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Responsible Officer*:	University Secretary

University of Southern Queensland Act 1998

UNIVERSITY OF SOUTHERN QUEENSLAND (CONDUCT OF COUNCIL ELECTIONS) STATUTE 2010

TABLE OF PROVISIONS

Section

1. Short title
2. Repeal
3. Definitions
4. Application
5. Conduct of elections
6. Determination of procedures for elections
7. Mode of election
8. Dates and times applying to elections
9. Electoral rolls
10. Notice of election
11. Manner of nominations
12. Determination of the requirement for a ballot
13. Notice of ballot to electors
14. Ballot paper
15. Appointment of scrutineers
16. Scrutiny of ballot papers and recording of votes
17. Determination of result of election
18. Declaration and publication of result of election
19. Election not invalidated
20. Retention and disposal of election records
21. Returning officer to notify Minister of vacancies

1 Short title

This university statute may be cited as the University of Southern Queensland (Conduct of Council Elections) Statute 2010.

2 Repeal

The University of Southern Queensland Statute No. 5 (Elections of Elected Members of the Council) 1999 is repealed.

3 Definitions

In this university statute –

“activation of electronic voting” means that time when the returning officer accepts the university website content for an electronic vote which acceptance opens the electronic voting system for voting.

“ballot paper” means an electronic voting form.

“electronic voting form” means a form contained on the University’s electronic voting system website on which an elector indicates his/her preference for the candidates in an election.

“electronic vote” means a vote submitted by an elector through the university’s electronic voting system.

“electronic voting system” means the password protected electronic ballot system using a computer software application located on the university’s intranet which supports the electronic submission, verification, authentication and tally of votes and which, by a computer program, transfers individual electronic votes into a count.

“eligible elector” means a person listed on a roll of electors under s.9(1) of this university statute and who is eligible to vote in an election required to be conducted under the Act.

“full preferential voting” means a requirement to show a preference for all candidates listed on a ballot paper.

“mailing address” means an electronic mailing address.

“informal vote” means an incomplete vote whereby the ranking of candidates by an eligible elector by order of preference is incomplete.

“position” means a position as an elected member of the council under section 15 of the Act.

“preferential voting” means a system of voting in which the elector indicates his/her order of preference for candidates on a ballot paper.

“returning officer” means the secretary to council.

”the Act” means *University of Southern Queensland Act 1998*.

“secretary to council” means the person designated by the council to fulfil the duties of secretary to council.

4 Application

1. This university statute applies to elections for the elected members of the council as specified in section 15 of the Act.
2. This university statute does not apply to appointments made by the council to fill a casual vacancy in accordance with sub-sections 20A(2) and (5) of the Act.

5 Conduct of elections

1. All elections under this university statute must be conducted by the returning officer.
2. Subject to the Act and this university statute, the returning officer’s decision on all matters affecting an election will be final.
3. An election website will be constructed and managed for each election under this statute.

4. The returning officer
 - a. must not influence, or attempt to influence, the outcome of an election; and
 - b. must conduct the election under this statute and any University rules; and
 - c. may take the action, and give the directions, the returning officer considers reasonably necessary to ensure that the processes under which the election is conducted are transparent.
5. The returning officer may take the action, and give the directions, the returning officer considers reasonably necessary –
 - a. to ensure no irregularities happen in the election; or
 - b. to remedy a procedural defect that appears to the returning officer to exist about the election.

6 Determination of procedures for elections

Subject to the Act and this university statute, council must determine the procedures for each council election required to be conducted under the Act, including procedures for –

- a. notice of an election and calls for nominations;
- b. access to ballot papers;
- c. the return of ballot papers;
- d. the provision of supporting statements by candidates;
- e. verification of eligible electors;
- f. ensuring that the ballot is secret;
- g. publication of the election result;
- h. any additional procedures for undertaking ballots by electronic means.

7 Mode of election

1. Elections must be held by electronic ballot through the electronic voting system.
2. At each election the voting must be conducted by secret ballot.

8 Dates and times applying to elections

1. Subject to subsections (2), (3) and (4), the returning officer must determine –
 - a. the date on, or period over which an election is to be held; and
 - b. the time and date at which a roll of electors is to be closed; and
 - c. the time and date prescribed for the receipt of nominations; and
 - d. the date prescribed for the activation of electronic voting; and
 - e. the time and date prescribed for the receipt of electronic votes; and
 - f. the date prescribed for the closing of votes on the electronic voting system.
2. The period between –
 - a. the publication of the notice of election and the time; and
 - b. the date prescribed for the receipt of nominations, must be not less than 14 and not more than 42 days.
3. The period between –
 - a. the date prescribed for the receipt of nominations; and
 - b. the date prescribed for activation of electronic voting,

must not be more than 42 days.

4. The period between –
 - a. the date prescribed for the activation of electronic voting; and
 - b. the time and date by which electronic votes must be submitted and received,must be not less than 14 and not more than 60 days.

9 Electoral rolls

1. The secretary to council must prepare and maintain a roll of electors for each category of electors specified in section 15(3) of the Act.
2. The roll must contain the following information about each elector –
 - a. full name; and
 - b. qualifications for inclusion in the roll; and
 - c. date of becoming qualified; and
 - d. email address; and
 - e. other information decided by the secretary to council.
3. The rolls must be kept in such form as the secretary to council sees fit.
4. Only eligible electors are eligible to vote in an election required to be conducted under the Act.
5. Between the nomination date and the date of the election, the secretary to council may alter the information on the roll of electors to correct an error or an omission.

10 Notice of election

1. Notice of an election must be published on the University's website.
2. The notice of election must –
 - a. identify the membership category for which the election is being conducted; and
 - b. identify the number of positions to be filled; and
 - c. specify the term of office for which the elected member is to be elected; and
 - d. call for nominations; and
 - e. specify the procedure for nominating candidates; and
 - f. specify the time and date prescribed for the receipt of nominations.

11 Manner of nominations

1. Nominations must –
 - a. be made in the prescribed form; and
 - b. be signed by the candidate and a minimum of two persons eligible to vote in the same category of electors; and
 - c. contain a statement that the candidate is eligible to be elected under the Act and university rules; and
 - d. reach the returning officer by the time and date prescribed for the receipt of nominations.
2. Each candidate must have a separate nomination.
3. After the time and date prescribed for the receipt of nominations, a nomination may only be withdrawn with the consent of the returning officer.
4. Nominations lodged after the date prescribed for receipt of nominations will not be accepted.

12 Determination of the requirement for a ballot

1. If, after the close of nominations, the number of candidates equals the number of positions to be filled, the returning officer may declare the nominated candidates duly elected under section 18(1) of this university statute.
2. If, after the close of nominations, the number of candidates exceeds the number of positions to be filled, the returning officer must conduct a ballot under this university statute.

13 Notice of ballot to electors

1. On the date prescribed for the activation of electronic voting, the returning officer must provide to each eligible elector, at the elector's last known mailing address –
 - a. a notice of ballot; and
 - b. a ballot paper; and
 - c. supporting statements provided by candidates; and
 - d. such other information as the secretary to council deems appropriate, including voting procedures.
2. The notice of ballot must –
 - a. identify the category in which the election is required; and
 - b. specify the names of the candidates; and
 - c. specify the first day of voting and the last day of voting in that category; and
 - d. provide an explanation of how votes are to be cast;

14 Ballot paper

The ballot paper must –

- a. list the names of the candidates in order drawn by lot conducted by the returning officer; and
- b. be in a form which enables an eligible elector to indicate the elector's preferences for each candidate.

15 Appointment of scrutineers

1. The returning officer must appoint two persons to be scrutineers for each election.
2. A candidate may nominate a scrutineer by giving notice to the returning officer at least 4 days before the election date.
3. If more than 2 scrutineers are nominated, the returning officer is to determine by lot the 2 scrutineers to be appointed for the election.
4. An election is not invalidated because –
 - a. a candidate does not nominate a scrutineer; or
 - b. a scrutineer does not carry out the duties under this statute.

16 Scrutiny of ballot papers and recording of votes

1. At the close of voting a printed report of the electronic vote and results shall be forwarded to the returning officer.
2. In the presence of scrutineers, the returning office must examine the reports of the votes cast and record the total number of votes cast for each candidate.

17 Determination of result of election

1. Votes are to be counted by a system of preferential voting.

2. Informal votes do not count towards the total numerical tally for an election.

18 Declaration and publication of result of election

1. The returning officer must declare the result of the election by –
 - a. giving notice in writing to the chancellor of the elected candidates; and
 - b. publishing the result of the election on the University’s website.

19 Election not invalidated

An election is not invalidated by reason of–

- a. an inadvertent failure to send an eligible elector any notice or ballot paper; or
- b. a procedural irregularity, provided that the irregularity is minor and does not prejudice the fairness of the election process; or
- c. the occurrence of an event under section 15(4) of this statute.

20 Retention and disposal of election records

After the declaration of the result of an election, the secretary to council must sign and hold printed copies of the electronic records of voting for the period of time required by the *Public Records Act 2002*, after which time the secretary to council must destroy or delete printed copies unless otherwise directed by the chancellor.

21 Returning officer to notify Minister of vacancies

If a position or casual vacancy is not filled for any reason, the returning office must notify the Minister of the number of positions or vacancies remaining unfulfilled.

ENDNOTES

1. Made by the council of the University of Southern Queensland on 28 May, 2010.
2. Published in the Gazette on 27 August, 2010.
3. Laid before the Legislative Assembly
4. The administering agency is the Department of Education, Training and the Arts.

22 Other Policy Information

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Division/Department/Office*:	Office of the Vice-Chancellor/Legal Office
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Approval Pathway:	<ol style="list-style-type: none"> 1. USQ Council 2. Governance and Legislation Committee 3. Vice-Chancellors Committee 4. Chief Operating Officer 5. University Lawyer and Secretary to Council

Approval Delegation:	USQ Council	Approve policy
	Governance and Legislation Committee Vice-Chancellors Committee	Endorse policy
	Chief Operating Officer	Endorse policy and approve procedure
	University Lawyer and Secretary to Council	Endorse procedure
Related Legislation / guidelines:	TBA	
Strategic Plan/Goal & Objectives:	Goal 9/Objective 2	
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