

Election of Staff to University Committees Rule

Applicability

(1) The purpose of this Rule is to set out the process for election of academic staff and general staff to Charles Sturt University (the University) committees and Campus Advisory Committees.

(2) This Rule does not apply:

- a. to elections of academic staff and general staff to the University Council (these elections are governed by the Charles Sturt University By-law);
- b. where a University committee elects an employee to another University committee (e.g. a Faculty Board electing academic staff representatives to the Academic Senate); or
- c. to elections of staff to those committees provided for in the "Charles Sturt University Enterprise Agreement 2005-2008".

Secretary to be Returning Officer

(3) The Secretary to the Council is the Returning Officer for all elections conducted under this Rule.

(4) The decision of the Returning Officer on a matter concerning:

- a. the eligibility of candidates;
- b. the conduct and results of an election; or
- c. any matter related to the matters referred to in paragraphs (a) and (b),
is final.

(5) To enable the Returning Officer to conduct an election, the Returning Officer may make use of such assistance as that officer considers appropriate. For that purpose, the Returning Officer may appoint at least one Deputy Returning Officer to assist in the conduct of the election.

(6) For the purposes of this Rule, the Returning Officer may authorise a Deputy Returning Officer appointed under clause 5 to exercise any specified function of the Returning Officer under this Rule. A function exercised by a Deputy Returning Officer is taken to have been exercised or performed by the Returning Officer.

Rolls of electors to be kept

(7) The Returning Officer must keep:

- a. a separate roll of academic staff electors of the University who are eligible to stand as candidates and vote in an election, in accordance with the terms of reference of the relevant committee;

(Note; by virtue of clauses 9(2) and 49C of the Charles Sturt University By-law 1995 (as amended) and University Council resolution CNL99/77 a person eligible for inclusion on the roll of academic staff electors if they are appointed to a full-time academic staff position of ,or above, the rank of associate lecturer where "full-time" includes a fractional position of 0.5 or greater.)

- b. a separate roll of general staff of the University who are eligible to stand as candidates and vote in an election,

in accordance with the terms of reference of the relevant committee;

(Note; by virtue of clauses 9(3) and 49C of the Charles Sturt University By-law 1995 (as amended) and University Council resolution CNL99/77 a person eligible for inclusion on the roll of general staff electors if they are appointed to a full-time general staff position where "full-time" includes a fractional position of 0.5 or greater.)

(8) A person who fulfils the qualifications to have their name and address entered on the roll of academic staff electors and the roll of general staff electors is eligible to have their name and address entered on the roll of academic staff electors only.

(9) The Returning Officer must remove from a roll of electors the name and address of a person on being satisfied that the person is no longer eligible to have their name and address entered on that roll.

(10) Nothing in this Rule prevents the Returning Officer transferring a person's name and address from one roll of electors to another if the person is eligible to have their name and address entered on that other roll.

Qualifications for candidates

(11) The qualification for a person to be eligible as a candidate for election as an academic staff member of a committee is that the person's name is currently entered on the relevant roll of academic staff electors at the close of nominations for the election.

(12) The qualification for a person to be eligible as a candidate for election as a general staff member of a committee is that the person's name is currently entered on the relevant roll of general staff electors at the close of nominations for the election.

Qualifications to vote at election

(13) An academic staff member whose name is currently entered on the relevant roll of academic staff electors at the close of nominations for the election is qualified to vote in an election for an academic staff member of the relevant committee.

(14) A general staff member whose name is currently entered on the relevant roll of general staff electors at the close of nominations for the election is qualified to vote in an election for a general staff member of the relevant committee.

Terms of office of elected members

(15) The term of office of a person elected as an academic staff member or a general staff member of a committee shall be as determined by the committee's terms of reference.

(16) The manner of filling casual vacancies shall be as determined by the committee's terms of reference.

How election is to be conducted

(17) An election to elect the academic and general staff members of a committee is to be conducted by using a compulsory preferential system of voting as prescribed by this Rule. The election is to be conducted by secret postal ballot.

(18) Despite clause 17, the Returning Officer may authorise an election to be conducted by using a different voting system.

Timing of election

(19) An election to fill a vacancy in the office of an elected member of a committee is to commence, if practicable, four months before the end of the current member's term of office.

(20) In the case of an election that is required because of a casual vacancy in the office of an elected member, the election is to commence as soon as practicable after the vacancy occurs.

Election intervals for different stages of election process

(21) When conducting an election to elect members of a committee the Returning Officer must ensure that:

- a. there are not less than 14 days nor more than 30 days between the publication of the notice that an election is to be held and the time for nominations to close;
- b. there are not more than 28 days between the time for nominations to close and the issue of ballot papers; and
- c. there are not less than 14 days nor more than 60 days between the issue of ballot papers and polling day.

Returning Officer to notify holding of election

(22) When an election is necessary to elect members of a committee the Returning Officer must publish the notice of election in such manner as the Returning Officer considers appropriate, such as by use of the University website or noticeboards. The date that the notice of election is first published by the Returning Officer is deemed to be the date that the notice of election is published as required by this Rule.

Information to be given in notice of election

(23) A notice of election must:

- a. state that an election is necessary;
- b. specify the number of vacancies to be filled;
- c. invite nominations of candidates who are eligible for election;
- d. specify the form in which nominations must be made;
- e. prescribe a date and time for nominations to close;
- f. prescribe a polling day for the election; and
- g. contain such other information relating to the election as the Returning Officer thinks fit.

How candidates for election may be nominated

(24) A person may be nominated as a candidate for election only in accordance with this Rule.

(25) A separate nomination form must be completed for each candidate and must be lodged with the Returning Officer before the time fixed for nominations to close.

(26) A nomination form must:

- a. be signed by at least two persons who are entitled to vote at the election concerned; and
- b. be endorsed with or accompanied by the consent in writing of the candidate.

(27) If allowed by the relevant terms of reference, a candidate may provide a written statement about the candidate of not more than 150 words. The statement may specify:

- a. the candidate's full name;

- b. the candidate's qualifications and experience; and
- c. any positions or offices that the candidate has held at any time in public bodies, clubs or other organisations with dates of tenure.

(28) The Returning Officer has the right to edit the statement and will distribute the statement with each ballot paper.

(29) The Returning Officer must reject a completed nomination form that does not comply with this clause or if the candidate is not eligible for election. If the Returning Officer rejects a nomination form then they will advise the candidate of this. If the date and time for nominations to be received has not closed, the Returning Officer will invite the candidate to resubmit a new nomination form, provided that candidate is eligible for election.

Procedure after close of nominations

(30) If the number of candidates nominated for an election is not more than the number of vacancies to be filled, the Returning Officer must declare the candidate or candidates to be elected.

(31) If the number of candidates nominated for an election is more than the number of vacancies to be filled, the Returning Officer must conduct a ballot to fill the vacancies.

(32) If there are no valid nominations for election to a position on a committee, the position is to be filled by an eligible person in a manner to be determined by the committee.

Conduct of a postal ballot

(33) If a poll is required for an election of an academic staff member or a general staff member, the Returning Officer will, subject to clause 18, conduct a postal ballot. The Returning Officer must send by post by using the ordinary mail or the University internal mail system or deliver a ballot paper by hand to each person whose name is on the roll of academic staff electors or general staff electors.

(34) The Returning Officer may, on written application from the elector and if satisfied that the elector's ballot paper has not been received or has been lost, destroyed or spoiled, supply a duplicate ballot paper to the elector.

(35) The Returning Officer must ensure that each ballot paper issued in accordance with this clause is accompanied by the following documents:

- a. a notice setting out how the ballot paper is to be completed and specifying the date and time by which the ballot paper must reach the Returning Officer;
- b. a form of declaration of identity and of entitlement to vote;
- c. two envelopes, one marked "ballot paper" and the other addressed to the Returning Officer; and
- d. if available, the candidates' statements.

Requirements for ballot papers

(36) All ballot papers must specify the names of the candidates.

(37) The Returning Officer must:

- a. arrange for the order in which those names are to appear on ballot papers to be decided by lot and for those names to appear on all ballot papers in that order; and
- b. ensure that the names of any candidates who are currently elected members of the committee are indicated as such.

(38) The Returning Officer must initial each ballot paper at the time it is issued.

How ballot paper is to be completed

(39) An elector must cast a vote by placing the number "1" opposite the name of the candidate to whom the elector wishes to give the elector's first preference vote. The elector must then give contingent votes to the remaining candidates by placing the numbers "2", "3", "4" and so on, as the case requires, opposite the names of the other candidates so as to indicate unambiguously by numerical sequence the order of the elector's preference for those other candidates.

(40) Each elector must, after completing the postal ballot paper that was sent or delivered to the elector:

- a. enclose and seal that ballot paper in the envelope marked "ballot paper";
- b. enclose and seal that envelope in the envelope that is addressed to the Returning Officer, together with the personal declaration; and
- c. send by post or deliver to the Returning Officer the envelope so addressed so as to ensure the Returning Officer will receive it not later than polling day.

Envelopes and ballot papers not to be opened.

(41) The Returning Officer must take all reasonable steps to ensure that all envelopes received by the Returning Officer under clause 40 remain unopened until the close of the poll concerned.

Election not invalidated because of certain errors

(42) An election is not invalid only because, at the time when nominations for the election close or on polling day, the name of a person who is entitled to have their name entered on a roll of electors is omitted from that roll.

(43) An election is not invalid only because a person whose name is on a roll of electors did not receive a ballot paper or did not see a notice of election.

(44) An election is not invalid only because:

- a. a ballot paper has not been issued to a person whose name is eligible to be entered on the relevant roll of electors but the name has not been so entered; or
- b. such a person's vote has not been accepted at the election.

(45) An election is not invalid only because:

- a. any or all of the documents referred to in clause 35 were not issued to a person eligible to cast a postal ballot;
- b. the Returning Officer was unable to comply with the election intervals as referred to in clause 21.

Candidate may appoint scrutineer

(46) Each candidate for election is entitled to nominate one scrutineer to be present at any counting of votes.

(47) A person is qualified to be appointed as a scrutineer only if the person is a member of the academic staff or general staff of the University.

(48) A candidate for election is not eligible to be appointed as a scrutineer at the election.

Officers not to disclose how electors voted

(49) This clause applies to the following persons concerned with the conduct of an election:

- a. the Returning Officer;
- b. any Deputy Returning Officer; and
- c. any scrutineer appointed in connection with the election.

(50) A person to whom this clause applies must not disclose, or assist another person to disclose, any information as to how any particular elector has voted at an election.

Procedure after close of poll

(51) As soon as practicable after the closing of polling at an election, the Returning Officer and those appointed by the Returning Officer to assist with the conduct of the election must, in the presence of such of the scrutineers as choose to be present, examine the ballot papers cast at the election.

Certain ballot papers to be rejected as informal

(52) The Returning Officer must reject as informal any ballot paper cast by an elector at an election that:

- a. is not initialled as required by clause 38;
- b. does not comply with a requirement of clause 39 or 40; or
- c. is marked in a way that is not authorised by this Rule and that, in the opinion of the Returning Officer, will enable any person to identify the elector.

(53) Despite clause 52, a ballot paper is not informal only because a figure placed on the ballot paper is not placed in or entirely in the square opposite a candidate's name. However, in that case the figure must have been placed on the ballot paper in such a position as clearly indicates to the satisfaction of the Returning Officer the order of the elector's preferences for the candidates.

If a candidate dies or is ineligible for election

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

- a. the candidate had not been nominated for election;
- b. that candidate's name had not been included on the ballot papers printed for the election; and
- c. any vote for that candidate had not been cast.

Determination of election result where only one candidate is to be elected

(55) In this clause, "absolute majority of votes" means a number greater than one half of the total number of formal ballot papers counted.

(56) If at an election only one candidate is to be elected, the method of counting votes is as provided by this clause.

(57) The total number of first preference votes given to each candidate must be counted.

(58) If at the election a candidate has an absolute majority of votes, the Returning Officer must declare the candidate to be elected. However, if at the election no candidate has an absolute majority of votes, then:

- a. the candidate who has the fewest votes must be excluded; and
- b. each ballot paper allocated to the excluded candidate must be reallocated to the continuing candidate next in order of the elector's preference.

(59) The Returning Officer must then conduct a second count. If any candidate then has an absolute majority of votes, the Returning Officer must declare the candidate to be elected. However, if no candidate then has an absolute majority of votes, the processes of:

- a. excluding the candidate who has the fewest votes;
- b. allocating each voting paper counted to the excluded candidate to the continuing candidate next in order of the elector's preference; and
- c. conducting a further count;

must be repeated until one candidate has an absolute majority of votes. The Returning Officer must then declare that candidate to be elected.

(60) If, after any count other than the final count, two or more candidates have an equal number of votes and one such candidate has to be excluded, the Returning Officer must determine by lot which of them is to be excluded. The determination by lot is to be conducted as follows:

- a. the name of each of the candidates is to be written on separate and similar slips of paper;
- b. the slips must then be folded so as to prevent identification;
- c. those slips are then to be mixed and one slip is to be drawn at random; and
- d. the candidate whose name is drawn is to be excluded.

(61) If, at the stage when only two continuing candidates remain, those candidates have an equal number of votes, the Returning Officer must determine by lot which of them must be elected. The determination by lot is to be conducted as follows:

- a. the name of each candidate concerned is to be written on separate and similar slips of paper;
- b. the slips must then be folded so as to prevent identification;
- c. those slips are then to be mixed and one slip is to be drawn at random; and
- d. the candidate whose name is drawn is to be elected.

(62) The candidate so elected is taken to have received an additional vote.

Determination of election result where more than one candidate is to be elected

(63) If at an election more than one candidate is to be elected, the method of counting votes is as provided by this clause.

(64) The Returning Officer must count the total number of first preference votes given to each candidate.

(65) The candidate who has the fewest votes must then be excluded.

(66) If the number of continuing candidates is then equal to the number to be elected, the Returning Officer must declare those continuing candidates to be elected. However, if the number of continuing candidates is greater than the number to be elected, each ballot paper allocated to the excluded candidate must be reallocated to the continuing candidate next in order of the elector's preference.

(67) The Returning Officer must then carry out a second count.

(68) The candidate who has the fewest votes must then be excluded. If the number of continuing candidates is then equal to the number to be elected, the Returning Officer must declare those continuing candidates to be elected. However, if the number of continuing candidates is still greater than the number to be elected, the processes of:

- a. allocating the continuing candidate next in order of the elector's preference;
- b. conducting a further count; and
- c. excluding the candidate who has the fewest votes;

must be repeated until the number of continuing candidates is equal to the number to be elected. The Returning Officer must then declare those continuing candidates to be elected.

(69) If, after any count, two or more candidates have an equal number of votes and one of those candidates has to be excluded, the Returning Officer must determine by lot which of them is to be excluded. The determination by lot is to be conducted as follows:

- a. the name of each of the candidates is to be written on separate and similar slips of paper;
- b. the slips must then be folded so as to prevent identification;
- c. those slips are then to be mixed and one slip is to be drawn at random; and
- d. the candidate whose name is drawn is to be excluded.

Transitional

(70) Nothing in this Rule affects the terms of office of those persons who, immediately before the commencement of this Rule were members of a University committee.

Status and Details

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Effective Date	24th May 2014
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