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Subject: Returning Officer Report for the 2021 OUSA Elections

PRESENTED TO THE OUSA EXECUTIVE IN ACCORDANCE WITH THE
CONSTITUTION AND RULES OF THE OTAGO UNIVERSITY STUDENTS'
ASSOCIATION INCORPORATED

[1.0] The Election:

[1.1] As Returning Officer, my jurisdiction began at 9.00am 10th September 2020, when nominations opened. Nominations closed at 4.00pm 16th September 2020. Voting in the election took place from 9.00am 28th September 2020 and ended at 4.00pm 1st October 2020.

[1.2] Nominations were received for all the available positions. The following positions were contested: President, Administrative Vice President, Academic Representative, Clubs and Societies Representative, Political Representative, and Residential Representative. The following positions were uncontested: Finance and Strategy Officer, Welfare and Equity Representative, Postgraduate Students' Representative, and International Students' Representative.

[1.3] The voting system employed was an online voting system routed through a page managed by OUSA. The voting system process was a Single Transferable Vote (STV) system. Both met the relevant criteria for the appropriate voting system.

[1.4] The following candidates were returned:

President: Michaela Waite-Harvey

Administrative Vice President: Emily Coyle

Finance and Strategy Officer: Josh Meikle

Academic Representative: Michael Evans

Welfare and Equity Representative: Maya Polaschek

Postgraduate Students' Representative: Sophie Barham

International Students' Representative: Gerald Ryan

Clubs and Societies Representative: Dushanka Govender

Political Representative: Mhairi Mackenzie-Everitt

Residential Representative: Jack Saunders

[1.5] The following inquiries were received:

[1.5.1] There was an inquiry as to whether UOPISA and TRM could endorse a particular candidate, given that the Presidents of each are considered ex officio members of the OUSA Executive. The decision was that UOPISA and TRM both fell within the definition of clubs and societies and were both sufficiently independent from OUSA. The organisations could endorse particular candidates and the President of each could act on that endorsement on behalf of the organisation. To decide otherwise would be to unfairly limit Māori and Pasifika voices. Note that the endorsement ought to be on behalf of the organisation, and not the Presidents as individuals.

[1.5.2] There was an inquiry as to whether campaign materials could be put up in study centres and whether there was a limit on what materials could be used for campaign materials. The decision was that campaign materials could be put up in study centres and there were no specific rules around the materials which could be used, outside of the existing rules around campaign spending and conduct.

[1.5.3] There was an inquiry about how the full market value of campaign materials would be calculated, and whether materials acquired through donations would count towards the total campaign spending cap. The decision was based on a previous decision by a Returning Officer. The decision was that materials that are received at a discount or even received free of charge must be measured at their full market value with respect to the campaign spending cap. That decision is based on the wording of Clause 12.2 of the Election Policy and Rules which expressly uses the term “full market value”. This interpretation also prevents unfairness of means or access between candidates.

[1.5.4] There was an inquiry as to where campaign materials could be placed in the Central Link, and whether they could be placed on glass doors and noticeboards. The decision was that they could be placed on the large, fixed noticeboards in the Link, but not the freestanding OUSA boards, or the glass doors. In the case of the glass doors that is because the University will remove them and charge for cleaning costs.

[1.5.5] There was an inquiry about whether it was okay to have Facebook profile pictures with virtual stickers promoting the candidate where the profile picture included an OUSA event or OUSA merchandise. The decision was to err on the side of caution with respect to incumbent OUSA Executive members and change the profile picture to avoid any reference to OUSA.

[1.5.6] There was an inquiry about whether campaigning nominees could attend the Helen Clark Peace and Conflict Event. The decision was that an invitation to the event should be provided to all the nominees, that each nominee could attend the event, but that incumbent OUSA Executive members who were also running for positions could not have an active, front-facing role in the event.

[1.5.7] There was an inquiry as to whether there was any degree of apparent bias in a Radio1 interview. The decision was that there was no noticeable bias. Additionally, the Returning Officer should be hesitant to punish candidates for actions outside of their control.

[1.5.8] There was an inquiry as to whether it was alright for a candidate to attend the Postgraduate AGM in the Evison Lounge of the Clubs and Societies Building. The decision was that it was important for the functioning of the AGM, and that Evison Lounge was not an area that was prohibited to candidates over the course of the campaigning period. The candidate was advised not to use the AGM as a platform for campaigning.

[1.5.9] There was an inquiry about the representation of cash transactions in the final financial report on campaign expenditures. The decision was that each candidate should use their own best judgement to obtain some proof of expenditure where no actual receipts exist for that expenditure. In the instance where no proof can be found, the Returning Officer will use best judgement to determine whether the reported amount is what could reasonably be considered to be the market value of the thing reported purchased.

[1.5.10] There was an inquiry as to what form the campaign volunteer and financial return reporting should take. The decision was that there should be a list of the full names of any campaign volunteers throughout the campaign provided to the Returning Officer within seven days of the close of elections. There should also be a full list of expenditure for each campaign, accompanied by proof of expenditure, where that proof is possible.

[1.5.11] There was an inquiry as to what should be done in the instance where someone has campaigned on behalf of a candidate and that candidate does not know who that person is. The decision was that the candidate should do everything possible to find out who that person is and, if necessary, publicly ask for people to not campaign on their behalf. Where the person can be found, they should be included in the list of campaign volunteers. Where they cannot be found, the candidate should remove any campaign chalking or posters by that person.

[1.5.12] There was an inquiry as to why a doctoral student had not received an email linking them to the voting page and informing them that they should be voting in the OUSA Elections. There was also an inquiry as to whether this was a problem that other doctoral students had encountered. To the best of my knowledge this was a one-off problem, caused by some degree of administrative oversight or technical failure. OUSA should be careful to include all enrolled students in the bulk emails in the future.

[1.6] The following complaints were received:

[1.6.1] There was a complaint about the highly topical Woman As President (WAP) posters that had been put up by the OUSA Executive to encourage nominations for positions in the elections. The complaint was that nominations had closed and that the Presidential position was contested by a man and a woman. Given that, posters calling for a woman to be President were unfair in the male candidate. My decision was that the complaint had merit and the OUSA should not have posters up that advocate for the characteristics that only one candidate hold. The posters were promptly removed by the OUSA Executive.

[1.6.2] There were three complaints about the overall tone of the first forum, conducted by Critic and Radio1, for the 20-hour positions. Two complaints were formally by email and one was made informally verbally. The complaints were that the tone of the forum was inappropriate due to the harassing nature of some of the questions, the peer pressure used on

some candidates, and the rudeness that some of the candidates were treated with. That looked like candidates being pressured to dance for the audience, inappropriate use of the term "fuckboy", and questions that seemed designed to trap or humiliate candidates in answering them. My decision was that the complaint had merit. The hosts of the forum were contacted and informed of the complaint. The hosts were asked to revise their lines of questioning in light of the complaint for the following three forums. I attended each of the following forums and found that the hosts had suitably revised their tone and questioning.

[1.6.3] There was a complaint that, on the webpage where voting occurs, Presidential candidate Sammy Bergen had been listed under the name "Sammy B". The complaint was that this misrepresentation may influence the results of the voting because it occurred across a two-hour period when the voting opened. Additionally, the issue was personally insulting for candidate Sammy Bergen who takes pride in his name and campaigned on the basis of it. The complaint requested an explanation for how the error occurred, an apology for the error, and an investigation into what can be done in the instance where the error has affected voting results. My decision was that the complaint had merit. The explanation provided was that, when OUSA constructs the voting webpage, they use the candidate information sent to them from Critic. In this case, Critic had listed candidate Sammy Bergen as "Sammy B" and OUSA had taken no steps to double check the accuracy of the information when it arrived. I found that it would be impossible to make a determination as to whether the misrepresentation had an effect on the overall results of the voting. Given that, it would be unfair on the other presidential candidate to add or remove votes post facto. My decision was to provide Sammy Bergen with a public apology from Critic and OUSA, from their respective Facebook accounts. That decision provided both an apology from those responsible for the misrepresentation and provided additional exposure and advertising at no campaign cost to Sammy Bergen. That additional exposure would, in theory, offset any cost to votes of the misrepresentation. Both Sammy Bergen and the other presidential candidate Michaela Waite-Harvey agreed to this course of action. OUSA and Critic published apologies to their Facebook pages, based drafts I provided to them. On final examination, the difference in votes between the Presidential candidates was more than the total votes submitted over the period of time where the Presidential candidate's name was misrepresented. Given that, the issue did not have a material impact on the outcome of the election.

[1.6.4] There was a complaint that the promotional banner of a particular candidate was positioned too close to a banner for OUSA. My decision was that, unless the candidate's banner was directly adjacent to the OUSA banner there was no issue. As the banner was not, no further action was taken.

[1.6.5] There was a complaint that a candidate's chalking had been done on the Oamaru stone of the University buildings. My decision was that this was not a breach of the Election Rules and Policy but was likely to be charged for cleaning costs by the University. I contacted the candidate and asked that they remove the chalking from the building immediately. The candidate did so, and no further action had to be taken.

[1.7] The following recommendations were provided:

[1.7.1] I recommended to OUSA that current OUSA Executive Officers do not like campaign Facebook posts by candidates and do not click “going” or “interested” on the campaign voting events that are posted by candidates. In each case those actions technically constitute a breach of the Election Rules and Policy and OUSA Executive Officers ought to err on the side of caution.

[1.7.2] Critic asked that this be included verbatim in the report. I agree with the merit of the points made and this relates to a point made in the recommendations section. As such, I have decided to include it: “Critic wishes to express a heavy disappointment in OUSA for not putting in more of an effort for these elections. Every year, the buck falls on the association secretary (and by default, student media, because we'd do anything for her) to promote the OUSA elections. Simple things were not done this year - such as large candidate photos and what position they are running for in the OUSA arch, which has been a tradition for as long as I can remember. In previous elections, the entire bollards have been used for candidate posters, but this year only a small section was. The social media of OUSA promoted the elections was at an absolute bare minimum (five posts over a three-week period), despite rolling internal updates that voter turnout was at its lowest in years. Additionally, Critic was asked to apologize for its role in a candidate's name being incorrectly entered into the voting system, despite us not making any mistakes in our publication. This is the OUSA election, not the Critic election, and more care should have been paid that names were accurate. Overall, the OUSA elections are the single most important event for OUSA every year. Anyone who thinks otherwise does not understand the point of our student union. OUSA needs to step up. This is the responsibility of ALL of us, not just the current executive members”

[2.0] Recommendations:

[2.1] The following are my own recommendations for future OUSA Elections or By-Elections. These recommendations are made based on the comparatively low voter turnout in this election and the fact that some of the rules in the Election Rules and Policy document are not fit for purpose concerning the spread of social media.

[2.2] Currently the Election Policy and the Election Rules have been incorporated into the same document, named the Election Policy and Rules. Some of the references within that document refer to the separate older documents and particular clause references within them. Some of the materials provided to candidates also reference the older, separate documents. As a matter of housekeeping, I recommend a review of the Election Policy and Rules, as well as a review of the materials provided to candidates with the purpose of changing the wording and references to be in line with the new amalgamated document. Such a review would also be in line with the following recommendation.

[2.3] There was a question raised in this election which has been raised in the past, about how candidates should calculate the ‘full market value’ of free or discounted campaign materials. The current working definition of Clause 12.2 is that discounted materials should be estimated at their full market value, regardless of the discount. In the interests of clarity, I would recommend that a Clause 12.3 be inserted. Such a clause could read: “The full market value of any campaign material shall be calculated as the best estimated current full market

value, absent any sale or discount. This clause shall not apply to the cost of labour from campaign volunteers”.

[2.4] There was a question raised in this election as to what TRM and UOPISA were allowed to do concerning endorsements. The decision was that they were sufficiently separate entities from OUSA and so could endorse candidates. The issue is that they occupy a complex space, where their presidents are ex officio members of the OUSA Executive. I recommend that this be explicitly referenced in the materials provided to candidates in the interests of clarity. Candidates should be aware that TRM and UOPISA can endorse candidates and their presidents can act on those endorsements, but their presidents cannot endorse candidates in an individual capacity.

[2.5] There was a question raised in this election by OUSA as to what candidates who were incumbent OUSA Officers were allowed to do in their capacity as OUSA Officers. The decision was that they could perform roles for OUSA so long as those roles were not front facing. I recommend that this should be clearly communicated to candidates upon nomination.

[2.6] There was a question raised in this election as to what behaviour was appropriate for incumbent OUSA Officers on Facebook. There have been differences in approach on this issue between Returning Officers. My decision was that incumbents were not to like Facebook posts for campaigns or click “going” or “interested” on events. I recommend that the OUSA President communicate this to all Executive members ahead of each election in the interests of clarity.

[2.7] This election suffered from low turnout compared with previous years, with only 2498 votes cast in total. Part of the issue is that Covid 19 has forced OUSA to hold the election later in the year. Covid 19 has also forced a number of other events into this time period. The result is that elections occurred in a very busy time, right in the lead up to exams. Obviously, this is the result of events outside of OUSA’s control. I would recommend that, in the future, elections are not held at such a busy time to allow for greater student engagement.

[2.8] Still with reference to the above issue of low voter turnout, there are actions that the OUSA Executive could have taken to improve voter turnout that were not taken. Please refer to the above message from Critic. There could also be greater advertising across a range of social media for the nomination period and for the voting period. More bulk emails could be sent out, as sending bulk emails have correlated with spikes in voting across the voting period. In the nomination period, OUSA could undertake lecture and hall bashing. Greater social media engagement could be explored through not only Facebook, but also Twitter, Instagram, and Snapchat. There are a number of means of reaching out to students that are relatively quick and low cost, especially with the growth of social media. Those should be explored by the Executive. Preferably, a dedicated portfolio should be given to an Executive member so that progress can be tracked. A low turnout is not just bad for student politics, but the Executive should be especially careful of the optics of depressing non-incumbent nominations.

[2.9] Finally, with reference to the above complaint about the tone of the first forum, I recommend that the Executive consider rotating the hosting of the forums through a number of hosts, as opposed to only using Critic and Radio 1. I believe that this was the case in the

past. I am sure that there are individuals and clubs that would be happy to provide hosts for these forums. This would result in several benefits. Firstly, this would showcase a range of students, clubs, and societies in a public forum. Secondly, this would increase engagement and turnout for these forums by drawing in the friends of the individual hosts or the members of the clubs or societies hosting. Thirdly, a level of friendly competition between hosting parties will likely drive up the quality of the forums as the parties want to be seen to host a good forum. Finally, I believe to some degree the inappropriate tone of the first forum is a result of the culture of Critic. A degree of rotation will avoid that culture entrenching itself.

[2.10] This will be my first and last election as the Returning Officer and I hope I have been acceptable in that position. I hope that the above recommendations are useful, my intention is only to provide useful advice, never to unfairly call out or criticise. I wish the very best to the new Executive and to future Returning Officers. I will continue to be available for any questions or concerns around the electoral process.