

# Report of the Returning Officer on the 2022 OUSA Executive Elections

Provided in accordance with clause 3.3.  
of the OUSA Elections Policy  
10 September 2021

**ousa**

## 1. Executive Summary

- 1.1. Overall, the election ran smoothly and I am confident that all students had a fair opportunity to participate.
- 1.2. The biggest difficulty I encountered in my role was the discretionary and ad hoc nature of the Returning Officer's role, and the lack of written guidance.
- 1.3. I received enquiries relating to 14 separate issues. All were resolved satisfactorily.
- 1.4. I received 6 complaints. All were resolved satisfactorily, and none were malicious in nature.
- 1.5. This year's candidates were generally good-natured, compliant and pleasant to deal with.
- 1.6. The move to COVID Alert Level 4 was managed well and with little disruption to the election.
- 1.7. **Summary of Recommendations (in full at 5.)**
  - 1.7.1. I **recommend** collating past Returning Officers' decisions into a handbook for reference.
  - 1.7.2. I **recommend** amendments to clarify the rules around club endorsements.
  - 1.7.3. I **recommend** clarification of the length of the campaigning period.
  - 1.7.4. I **recommend** future preparedness for candidates to join forums by video link.
  - 1.7.5. I **recommend** a review of outdated policies to suit the digital era.
  - 1.7.6. I **recommend** a tightening of the rules around candidate disclosures.
  - 1.7.7. I **recommend** a ban on the use of the colour green in campaign materials for future elections.
  - 1.7.8. I **recommend** that candidates be required to use their university email address for contact.

## 2. Overview

- 2.1. Nominations opened at 9:00am on 4 August 2021 and closed at 4:00pm on 10 August 2021. Nominations were received for all Executive positions.
- 2.2. The following positions were contested:

Administrative Vice President;  
Academic Representative;  
Welfare and Equity Representative;  
Postgraduate Students' Representative;  
International Students' Representative;

Clubs and Societies Representative; and Residential Representative.

2.3. The following positions were uncontested:

President;  
Finance and Strategy Officer; and  
Political Representative.

2.4. Voting opened at 9:00am on Wednesday 25 August 2021 and closed at 4:00pm on Friday 27 August 2021. Voting was conducted via an online voting system routed through a page managed by OUSA. Votes were cast and counted with the Single Transferable Vote method. I am satisfied that the voting system fulfilled the applicable criteria.

2.5. The following candidates were returned:

PRESIDENT:	Melissa Lama
ADMINISTRATIVE VICE PRESIDENT:	Maya Polaschek
FINANCE AND STRATEGY OFFICER:	Emily Fau-Goodwin
ACADEMIC REPRESENTATIVE:	Caitlin Hancy
WELFARE AND EQUITY REPRESENTATIVE:	Lily Marsh
POSTGRADUATE STUDENTS' REPRESENTATIVE:	Ravneel Chand
INTERNATIONAL STUDENTS' REPRESENTATIVE:	Sean Teow
CLUBS AND SOCIETIES REPRESENTATIVE:	Tulsi Raman
POLITICAL REPRESENTATIVE:	Te Āwhina-Pounamu-Waikaramihi
RESIDENTIAL REPRESENTATIVE:	Patrice Le Sueur

### **3. Running of the election**

3.1. Overall, the election ran smoothly and I am confident that all students had a fair opportunity to participate. The move to COVID Alert Level 4 forced candidates to move to online-only campaigning, however a turnout increase of roughly 500 votes compared to last year's elections suggests that this did not have a substantial dampening effect on student involvement. I commend the candidates and the OUSA Marketing and Communications team for their mahi during this period.

3.2. The biggest difficulty I encountered in my role was the discretionary and ad hoc nature of the Returning Officer's role in answering enquiries, investigating complaints and arbitrating disputes. While I am confident that all my decisions were reasonable and just, I would have appreciate some written guidance as to long-standing precedents and established interpretations of certain rules. This issue is addressed in my recommendations at 5.1.

3.3. **The following enquiries were received:**

3.3.1. There was an enquiry as to the order of candidates' names in the online voting system, particularly focusing on whether the order of names is randomised each time the page is loaded. Blair Hughson of Core Development confirmed that this is indeed the case.

- 3.3.2. There was an enquiry as to whether an incumbent member of the OUSA Executive could promote candidates for the International Students' Representative role via the social media channels of the Otago International Students' Association. It was decided that this was allowed as long as all candidates for the role were promoted equally.
- 3.3.3. There was an enquiry as to whether the Otago University Debating Society could endorse a candidate despite the Society's President being an incumbent member of the OUSA Executive. It was decided that this was allowed as long as the OUDS President abstained from discussing or voting on the motion to endorse.
- 3.3.4. There was an enquiry as to whether Te Roopū Whai Pūtake could endorse a candidate despite that candidate being an incumbent member of the TRWP Executive. It was decided that this was allowed as long as the candidate abstained from discussing or voting on the motion to endorse.
- 3.3.5. There was an enquiry as to whether Te Roopū Māori could endorse a candidate despite the Tumuaki sitting as an *ex officio* member of the OUSA Executive. It was decided that this was allowed as long as the Tumuaki abstained from discussing or voting on the motion to endorse.
- 3.3.6. There were several enquiries as to whether posters could be put up in the Link. Candidates were advised that they could place posters on noticeboards but otherwise walls, doors, windows etc were off-limits. Some posters were removed from Central Library toilets and no further action was taken.
- 3.3.7. There was an enquiry as to whether candidates could campaign in residential colleges. It was decided that this was allowed as long as each college was appropriately notified and had given permission.
- 3.3.8. There were several enquiries as to whether candidates could continue to campaign once the voting period had started. Candidates were advised that they could continue to campaign. I have proposed a remedy for this seemingly common mistake in my recommendations at 5.3.
- 3.3.9. There was an enquiry as to whether lecturers could email campaign materials to their students on behalf of candidates during Alert Level 4 lockdown in place of lecture-bashing. It was decided that this would be a breach of the rules. Candidates were instead advised to approach lecturers for permission to lecture-bash Zoom classes.
- 3.3.10. There was an enquiry as to whether the voting link could be published on campaign posters. It was decided that this was allowed as long as the link was not a clickable URL, as posting a clickable link alongside promotional campaign material would breach the spirit of cl 17.1.5 of the Elections Policy. I have addressed this decision below.
- 3.3.11. There was an enquiry as to whether sharing Critic Te Arohi articles about campaigning on social media was permitted, given that Critic Te Arohi falls under the umbrella of OUSA. It was decided that this was allowed.
- 3.3.12. There was an enquiry as to whether candidates could share Facebook posts and events related to the elections from OUSA pages. It was decided that this was allowed, but commenting on OUSA posts to promote individual campaigns was not permitted.
- 3.3.13. There was an enquiry as to whether the voting page could feature longer 150-word candidate blurbs rather than shorter 100-word blurbs. This enquiry was raised too late to be

investigated or actioned before voting opened, and was deemed to be at the discretion of the OUSA Executive and/or Marketing and Communications team.

- 3.3.14. There were several enquiries as to whether candidates would be held responsible for rule breaches carried out by others, on their behalf but without their knowledge. It was decided based on precedent that candidates would not be held responsible for these breaches but had a duty to take reasonable steps to remedy the breach and prevent future breaches.

#### 3.4. **Other matters arising:**

- 3.4.1. There was a communication issue between myself and the Editor of Critic Te Arohi arising from the complaint addressed at 4.4.1. I told the candidate who had raised the complaint that Critic Te Arohi would publish a correction, believing mistakenly that the Editor had already been consulted and had agreed to that course of action. I communicated my apologies for the error, which was understandably interpreted as undermining their editorial independence.
- 3.4.2. There were some technical issues with one candidate's Zoom connection at the second on-campus Candidates' Forum. This did not affect the flow of questioning and she could be heard clearly by the audience, however I have addressed the issue in my recommendations at 5.4 to avoid future problems.
- 3.4.3. On 18 August, the whole country was placed under COVID Alert Level 4 lockdown. This disrupted on-campus campaigning and posed potential equity issues for candidates with limited internet access or lower budgets for promotional spending. I stayed in regular contact with candidates to keep them in the loop as the situation developed. I received feedback from several candidates that this frequent contact was helpful. Three main adaptations were made to accommodate the conditions:
  - a. After discussions with members of the OUSA Executive, a \$100 limit was applied to promotional spending on social media to prevent unfair and excessive spending by candidates with higher budgets. This did not have retroactive effect.
  - b. After discussions with members of the OUSA Executive and the Marketing and Communications team, it was decided that candidates could submit an additional 150-word blurb to be promoted on the OUSA Elections 2022 Facebook event. Candidates were given approximately three days to submit this.
  - c. It was decided that cl 17.1.5 of the Elections Policy, which ordinarily prohibits campaigning within 20 metres of a polling booth, would be adapted per cl 23.1 to prohibit the publication of clickable voting links alongside promotional campaign materials. This decision is addressed in my recommendations at 5.5.

## 4. **Candidates' conduct**

- 4.1. This year's candidates were generally good-natured, compliant and pleasant to deal with. No complaints of malicious or highly inappropriate conduct were received and no official penalties were given out. I commend all candidates for their high standard of behaviour and

the level of respect they showed to me and to one another.

- 4.2. At the time of writing, five candidates are yet to submit their financial returns and volunteer lists, the seven-working-day period having elapsed on Tuesday 7 September at 4:00pm. This issue is addressed in my recommendations at 5.6.
- 4.3. One candidate exceeded the \$200 spending limit by more than 20%. The candidate was not elected and after discussions with the Secretary it was decided that this warranted no further action. This issue is addressed in my recommendations at 5.6.
- 4.4. **The following complaints were received:**
  - 4.4.1. There was a complaint that one candidate's blurb in Critic Te Arohi was incorrectly formatted, making it more difficult to read. This was resolved to the complainant's satisfaction by printing a correction.
  - 4.4.2. There was a complaint about one candidate's use of the colour green in campaign materials. The colour was similar to, but not the same as, OUSA green. It was decided that there was no general prohibition on use of the colour green, however the candidate was advised to add a disclaimer clarifying that the campaign was not affiliated to or endorsed by OUSA to avoid a breach of cl 21 of the Elections Policy. It was noted that incumbent OUSA Executive members running for re-election should not use green as this could imply an endorsement. This issue is addressed in my recommendations at 5.7.
  - 4.4.3. There was a complaint that one candidate was offering a chocolate giveaway, which would be contrary to COVID Alert Level 4 guidelines. The candidate clarified that the chocolate would be delivered after the Alert Level had been lowered, and the complaint was dismissed.
  - 4.4.4. There was a complaint that a popular Facebook meme page had promoted one candidate's campaign with the voting link attached, in breach of guidance issued to all candidates. The complaint rested on an allegation that the candidate in question was an administrator of the page and had posted the content. My investigation concluded that the candidate was not in fact the author of the offending posts, nor were they an administrator of the page. The potential issue had been remedied several days earlier when the candidate complied with my request to have the link removed. It was decided that the complaint was founded on mistakes of fact and interpretation, and no sanction or further action was required.
  - 4.4.5. There was a complaint submitted after voting had closed and results had been announced, complaining of procedural unfairness on the part of myself and the Secretary. The candidate had not received a number of emails advising of various rules and developments in the campaign due to an administrative error which recorded an incorrect email address. The candidate was sent all relevant information along with an apology as soon as the error was discovered, and the limit on online promotional spending was waived due to the communication error. Prior to the close of voting, it was my understanding that the candidate was satisfied with these remedies. In accordance with cl 10.1 of the Elections Policy, it was decided that the complaint could not be investigated as the facts disclosed did not render the election result unsafe. My reasons for that finding are detailed in Appendix I. The candidate was informed of the rights of appeal and request for re-election, but opted to accept the dismissal of the complaint. The issue of the administrative error is addressed in my recommendations at 5.8.

- 4.4.6. There was a further complaint submitted after voting had closed and results had been announced. The candidate alleged that results had been sent out at 3:54pm, six minutes before the official close of voting. In accordance with cl 10.1 of the Elections Policy, it was decided that the complaint ought to be investigated as the facts disclosed, if true, would have rendered the election result unsafe. Upon investigation, it was determined that the results had in fact been sent out at 4:17pm. The candidate subsequently confirmed that they had incorrectly read the time. The complaint was dismissed.

## 5. Recommendations

- 5.1. At present, there is no readily accessible body of past decisions and rules of thumb to which the Returning Officer can refer when making decisions. This compromises the goal of consistency between elections and puts a great deal of pressure on the Returning Officer to correctly interpret and apply the rules in myriad circumstances.

**I recommend** that OUSA undertake a process of collating important decisions and principles from the last five OUSA elections into a handbook for future candidates and Returning Officers to refer to. I can make myself available to conduct this process prior to next year's elections if desired; otherwise, there is no shortage of capable people at OUSA's disposal.

- 5.2. There are a number of enquiries each year as to whether affiliated clubs and societies, in particular Te Roopū Māori and the University of Otago Pacific Island Students' Association, can endorse candidates while incumbent OUSA Executive members or candidates themselves have leadership positions within those organisations. The issue is particularly sensitive with respect to TRM and UOPISA given their leaders' *ex officio* positions within OUSA. I have upheld precedent and allowed these endorsements with some caveats, however I believe some codification would help to clear up this perennial confusion.

**I recommend** that cls 2 and 20-22 of the Elections Policy be amended to read, respectively:

- 2.1.8. Conflicted party means–
- 2.1.8.1. Any incumbent member of the OUSA Executive not seeking re-election; or
- 2.1.8.2. A candidate seeking the endorsement of an OUSA-affiliated club or society.

### **20. Endorsements**

- 20.1. Candidates must not campaign in a manner that implies an endorsement by OUSA.
- 20.2. No current OUSA staff member or Executive member may actively support or oppose an election candidate except if they are a candidate.
- 20.3. Candidates may be endorsed by any OUSA-affiliated club or society, provided that any conflicted party abstains from any discussion or vote on the endorsement.

- 5.3. Many candidates were confused about whether they could continue to actively campaign once voting had opened. I believe this confusion stemmed from the wording of the Elections Policy, which distinguishes between the 'campaign period' and the 'voting period' without clarifying that this does not limit campaigning to just the former period.

**I recommend** either amending cl 2.1.2. to make this point clear, and/or adding the clarification to the information provided to candidates.

- 5.4. There were some technical issues with including a candidate in one of the on-campus forums via Zoom.

**I recommend** that future Returning Officers are advised to prepare and test Zoom functionality prior to forums where candidates are expected to join via video link, in order to ensure equitable access for distance learners and students on other campuses.

- 5.5. Given the move to an online-only election due to COVID Alert Level 4 restriction, it was decided that cl 17.1.5 of the Elections Policy, which ordinarily prohibits campaigning within 20 metres of a polling booth, would be adapted per cl 23.1 to prohibit the publication of clickable voting links alongside promotional campaign materials. This decision was made to uphold the spirit of cl 17.1.5. in the absence of alternative guidance.

**I recommend** that the OUSA Executive review cl 17 of the Elections Policy and other clauses which are quickly becoming dated and unfit for purpose with the growing ubiquity of digital campaigning and voting. Although I made adaptations as I saw fit under cl 23.1, I feel it is the Executive's role to decide how to regulate digital campaigning and voting as a matter of policy. I am available to advise on this if the Executive wishes, but I recommend Professor Colin Gavaghan for expert advice on the issue.

- 5.6. A number of candidates are yet to submit their financial returns and volunteer lists, and one candidate exceeded the budget significantly. I am at a loss for what to do in this situation, and it raises the question of the real purpose of this documentation. I believe the requirement that candidates submit documentation after the election must be 'beefed up' with some accompanying provisions.

**I recommend** that the deadline for submissions of documentation be reduced to three working days unless a discretionary extension is granted by the Returning Officer. Candidates who fail to submit documentation or who substantially exceed their budget should face some penalty, whether that be reduction of votes or loss of eligibility for the next election. While I understand that this seems severe, at present there is no mechanism to ensure accountability and the door is wide open for abuse of the system. There is also no incentive for candidates to submit returns as they face no consequences for the lack of transparency. I encourage the Executive to consider this question in particular: if a candidate spent \$1000 on their campaign, won the election and then failed to submit financial returns, what in the current framework would prevent them from walking away free from consequences?

- 5.7. There have often been complaints and issues arising from use of the colour green, particularly shades similar to that used by OUSA, in candidates' campaigns for positions on the OUSA Executive. This year I followed precedent and ruled that the colour could be used as long as it was not implying an endorsement from OUSA itself. I believe the matter needs further consideration, however.

**I recommend** a ban on the use of green in campaign materials for future elections. This is because the current position already de facto prohibits incumbent OUSA Executive members from using green due to cl 17.1.5, and I do not see sufficient justification for the confusion and frustration caused by the current ambiguity of the rules in this regard. In this election, an incumbent candidate was forced to change posters, at considerable expense, because of the use of green. A different candidate was allowed to use the colour. Another candidate



complained about the second candidate's use, claiming it was misleading. In my view, the status quo is more trouble than it's worth. An express ban would make the position clear to all candidates and stop the squabbling. There are plenty of other colours to choose from.

- 5.8. One candidate was understandably upset when an administrative error resulted in all of my emails being sent to the wrong address. I have a simple proposed solution for future years.

I **recommend** that candidates be required to use their university email address as their listed contact email when they are nominated. This has two benefits: (1) candidates can easily be identified by their email and contacted easily via the university directory; and (2) mistyped email addresses are much more likely to send a 'bounce' error if they are in the university format. Sending to [johnsmith7@gmail.com](mailto:johnsmith7@gmail.com) instead of [johnsmith8@gmail.com](mailto:johnsmith8@gmail.com) is likely to go unnoticed, for instance.

## 6. Conclusion

- 6.1. Overall, I believe this election was well organised and effectively orchestrated, and the slate of candidates were by and large excellent ambassadors for the student body. It has been a pleasure to assist the candidates and help to facilitate this process. Voter turnout could always be higher, but I do not level the type of criticism expressed in last year's report at the 2021 Executive. On the contrary, I commend them for their efforts to engage students and support candidates, and congratulate them on a job well done as we welcome the 2022 Executive on board to carry the OUSA kaupapa into the future.
- 6.2. I submit this report as a full record of key events, decisions and recommendations from the 2022 OUSA Executive Elections per cl 3.3 of the Elections Policy.



**George Sabonadiere**  
2021 Returning Officer

## **Appendix I: Dismissal of Procedural Complaint (Ref. 3.4.5.)**

Complaint received Friday 27 August 2021 at 7:43pm

Kia ora [name redacted],

Thanks for notifying me of this.

Under cl 10.1 of the Elections Policy I must not investigate any complaint reported after the close of voting unless the content of the complaint would render the election result unsafe. I acknowledge that you feel the administrative error disadvantaged your campaign, and I apologise once again for that on behalf of OUSA. However, I am not satisfied that the disadvantage was so significant as to render the election result unsafe. I have reached this conclusion for the following reasons:

1. You were ultimately able to submit a blurb and it was published in the same manner as all other candidates'.
2. A number of candidates who were also listed below others (by random selection) went on to win their elections comfortably, suggesting it was not a significant disadvantage.
3. Furthermore, the social media post featuring your blurb appears to have been viewed by only a small number of people. At the time of writing, it has only seven 'reactions' on Facebook.
4. Given that the election was decided by a margin of 60 votes, I am not convinced that the administrative error disadvantaged you on a significant enough scale to have changed the outcome.

For these reasons, I do not think I am able to take this complaint any further. I can, however, offer you my assurances that I will outline the incident in my final report to the Executive and recommend that the communications process be strengthened to ensure this does not happen again. I think the most appropriate solution would be to automatically use candidates' student emails so that their identities can be matched to the email address and incorrectly typed addresses will give a 'bounce' alert, and to send out a test email at the beginning of the campaign period to make sure. I also offer my unreserved apologies once again.

If you are unsatisfied with this outcome, you have a couple of options:

1. You may appeal my decision to an independent arbitrator by notifying the Secretary ([donna@ousa.org.nz](mailto:donna@ousa.org.nz)) within five working days; or
2. You may demand a re-election by notifying the Secretary within five working days.

In both cases you would be required to outline the details of your complaint in full and provide any necessary supplementary evidence. If you request a re-election I will give my advice to the Executive and they will make the final decision, with any re-election taking place within fifteen working days.

I hope this clarifies your options and the position concerning the Elections Policy.

Ngā mihi,

George Sabonadiere  
**Returning Officer**  
**Otago University Students' Association**