

# Council - Elections Rule

## Section 1 - Authorisation

(1) The Council of Southern Cross University, as the Governing authority of Southern Cross University, by resolution makes the following Rule under section 30 (1) of the [Southern Cross University Act 1993](#) ('Act'), pursuant to Section 52 of the [Southern Cross University By-Law 2005](#) (as amended).

## Section 2 - Preliminary

### Purpose

(2) The purpose of this Rule is to establish election procedures for Council as contemplated in section 30 of the [Act](#).

### Scope

(3) This Rule applies to the election of Council members excluding the Chair of Academic Board (refer [Standing Orders - The Academic Board and its Committees](#)).

## Section 3 - Definitions

(4) Absolute majority of votes means a greater number than one-half of the whole number of formal ballot papers counted.

(5) Ballot Paper means a document prepared by the Returning Officer in accordance with clause (41) which may be in electronic or hard copy form.

(6) Determine by lot means

- a. for a postal ballot, means to determine in accordance with the following directions:
  - i. the names of the candidates concerned must be written on separate and similar slips of paper,
  - ii. the slips must be folded so as to prevent identification and mixed and drawn at random,
  - iii. the candidate whose name is first drawn will not be excluded from the count. If more than two candidates were tied initially, the process of drawing names will continue until one candidate remains. Those candidates drawn will not be excluded from the count. The single candidate who remains will be excluded; and
- b. for an electronic ballot, means to determine which candidate is excluded from the count randomly via electronic data processing equipment.

(7) Elected Member means the following members of Council:

- a. elected (academic staff) members;
- b. elected (non-academic staff) members; and
- c. elected (student) members.

(8) First preference vote means a vote on a ballot paper marked "1".

(9) Returning Officer means the Council Secretary.

(10) Roll means a roll established by the Returning Officer referred to in clause (22), that may be in electronic or hard copy form.

(11) Secondary vote means a vote on a ballot paper which is marked "2" and so on up to the number of positions to be filled.

(12) Tally sheet means a tally sheet prepared by the Returning Officer in accordance with clause (65), that may be in electronic or hard copy form.

## **Section 4 - Election Procedures**

(13) An election of any elected member of the Council is to be conducted by the Council Secretary who is to be the Returning Officer for the election.

(14) The Returning Officer is to take all reasonable steps to ensure the fairness and integrity of the election process.

(15) The Returning Officer may appoint a Deputy Returning Officer (with such powers as the Returning Officer may determine) and other persons to assist the Returning Officer in the conduct of all or any part of an election referred to in this Division.

(16) The Returning Officer's decision is, subject to the [Act](#) and the [By-law](#), final on all matters affecting the eligibility of candidates, the conduct and results of an election and such other matters as may from time to time affect the conduct of elections.

(17) The Chancellor and Deputy Chancellor will be elected in accordance with Part A - of this Rule.

(18) Academic Staff, Non-Academic Staff and Student Members will be elected in accordance with Part B - of this Rule.

### **Part A - Election of Chancellor and Deputy Chancellor**

(19) As per Section 11 of the [Act](#), the Council is to elect:

- a. a person (whether or not a member of the Council) to be the Chancellor of the University, and is to do so:
  - i. at its first meeting or as soon as practicable thereafter;
  - ii. whenever a vacancy in the office of Chancellor occurs; and
- b. one of its members to be the Deputy Chancellor of the University, and is to do so:
  - i. at its first meeting or as soon as practicable thereafter, and
  - ii. whenever a vacancy in the office of Deputy Chancellor occurs.

(20) Elections for the position of Chancellor and Deputy Chancellor will be by secret ballot. Voting will be on a 'first past the post' basis. Where more than one position is to be filled, the positions will be voted on successively.

### **Part B - Election of Academic Staff, Non-Academic Staff and Student Members**

(21) For the positions of:

- a. academic staff member of Council, candidates will be elected by members of the academic staff of the University;
- b. non-academic staff member of Council, candidates will be elected by members of the non-academic staff of the University; and
- c. student member of Council, candidates will be elected by the students of the University.

## **Rolls**

(22) The Returning Officer is to keep the following:

- a. for the purposes of section 9D(1)(a) of the [Act](#) - a Roll of Academic Staff containing the names and addresses of those persons who are classified as full-time or fractional-time members of the academic staff of the University;
- b. for the purposes of section 9D(1)(b) of the [Act](#) - a Roll of Non-Academic Staff containing the names and addresses of those persons who are classified as full-time or fractional-time members of the non-academic staff of the University;
- c. for the purposes of section 9D(1)(c) of the [Act](#) - a Roll of Students containing the names and addresses of those students enrolled in courses that are listed in the register of courses of the University and that have a minimum duration of one year full-time or equivalent.

(23) The Returning Officer is entitled to alter a Roll at any time by:

- a. correcting any mistake or omission in the details entered on that Roll; or
- b. changing, on the written application of any eligible person, the name or address of that person entered on that Roll; or
- c. removing the name of any deceased person; or
- d. removing a superfluous entry where a person's name appears more than once on that Roll; or
- e. reinstating the name of an eligible person removed from the Roll where the Returning Officer is satisfied that that person is entitled to be entered on the relevant Roll.

(24) Despite clause (23), a Roll is not invalid only because any one or more of the following occurs in connection with that Roll:

- a. the Roll contains any mistake or omission in the details of any eligible person entered on the Roll;
- b. the Roll contains the name of any deceased person;
- c. the Roll contains more than one entry for the same eligible person; or
- d. the Roll does not contain the name of a person entitled to be entered on that Roll.

## **Notice of election and call for nominations**

(25) When an election under this Part B - is required the Returning Officer must publish by electronic means and by any other means that the Returning Officer considers appropriate, a notice referred to in this clause and:

- a. in the case of an election of an elected (academic staff) member or elected (non-academic staff) member, or members, of the Council, must send or deliver a copy of the notice to each person whose name is on the relevant Roll of staff of the University as defined in the [By-law](#), and
- b. in the case of an election of an elected (student) member of the Council, must publish the notice in such manner as the Returning Officer considers necessary to inform the persons whose names are entered on the Roll of Students (as defined in the [By-law](#)) of its contents.

(26) The notice for the purposes of clause (25) must:

- a. state that an election to a particular office is necessary;
- b. invite nominations of persons for election;
- c. specify the form in which nominations must be made;
- d. specify a date and time for the close of nominations, being the date and time by which nomination papers must reach the Returning Officer;
- e. specify how ballot papers may be obtained or accessed;
- f. specify in what form or forms the ballot is to be conducted pursuant to clause (38);
- g. fix a date and time for the close of the ballot, being the date and time by which ballot papers must reach the Returning Officer; and
- h. contain such other information in relation to the election as the Returning Officer thinks fit (which may include, for example, details of the number of vacancies to be filled and of the terms of office of the members of the Council to be elected).

## **Schedule of dates for Council elections**

(27) In the conduct of an election, the Returning Officer must allow:

- a. not less than 14 days and not more than 28 days between publication of the notice referred to in clause (25) and the date and time specified for the close of nominations;
- b. not more than 28 days between the date and time specified for the close of the nominations and issue of ballot papers; and
- c. not less than 14 days and not more than 28 days between the issue of ballot papers and the date and time specified for the close of the ballot.

## **Making of nominations**

(28) A nomination of a candidate for election as a member of the Council must be made by sending or delivering a nomination paper to the Returning Officer.

(29) A nomination paper must be signed by two persons entitled to vote at the election for which the candidate is nominated and must be endorsed with or accompanied by the written consent of the person nominated. A person cannot nominate himself or herself for election.

(30) There must be a separate nomination paper for each candidate.

(31) A candidate may provide with the nomination paper a statement of not more than 150 words containing information relating to the candidate that he or she wishes to supply. That information may include, for example, the following particulars in relation to the candidate:

- a. full name;
- b. work unit or course of study;
- c. qualifications and experience; and
- d. positions or offices held at any time with public bodies, clubs and institutions (including University clubs and societies) with dates of tenure.

(32) The Returning Officer must not accept statements containing more than 150 words. The Returning Officer (or a person appointed by the Returning Officer) is to edit all statements supplied to ensure that they contain no defamatory or offensive material. The edited statements are to be distributed with the ballot papers.

(33) The Returning Officer must reject a nomination paper if satisfied that:

- a. the nomination is not duly made; or
- b. the person nominated is not eligible to be elected.

(34) The Returning Officer must, within four business days after receipt of a nomination paper, send or deliver a notice to each person who has signed or endorsed the nomination paper, notifying the person of the acceptance or rejection of the nomination.

## **Dealing with nominations**

(35) If, at the close of nominations, the number of candidates is the same or less than the number of vacancies to be filled, the Returning Officer must declare the candidate or candidates to be elected.

(36) If, at the close of nominations, the number of candidates is more than the number of vacancies to be filled, the Returning Officer must conduct a ballot to fill the vacancy or vacancies.

(37) If, before the declaration of a poll for an election, a candidate dies or becomes no longer eligible for election, the election must proceed as if:

- a. the candidate was not nominated for election;
- b. the candidate's name was not on the ballot paper printed for that election; and
- c. any vote for that person was not cast.

## **Form of ballot**

(38) A ballot for a Council election must be a secret ballot using the optional preferential system. Each election must be conducted by an electronic ballot or a postal ballot, as determined by the Returning Officer.

(39) In the case of an electronic ballot, the Returning Officer may make alternative arrangements for eligible voters who are unable to take part in an electronic ballot to vote in the election.

(40) If there is any technical malfunction in respect of an electronic ballot, the Returning Officer may determine that the election is to be held again by a postal ballot or another electronic ballot.

## **Conduct of ballot**

(41) The Returning Officer must, for each election under this Part B - :

- a. publish, in such manner as the Returning Officer considers necessary, a notice specifying the dates and times of polling and any other relevant information; and
- b. in the case of an electronic ballot, publish in such manner as the Returning Officer considers necessary, a notice with instructions on how to access and use the system, the period of time in which votes will be taken and any other relevant information; and
- c. in the case of an election by postal ballot, there must also be issued with each ballot paper:
  - i. a notice setting out how the ballot paper is to be completed and specifying the date and time by which ballot papers for that election must reach the Returning Officer, and
  - ii. 2 envelopes, one marked "Ballot Paper" and the other addressed to the Returning Officer on the outside of which must be printed a form of declaration of identity and of entitlement to vote to be signed by the voter.

(42) In the case of a postal ballot, a person whose ballot paper becomes lost or destroyed may apply in writing to the Returning Officer for a duplicate ballot paper and, if satisfied that the ballot paper was lost or destroyed, the Returning Officer must supply a duplicate ballot paper to that person.

(43) A reference to a person's name being on a relevant Roll of staff or students of the University is a reference to the person's name being on the Roll concerned (as referred to in clause (22)) at the close of nominations for the relevant election.

### **Contents of ballot paper**

(44) In the case of an electronic ballot, where technically possible the ballot paper will contain the names of the candidates in a rotating order to prevent bias based on position in the ballot. Where not technically possible to do so, the order will be drawn at random by the Returning Officer, or by a person appointed by the Returning Officer.

(45) In the case of a postal ballot, each ballot paper must contain the names of the candidates in the order drawn at random by the Returning Officer, or by a person appointed by the Returning Officer, for the purposes of the election and must be initialed (or, in the case of an electronic ballot, otherwise validated) by the Returning Officer or by a person appointed by the Returning Officer.

### **Method of voting**

(46) Each voter may only vote once in an election.

(47) Each voter must mark a vote on the ballot paper by placing the figure "1" in the square opposite the name of the candidate to whom the voter desires to give a first preference vote, and may place consecutive figures (commencing with the figure "2") in the squares opposite the names of any of the remaining candidates, so as to indicate by numerical sequence the order of the voter's preference for them.

### **Procedure for electronic ballots**

(48) In the case of an electronic ballot, voters must follow the instructions and prompts to complete and submit their vote, including, without limitation, entering any details specified in the instructions to enable the Returning Officer to verify the eligibility or identity of the voter, such as a personal identification number or an email address.

### **Procedure for postal ballots**

(49) In the case of a postal ballot, each voter must:

- a. place the completed ballot paper in the envelope marked "Ballot Paper" and seal that envelope, and
- b. complete the form of declaration of identity and entitlement to vote on the inside of the envelope addressed to the Returning Officer, and
- c. enclose and seal the envelope marked "Ballot Paper" in the envelope addressed to the Returning Officer, and
- d. send or deliver to the Returning Officer the envelope so addressed so as to ensure the Returning Officer will receive it before the close of the ballot.

(50) All envelopes received by the Returning Officer under clause (49) must be deposited in a secure ballot box.

### **Provisional Voting**

(51) A person may cast a provisional vote if that person makes a request to the Returning Officer to do so no less than seven days before the ballot is due to be conducted. Whether a provisional vote is counted is contingent upon the verification of that voter's eligibility.

(52) Clause (51) applies to a person who claims he or she is entitled to vote in an election even though:

- a. that person's name cannot be found on the Roll for the election in which that person claims he or she is entitled to vote; or

- b. that person's name is on the Roll for the relevant election, but his or her address is incorrect or does not appear on that Roll; or
- c. a mark on the Roll used in that election indicates incorrectly that the person has already voted in that election.

### **Envelopes and ballot papers not to be opened, accessed or retrieved**

(53) All envelopes containing postal ballots received by the Returning Officer under clauses (49)-(50) must remain unopened until the close of the ballot.

(54) Any electronic database or retrieval system containing votes referred to in clause (48) must not be accessed or retrieved until the close of the ballot.

### **Procedure on close of ballot**

(55) As soon as practicable after the close of the ballot, the Returning Officer or a person appointed by the Returning Officer must:

- a. access or retrieve any ballot papers submitted electronically under clause (48), and
- b. in the case of postal ballots:
  - i. open the envelopes addressed to the Returning Officer and received before the close of the ballot; and
  - ii. if the declaration of identity is duly signed by a qualified voter, place the unopened envelope containing the ballot paper with other similar envelopes; and
  - iii. open the envelopes referred to in clause (55)b.ii and take out the ballot papers; and
- c. count the votes, and ascertain the result of the ballot, in the manner set out in clauses (69) to (74).

### **Informal ballot papers**

(56) A ballot paper is informal if it has on it any mark or writing that, in the opinion of the Returning Officer, will enable any person to identify the voter.

(57) A ballot paper is informal if not initialed or validated in accordance with clause (45).

(58) A ballot paper is informal if the voter has not indicated a clear preference for at least one candidate.

(59) Despite clause (58), a ballot paper is not informal only because any figures placed on the ballot paper are not placed in, or entirely in, the squares opposite the candidates' names, if the figures are placed on the ballot paper in such positions as, in the opinion of the Returning Officer, clearly indicate the order of the voter's preference for the candidates.

### **Nomination of scrutineers**

(60) In the case of an electronic ballot, each candidate is entitled to nominate one scrutineer to be present at the count. A scrutineer may inspect any report or record from any electronic database or retrieval system containing electronic votes used in the electronic ballot, provided that, in the opinion of the Returning Officer, that scrutiny does not delay the counting of votes unreasonably.

(61) In the case of a postal ballot each candidate is entitled to nominate one scrutineer to be present at the count. A scrutineer may inspect any ballot paper provided that, in the opinion of the Returning Officer, that scrutiny does not delay the counting of votes unreasonably.

(62) A person is not to be a scrutineer in an election in which he or she is a candidate.

## **Secrecy of ballot**

(63) The result of the count must remain confidential until the declaration of the poll by the Returning Officer.

(64) The Returning Officer, any person appointed by the Returning Officer or any scrutineer must not in any way disclose or aid in disclosing the manner in which any voter has voted.

## **Tally sheet**

(65) The Returning Officer must keep a tally sheet (in either electronic or hard copy form) for each ballot containing the following information:

- a. total number of ballot papers
- b. total number of informal ballot papers
- c. a list of candidates
- d. first preference votes allocated to each candidate
- e. secondary votes allocated to each candidate
- f. exhausted ballot papers
- g. progressive total votes for each candidate

(66) At each stage of counting, the total number of votes distributed to the candidates to be elected must correspond with the total number of formal ballot papers (including exhausted ballot papers).

(67) The Returning Officer may make use of data processing equipment for the whole or any part of the clauses (69) to (75).

## **Determination of result of ballot**

(68) If a ballot has been held for the purpose of an election the result of the ballot must be determined as provided by clauses (69) - (75).

(69) The Returning Officer must count the total number of ballot papers and exclude any informal papers.

(70) The Returning Officer must count the number of first preference votes given for each candidate.

(71) The candidate who has received the largest number of first preference votes must, if that number constitutes an absolute majority of votes, be declared by the Returning Officer to be elected.

(72) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes must be excluded and each of the ballot papers counted to that candidate must be counted to the continuing candidate next in order of the voter's preference.

(73) If, on any count, two or more candidates have an equal number of votes and one of them has to be excluded, the candidate to be excluded must be determined as follows:

- a. if the count is the first made in connection with the ballot, the Returning Officer must determine by lot which of those candidates is to be excluded,
- b. if the count is the second or subsequent count made in connection with the ballot:
  - i. the candidate must be excluded who had the least number of votes at the last count at which one of those candidates received fewer votes than each of the others, or
  - ii. the Returning Officer must determine by lot which of those candidates is to be excluded, if at all preceding counts no one of those candidates received fewer votes than each of the others.



(74) The process of excluding the candidate who has the fewest votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voter's preference referred to in clause (72) must be continued:

- a. where a single candidate is to be elected:
  - i. until one continuing candidate has an absolute majority of votes in which event that candidate must be declared by the Returning Officer to be elected; or
  - ii. until all candidates but one have been excluded in which event the remaining candidate must be declared elected, or
- b. where multiple candidates are to be elected, until the number of remaining candidates is equal to the number of candidates to be elected.

(75) If at any point during any particular count after the first preference votes have been counted, the candidate next in order of a voter's preference is not indicated or cannot be ascertained, that ballot paper must, from that point onwards, be excluded from that particular count as an exhausted ballot paper and the total of the ballot papers counted must be amended accordingly.

### **Election not invalid because of certain errors**

(76) An election is not invalid only because of any one or more of the following:

- a. any one or more of the events described in clauses (23) or (24) occurs;
- b. an eligible person did not receive a ballot paper;
- c. an eligible person did not see a notice or copy of a notice, or did not receive a copy of a notice, referred to in clauses (25) and (26);
- d. an eligible person's vote has not been accepted at the election; or
- e. in the case of an electronic ballot - an eligible voter could not access the election website.

(77) Despite clause (76) and without limiting any of the Returning Officer's other powers, the Returning Officer may at any time declare an election invalid because, in his or her opinion, one or more of the events described in clause (76) has materially affected, or is likely to materially affect, the outcome of that election.

### **Declaration of the result of the ballot**

(78) The Returning Officer will declare the result of the ballot by electronic means and by any other means that the Returning Officer considers appropriate. The result will indicate the total number of votes cast, the name of the person elected and the positions to which they are elected.

(79) Following declaration of the result, candidates are entitled to:

- a. view the tally sheet in person to determine their final standing in the ballot. Where requested to do so, the Returning Officer will arrange a viewing of the tally sheet at the earliest practical opportunity after declaring the result of the ballot. Candidates are not permitted to copy the tally sheet and the details of the tally sheet are to be treated confidentially (except the details publicly declared under clause (78)); or
- b. electronically or verbally obtain from the Returning Officer their final rank in the poll (after any required distribution of preferences) or percentage of first preference votes won, the details of which are to be treated confidentially.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	14th June 2016
<b>Review Date</b>	14th November 2018
<b>Approval Authority</b>	University Council
<b>Approval Date</b>	4th December 2015
<b>Expiry Date</b>	1st May 2024
<b>Responsible Executive</b>	Sandra McPhee Chancellor
<b>Head of Work Unit</b>	Mark Dixon Director, Governance Services
<b>Enquiries Contact</b>	Governance Services