MASSEY UNIVERSITY COUNCIL STATUTE
ELECTION OF STUDENT MEMBERS ON THE COUNCIL

Pursuant to section 171(2) (e) of Education Act 1989

1. Title and Commencement

This Statute may be cited as the Elections of Student Members on Council Statute 2012 and comes into force on 7 September 2012.

2. Interpretation

'Academic Year' means a period of 12 months commencing on 1 January. 'Act' means the Education Act 1989.

'Association of Students' means an incorporated body of students enrolled at the University.

'Candidate' means a candidate for election under this Statute as a student member on the Council.

'Council' means the Council of the University.

'Election' means an election of student members on the Council conducted under this Statute.

'Instructions for Voting' means those instructions issued by the Returning Officer for the conduct of the electronic voting by means of a secure system which ensures each Student is only able to cast one vote for one of the three.

'Nomination Day' means the day appointed for the closing of nominations of candidates for election as student members on the Council.

'Statement' means the statement made by a Candidate in accordance with clause 7(c).

'Student' means a duly enrolled student of the University.

'Student Members on Council' means:
  i. One Internal student position: elected from those students who identify as internal students on the current roll;
  ii. One Distance student position: elected from those students who identify as distance students on the current roll; and
  iii. One Māori student position: elected from those students who identify as Māori students on the current roll

'University' means Massey University.
'University Publications' may be in hard copy or electronic form and includes magazines, newsletters and websites published by the University.

'Vice-Chancellor' means the person holding office for the time being as the Chief Executive Officer of the University; and includes any person for the time being acting in that capacity.

Conduct of Elections

3. Returning Officer

   a. The Council shall appoint a Returning Officer to conduct Elections under this Statute. Until otherwise determined the Returning Officer shall be the Assistant Vice-Chancellor and University Registrar.

   b. Unless the Council determines otherwise the Returning Officer for Elections conducted under this Statute shall hold office until his or her removal by the Council, or his or her resignation, incapacity or death, in any of which events the Council shall appoint a Returning Officer in his or her place.

   c. Every Election conducted under this Statute shall be conducted by the Returning Officer, but, if for any reason he or she is unable to fulfill the duties of his or her office at any Election, the Council shall appoint a substitute, who, for the purposes of that referendum, shall be deemed to be the Returning Officer.

4. Date of Election and Term of Office

   a. Elections conducted under this Statute shall be held at a time in the first semester in each Academic Year determined by the Returning Officer.

   b. Successful Candidates shall hold office from 26 April of the year in which they are elected to 25 April in the following year.

5. Students Eligible to Vote

   a. The Returning Officer shall authorize lists of Students eligible to vote for Student Members on Council in each Election, which will include all Students enrolled in the University at a date to be determined by the Returning Officer.

6. Notice of Election, Nomination of Candidates, and Closing Date for Nominations

   a. No less than 30 days and no more than 60 days before the day or days fixed by the Returning Officer for an Election, except where a second election for want of candidates may be required in which case as soon as reasonably practicable, the Returning Officer shall give advance notice thereof in such University Publications as the Returning Officer sees fit and the University website and shall in that notice state the number of positions to be filled on the Council and request the nomination of Candidates in writing and a closing date for the receipt of such nominations.
7. Nomination of Candidates

a. To be eligible for Election a nominee must:
   i. Be enrolled as a Student at the time when nominations close; save that a
      nominee who is a sitting Student member seeking re-election need not be
      enrolled as a Student at that time; and
   ii. Neither be employed for a continuous period of more than six months on
       a full-time basis by the University or under terms and conditions of fulltime
       employment set by the University nor have been so employed at any time
       during the two years preceding the date of the Election.

b. Nomination of Candidates for Election under this Statute must:
   i. Be in the form scheduled to this Statute; and
   ii. Be signed by not less than two Students as the nominators; and
   iii. Carry the written consent of the nominee and a declaration of eligibility;
       and
   iv. Contain a declaration by the nominee as to whether the nominee has or
       has not ever been employed (as described in sub-section 7(a)(ii)) by the
       University and an undertaking to include such information in all material
       circulated in connection with the nominee’s nomination.

c. Every Candidate for election may submit to the Returning Officer with his or her
   nomination paper a short statement about the Candidate:
   i. The statement shall not exceed 150 words.
   ii. The statement must be submitted electronically.
   iii. The statement shall include any relevant information about the candidate
       and will include a passport-like photograph of the Candidate.
   iv. The Returning Officer may require a Candidate whose statement does not
       comply with the requirements of this section to revise the statement so as
       to comply and may refuse to make available any statement which does
       not comply.
   v. The Returning Officer shall ensure that the information in each statement
       which complies with this section is included in the Instructions for Voting
       sent to each Voter.

d. Every nomination paper shall be lodged with or given to the Returning Officer not
   later than 4pm on Nomination Day. The Returning Officer shall acknowledge
   receipt of every nomination paper on that nomination paper.

e. Every Candidate shall be nominated by a separate nomination paper.

8. Rejection of Nominations

a. The Returning Officer shall reject the nomination of a nominee who does not
   qualify for Election under sub-section 7(a)
b. Where a nomination is rejected the Returning Officer will notify the nominee in writing giving the reasons for the rejection.

9. Withdrawal of Nomination

a. Any Candidate may withdraw his or her nomination at any time before noon on Nomination Day, by notice in writing to the Returning Officer, signed by the Candidate.

10. Death of Candidate Before Close of Nominations

a. Where before the close of nominations the Returning Officer receives advice that a Candidate who has been nominated and has not withdrawn his or her nomination has died or has become incapable of holding the position for which he or she is a Candidate, his or her nomination shall be treated as if the Candidate had withdrawn.

11. Only one candidate nominated for any election, Candidate declared elected

a. If there is only one candidate for any election under this Statute the Returning Officer shall, as soon as practicable after the close of nominations, by notice in such University Publications as he or she sees fit, declare the Candidate in that election so nominated to be duly elected to the Council.

12. Notice of Nominations and Election

a. If there is more than one candidate in any election under this Statute, the Returning Officer shall, as soon as practicable after the close of nominations, give notice in such University Publications as he or she sees fit of the day or days on which the Election is to be held and of the names of the Candidates.

13. Candidate May Retire

a. A Candidate at an Election may retire after the close of nominations at any time before a declaration has been made pursuant to section 11 of this Statute, or, where an Election is required to be held, at any time before the day or days of the Election, by notice in writing to the Returning Officer, signed by that Candidate.

b. Where the Returning Officer receives notice pursuant to section 13(a) above:

i. Where practicable, the Returning Officer shall before the day or days of the Election give notice of the retirement in such University Publications as he or she sees fit;

ii. If a Candidate retires after the Instructions for Voting have been distributed, the Returning Officer shall take such steps as are practicable to advise Voters that the Candidate has retired;

iii. Any vote cast for that Candidate shall be void.

c. If, by the retirement of a Candidate in accordance with section 13 (a) above the number of Candidates is reduced to or below the number of positions to be filled
on the Council:

i. The Returning Officer shall, by notice in such University Publications as he or she sees fit, before the day or days of the Election, declare the remaining Candidates to be duly elected; or

ii. If the Candidate retires at such a time that it is not possible to give such a notice before the day or days of the Election, the Election shall not be held and the declaration shall be made on the day or days of the Election or as soon thereafter as possible.

14. Death or Incapacity of Candidate After Close of Nominations

a. Where:

i. After the close of nominations and before the day or days of the Election, any Candidate dies or becomes incapable of holding the position for which he or she is a Candidate; or

ii. Any such Candidate dies or becomes incapable as aforesaid before the close of nominations but advice of his or her death or incapacity is received by the Returning Officer after the close of nominations, the provisions of section 14 of this Statute, so far as they are applicable and with the necessary modifications, shall apply as if the deceased or incapacitated Candidate had retired on the date of his or her death or incapacity, or, as the case may be, on the date on which advice of his or her death or incapacity is received by the Returning Officer.

15. Election to be Conducted Electronically

a. Unless sections 11 (a) or 13 (c) of this Statute apply, the Returning Officer shall conduct an Election by means of an electronic voting system.

16. Issue of Instructions for Voting

a. The Returning Officer shall, not later than the day or days on which the Election is to be held, send by email addressed to each Student at their University email address Instructions for Voting which:

i. State that these are instructions for an Election of Student members on the Council;

ii. Give instructions for voting in that Election;

iii. State the day or days of the Election;

iv. State the name and Statement of the Candidates for the Election; and

v. State the number of Student member positions on the Council.

17. Method of Voting

a. On receipt of the Instructions for Voting sent by the Returning Officer, the Student shall alone exercise his or her vote in accordance with the Instructions for Voting.
b. Where any Student:
   i. Is wholly or partially blind; or
   ii. Suffers from any other disability which makes it difficult to cast his or her vote in the prescribed manner, that Student's vote may be recorded by another person in accordance with the instructions of the Student.

18. Invalid Votes

   a. A vote shall only be valid if:
      i. The Student's identification number is entered into the electronic voting system;
      ii. The Student's duly chosen pin is entered into the electronic voting system;
      iii. The Student has not yet recorded his or her vote; and
      iv. The Student's vote is recorded on the day or days of the Election.

19. Counting of Votes

   a. Votes shall be counted by such means as are prescribed by the Returning Officer.
   b. The Returning Officer shall make arrangements for votes to be counted as soon as reasonably practicable after the close of voting.

20. Declaration of Result

   a. No later than one month after all the votes have been counted, the Returning Officer shall declare, by means of notices in such University Publications as the Returning Officer sees fit, the result of the Election, being the name or names of the Candidates elected as Student members on the Council.

21. Recount

   a. Where any Student or member of the Council has reason to believe that the declaration by the Returning Officer of the result of the Election is incorrect, and that on a recount thereof the result of the Election might be found to be different, he or she may within seven days after the declaration, apply to the Returning Officer for a recount of the votes.
   b. Every application for a recount in accordance with section 21 (a) above shall:
      i. Be accompanied by a deposit of $500, which shall be refunded if, following a recount of the votes, the declaration by the Returning Officer of the result of the Election proves to be incorrect;
ii. State the grounds upon which the applicant believes that the declaration by the Returning Officer of the result of the Election is incorrect, and that on a recount thereof the result of the Election might be found to be different; and

iii. State the name of the applicant and whether he or she is a Student or member of the Council.

c. If the Returning Officer is satisfied that an applicant for a recount has reasonable cause to believe that the Returning Officer’s declaration of the result of the Election may be incorrect and that on a recount the result of the Election might be found to be different, the Returning Officer shall, as soon as reasonably practicable after receiving the application and deposit as aforesaid, arrange for a recount of the votes to be made by such means as the Returning Officer thinks fit.

d. Where the Returning Officer arranges for a recount of the votes in accordance with section 21 (c) above, he or she shall:

i. Notify the applicant in writing of the result of the recount; and

ii. Where the result of a recount is that the declaration by the Returning Officer of the result of the Election is incorrect, declare, by means of notices in such University Publications as he or she sees fit:

I. That upon a recount of the votes, the declaration by the Returning Officer of the result of the Election was found to be incorrect; and

II. The Candidates elected as Student members on the Council.

22. Destruction of Votes

a. The Returning Officer shall, no earlier than one month after the declaration of the result of an Election, and if an application for a recount is made, not before the declaration of the result of the Election, arrange for all records of Students’ votes to be destroyed in a manner which ensures the confidentiality of voting information is preserved.

23. Vacation of Office

a. A member of the Council elected under this Statute ceases to hold office as a member if that member becomes employed for a continuous period of more than six months on a full-time basis by the University or under terms and conditions of full-time employment set by the University. The casual vacancy occurring for that reason shall be filled in accordance with section 176 of the Act.

24. Casual Vacancies

a. A casual vacancy arises in the office of a Student Member on the Council during his or her term if he or she:

i. Dies; or

ii. Becomes disqualified to hold office under this Statute; or
iii. Is declared bankrupt; or

iv. Becomes mentally disordered within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or

v. Resigns office by notice in writing to the Chancellor; or

vi. Is convicted of an offence and sentenced to imprisonment; or

b. A Casual Vacancy that occurs within [three] months of the end of a term of office of a Student Member need not be filled.

c. Where a Casual Vacancy occurs any earlier in the term of office of a Student Member it shall be filled for the remainder of the term in accordance with section 176 of the Act.

Document Management and Control

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