

WULSA BYLAW – ELECTION RULES



Enacted 30 July 2018

*Drafted by Stephen Drysdale
Refer to appendix for amendments*

This bylaw is created under the power conferred upon the WULSA Committee under clause 37 of the WULSA Constitution, and is subject to the WULSA Constitution.

1 Purpose

- (1) The purpose of this bylaw is:
 - (a) to outline the election process of WULSA Committees;
 - (b) to clarify the rules relating to nominations, voting, results and recounts;
 - (c) to introduce rules to govern campaigning by election candidates; and
 - (d) to introduce penalties for breaches of the campaign rules.

2 Nominations

- (1) Nominations for elected positions shall take place at the Annual General Meeting.
 - (a) Nominations shall be called by the Chair following the presentation of Committee reports.
- (2) Pursuant to clause 13(1) of the Constitution, only students currently enrolled in the LLB, LLB(Hons), Dip(Law), or a postgraduate qualification under the Faculty of Law, at the University of Waikato (**law students**) are eligible to be nominated.
 - (a) Despite 2(2), only students currently enrolled in the LLB or LLB(Hons) can be nominated for the position of President.
- (3) Any law student can nominate any other law student, including themselves, for election.
- (4) Law students who are not present at the Annual General Meeting are eligible for nomination for election, so long as the President receives written notification of their intention to stand in absentia at least 24 hours before the date of the AGM.
 - (a) The candidate must still be seconded by another law student at the AGM itself.
- (5) Individuals may be nominated for up to two positions but may not be nominated for more than one position on the Executive.

- (6) Where no nominations are received for an available position, nominations may be accepted from the floor and voting may take place at the AGM rather than by secret ballot.
- (7) Where only one person is nominated for a portfolio that contains two roles, the nomination period shall not be extended and the second position shall be treated as an unsuccessful election in accordance with clause 32 of the Constitution.

3 Campaign Rules

- (1) No campaigning is permitted until 7:00am on the first day that voting opens.
- (2) Only candidates running for the position of President may promote themselves in lectures.
 - (a) Presidential Candidates must seek the consent of the lecturer in advance of arriving at the lecture to do a promotion.
 - (b) Other candidates must not be promoted by a Presidential Candidate in a lecture.
- (3) Candidates are free to use flyers and posters as part of their campaign provided that they:
 - (a) do not leave flyers or posters in the same location as a ballot box is located;
 - (b) do not use the WULSA logo or any associated branding;
 - (c) do not contain defamatory material; and
 - (d) do not incentivise or encourage malicious conduct or acting in bad faith.
- (4) No chalking is to be done under covered areas where the rain cannot wash away the chalk.
- (5) The Logo of the Waikato University Law Students' Association, or any branding associated with it, must not be used by candidates in their campaign materials.
 - (a) The only exception is when sharing posts that have been published by WULSA, on the candidate's social media platform.
- (6) At no time throughout the election period should votes be exchanged for gifts. This includes but is not limited to:
 - (a) a candidate or group of candidates holding a function where students are rewarded before or after they have voted; or
 - (b) candidates rewarding students for voting for them.
- (7) Defamatory material is prohibited.
 - (a) Defamation will be defined as a false or misleading statement made by a candidate that lowers the reputation of either a current candidate, current Committee Member, previous Committee Member, or WULSA in the eyes of the law student body.
 - (b) Candidates accused of publishing a defamatory statement will be given an opportunity to defend their position before a final determination is made by the Returning Officers.

4 Penalties

- (1) A breach of the campaign rules listed in rule 3 will result in a warning being issued to the candidate in the first instance requesting that the breach be remedied.

- (a) There will be a maximum of two further warning issues if the breach is not remedied.
- (b) Any subsequent or continued breaches after this point will result in the candidate being disqualified from the election.
- (2) WULSA does not condone bullying or the making of defamatory statements. Where the Returning Officers believe such conduct has occurred, the candidate concerned may be required to issue a public notification or apology detailing the conduct in breach unless a satisfactory defence is provided.
 - (a) Failure to do so may result in that candidate being disqualified from the election.
- (3) Where a disqualification has been issued, all other candidates will be notified of its issuance against the candidate concerned.

5 Returning Officers

- (1) In advance of the Annual General Meeting, returning officers must be appointed.
- (2) The Returning Officers shall be the incumbent President of the Waikato University Law Students' Association and an impartial staff member of the University of Waikato or the Waikato Students' Union.
- (3) The Returning Officers are responsible for counting votes, including any votes in absentia, and ensuring that the elections are conducted fairly and without prejudice.
- (4) The Returning Officers administer the penalty provisions set out in rule 4.

6 Voting

- (1) Each law student shall be entitled to one vote.
 - (a) For the avoidance of doubt, students enrolled in a postgraduate qualification under the Faculty of Law may also cast a vote.
- (2) Standing in an election does not preclude someone from voting in that same election.
- (3) A vote shall not be counted unless it contains the first and last name of the voter, as well as that voter's student identification number.

7 Ballot Papers

- (1) The President shall provide a ballot paper. Each valid voting paper will contain:
 - (a) a space for the first and last name of the voter;
 - (b) a space for the student identification number of the voter;
 - (c) a list of all valid nominations for each position in alphabetical order based on the candidates' surnames;
 - (d) a category of 'no confidence' for each position; and
 - (e) an explanation of the 'no confidence' category.
- (2) Where two positions are available for each portfolio, the candidate shall be listed separately, regardless of whether they have campaigned in conjunction with another candidate.
- (3) A sample ballot paper can be found in Schedule One to this bylaw.

8 Voting in Absentia

- (1) A vote in absentia is a written vote in support of a candidate by a law student who is unable to participate in a secret ballot.
- (2) For a vote in absentia to be valid it must:
 - (a) be made in writing to the President during the designated voting period; and
 - (b) contain on it the first and last name and the student identification number of the member making it.
- (3) A vote in absentia is not valid if the member who made it votes in the secret ballot.

9 Voting in Tauranga

- (1) For University of Waikato students enrolled in law courses studying at Tauranga wishing to vote in the election:
 - (a) a ballot box will be placed at the Bongard Centre for at least one (1) day;
 - (b) valid ballot papers as per rule 7 will be provided; and
 - (c) the ballot box will be collected in person by the Returning Officer or someone impartial appointed by the Returning Officer.
- (2) If law students cannot vote at the Bongard Centre, refer to rule 8.

10 Election Results

- (1) The Returning Officers must count the votes, including votes in absentia made under rule 8.
 - (a) Where the portfolio contains only one position, the candidate with the highest number of votes will be elected.
 - (b) Where the portfolio contains two positions, the two candidates with the highest number of votes will be elected.
 - (c) Where the portfolio contains only one position and 'no confidence' receives the highest number of votes, no candidate will be elected.
 - (d) Where the portfolio contains two positions and 'no confidence' receives either the highest or second highest number of votes, no candidates will be elected.
- (2) Candidates shall be informed of the results privately prior to them being announced publicly.
 - (a) All candidates shall be entitled to know the voting breakdown for their position.
 - (b) The newly-elected Presidential Candidate shall also be entitled to know the composition of the newly-elected Committee.
- (3) Once candidates have been informed of the results, a recount may be requested by any candidate in the election provided that the voting margin is ten (10) votes or less. The recount is subject to the following rules:
 - (a) candidates may only request a recount for a position that they ran for;
 - (b) the request must be made in writing to the President;
 - (c) the request must be made by 11:59pm on the day that candidates have been informed of the results;
 - (d) the Returning Officers will be responsible for recounting the votes;
 - (e) no additional votes may be cast to be included in the recount; and

- (f) the results of the recount are final.

11 Candidates' Guide

- (1) There shall exist a Candidates' Guide outlining the key election dates and the rules contained within this bylaw.
- (2) The Candidates' Guide shall be updated by the President annually as required.
- (3) The Candidates' Guide shall be made available to the public at least seven days before the AGM.

Schedule One – Voting Ballot

WULSA 2019 COMMITTEE VOTING PAPER

Candidates have been listed alphabetically by surname. Where there is a (1) next to the position, you may only vote for one option. Where there is a (2) next to the position, you may vote for a maximum of two options. Please mark your option(s) on the form like this:

A vote of 'no confidence' for a position is a vote of no confidence for every candidate running for that particular position. If the 'no confidence' option receives enough votes that if it were a candidate it would be elected, then that position is treated as having an unsuccessful election and no candidate shall be elected.

Each law student is entitled to submit ONE ballot form only. Any other markings on this form will render it invalid.

VOTER FULL NAME: _____ STUDENT ID _____

<p>PRESIDENT (1) XXX <input type="checkbox"/> XXX <input type="checkbox"/> No Confidence <input type="checkbox"/></p>	<p>CAREERS OFFICER (1) XXX <input type="checkbox"/> XXX <input type="checkbox"/> No Confidence <input type="checkbox"/></p>
<p>DEPUTY-PRESIDENT (1) XXX <input type="checkbox"/> XXX <input type="checkbox"/> No Confidence <input type="checkbox"/></p>	<p>EDUCATION OFFICER (1) XXX <input type="checkbox"/> XXX <input type="checkbox"/> No Confidence <input type="checkbox"/></p>
<p>TREASURER (1) XXX <input type="checkbox"/> XXX <input type="checkbox"/> No Confidence <input type="checkbox"/></p>	<p>PUBLIC RELATIONS OFFICER (1) XXX <input type="checkbox"/> XXX <input type="checkbox"/> No Confidence <input type="checkbox"/></p>
<p>COMPETITIONS OFFICERS (2) XXX <input type="checkbox"/> XXX <input type="checkbox"/> XXX <input type="checkbox"/> XXX <input type="checkbox"/> No Confidence <input type="checkbox"/></p>	<p>SPORTS & SOCIETIES OFFICER (1) XXX <input type="checkbox"/> XXX <input type="checkbox"/> No Confidence <input type="checkbox"/></p>
<p>SOCIAL OFFICERS (2) XXX <input type="checkbox"/> XXX <input type="checkbox"/> XXX <input type="checkbox"/> XXX <input type="checkbox"/> No Confidence <input type="checkbox"/></p>	

Appendix - Amendments