



**MASSEY UNIVERSITY
COUNCIL ELECTRONIC ELECTION STATUTE 2019**

Pursuant to section 171 of Education Act 1989

1. Title and Commencement

This Statute may be cited as the Electronic Election Statute 2019 and comes into force on the day after it is passed and this Statute repeals Massey University Council Electronic Election Statute 2016.

Conduct of Elections

2. 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 Director Governance and Assurance.
- 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 election, shall be deemed to be the Returning Officer.

3. Date of Election and Term of Office

- a. Elections conducted under this Statute shall be held at a time in the Academic Year determined by the Returning Officer.
- b. Successful Candidates shall hold office for a term consistent with Sections 173-176 of the Education Act 1989 and with the Constitution of Massey University Council Notice 2015.

4. Electors

- a. The Returning Officer shall compile a list of Electors eligible to vote in each election, which will include all Electors at a date to be determined by the Returning Officer.

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

- a. No less than 20 days and no more than 40 days before the day or days fixed by the Returning Officer for an Election, except where a second election for the want of candidates may be required in which case as soon as reasonably practical, 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 request the nomination of Candidates in writing and a closing date for the receipt of such nominations.

6. Nomination of Candidates

- a. To be eligible for Election a candidate must meet the criteria for that election at the time when nominations close.
- b. Nomination of Candidates for Election under this Statute must:
 - i. Contain the required information as set out in the relevant election statute, procedure or terms of reference; and
 - ii. Be signed by not less than two Electors as the nominators; and
 - iii. Carry the written consent of the nominee and a declaration of eligibility; and
 - iv. Be in such a form so as to be verifiable by the Returning Officer.
- c. Every Candidate for election may submit to the Returning Officer with his or her nomination paper a statement about the Candidate:
 - i. The statement shall not exceed 200 words.
 - ii. The statement must be submitted electronically.
 - iii. The statement shall include information about the candidate relevant to the role of a Massey University Council member, including how the skills and competencies of the candidate meet the needs of Massey University and the sound governance of the Institution, 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. This requirement and ability to refuse is the sole and exclusive responsibility of the Returning Officer whose decision will be final.
 - 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 Elector.
- d. Every Candidate for Election must also submit to the Returning Officer with his or her nomination paper, a declaration by the Candidate to abide by the Statutes of the University and either the Staff or Student Election Rules for Candidates (as appropriate).
- e. 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.

- f. Every Candidate shall be nominated by a separate nomination paper.

7. Rejection of Nominations

- a. The Returning Officer shall reject the nomination of a nominee who does not qualify for Election under section 6a.
- b. Where a nomination is rejected the Returning Officer will notify the nominee in writing giving the reasons for the rejection.

8. 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. A withdrawal must be treated as a retirement as per section 11.

9. Only one candidate nominated for the election, Candidate declared elected

- a. If the number of candidates does not exceed the number of vacancies to be filled, 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.

10. Notice of Nominations and Election

- a. If the number of candidates exceeds the number of positions to be filled, 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 for the election.

11. 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 10a 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. Advice of the death or incapacity of a candidate will be treated by the Returning Officer as notice of retirement.
- c. Where the Returning Officer receives notice pursuant to section 11a 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 Electors that the Candidate has retired;
 - iii. Any vote cast for that Candidate shall be void.
- d. If, by the retirement of a Candidate in accordance with section 11a 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 Candidate 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.

12. Election to be Conducted Electronically

- a. Unless sections 9a or 11d of this Statute apply, the Returning Officer shall conduct an Election by means of an electronic voting system,
- b. The voting methodology used shall be first-past-the-post.

13. 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 Elector at their University email address Instructions for Voting which directs Electors to the instructions for an Election of members on the Council which:
 - i. Give instructions for voting in that Election;
 - ii. State the day or days of the Election; and
 - iii. State the name and Statement of the Candidates for the Election.

14. Method of Voting

- a. On receipt of the Instructions for Voting sent by the Returning Officer, the Elector shall alone exercise his or her vote in accordance with the Instructions for Voting.
- b. Where any Elector:
 - 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 Elector's vote may be recorded by another person in accordance with the instructions of the Elector.

- c. Where any Elector is unable to access, securely or otherwise the electronic voting system the same instructions will be supplied in hard copy.

15. Invalid Votes

- a. A vote shall only be valid if:
 - i. The Elector's vote is entered into the electronic voting system using the

official link in their individual email;

- ii. The Elector has not previously recorded their vote; and
- iii. The Elector's vote is recorded on the day or days of the Election.

16. 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.
- c. Where there is an equality of votes between candidates and the addition of a vote would entitle any of these candidates to be declared elected, the Returning Officer must determine by lot which candidate will be declared elected.

17. 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.

18. Recount

- a. Where any Candidate 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 18a 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.
- 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 18c 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 name or names of the candidates duly elected.

19. 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 Electors' votes to be destroyed in a manner which ensures the confidentiality of voting information is preserved.

20. General Provisions

- a. Subject to the provisions of this Statute, the Returning Officer may publish such rules as he or she considers appropriate to ensure the fair conduct of the election and of campaigning in connection with the election. Without limitation, such rules may include restrictions on the mode and timing of campaigning. Where a breach of any published rule has been established in respect of the candidacy of any candidate (not being a candidate for student member) and the Returning Officer is satisfied that the breach may have, or may have had, a material effect on the outcome of the election he or she may declare that candidate's nomination or election or the entire election to be invalid. The Returning Officer may make any decision, at their sole and absolute discretion, that they consider appropriate in respect of candidates who are student member candidates as set out in Schedule 1, Massey University Council Elections (Student Member) Statute 2018 for the student candidates.
- b. Any candidate affected by a declaration of the Returning Officer under section 17a. may appeal the matter by giving written notice to the Vice-Chancellor within 10 days of the Returning Officer's decision. Upon such notice being given, the Vice-Chancellor shall appoint an independent person, suitably qualified to review the decision. The independent person's determination will be final.
- c. The Returning Officer shall have the general power to settle any question that may arise under this Statute and for which no provision is made.

21. Casual Vacancies

- a. A casual vacancy arises in the office of a 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.
- b. A Casual Vacancy that occurs within three months of the end of a term of office need not be filled.
- c. Where a Casual Vacancy occurs any earlier in the term of office it shall be filled in accordance with section 176 of the Act.

22. Definitions

'Academic Year' means a period of 12 months commencing on 1 January.

'Act' means the Education Act 1989.

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

'Council' means the Council of Massey University.

'Election' means an election of 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 Elector is only able to cast one vote.

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

'Statement' means the statement made by a Candidate in accordance with clause 6(c).

'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.

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