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## Council Election Statute

### Governance Policy Group

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#### 1 Purpose

This statute was made by the Council of the Victoria University of Wellington under section 194 of the Education Act 1989 in accordance with the powers conferred on it by section 193 of the Education Act 1989 for the purposes of section 171 of that Act and of section 4 of the Victoria University of Wellington Act 1961.

#### 2 Organisational Scope

This is a University-wide statute.

#### 3 Definitions

For purposes of this statute, unless otherwise stated, the following definitions shall apply:

Academic Staff:	(a) the Professors, Associate Professors, Readers, Senior Lecturers, Lecturers, Assistant Lecturers, Teaching Fellows, and Post-Doctoral Fellows of the University, and  (b) persons who hold research appointments to which is attached the status of one of the academic ranks specified in 3 (a) above, and  (c) other members of the staff of the University who in their conditions of appointment are given academic staff status.
Close of Voting:	In relation to any election, means 5.00pm on polling day.
Council:	Council of the University.
Court of Convocation:	Court of Convocation established by section 4 (3) of the Victoria University of Wellington Act 1961 and composed of the persons whose names appear on the Register.
First Preference:	Candidate on a voting document against whose name the number "1" is recorded.
General Staff:	Employees of the University who are not members of the academic staff.
Official Document	Includes any facsimile, electronic document or electronic message created or transmitted by or to the Returning Officer under these rules.
Quota:	Number of votes sufficient to elect a candidate at an election to the

	Council.
Register:	Register of members of the Court of Convocation maintained by the Secretary.
Returning Officer:	Person designated as such under clause 4.7.
Rolls:	The Staff Roll and/or the Student Roll, as the context requires.
Secretary:	Secretary to the Council, who is the Secretary to the Court of Convocation.
Staff Roll:	List of permanent academic staff or of permanent general staff (as defined in Section 171 (10) of the Education Act 1989) of the University.
Student:	Any person enrolled in a personal course of study at the University or a person who is studying at the University under an exchange agreement with another institution.
Student Roll:	List of Students of the University.
Surplus:	Number of votes which a candidate has obtained in excess of the quota at any stage of the counting of votes.
Transfer Value:	Portion of a vote which is unused:  (a) because an elected candidate has obtained a surplus, or  (b) by a candidate excluded on account of being lowest on the poll and which is therefore transferred to the candidate next in the order of preference of the elector  The transfer value of a vote is either one or a fraction of one.
Voting Document:	Includes, if appropriate provision for electronic voting has been determined:  (a) an electronic document or electronic message that is designed to enable an elector to record his or her vote at an election and transmit it electronically for counting; and  (b) any copy of that document or message (with or without the elector's vote recorded); and  (c) any record of that document or message with the elector's vote recorded.
Voting Method:	Means any of the following methods of voting that are prescribed for use at an election or poll:  (a) the method of voting commonly known as postal voting;  (b) any form of electronic voting, including internet voting;  (c) any method of voting involving a combination of more than 1 of the methods of voting referred to in paragraphs (a) to (b);  (d) any other method of voting (however described).
University:	Victoria University of Wellington.
Vice Chancellor:	The Vice Chancellor of the University.

## **4 Statute Content and Guidelines**

### **4.1 Members of Court of Convocation**

- (a) The following persons are eligible to be members of the Court of Convocation:
  - (i) Graduates of the University; or
  - (ii) Persons who, not being graduates, were members of the Court of Convocation and voted in one or both of the two preceding contested ordinary elections.

### **4.2 Register of Court of Convocation**

- (a) (i) The Register of the Court of Convocation shall be kept in such form as the Secretary thinks fit.
  - (ii) The Secretary shall enrol in the Register the names and, so far as it is known, the address of every person eligible to be a member of the Court of Convocation.

### **4.3 Maintenance of the Register**

- (a) The Secretary:
  - (i) Shall record in the Register the date on which the name of any member was added to or removed from the Register; and
  - (ii) Shall expunge from the Register the name of any person who has died or has ceased to be entitled to be enrolled in it; and
  - (iii) May make any amendment to a name in the Register made necessary by marriage or other legal change of name.
- (b) A member of the Court of Convocation whose address is not as shown on the Register may request the Secretary to amend the Register in respect of that address and the Secretary shall make such amendment accordingly.
- (c) In the course of an election the Secretary shall make such amendments to the Register as may be necessary to make the addresses in the Register conform to the addresses on the notification containing the voting documents.

### **4.4 Register in Two Parts**

- (a) Following the next ordinary election to the Council by members of the Court of Convocation after the 1990 election, the Register shall be divided into an active section and an inactive section.
- (b) The active section of the Register shall list those members of the Court of Convocation who:
  - (i) Voted at the last preceding contested ordinary election, or
  - (ii) Voted at the penultimate contested ordinary election, or
  - (iii) Have had their names enrolled in the Register since the penultimate contested election, or
  - (iv) Have applied, in writing to the Secretary, requesting that their names be included in the active section of the Register.
- (c) The inactive section of the Register shall list those members of the Court of Convocation who are not enrolled in the active section.

**4.5 Objections to an Entry in the Register**

- (a) Any member of the Court of Convocation may, by written notice delivered to the Secretary, make an objection to the content of the Register on the ground that a person whose name is on the Register does not possess the necessary qualifications.
- (b) The Secretary shall enquire into and dispose of any such objection forthwith after receiving it.
- (c) The decision of the Secretary on any question relating to the qualification of any person to be a member of the Court of Convocation is subject to an appeal to the Council.
- (d) Every appeal under clause 4.5 (c) shall be heard and determined by the Council or a committee appointed by the Council and the Secretary shall amend the Register in such manner as the Council or the committee directs.

**4.6 Rolls of Academic and General Staff and Students**

- (a) The Vice-Chancellor (or nominee) shall prepare and maintain:
  - (i) A roll of electors, for academic staff members of the Council, which shall contain the names of the permanent academic staff;
  - (ii) A roll of electors, for general staff members of the Council, which shall contain the names of permanent general staff; and
  - (iii) A roll of electors, for the student member of the Council, which shall contain the names of Students.
- (b) The Staff and Student Rolls shall be kept in such form as the Vice-Chancellor thinks fit.

**4.7 Returning Officer**

The Secretary, or such other person as the Council appoints, shall be the Returning Officer for the purpose of conducting elections of members of the Council.

**4.8 Date of Election**

- (a) When an election of a member to the Council is to be held the Returning Officer shall determine the day on which, or days during which, the election will be held and the hour at which the poll will be closed.
- (b) The hour at which the poll will be closed for an ordinary election shall not be later than 5:00pm on the third Friday in November of that year.
- (c) Subject to section 4.8(b), the elections by Academic Staff, General Staff, the Court of Convocation and Students may be held at different times.

**4.9 Elections by Court of Convocation**

- (a) The Returning Officer shall, by advertisement, publicly notify in respect of each election by the Court of Convocation:
  - (i) The number of candidates to be elected; and
  - (ii) The day and hour for the closing of the relevant Rolls; and
  - (iii) The day and the hour for the closing of nominations; and
  - (iv) The day on which, or days during which, the election will be held and the hour at which the poll will be closed.

- (b) The advertisement shall be published in at least two issues of a newspaper or newspapers published in the City of Wellington. The advertisement shall also appear on the University's Website.
- (c) The first advertisement shall appear not later than 35 days before the day of, or first day of, the election.

*An interval of not less than 2 days shall, in respect of each newspaper, elapse between each insertion of the advertisement.*

#### **4.10 Elections by Staff**

- (a) The Returning Officer shall, by circular letter or other appropriate method, notify generally within the University in respect of each election by permanent members of the academic staff or by permanent members of the general staff:
  - (i) The number of candidates to be elected; and
  - (ii) The day and hour for the closing of the relevant Staff Roll; and
  - (iii) The day and hour for the closing of nominations; and
  - (iv) The day on which, or days during which, the election will be held and the hour at which the poll will be closed.
- (b) The notification shall be circulated not later than 35 days before the day of, or first day of, the election.
- (c) Among the three members of the Council elected by the academic staff there shall be at least one who is a professor and at least one who is not a professor.
- (d) In an election for an academic staff member of Council the Returning Officer shall call for nominations and otherwise conduct the election and determine the results so that the distribution specified in clause 4.10 (c) is maintained.
- (e) In the first ordinary election of the academic staff members of the Council those to be declared elected are:
  - (i) The highest polling candidate who is a professor,
  - (ii) The highest polling candidate who is not a professor, and
  - (iii) The highest polling of all the candidates remaining after the election of the members specified in clauses 4.10 (e) (i) and (ii).

#### **4.11 Election by Students**

- (a) The Returning Officer shall, by such methods as are appropriate, notify generally within the University in respect of each election by Students:
  - (i) The number of candidates to be elected; and
  - (ii) The day and hour for the closing of the Student Roll; and
  - (iii) The day and hour for the closing of nominations; and
  - (iv) The day on which, or days during which, the election will be held and the hour at which the poll will be closed.
- (b) The notification shall be circulated not later than 35 days before the day of the election.

**4.12 Casual Vacancies**

- (a) If an election to fill a casual vacancy for a member of Council is to be held at the time of an ordinary election, the Returning Officer shall conduct the ordinary election and the election for the casual vacancies simultaneously using a single voting document.
- (b) The advertisement of an election of the type described in clause 4.11 (a), in addition to the requirements of clauses 4.9 (a) and (b) or of clauses 4.10 (a) and (b) as the nature of the vacancy may require, shall specify the categories of vacancies to be filled, and advise that candidates will be elected, according to the votes cast, first to ordinary vacancies, and then to any casual vacancy.
- (c) The voting document shall be appropriately modified.

**4.13 Closing the Register or Roll**

- (a) The Register or relevant Roll will be closed at 5 p.m. on the twenty-eighth day before the day on which the election is to be held and will remain closed until the results of the election have been notified to the Council under section 4.34.
- (b) No entry shall be made in the Register or a Roll while it is closed.

**4.14 Nominations**

- (a) To be eligible for election by the Court of Convocation and to remain in office if elected, a nominee must:
  - (i) Be enrolled as a member of the Court of Convocation or be entitled to be and become enrolled as a member; and
  - (ii) Neither be employed for a continuous period of more than six months on a fulltime basis by a NZ university or under terms and conditions of fulltime employment set by the universities;
  - (iii) Not be enrolled as a fulltime student at a NZ university, and
  - (iv) Be resident in Wellington or the Greater Wellington Region.
- (b) Every nomination of a candidate for election shall be:
  - (i) Made by at least one person listed on the Register or relevant Roll as the case may be, and
  - (ii) In the form specified in Schedule 1 or in a form of like effect, and
  - (iii) Delivered to the Returning Office before the closing of nominations.
  - (iv) If a nominee wishes to withdraw his/her nomination, a written notice of withdrawal signed by the candidate shall be delivered to the Returning Officer by noon on the closing date for nominations. The nomination shall be treated in all respects as if it had not been made.

**4.15 Information about Candidates**

- (a) All candidates for election will be invited to send in with the nomination paper the following information about themselves:
  - (i) Name
  - (ii) Occupation
  - (iii) Residence

- (iv) If a candidate for election by the Court of Convocation or by permanent members of the academic staff or by permanent members of the general staff, degrees and qualifications (with institutions and dates)
  - (v) If a candidate for election by the Court of Convocation or by permanent members of the academic staff or by permanent members of the general staff, posts held
  - (vi) If a candidate for election by the Students, course of study at the University
  - (vii) Passport-sized, head-and-shoulders photograph
  - (viii) Statement of up to 200 words
- (b) Information supplied by candidates will be presented in a standard format and sent out to the electors with the voting documents.

#### **4.16 Where Vacancies Exceed Number of Candidates**

If the number of candidates nominated does not exceed the number of vacancies to be filled, the Returning Officer shall:

- (a) Declare the candidate or candidates nominated elected, and
- (b) In the case of an election to which section 4.11 applies, determine the categories of the vacancies to be filled by lot in the presence of a member of the Council.

#### **4.17 Where Number of Candidates Exceeds Vacancies**

- (a) (i) If the number of candidates nominated for a Court of Convocation election exceeds the number to be elected, the Returning Officer shall forthwith, after the Register is closed, issue voting documents to the members of the Court of Convocation who are shown in the Register with sufficient address.  
  
(ii) The reference in clause 4.16 (a) (i) to the Register shall be read as a reference to the active part of the Register.
- (b) (i) If the number of candidates nominated for an election by staff exceeds the number to be elected, the Returning Officer shall forthwith, after the relevant Staff Roll is closed, issue voting documents to the electors shown on the relevant Staff Roll.  
  
(ii) Voting documents issued under clause 4.17 (b) (i) shall be sent to staff at their University address.
- (c) (i) If the number of candidates nominated for an election by Students exceeds the number to be elected, the Returning Officer shall forthwith, after the Student Roll is closed, issue voting documents to the electors shown on the Student Roll.  
  
(ii) Voting documents issued under clause 4.17 (c) (i) shall be sent to Students electronically at their University email address.

#### **4.18 Issue of Replacement Voting Documents**

The Returning Officer shall issue a voting document to any elector whose name appears on the Register or relevant Roll and who applies in writing to the Returning Officer for a voting document on the grounds that:

- (a) Any other voting document issued to the elector is lost, or destroyed, or defaced, or
- (b) No other voting document has been issued to that elector.

**4.19 Voting Documents**

- (a) Every voting document shall:
  - (i) Contain the full names of each candidate, and
  - (ii) List the candidates in the order determined by lot by the Returning Officer in the presence of a member of the Council, and
  - (iii) List the names of each candidate with the family name first.
- (b) Voting documents shall be in the form specified in Schedule 2 or in a form of like effect.
- (c) In the case of postal votes, a return envelope shall
  - (i) be posted to the elector with the voting document.
- (d) In the case of electronic votes, the elector must enter a pin number and password.

**4.20 Scrutineers**

- (a) Each candidate may appoint a scrutineer.
- (b) The scrutineer may be present at the opening of the voting documents and counting of the votes.

**4.21 Closing of Poll**

The poll shall close on the day of the election at a time to be determined by the Returning Officer.

**4.22 Receipt of Votes**

- (i) (a) As required throughout the voting period, the Returning Officer shall open and process all voting documents received prior to the close of voting, and mark the Register or relevant Roll to indicate those who have returned a voting paper.
  - (b) The votes shall be counted as provided in clauses 4.23 – 4.33; and
- (ii) In processing the returned voting documents the Returning Officer will use the provisions of clause 4.22 to determine any informal votes, which shall be rejected.

**4.23 Informal Votes**

A voting document will be treated as informal:

- (a) If it had not been received by the Returning Officer by the time of the closing of the poll;  
or
- (b) If it does not clearly indicate the candidate or candidates for whom the elector desires to vote; or
- (c) If the elector has not used a consecutive range of preferences starting with the number 1 (one) if voting for multiple candidates; or
- (d) If the elector has ranked more than one candidate with the same number.

**4.24 Counting of Votes**

The result of every election of members to the Council shall be determined in accordance with the procedures for counting votes set out in clauses 4.23 – 4.33 and the requirements of clause 4.10 (c).

**4.25 Counting First Preferences**

- (a) The number of first preferences recorded for each candidate shall be counted.
- (b) The aggregate number of first preferences so recorded shall be divided by one more than the number of candidates required to be elected, and the quotient increased by one, disregarding any remainder, shall be the quota, and (except as provided in clause 4.30), a candidate who does not obtain a number of votes equal to or greater than the quota shall not be elected.
- (c) A candidate who has, after the first preferences have been counted, a number of such preferences equal to or greater than the quota shall be declared elected.

**4.26 First Preferences Equal to or in Excess of Quota**

- (a) If the number of first preferences obtained by a candidate is equal to the quota, the whole of the voting documents on which a first preference is recorded for that candidate shall be set aside as finally dealt with.
- (b) If the number of first preferences obtained by a candidate is in excess of the quota, the proportion of those preferences in excess of the quota shall be transferred to the other candidates not yet declared elected, next in the order of the respective preferences of the electors, in the following manner:
  - (i) All the voting documents on which a first preference is recorded for the elected candidate shall be re-examined, and the number of second preferences, or, in the case provided for in clause 4.32, third or next consecutive preferences, recorded for each unelected candidate shall be counted; and
  - (ii) The surplus of the elected candidate shall be divided by the total number of votes obtained by the candidate on the counting of the first preferences, and the resulting fraction shall be the transfer value; and
  - (iii) The number of second or other preferences, ascertained in clause 4.25 (b) (i) recorded for each unelected candidate, shall be multiplied by the transfer value; and
  - (iv) The resulting number, disregarding any fractional remainder, shall be transferred to each unelected candidate, and added to the number of votes obtained by that candidate on the counting of the first preferences.

**4.27 Surpluses**

- (a) Where, on the counting of the first preferences or on a transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first, and if at that stage more than one candidate has a surplus, the then largest surplus shall be dealt with, and so on, but if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be dealt with first.
- (b) Where 2 or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the candidate to be dealt with first shall be decided by lot.

**4.28 Increase in Votes Equal to or in Excess of Quota**

- (a) If the number of votes obtained by a candidate is increased to a number, which is equal to, or exceeds, the quota by a transfer, the candidate shall be declared elected.

- (b) In a case to which clause 4.27 (a) applies, notwithstanding the fact that the candidate may have reached the quota, the transfer shall be completed, and all the votes to which the candidate is entitled from the transfer shall be transferred, but no votes of any other candidate shall be transferred to that candidate.
- (c) If the number of votes obtained by a candidate is increased to a number which is equal to the quota by a transfer, the voting documents on which such votes are recorded shall be set aside as finally dealt with.
- (d) Where the number of votes obtained by a candidate is increased to a number which exceeds the quota by a transfer, that surplus shall be transferred to the candidates next in the order of the respective preferences of the voters, in the following manner:
  - (i) The voting documents on which are recorded the votes obtained by the elected candidate after the last transfer shall be re-examined, and the number of third, or, in the case provided for in clause 4.32, next consecutive preferences recorded for each unelected candidate counted; and
  - (ii) The surplus of the elected candidate shall be divided by the total number of voting documents mentioned in clause 4.27 (d) (i), and the resulting fraction shall be the transfer value; and
  - (iii) The number of third or other preferences, ascertained in accordance with clause 4.27 (d) (i), as having been recorded for each unelected candidate, shall be multiplied by the last-mentioned transfer value; and
  - (iv) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by that candidate.

#### **4.29 Lowest Polling Candidate**

- (a) Where, after the first preferences have been counted and all surpluses, if any, have been transferred, no candidate, or fewer than the number of candidates required to be elected, has or have obtained the quota, the candidate who, at that time, is lowest on the poll, shall be excluded, and all the votes obtained by that candidate shall be transferred to the candidates next in the order of the respective preferences of the electors, in the same manner as provided by clause 4.25 (b).
- (b) (i) The votes obtained by an excluded candidate as first preferences shall be transferred first.
  - (ii) The transfer value of each of those votes shall be “1”.
- (c) The other votes of an excluded candidate shall then be dealt with in the order of the transfers in which, and at the transfer value at which, they were obtained.
- (d) Each of the transfers which takes place under clauses 4.28 (b) or 4.28 (c) shall be deemed for all purposes to be a separate transfer.

#### **4.30 Transfer of Votes**

- (a) If the number of votes obtained by a candidate is increased to a number, which is equal to, or exceeds, the quota by a transfer, the candidate shall be declared elected.
- (b) If clause 4.29 (a) applies, notwithstanding the fact that the candidate may have reached the quota, the transfer shall be completed, and all the votes to which the candidate is entitled from the transfer shall be transferred, but no other votes shall be transferred to that candidate.

- (c) If the number of votes obtained by a candidate is increased to a number of votes, which is equal to, but does not exceed, the quota by a transfer, the voting documents on which those votes are recorded shall be set aside as finally dealt with.
- (d) If the number of votes obtained by a candidate is increased to a number which exceeds the quota by a transfer, the surplus shall be transferred to the candidates next in the order of the respective preferences of the electors in the same manner as provided by clause 4.27 (d), but that surplus shall not be dealt with until all the votes of the excluded candidate have been transferred.
- (e) If a surplus exists, it shall be dealt with before any other candidate is excluded.

#### **4.31 Transfer of Votes of Excluded Candidates**

The process of excluding the candidate who has polled the next lowest number of votes at the election and transferring to other candidates the votes of the excluded candidate shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the non-excluded candidates who have not already been declared elected shall then be declared elected.

#### **4.32 Candidates with Equal Numbers of Votes**

If it becomes necessary to exclude a candidate, and 2 or more candidates having the same number of votes, are at the time, the lowest on the poll, then whichever of those candidates was recorded as having the lowest number of votes at the last count or transfer at which they had an unequal number of votes shall be excluded first, and if those candidates have had an equal number of votes at all preceding counts or transfers, the candidate to be excluded first shall be decided by lot.

#### **4.33 Order of Preferences**

In determining which candidate is next in the order of preference of an elector, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the preference shall be determined as if the names of those candidates had not been on the voting document.

- (a) Exhausted Voting Documents
- (b) If on a transfer it is found that on a voting document there is no candidate opposite whose name a number is placed, other than a candidate who has already been either declared elected or excluded, the voting document shall be set aside as exhausted.
- (c) Where the preferences of an elector have been indicated in any way other than solely by the use of numbers the voting document shall be set aside as exhausted after the counting of:
  - (i) The first preference indicated by the voting document, if “1” is the only number used; or
  - (ii) The preferences indicated by a sequence of numbers beginning with “1”.
- (d) If the same number is recorded opposite the name of more than one candidate or if a number within the sequence of preferences indicated is missing, the voting document shall be set aside as exhausted immediately before preferences indicated by that number are considered.

#### **4.34 Results of an Election**

- (a) The Returning Officer shall notify the result of an election:

- (i) Promptly generally within the University; and
  - (ii) To the Council at its first meeting after the election; and
  - (iii) In the case of an election by the Court of Convocation, promptly by public advertisement in one or more newspapers published in the City of Wellington.
- (b) The result of an election shall be provisional until the time for a recount has expired or any recount required under clause 4.34 (c) has been completed.
- (c) Any candidate or person who voted at an election may, by notice in writing delivered to the Secretary within 14 days from the closing of the poll for that election, require the Returning Officer to conduct a recount of the votes cast at the election.
- (d) On the completion of a recount under clause 4.34 (c), the Returning Officer shall notify the result of the recount in the same manner as the election result was notified under clause 4.34 (a).

#### **4.35 Decisions of the Returning Officer**

The decision of the Returning Officer on all questions concerning the Register or a Roll, or an election governed by this statute shall, subject only to any decision under section 4.5 affecting the Register, be final.

#### **4.36 Disposal of Voting Documents**

The Returning Officer may destroy the voting documents of an election 3 months from the date of the announcement of the result to the Council.

#### **4.37 Impartiality**

The election process undertaken in accordance with this statute shall be impartial and no relevance shall be accorded to the fact that any candidate is, or is not, endorsed by any third party association, union or other entity.

#### **4.38 Election of 2012 Student member**

The election of the 2012 Student member, which was held between 26 September 2011 and 29 September 2011, is deemed to have been conducted in accordance with this statute for all purposes, including (without limitation) for the purpose of section 171(2)(e) of the Education Act 1989 (as amended by section 5 of the Education (Freedom of Association) Amendment Act 2011).

## **5 References**

[Education Act 1989](#)

[Victoria University of Wellington Act 1961](#)

## **6 Appendices**

Appendix A: [Schedule 1 – Specimen Nomination Forms](#)

Appendix B: [Schedule 2 – Specimen Voting Document and Instructions to Electors](#)

## **7 Approval Agency**

University Council

**8 Statute Sponsor**

Vice Chancellor

**9 Contact Person**

The following person may be approached on a routine basis in relation to this statute:

Leah Gifford

Secretary to Council

Ext. 5196