



# University of Canterbury Students' Association Incorporated Electoral Regulations By-law

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## 1. INTERPRETATION

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**1.1 Definitions:** In this By-law any capitalised word not defined below shall have the same meaning as its definition in the UCSA's Constitution.

**Deputy Returning Officer** means such persons nominated as a deputy returning officer pursuant to clause 2.1(b). For the purposes of this By-law, any reference to a Returning Officer shall be deemed to include reference to a Deputy Returning Officer where the reference is to a power or duty delegated to the Deputy Returning Officer.

**Election** means an election under this By-Law and the Constitution to elect Students to the Executive.

**Election Day(s)** means the day or days as determined by the Returning Officer that voting for the Election is permitted.

**UCSA President's Agreement** means the UCSA's Executive agreement for during their term of office.

**UCSA Vice President's Agreement** means the UCSA's Executive agreement for during their term of office.

**UCSA Finance Officer's Agreement** means the UCSA's Executive agreement for during their term of office.

## 2. GENERAL PROCEDURES FOR CONDUCTING ELECTIONS

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### 2.1 Returning Officer

- (a) The Executive shall appoint a Returning Officer for any Election, who shall be responsible to it for the conduct of those Elections as governed by this By-law and the Constitution.
- (b) The Returning Officer may appoint as many Deputy Returning Officers as reasonably required for any Election. Such Deputy Returning Officers shall have such powers and duties as are delegated to them by the Returning Officer (but limited to those powers and duties the Returning Officer holds) and will be employed by the UCSA on a fixed term basis on UCSA's standard terms and conditions for fixed term employment.
- (c) The Returning Officer shall be responsible for ensuring that the following are well publicised:
  - (i) opening and closing of candidate nominations,
  - (ii) the identity of the candidates,
  - (iii) the Campaign Period,
  - (iv) method of voting,
  - (v) the Election Day(s),
  - (vi) the location of the voting booths, and
  - (vii) the times of opening and closing of the voting booths.

- (d) The Returning Officer's and Deputy Returning Officer(s)' remuneration shall be set by the Executive.
- (e) The Executive will allocate and approve funding to ensure the Returning Officer can properly manage the Election in accordance with this By-law.

## **2.2 Voting method**

- (a) The method(s) of voting shall be determined by the Returning Officer.

## **2.3 Election Practices**

- (a) The Returning Officer will give notice of the Campaign Period when they give notice of any Election under clause 3.1. Only those persons notified as valid candidates may campaign during the Campaign Period.
- (b) During the Campaign Period, no person shall campaign in a way that involves bribery, treating, or impersonation.
- (c) All promotional activity undertaken by any candidate(s) shall be removed prior to the end of the Campaign Period and in any event by midnight, before the Election Day(s).
- (d) There shall be no campaigning by any person on the Election Day(s) except at a General Meeting with the permission of the Returning Officer.
- (e) No written, printed, or electronic information concerning the election of any candidate(s) shall be distributed at any time without the prior written approval of the Returning Officer.
- (f) No person except the Returning Officer may speak to persons engaged in the process of actually voting on the Election Day(s).
- (g) Any voter by voting agrees to be bound by this By-Law.

## **2.4 Election Discipline**

- (a) The Returning Officer shall investigate any alleged breach of this By-law.
- (b) The Returning Officer shall advise any candidate who is the subject of an investigation and allow the candidate a reasonable time (taking account of the circumstances) to respond.
- (c) Where after the investigation the Returning Officer believes a breach of the By-law has occurred, the Returning Officer has the power to take any step the Returning Officer believes is appropriate, including without limitation:

- (i) in respect of an offending candidate - reduction in the number of votes counted, removal of campaign material, attributing breaches by an individual or group to the candidate, disqualification; and
  - (ii) in respect of the Election Process - any step or measure to ensure a fair and equitable Election Process.
- (d) The Returning Officer shall notify the candidate of its decision including advising the candidate of his/her rights to appeal to the Electoral and Disciplinary Appeals Committee in accordance with clause 6.1.

## 2.5 Election Roll

- (a) At least five (5) Working Days before the Election Day, a roll of those entitled to vote at the Election shall be sourced from the University by the Returning Officer, and made available for inspection by any Student at the UCSA offices until two (2) Working Days before the Election.
- (b) Where any Student seeks to amend or correct their details on the roll, the Returning Officer may require such evidence as the Returning Officer deems necessary to substantiate the requested amendment or correction. The Returning Officer will inform the University of any amendments or corrections to be made.

## 3. NOTICE OF ELECTION AND NOMINATIONS

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- 3.1 The President, Vice-President and other members of the Executive:** The Returning Officer shall determine the day (or consecutive days) for the holding of elections for the positions of President, Vice President and other members of the Executive to take office in the next year, subject to the approval of the Executive, which shall be no later than the second to last week in the third term as set by the University academic calendar.
- 3.2 Executive By-Elections:** The Returning Officer shall conduct by-Elections to fill vacancies occurring on the Executive if required under the Constitution. No extraordinary Elections shall take place less than five (5) Working Days after the calling of nominations.
- 3.3** The Returning Officer shall give at least fifteen (15) Working Days' notice of any Election. Such notice shall include:
- (a) For Nominations:
    - (i) The date(s) and time(s) for the period that nominations will be received and the place where nominations will be received.
    - (ii) the closing date for receipt of nominations shall be at least five (5) Working Days before the Election Day; and
  - (b) For the Election:
    - (i) details of the Campaign Period.
    - (ii) details of the Election Day (s) including the date(s), times(s), physical location(s) and electronic location(s) that voting shall be available
- 3.4** The Returning Officer may, at his/her discretion vary the time, date and place of the

closing or reopening of nominations, according to the justice of the case. This shall be subject to review by the Executive Discipline and Electoral Committee.

#### 4. CANDIDACY

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- 4.1 A person must be a Student Member of UCSA to be nominated as a candidate for the Executive.
- 4.2 Each candidate by submitting a nomination form shall consent to stand for election in accordance with this By-law. For a nomination form to be considered:
- (a) the nomination form shall be signed by the candidate and not fewer than two (2) Student Members of UCSA (nominators).
  - (b) all signatories on the nomination form shall present proof of his/her Student enrolment at University to the Returning Officer.
  - (c) it shall comply with the requirements of this clause 4.
- 4.3 In the event the candidate or nominators are not Student Member(s) of the UCSA, the Returning Officer will inform the candidate and/or nominators how to opt in to validate their nomination as per the Membership By-Law.
- 4.4 To be considered, a nomination form must be received by the Returning Officer during the period specified pursuant to clause 3.
- 4.5 A person may be a candidate for any or all of the positions for which s/he is eligible. A person who is not eligible to stand for a position will not have his/her name on the voting paper.
- 4.6 As soon as practicably possible after nominations have closed, the Returning Officer shall post on the Noticeboard a list of the candidates. This list shall remain on the Noticeboard until voting has closed on the final Election Day.
- 4.7 **No person may stand for election to any Executive position if they are:**
- (a) an undischarged bankrupt;
  - (b) prohibited from managing companies; or
  - (c) deemed not to be a Fit and Proper Person pursuant to clause 5.8.
  - (d) likely to bring UCSA reputation into disrepute with respect its continuing commercial and operational activities excluding any student orientated policy stance.
- 4.8 In order for a nomination for the office of President to be valid, the following conditions shall be satisfied:
- (a) the candidate has not been elected to the office of President two times already;
  - (b) the nomination form shall have annexed to it a signed copy of the UCSA President's Agreement; and
  - (c) the candidate must have been enrolled for at least one (1) academic year at the University directly prior to the year they first take office.
- 4.9 In order for a nomination for the office of Vice President to be valid the candidate shall have annexed to the nomination form a signed copy of the UCSA Vice

President's Agreement.

- 4.10** In order for a nomination for the office of Finance Officer to be valid the candidate shall have annexed to the nomination form a signed copy of the UCSA Finance Officer's Agreement.
- 4.11** The Returning Officer will accept a nomination and notify this to the candidate if the required details of a candidate and nominators are verified and the nomination form has been completed correctly.
- 4.12** Where a nomination is not accepted by the Returning Officer on the basis the requirements of this clause 4 have not been satisfied, the Returning Officer shall inform the candidate (if he or she can be contacted) and advise the candidate of the right to appeal to the Executive Discipline and Electoral Committee in accordance with clause 6.1.

## **5. VOTING**

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**5.1 Entitlement:** All Students enrolled two (2) working days before the Election Day shall be entitled to vote in Elections that take place according to the instructions issued by the Returning Officer.

### **5.2 Voting Papers**

- (a)** The Returning Officer shall prepare (where possible, electronic) voting papers with the names of the candidates listed in alphabetical order.
- (b)** Where more than one (1) position is being voted for on the same voting paper, the names of the candidates shall be listed under the headings of the various positions to be filled. These positions shall be listed in the following order: President, Vice President, Finance Officer, Post Graduate Representative, International Representative, Equity and Wellbeing Representative and General Representatives.
- (c)** Candidates shall only be referred to as per their University enrolment by surname, first name or preferred name and middle initials (if relevant) on the voting paper. The only exception is where candidates have the same full name; any alternative identification shall be approved by the Returning Officer.

**5.3 Determining Votes:** The Returning Officer shall determine votes in the following manner and order:

- (a)** the Returning Officer shall regard as valid any voting paper on which the intention of the voter is clear.
- (b)** should any occurrence of multiple voting be detected, the votes shall be extracted and immediately deemed invalid. The Returning Officer shall advise the University of the breach for the purposes of the University taking such disciplinary action as it sees fit.

**5.4 Counting of the Votes: The counting of any votes in any election:**

- (a)** Will be undertaken by the Returning Officer.
- (b)** No person other than the Returning Officer shall be present at the counting of the votes without the authority of the Returning Officer.
- (c)** No person other than the Returning Officer shall receive the Election

results without the authority of the Returning Officer.

## 5.5 Election of Candidates

(a) The total number of valid votes cast for each candidate shall be ascertained and recorded. The highest polling candidate(s) shall be declared elected, subject to the number of positions to be filled, unless the candidate:

- (i) failed to poll higher than no confidence; or
- (ii) is subject to a disqualification by the Returning Officer or the Executive Discipline and Electoral Committee,

in these cases the candidate shall not be elected, except where the decision to disqualify is overturned on appeal by the candidate to the Electoral and Disciplinary Appeals Committee.

(b) Where there is an equal number of votes for one position, a second ballot shall be immediately called by the Returning Officer and must be completed within fourteen (14) Working Days to elect that position.

(c) In the event that a member of the Executive-elect other than the President-elect, Vice President-elect, or Finance Officer-elect decides not to take their place on the Executive before the commencement of the University academic year, the next highest polling candidate shall be declared elected, provided they continue to meet the requirements of candidacy as set out in clause 4.

(d) In the event that the Vice President-elect, or Finance Officer-elect decide not to take their place on the Executive and where; in the Returning Officer's opinion the next highest polling candidate represents the will of the student body, the next highest polling candidate will be declared elected, subject to review by the Executive Discipline and Electoral Committee.

(e) In the event that the President-elect decides not to take their place on the Executive a by-Election will be held in accordance with this By-law to elect a President.

(f) In the event that a candidate receives the highest number of votes for more than one office, they will be elected into the highest ranking position in the following order below:

- (i) President,
- (ii) Vice President,
- (iii) Finance Officer,
- (iv) Post Graduate Representative,
- (v) International Representative,
- (vi) Equity and Wellbeing Representative,
- (vii) General Representatives

- 5.6 Announcement:** The Returning Officer shall announce the preliminary result(s) of any Election within two (2) Working Days of the closure of voting, by placing the results on the Noticeboard, which shall include the votes cast for each candidate and for no confidence, and the total turnout. The Returning Officer shall announce the final result(s) of any Election within ten (10) Working Days from the determination of any appeals under clause 6.5.
- 5.7 Confidentiality:** All voting in the Election must be conducted in a confidential manner.
- 5.8 Disqualification:** The Executive Discipline and Electoral Committee may disqualify a candidate from being elected under clause 4.7(c)

## 6. DISPUTES

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- 6.1 Appeal against Returning Officer's Refusal:** Any appeal by a candidate against the Returning Officer's disqualification of his or her candidacy must be made to the Executive Discipline and Electoral Committee within two (2) Working Days of the candidate being notified of the Returning Officer's decision. Until the Executive Discipline and Electoral Committee (if so happens) rejects the appeal, the candidate shall be deemed an eligible candidate in the Election.
- 6.2 General Appeal Against Acceptance:** Any appeal against acceptance of a nomination shall be delivered to the Chief Executive to be heard by the Executive Discipline and Electoral Committee within two (2) Working Days of the posting on the Noticeboard of the list of candidates, and shall be signed by at least ten (10) Student Members.
- 6.3 Appeals to the Electoral Disciplinary Appeals Committee:** Any appeal shall be delivered to the Chief Executive against:
- (a) the results of an Election no later than two (2) Working Days after the preliminary Election result(s) have been announced; or
  - (b) a decision of the Executive Discipline and Electoral Committee no later than two (2) Working Days after the decision of the Executive Discipline and Electoral Committee has been notified to the candidate.

The Chief Executive shall then forward the appeal to the Electoral and Disciplinary Appeals Committee within two (2) Working Days.

- 6.4 Campaign Period Disqualification Appeals:**
- (a) Any appeal against the disqualification of a candidate during the Campaign Period by the Returning Officer shall be delivered to the Chief Executive no later than one (1) Working Day after the candidate has been notified. The Chief Executive shall then forward the appeal to the Urgent Electoral Appeals Committee. The Urgent Electoral Appeals Committee may affirm the decision of the Returning Officer or may overturn it.
  - (b) Urgent Electoral Appeals Committee will advise the candidate of their decision within 1 (one) working day of the Chief Executive receiving the appeal. The Urgent Electoral Appeals Committee decision is final.
- 6.5 Election Result Appeals:** In the case of an appeal against the result of an Election notified in accordance with clause 6.3, the Electoral and Disciplinary Appeals Committee may declare elected the next highest polling candidate, or take whatever other action it may see fit including declaring the Election result null and void and calling for an extraordinary Election.



**6.6 Appearances before Urgent Electoral Appeals Committee:**

- (a) Both the candidate and the Returning Officer or the Executive Discipline and Electoral Committee (as the case may be) may be invited to appear before the Urgent Electoral Appeals Committee at its discretion.
- (b) The Urgent Electoral Appeals Committee will make their decision by the end of the following working day after the receipt of the appeal by the Chief Executive.

**6.7 Appeals:** All decisions made by the Executive Discipline and Electoral Committee may be appealed to the Electoral and Disciplinary Appeals Committee within 2 (two) Working Days of the Executive Discipline and Electoral Committee's decision being notified to the appellant .

**6.8 Invalid Election:** An Election shall not be declared invalid by reason o n l y of any irregularity in any of the proceedings preliminary to the voting, or by reason of any failure to hold the Election at any place appointed for holding the Election, or to comply with the directions contained in this By-law as to the taking of the Election or the counting of votes, if it appears to the Executive Discipline and Electoral Committee, having cognisance of the question, that the Election was conducted in accordance with the principles laid down in this By-law, and that the irregularity, failure or mistake did not materially affect the result of the Election.