

RETURNING OFFICER'S REPORT, OUSA ELECTIONS 2019.

Thank you very much for providing me with the opportunity to act as your Returning Officer in 2019. I enjoyed the work that I undertook and was impressed with the high engagement and behaviour from all 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 and definitions within the Elections Policy need updating to ensure they meet the Executive's purpose and reflect the needs of the candidates and the Election process.

Advice and Administration

Voting bias

- A number of candidates were concerned that the ordering of candidates presented to voters would sway the votes, given the STV voting system. Those concerned about this issue were reminded that the ordering is random.

Rule 13.2

My thanks go to the executive who decided amongst themselves no to engage in any activity that may have been perceived to have been a breach of rule 13.2. The rule states that no current executive members can be seen to be actively supporting or opposing an election candidate visually, verbally, or by any other means. The advice sought was in relation to the use of "Facebook events" and whether current OUSA executive members could click "going" to a particular candidate's event.

As it stands, the rule would appear to be violated if an executive member did click going. This would especially be so if they were either posting in support/opposition on that page, and/or sharing that page with the intent of supporting/opposing that candidate. These two situations would also fall under "distributing campaign materials" or as a "public announcement" under rule 13.2.

It is recommended that the executive look to clarify this rule. In doing so, the executive should recognise the increasingly tough task of monitoring such behaviour, the likelihood that such behaviour will have an influence on the election results, or whether it would be easier to put a blanket ban on current executive members engaging in any such behaviour.

Other:

- Putting campaign finance into Facebook advertising was deemed okay.
- Posters in the link were allowed.
- Endorsements from University staff were allowed.

Complaints

Complaints under the Election Rules:

A breach was alleged and upheld under rule 13.1 regarding a candidate wearing an OUSA t-shirt on their Facebook campaign page. However, after an investigation under clause 6, and

having regard to the factors in 6.8, no vote removal nor any other punishment was imposed. The candidate was asked to remove the material from all social media and duly obliged.

On the final day of voting it was alleged that a candidate, or people acting as volunteers for the candidate in question, were sitting outside of various lecture theatres in their campaign t-shirts, with electronic devices asking people to vote. Had this allegation been substantiated, it would amount to a serious breach of the OUSA Elections Policy. Not only does it have the effect of undermining the legitimacy and integrity of the elections (rule 8.7), nor was it acting in good faith to other candidates (8.8), it also had the effect of breaching rule 9.1 (candidates must not campaign within 20 metres of a polling booth).

Rule 11.1 clearly states that an action by a campaign volunteer will be held to have occurred on behalf of that candidate, unless the Returning Officer otherwise determines. A “campaign volunteer” is not defined, but this was clearly the case here. A “polling booth” is defined, as any physical or electronic device made available for the express purposes of voting. In my opinion, a breach would have been upheld, and such a breach would have seen a substantial number of votes deducted had it been substantiated.

Online voting has clearly brought about new challenges that I urge the executive to consider moving forward. Such actions cannot be allowed if the impartiality of the voting system is to be upheld.

Suggestions for the future

This year we had a number of candidates question the amount other candidates were spending on their campaigns. As it stands, donations are counted as part of a candidate’s expenditure, at their “market value.” Crucially, market value is not defined in the rules, nor was this effect and scope of this rule communicated to the candidates particularly well. Further definitions need to be provided throughout the rules too.

Another area of the Elections Policy that is in urgent need of clarification is the penalty section. As it stands, the Returning Officer has the power to apply any penalty they see fit, having regard to the various factors in rule 6 (in particular, 6.8). This is unhelpful for a number of reasons.

1. In the event that a complaint is still being dealt with when the results have been received, the current system does not provide an objective, impartial means of deducting votes. This opens the door to inadvertent bias playing a role in the imposition of any penalty.
2. There are no guidelines as to what percentage, nor number of votes, should be deducted if a breach is found. There are also no guidelines as to whether different breaches should be treated differently. It is recommended that a guideline be constructed, while retaining some flexibility.

Thank you to all the candidates who ran. Thanks also must go to the current executive, especially those running for re-election, who were very understanding and patient in their dealings with me.

Many thanks must also go to Donna, whose wit and knowledge of the rules and processes surrounding the campaign guided me through many, if not all, of the issues that came up throughout the campaign.

Benjamin Baker
Returning Officer 2019