

RETURNING OFFICER'S REPORT, OUSA ELECTIONS 2017.

Thank you very much for providing me with the opportunity to act as your Returning Officer in 2017. I enjoyed the work that I undertook and was impressed with the high engagement in the process from candidates.

The purpose of this report is to summarise the work undertaken in my role. I have provided a summary of the advice given as well as an overview of the complaints received. In addition, I have included some recommendations for the Executive to consider. I believe some of the Rules need updated to ensure they meet the Executive's purpose and reflect the needs of the candidates and the Election process.

Advice and Administration

Rule 4. Campaigning

Rule 4.1

- Access to OUSA – many emails requesting permission to access OUSA buildings throughout the campaign period, with candidates not understanding that permission is only required during the voting period.

Some candidates gave me very little advance warning of their intention to access OUSA buildings, so that when I replied to say permission was not granted, the candidate had already undertaken the activity. In my opinion this rule needs removed or a timeframe needs to be included for asking permission in advance of proposed access. For most requests I gave the same advice: enter and leave the premises discretely, do not linger in the public areas, do not campaign/wear campaign t-shirts etc. I refused permission for two requests: Radio One interview, meeting friend at reception of OUSA for coffee.

Rule 4.6

- Concerns raised about campaigning in person in the library and leaving materials on desks, walls, and pillars. Talked with the librarians and relayed to candidates that no personal campaigning was allowed in the library and no campaign materials were to be left inside library as disruptive to the university environment.

Rule 4.8

- Questions about whether the Main Common Room and Union Hall were in the same section of the building or within 20 metres of the polling booth. Advised they were in different sections of the building so candidates could campaign there during the voting period.
- Clarified that the Link was in the same section of the building as the polling booth.

Rule 5. Candidate groupings

Rule 2.1

- Many questions about candidate groupings – I advised that my interpretation of “shared platform” was having a shared plan, principals, objectives or aims.

Rule 7. Campaign finance

Rule 7.2

- Advised at candidates' meeting that "full market value" means the value at which a member of the public could purchase the goods.

Rule 8. Endorsements

Rule 8.1.1

- I advised all candidates that to meet Rule 8.1.1's requirement of "make clear" that support from an Executive member was made in their personal capacity and not an endorsement of OUSA:
 - Executive members could not like/invite others to like candidates' pages.
 - Executive members who were administrators on candidates' Facebook pages must not invite people to like the candidate's page.
 - Executive members could post on their personal Facebook pages. If the Facebook page referenced an association with OUSA then a visible disclaimer was required.
 - Executive members could post on other candidates' pages with a disclaimer saying "I am posting in my personal capacity, and thus do not imply endorsement by OUSA" or words to that effect.

Other issues under the Election Rules

- Permission granted for current Executive member and candidate to attend an OUSA event during the voting period (which they had been instrumental in organising), with warning not to use the OUSA event as a campaign resource (Rule 7.3), or to imply endorsement by OUSA (Rule 8.1).
- Questions about leaving campaign materials at a non-OUSA seminar and management of media interview. Seminar was one in a series with previously seminars run by OUSA. Advised that leaving campaign materials at non-OUSA event was acceptable and to avoid campaigning in media.

Rule 3.11 of the Elections Policy

- Clarification that OUSA staff were not allowed to endorse candidates therefore OUSA staff could not like/invite people to like candidates' Facebook pages.

Other

- Assisted with resolution of administrative issues with Te Roopu Maori elections using the OUSA voting system too but voting system not in place at start of voting.
- OUSA Club pages: Great to encourage students to vote but administrators endorsing candidates on club pages was not permitted as students might view that as OUSA endorsement. Likewise, Club pages should not like/invite others to like candidates' pages.

Complaints

Complaints under the Election Rules

Rules 3.4

- Complaint laid about harassing behaviour from another candidate – following and telling complainant they could not place posters at specific sites. Complaint not investigated as

did not meet the threshold but emailed other candidate to remind them of the need for appropriate conduct towards all candidates.

Rule 3.4, 3.5

- Complaint received that candidates breached good faith in their public comments about the Vice Chancellor and were abusive towards a member of the OUSA Executive. Investigated and upheld breach of Rules 3.4 and 3.5. Few eligible voters were present at the public discussion so candidates were warned about not repeating this conduct and no penalty was awarded.
- Complaint that a candidate asked questions at a Candidate Forum which were unfair because the complainant did not have access to the document being referred to (document was reportedly not in the public domain). Advised that this did not meet the threshold for an investigation but obtained and supplied link to document for complainant.

Rule 4.1

- Alleged breach by accessing OUSA and giving an interview with Radio One during the voting period. Complaint received after campaign period ended so no investigation was undertaken as the outcome of the election would not have changed if the complaint was upheld.

Rule 7.1

- Complaint that candidates were on a candidate grouping before they publicly announced the formation of a ticket therefore possible breach of Rule 7.1. Investigated, not upheld.

Rules 7.1, 7.2

- Complaint received that a candidate sourced food items at a discounted price not available to members of the public, thereby potentially in breach of Rule 7.1 if full market value was not declared as required under Rule 7.2. The complaint was extensively investigated after the close of the voting period following receipt of the financial return. I established a breach of Rule 7.2 and then determined the full market value of the goods after receiving information from other suppliers of similar goods, on how they discounted end-of-line food items. A breach of Rule 7.1 was then found. I determined the percentage of the over-spend and reduced the total number of votes the candidate had received, by that percentage, thus the candidate was entitled to 97% of the votes they received. This was a complex and time-consuming task as there were no guidelines/rules about remedying this type of breach, and with the provisional results already published, impartiality and transparency in my decision-making role was vital.

I believe this Rule needs consideration by the Executive. Either the rule needs to be removed, or a system put in place to confirm nobody can buy items without declaring them. Determining the amount of expenditure relies totally on the honesty of each candidate in declaring all their expenses. No other candidate was scrutinised to the extent required in this investigation. As it stands currently, unless a candidate complains about a possible discrepancy in spending, the Returning Officer is in no position to check the accuracy of the financial returns. For example, some candidates purchased blue-tak and drawing pins and declared the costs of these purchases. But what if a candidate says they only used drawing pins found on the notice boards? Some candidates purchased more goods than they used – how should this be figured into the financial return?

Ideally also, financial returns should be submitted prior to the close of voting. In this instance, the complaint was received before close of voting but no investigation could commence until the financial return was received. Evidence collection took a couple of days before a decision could be made and the complainant and candidate advised of the outcome. Results then had to remain provisional until the 5-day appeal period had expired. I am confident the system could be improved to the betterment of the election process.

Rule 7.4

- Complaint that give-aways of tea, coffee, milo and biscuits were a breach of Rule 7.4. Investigated and not upheld.

Rule 8

- Complaint that it was a breach of Rule 8 to imply Critic endorsement in a video posted on Facebook. Investigated. No breach found as despite OUSA owning Critic, Critic has independence from OUSA with regards to its publications. There is no obligation on candidates to educate students about Critic's independence from OUSA with regards to opinions expressed in articles. However, I found there was a breach of good faith under Rule 3.5 by making untruthful statements. No penalty was awarded as there was minimal impact on votes given the very small number of comments, shares, and reactions on Facebook.

Complaints about Critic

- I received a complaint alleging Critic had breached Rule 3.6 (undermining integrity of the election) and Rule 1.2 (undue influence). Advised that Rules apply to candidates, not to journalists. Critic has full media independence. Complaint to the Press Council was as option complainant could follow up if they felt the Press Rules had been breached.
- A couple of concerns were raised about media independence. Candidates were aware that OUSA owned Critic and therefore felt that articles in Critic supporting candidates would be viewed by voters as OUSA endorsement. Likewise, adverse comments in Critic would reflect on candidate poorly as students would not understand the relationship between OUSA and Critic. Perhaps the Executive want to consider informing candidates and, also, the general student body about media independence.

Complaints under Election Policy

- I received several complaint/concerns about whether a candidate was eligible for nomination as they were not a "member of the Association" under the OUSA Constitution at the time of the nomination. I advised complainants of the process as stipulated in the Elections Policy (correspondence with Secretary at first instance) as this issue was outside my jurisdiction.

Suggestions for the future

- I received a request to ban tickets next year as a student found 3-4 candidates approaching them in the union food court "a bit confronting". The student also expressed concern that candidates on tickets would struggle to work with other candidates once elected.

- A student requested that the voting system be changed so that students only wanting to vote for the International Officer could do that without having to go through every other Officer position too.
- I believe it would be very useful for the Executive and candidates to meet with myself and the Secretary to discuss some improvements to the Rules. In particular (but not limited to):
 - Rule 2.1 – “candidate grouping” definition
 - Rule 4.1
 - Rule 7.1
 - Rule 7.2
 - Rule 7.5
 - Rule 8.1 – social media
 - Critic independence

I hope we can convene a meeting to review the Rules and the election process to ensure the process is the best it can be for the future.

Thank you again to Executive for the opportunity to be the Returning Officer. I was impressed with the professionalism, enthusiasm, and overall conduct of candidates this year and appreciate the efforts candidates went to, in their pursuit of Executive Officer roles in 2018.

Lastly, I would like to express my very sincere gratitude to Donna Jones who makes the role of Returning Officer so much more manageable and enjoyable than it would otherwise be.

Kyla Mullen
Returning Officer 2017.