;
 - (b) The Returning Officer;
 - (c) The C&S Executive; and
 - (d) The Clubs & Societies Council.
- (2) The following persons may self appoint as a scrutineer—
 - (a) The chairperson of the general meeting in which the elections have been held; and
 - (b) A member of the C&S Executive.