

# ***Elections Procedure Policy***

Category Executive

Version 6

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## **1. Purpose**

- 1.1. The purpose of this policy is to ensure that the Otago University Students' Association (OUSA) elections are carried out in a democratic, fair and efficient manner, while encouraging maximum participation.
- 1.2. OUSA recognises that freedom of speech and expression are a guaranteed part of fair and democratic elections, but will ensure all elections are free from harassment, intimidation or abuse and are conducted in a manner free from undue influence.
- 1.3. This policy shall not contradict the OUSA Constitution, nor will any person or persons subject to this policy, act in a manner inconsistent with the OUSA Constitution.

## **2. Interpretation**

- 2.1. In this policy, unless the context otherwise requires:
  - 2.1.1. By lot, means the use of objects in making a choice at random.
  - 2.1.2. Campaign period means the period of campaigning from the closing of nominations to the opening of voting.
  - 2.1.3. Campaigning means the process of actively or passively promoting a candidate standing for election on the OUSA Executive. This includes any attempt to persuade voters to vote or not vote for a particular candidate.
  - 2.1.4. Casual vacancy means the situation where any executive position is currently unoccupied, or where there is no person elected to fill a position following any election.
  - 2.1.5. Polling booth means any physical or electronic device made available for the express purposes of voting.
  - 2.1.6. Voting period means the time during which voters are able to cast ordinary votes.
  - 2.1.7. Working day means any day except –
    - 2.1.7.1. Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day;
    - 2.1.7.2. Semester holidays prescribed in the University calendar.

## **3. The Returning Officer**

- 3.1. Before the opening of nominations, the Secretary shall appoint a Returning Officer.
- 3.2. The Returning Officer must:
  - 3.2.1. Oversee the running of the OUSA Executive election
  - 3.2.2. Carry out the duties described in the OUSA Constitution; and;
  - 3.2.3. Be available to candidates and members of OUSA, to answer questions pertaining to the election.
- 3.3. Within twenty (20) working days after the close of voting, the Returning Officer must provide a written report to the OUSA Executive. The report must address, but is not limited to:
  - 3.3.1. Conduct of candidates' election campaigns;
  - 3.3.2. Running of the election; and;

3.3.3. Improvements to the election process.

- 3.4. The Returning Officer shall hold their position until the Executive has received the report.
- 3.5. The Returning Officer's report shall be uploaded to the OUSA website and kept by the Secretary and made available to future Returning Officers on their appointment.
- 3.6. In the event that no Returning Officer is appointed; or that the Returning Officer vacates the position, is absent or incapacitated, the Secretary shall hold the position of the Returning Officer until a new Returning Officer is appointed.
- 3.7. Shortly after the close of nominations, the Returning Officer must hold a meeting of all candidates to explain the OUSA Election Rules and answer any questions.
- 3.8. The Returning Officer must carry out their duties in a timely manner, so as to ensure the proper, fair and democratic conduct of the election.
- 3.9. The Returning Officer must, when required, clarify, interpret or add to these rules during the course of the election in a way which best reflects the integrity and impartiality of the voting process.

#### **4. The OUSA Executive**

- 4.1. The Executive must assist the Returning Officer, as needed and where appropriate, to ensure the elections are conducted in a proper, fair and democratic manner.
- 4.2. Executive members must actively promote the election, except if they are a candidate.
- 4.3. The Executive must set the election dates through an Executive motion, for the upcoming elections.
- 4.4. The Executive has a responsibility to ensure:
  - 4.4.1. The OUSA election is to be held in the second semester.
  - 4.4.2. As many students as possible are engaged in the election;
  - 4.4.3. Sufficient time to train and handover to the incoming Executive
  - 4.4.4. That the election period is of an appropriate length, considering the time required to prepare, the stress placed on candidates and staff by a prolonged election period; ensure the election is held away from a University examination period; and avoidance other significant events which may lower the profile of the election.

#### **5. The Secretary**

- 5.1. In the event that the Secretary has not been appointed, or the Secretary vacates their position, is absent or incapacitated, the Chief Executive Officer will as soon as possible, appoint an appropriately qualified individual for the purposes of temporarily carrying out the Secretary's election duties under this policy until such time as a Secretary resumes their role.
- 5.2. The Secretary must, in conjunction with the Returning Officer, ensure that the OUSA Candidates' Information Sheet and OUSA Executive Nomination Form are updated as necessary and that sufficient copies have been made.
- 5.3. The Secretary must post a notice calling for nominations for the Executive and disseminate the notice in such media as they see fit.
- 5.4. This notice must specify a date not earlier than five working days from the posting of the notice by which time all nominations must be delivered to the Secretary.
- 5.5. The Secretary must receive the nominations for the Executive and ensure that arrangements are made for their receipt if the candidate is not available in person.
- 5.6. Upon receipt of the nomination form the Secretary will ensure that:
  - 5.6.1. The candidate is eligible to stand;
  - 5.6.2. The nominator is eligible to nominate;
  - 5.6.3. The seconder is eligible to second; and
  - 5.6.4. All other details of the form are properly filled out.
- 5.7. If the requirements under clause (5.6) are not met, the Secretary must notify the nominee of this fact.

- 5.8. The Secretary may not refuse to accept a nomination for any reason other than non-adherence to administration requirements or ineligibility.
- 5.9. Where the Secretary refuses to accept a nomination they must make the nominee aware of their right to appeal to the Executive within two working days.
- 5.10. Upon the closing of the nominations, the Secretary must within 24 hours:
  - 5.10.1. Provide the Returning Officer with a list of names of the members duly nominated for each office; and
  - 5.10.2. Post a notice stating the names of the candidates for each position, their nominators and seconders, and distribute the notice to such media as they see fit.
  - 5.10.3. Where the Secretary has accepted a nomination it can be appealed to the Returning Officer within 24 hours as per clause 21 (i) of the [Constitution].
- 5.11. Within 24 hours of the release of the election results, the Secretary shall post a notice stating:
  - 5.11.1. The names of the successful candidates for each position;
  - 5.11.2. The number of valid votes cast for each candidate;
  - 5.11.3. The number of no confidence votes cast for candidates in each position;
  - 5.11.4. The number of abstained voters for each position; and
  - 5.11.5. The number of invalid votes cast for each position.

Commented [JM1]: s 21 or cl 21 depending on what we use. If being more precise it is 21 (i)

## 6. Appeals against the Secretary

- 6.1. Where the Secretary has for any reason refused to accept a nomination, an appeal by the refused person against such a refusal may be made to the Executive.
- 6.2. Any appeal must be delivered to the Secretary or President within twenty four hours after specific notice of such refusal.
  - 6.2.1. If the appeal against the Secretary is made by the President, then the appeal must be delivered to any other members of the Executive.
- 6.3. The recipient of the appeal in clauses 6.2 or 6.2.1 must as soon as is reasonably possible notify the Executive of that appeal.
- 6.4. Any appeal must be in writing and state the grounds for the appeal.
- 6.5. Any list of nominations must be advertised as provisional where it is produced:
  - 6.5.1. Before the period for lodging an appeal has expired; or;
  - 6.5.2. Before an appeal has been determined.

## 7. Candidates

- 7.1. When they submit their nomination forms, candidates must each receive a copy of the Elections Policy and a Candidate's Information Sheet from the Secretary.
- 7.2. Candidates must sign all required forms as deemed necessary by the Returning Officer, confirming that they have read this policy and agree to abide by it.
- 7.3. Failure to receive the policy will not invalidate the nomination or the application of the Rules to the candidate.
- 7.4. Where a candidate wishes to withdraw from an election they must deliver a signed written withdrawal to the Secretary, and such withdrawal will be accepted as final.

## 8. Voting

- 8.1. The Returning Officer must ensure that the voting system is able to:
  - 8.1.1. Meet the specifications and requirements as per the OUSA Constitution;
  - 8.1.2. Ensure that only OUSA members vote and that each member is only able to vote once; and;
  - 8.1.3. Provide for special votes for candidates and others unable to vote during the election period.
- 8.2. The Returning Officer must rule on whether to disallow votes not submitted in the specified manner or that are not sufficiently clear.
- 8.3. The Returning Officer has the sole discretion to allow the entry of a vote where a member believes that their name has wrongly been recorded as having already voted.

- 8.4. In all elections, on the ballot there must be, in each position, an option to vote 'no confidence' in the candidates.
- 8.5. The name of the candidates in each position must be consistent with the name recorded on the nomination form.
- 8.6. The names of the candidates in each position must be placed on the ballot in a random order.

## 9. Advertising

- 9.1. The Secretary must seek permission for the publication of candidate blurbs in Critic Te Arohi, on terms as close as possible to those spelt out in this policy:
  - 9.1.1. Candidate blurbs for Presidential candidates must be no more than 150 words in length;
  - 9.1.2. Candidate blurbs for all other candidates must be no more than 100 words in length;
  - 9.1.3. All candidate blurbs and photographs must be received by Critic Te Arohi by the deadline set by the Secretary, taking into consideration Critic Te Arohi publishing deadlines;
  - 9.1.4. Candidates may have one blurb for each position they are standing for;
  - 9.1.5. The Secretary must ensure that candidate blurbs are available at polling booths and on the OUSA website during the election period for voters to read; and;
  - 9.1.6. Candidate blurbs must not contain material that constitutes harassment, intimidation or abuse;
- 9.2. The Secretary will seek permission from the University to distribute an email to OUSA members advertising the election on terms as close as possible to those spelt out in this policy:
  - 9.2.1. Any such email must be brief, must not include any attached files, and must be solely for the purpose of advertising the election; and;
  - 9.2.2. Any such email must specify the dates, times and where to vote.

## 10. Campaign conduct

- 10.1. Candidates must campaign in accordance with this policy. Failure to do so may result in the Returning Officer taking action under Section 14 of this Policy.
- 10.2. Candidates must comply with the instructions of the Returning Officer and any other election officials.
- 10.3. Candidates must comply with the instructions of the University and its officers.
- 10.4. Candidates must only supply University recognised names, nicknames and monikers to be listed on the Election Ballot.
- 10.5. Harassment, intimidation or abuse of any candidate or member of OUSA is completely unacceptable and must not be entered into.
- 10.6. Candidates must act in good faith towards their fellow candidates, OUSA, and the wider community.
- 10.7. Any attempt to undermine the legitimacy or integrity of the election is strictly prohibited.

## 11. Campaigning

- 11.1. Candidates must not campaign:
  - 11.1.1. In OUSA offices;
  - 11.1.2. In the OUSA Clubs and Societies building;
  - 11.1.3. In the OUSA Student Support Centre;
  - 11.1.4. In University libraries;
  - 11.1.5. In the same section of any building with a polling booth, or within twenty metres of a polling booth, during the voting period, without prior express permission of the Returning Officer;
  - 11.1.6. In a manner that is disruptive to the University environment; and;
  - 11.1.7. Using any substance that will leave a permanent mark on the University or public grounds.

- 11.2. Candidates must not:
- 11.2.1. Send any emails to University email lists.
  - 11.2.2. Interfere in any way with the campaign materials of another candidate.
  - 11.2.3. Interfere in any way with private property without the express permission of the owner.
- 11.3. Candidates must respect the integrity, impartiality and privacy of the voting process.

## 12. Campaign volunteers

- 12.1. An action by any campaign volunteer will be held to occur on behalf of the candidate to which they volunteer for, unless determined otherwise by the Returning Officer.
- 12.2. Candidates must provide a written list of any person(s) actively supporting their election campaign to the Returning Officer no more than seven (7) working days following the close of voting.

## 13. Campaign finance

- 13.1. The total campaign expenditure for any individual candidate must not exceed \$200.
- 13.2. The full market value of any individual or collaborated campaign material used to promote the campaign must be incorporated into the total costs of the campaign.
- 13.3. Candidates must not use any OUSA resources in the course of the campaign, including but not limited to OUSA related websites, printing and social networking web pages.
- 13.4. Candidates must complete the financial return form (with receipts attached where applicable), and lodge with the Returning Officer no more than seven (7) working days following the close of voting.

## 14. Endorsements

- 14.1. Candidates must not campaign in a manner that implies an endorsement by OUSA.
- 14.2. Te Roopu Māori and the University of Otago Pacific Islands' Students' Association are permitted to endorse candidates as parallel bodies to OUSA.
- 14.3. No current OUSA staff member or Executive member may actively support or oppose an election candidate except if they are a candidate.

14.4.

## 15. Complaints and Breaches process

- 15.1. Any candidate or member of OUSA may make a complaint to the Returning Officer alleging a breach of the OUSA Election Rules by a candidate.
- 15.2. When examining an alleged breach of the OUSA Election Rules, the Returning Officer must consider the principles of natural justice and will carry out a full, fair and impartial investigation.
- 15.3. Where notice of a complaint has been given to the Returning Officer they must announce all affected results as provisional until the complaint and any subsequent appeals have been dealt with.
- 15.4. Where the Returning Officer believes, on reasonable grounds, that the actions of an individual may be attributed to a candidate, they may consider the breach as if the candidate had committed it.
- 15.5. Where the Returning Officer believes, on reasonable grounds, that the complaint is frivolous, they may make a decision to dismiss the complaint out of hand.
- 15.6. When examining an alleged breach of the OUSA Election Rules, the Returning Officer may examine any conduct within the campaigning period relating to the election, regardless of whether that conduct occurred before or after the complaint.
- 15.7. The Returning Officer must take all reasonable steps to inform the candidate to whom the complaint relates, and where appropriate any other party to the breach,

of the complaint and allow not less than 24 hours for the candidate to prepare their response.

- 15.8. Upon upholding a complaint, the Returning Officer may impose such restriction, limitation or penalty, including disqualification, as they think appropriate, taking into account:
  - 15.8.1. The seriousness of the breach;
  - 15.8.2. The potential or actual effect the alleged breach may have or has had on the outcome of the election;
  - 15.8.3. The intention of the candidate in committing the breach; and;
  - 15.8.4. Repeated breaches of the OUSA Election Rules by a candidate.
- 15.9. The Returning Officer may choose to impose such restriction, limitation, or penalty against an individual candidate:
  - 15.9.1. Any such restriction, limitation, or penalty imposed against a candidate will be notified to the candidate.
- 15.10. Without limiting the Returning Officer's discretion, disqualification may be appropriate in cases of:
  - 15.10.1. Damage to property, without permission of the owner;
  - 15.10.2. Serious or repeated harassment, intimidation or abuse of any candidate, member or group of members of OUSA;
  - 15.10.3. Any attempt to undermine the integrity of the election; or;
  - 15.10.4. Serious or repeated disregard for the instructions of either the Returning Officer or the University and its officers.
- 15.11. In all circumstances, the Returning Officer must notify the candidate and complainant of their right to appeal to the Executive.
- 15.12. The detail of the complaint and any candidate response must not be publicly notified by the Returning Officer, the complainant or the candidate until after the complaint process and appeal process (if undertaken) are both concluded and determinations have been made.
- 15.13. In the event that the Returning Officer disqualifies any candidate in the election, and this is not appealed to the Executive, the candidate will be removed from the voting system and the results shall be re-produced.

## **16. Complaints Time Window**

- 16.1. The Returning Officer shall not investigate a breach of the OUSA Election Rules reported after the close of the voting period, except where the allegation discloses facts that, if proven, would compromise the validity of the election results.
- 16.2. The Executive shall appoint an independent arbitrator, who must not be an ordinary member of OUSA, to resolve any appeal.
- 16.3. Decisions of the Returning Officer may be appealed to the Executive appointed independent arbitrator, by any OUSA member.
- 16.4. No complaint of a breach of the OUSA Election Rules will be heard by the independent arbitrator until the Returning Officer has ruled on the issue.
- 16.5. Any appeal against a decision of the Returning Officer must be lodged with the Secretary within five (5) working days of the Returning Officer's decision.
- 16.6. All appeals must be in writing, disclose the grounds of the appeal and the evidence supporting the appeal.
- 16.7. The Secretary must notify the appeal to the person who is the subject of the complaint and provide them with appeal documents within two (2) working days of the appeal being lodged.
- 16.8. The Secretary must notify any parties to the appeal of the result of the appeal in writing as soon as reasonably possible after the independent arbitrator has considered the matter.
- 16.9. A decision of the independent arbitrator will be final and will bind the Executive.
- 16.10. The appeal, and any response to the appeal, must not be publicly notified by the Secretary, Returning Officer, Executive, independent arbitrator or any party to the

appeal until the appeal has been finally determined.

#### 17. Recount

- 17.1. A demand for a recount must be delivered to the Secretary, in writing, within five (5) working days of the election result being released and must state fully the grounds upon which the demand is made.
- 17.2. The Executive will automatically grant a recount the first time that a candidate requests one.
- 17.3. No member of the Executive will vote on a demand for a recount in which they are interested.
- 17.4. The manner and form of any recount will be decided upon by the Executive in a manner consistent with the OUSA Constitution, and shall be conducted by the Returning Officer.
- 17.5. Any candidate may attend a recount.

#### 18. Re-Election

- 18.1. A demand for a re-election must be delivered to the Secretary, in writing, within five (5) working days of the election result being released and must state fully the grounds upon which the demand is made.
- 18.2. Upon recommendation from the Returning Officer the Executive may, in response to a demand, hold a re-election if it is established to the Executive's satisfaction that:
  - 18.2.1. Circumstances not attributable to a particular candidate have rendered the election result unsafe; or;
  - 18.2.2. The actions of a candidate or candidates have undermined the integrity of the electoral process in such a manner that the disqualification of those candidates would not sufficiently guarantee the safety of the election result.
- 18.3. Where the Executive is unable to reach the quorum to decide on a request for a re-election, the matter must be referred to the independent arbitrator:
  - 18.3.1. A decision of an independent arbitrator will be final and will bind the Executive.
- 18.4. No member of the Executive will vote on a demand for a re-election in which they are interested.
- 18.5. The manner and form of any re-election will be such as may be decided upon by the Executive in a manner consistent with the OUSA Constitution, and shall be conducted by the Returning Officer.
- 18.6. Any re-election must be completed within fifteen working days of the Executive motion directing it.
- 18.7. If a re-election is not completed within fifteen working days the original result of the election will stand.
- 18.8. Any re-election must use the nominations as they stood on the final notice of nominations for the original election.

#### 19. By-Elections

- 19.1. Where a casual vacancy exists, the Executive will set the date for a by-election by motion provided that it is satisfied that:
  - 19.1.1. Sufficient time remains to run an effective election;
  - 19.1.2. Any elected officer would serve for a reasonable length of time;
  - 19.1.3. The running of such an election would not be unduly expensive; and;
  - 19.1.4. The running of such an election would not compromise the main OUSA election.
- 19.2. The Executive may run a by-election for the remainder of the year at the same time as the main OUSA election.
- 19.3. Where a by-election has not been carried out, the successful candidate in the election for the following year's Executive must not be appointed to the Executive until the following year alongside all other successful candidates.

19.4. In all other respected, a by-election will be run on the same terms as a normal election.

**20. Tied elections**

20.1.1. In accordance with clause 24 (g) of the OUSA Constitution, where the existence of a tie prevents there being a highest polling candidate, the Returning Officer shall, in consultation with the Executive, extend a voting period, whether or not the voting period has closed:

20.1.1.1. The duration of any voting period extension must be determined by the Executive on the advice of the Returning Officer;

20.1.1.2. Only those eligible voters who did not cast a ballot during the initial voting period will be permitted to vote during a voting period extension; and;

20.1.1.3. All candidates, including a no confidence option, will remain on the ballot during a voting period extension for the respective position.

20.2. If the Returning Officer does not resolve the tie, a casual vacancy shall be deemed to exist, and a by-election must be held.

20.3. Where a candidate receives the same number of votes as a no-confidence option, the tie shall be resolved in favour of the candidate.

Commented [JM2]: cl 24. The only direct reference is in 24 (g) but this only provides one solution and this indicates there are other things that the returning officer can do