

# Council Procedure 7 - Conduct of Elections

## Section 1 - Purpose

(1) Under the [Queensland University of Technology Act 1998 \(QUT Act\)](#), elections are required to fill various membership categories on QUT's governing body, Council. Additionally, in accordance with University policies, some committees also include elected members.

(2) These Procedures apply to all elections to fill positions on Council and on University committees, including the elections for the elected members of Council specified in section 15 of the [QUT Act](#). It is also expected that organisational areas will use these Procedures to guide the conduct of elections to local area committees.

(3) Elections to fill positions on Council or QUT committees must be conducted in a free and democratic manner, and consistent with the requirements set out in this Procedure. This Procedure addresses the requirements of section 26AA of the QUT Act and is endorsed by Council as QUT's election policy under that section.

(4) QUT has adopted an electronic nominations and balloting system (the eBallot system) and intends to conduct all ballots electronically. Where a ballot is conducted utilising electronic means of voting and counting, it must be conducted wholly electronically (that is, all votes must be cast and counted through electronic means).

## Section 2 - Definitions

(5) In this Council Procedure:

Term	Definition
Ballot	Is the process by which the electors can vote for a candidate or candidates standing for election, and by which the votes are counted.
Election	Is the process by which elected candidate positions are filled, commencing with the process of nominating candidates who stand for election, voting by the electorate and counting of votes, and concluding with the declaration of the result in the election.
First day of voting	Means the day and time set for the opening of the ballot determined in accordance with section 10.
Last day of voting	Means the day and time set for the close of the ballot determined in accordance with section 10.
Mailing address	Includes an electronic mail address.
Nomination date	Means the last day for receiving nominations for an election in accordance with section 8, and the time set for the close of nominations on that day.
Registrar	Means the person holding the position of Vice-President (Administration) and University Registrar.
The Act	Means the <a href="#">Queensland University of Technology Act 1998</a> .

## Section 3 - e-Ballot System

(6) For the purposes of these Procedures, the e-Ballot system means any IT software or service used by QUT for election purposes, including the system used for receipt of nominations, voting, and counting of votes.

(7) The e-Ballot system must be configured to ensure that:

- a. only those electors on the electoral roll who are eligible to vote in the category are able to nominate and vote;
- b. an elector can only vote once (up to the maximum number of candidates to be elected in the category);
- c. voting is secret; and
- d. informal votes are eliminated from counting.

(8) Prior to the conduct of Council elections under the [QUT Act](#), the returning officer will make enquiries to ensure that the e-Ballot system is configured to meet the requirements set out in clause (7) above.

## **Section 4 - Returning Officer**

(9) The Registrar will act as returning officer for elections. The Registrar may delegate some or all of the functions of returning officer, either generally or for a particular election, to another officer of the University, provided that that person is not a candidate in the election.

(10) The returning officer is responsible for managing all procedural and campaigning conduct requirements relating to the conduct of elections. The returning officer's decision is final on all matters relating to the conduct of elections.

(11) The returning officer must specify campaigning conduct requirements for each election to ensure that the election is fair, in particular, to ensure that:

- a. campaigning is conducted in an orderly fashion that does not disrupt the normal activities of the QUT community;
- b. candidates comply with acceptable and respectful standards of behaviour towards other candidates and electors; and
- c. electors are not improperly influenced in voting.

(12) The campaigning conduct requirements must specify the consequences of failure to comply by candidates.

## **Section 5 - Timing of Electoral Process**

(13) For Council and University committee elections, where an election is required because the term of office of an elected member is due to expire, the election must be completed prior to the expiry of the term.

## **Section 6 - Electoral Roll**

(14) Prior to an election being conducted, an electoral roll must be prepared to include all persons eligible to vote in the category. The roll contains the elector's full name, a contact email address, and any other information necessary to identify the elector and to verify that the elector is eligible to vote.

(15) The roll closes on the nomination date.

(16) Between the nomination date and the first day of voting, the returning officer may:

- a. alter the information on the roll to correct an error; and
- b. add the name of any person to the roll, provided that the person was eligible to vote in the election on the nomination date.

## Section 7 - Notice of Election

(17) The returning officer must publish a notice of election by sending an email to all electors eligible to nominate and vote in the election. The notice of election must:

- a. identify the position for which an election is required;
- b. specify the term of office for the elected member;
- c. call for nominations and specify the procedure for nominating candidates;
- d. specify the nomination date, and the time that nominations will close on that date;
- e. specify those eligible to vote in the election; and
- f. specify, in case a ballot is required, the first day of voting and the last day of voting.

(18) The returning officer will also ensure that information about the election is published as widely as possible amongst those entitled to vote, including by placing a notice on QUT's website or intranet.

## Section 8 - Nominations

(19) To be a candidate for an election, a person must be eligible to vote in the election and must be nominated in accordance with the procedures set out in this section.

(20) The nomination must be submitted in the manner prescribed by the returning officer. The returning officer may determine that nominations are submitted electronically through the eBallot system.

(21) The nomination form must include a declaration by the candidate that the candidate will abide by any campaigning conduct requirements specified by the returning officer, and any other declarations relating to eligibility to stand as a candidate, as determined by the returning officer or, in the case of a candidate for election to Council, as specified by the [QUT Act](#). A privacy notice is provided to each candidate at the time of nomination.

(22) The nomination is made by a nominator, who must be a person eligible to vote in the election. The candidate must agree to be nominated.

(23) A candidate who agrees to be nominated may provide a supporting statement which will be made available to all electors in the category in the event of a ballot. The returning officer must set out the form of and requirements for supporting statements either generally or for each election. A candidate must comply with the requirements, otherwise, the supporting statement will not be made available to electors.

(24) The returning officer must reject a nomination in the following circumstances:

- a. the candidate is ineligible to vote in the election;
- b. the candidate declines the nomination;
- c. where the nomination results in the total number of candidates nominated by an individual nominator exceeding the number of positions to be filled in that category; and
- d. in the case of an election for membership of Council, the candidate is ineligible for membership under section 23 of [the Act](#) (due to disqualification under Part 2D.6 of the [Corporations Act 2001](#) or conviction for an indictable offence), and Council has not exercised its discretion under section 26 of [the Act](#).

(25) The nomination date must be set on the following conditions:

- a. the date must be a minimum of 7 days from the date of the notice of election; and

b. the date must be a maximum of 21 days from the date of the notice of election.

(26) The election in each sub-category is to be treated as a ballot to fill one vacancy.

## **Section 9 - Determination Whether Ballot Required**

(27) If, after the close of nominations, the number of candidates does not exceed the number of positions to be filled, the returning officer may declare the election in accordance with section 15 of these Procedures without conducting a ballot.

(28) 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 in accordance with these Procedures.

## **Section 10 - Voting Period**

(29) Where a ballot is conducted, the period from the first day of voting to the last day of voting must meet the following conditions:

- a. the period must be a minimum of 7 days; and
- b. for all ballots, the period must be a maximum of 21 days.

## **Section 11 - Notice of Ballot to Electors**

(30) The returning officer must provide to each elector, at the elector's last known email address, a notice of ballot. The notice of ballot to electors must be sent within 14 days of the nomination date.

(31) The notice of ballot must:

- a. identify the purpose of the election and the category of electors entitled to vote in the election;
- b. specify the names of the candidates;
- c. specify the first day and time for voting and the last day and time for voting in the election; and
- d. provide an explanation of the process for voting and provide access to all necessary information for this purpose, including the ballot form provided in accordance with section 12 of these Procedures.

## **Section 12 - Ballot Form**

(32) The ballot form must:

- a. list the name of each candidate in a randomised order; and
- b. be in a form enabling an elector to indicate the elector's preference for a candidate (or candidates where more than one position is to be filled in the election);
- c. provide access to any supporting statement provided by a candidate.

(33) The returning officer will ensure that, for ballots by electronic means, appropriate arrangements are made to address any accessibility requirements or reasonable adjustments for electors with a disability or for electors not otherwise able to access an electronic device for voting purposes.

## **Section 13 - Scrutineers**

(34) A candidate for election may appoint a scrutineer by written notification to the returning officer at least two days prior to the last day of voting. The scrutineer is entitled to be present when voting closes and when the votes are counted.

## **Section 14 - Counting Votes**

(35) For electronic ballots, two officers of the University must be present when votes are counted by the eBallot system and the results for the ballot are generated. For a paper ballot, the returning officer must be present at all times when votes are counted.

(36) Votes are counted according to a first-past-the-post system. Under QUT's election procedures, a "first-past-the-post system" means:

- a. in case of a ballot to fill one vacancy, the candidate who receives the greatest number of votes is declared elected; and
- b. in the case of a ballot to fill two or more vacancies, the candidates who receives the greatest numbers of votes are declared elected until all vacancies are filled.

(37) Where there is an equality of votes in the only or last vacancy to be filled in the election, the candidate to fill the position is determined by lot drawn by the returning officer.

(38) If an elector does not indicate a preference for any candidate, or casts votes for more candidates than are eligible to be elected in the category, the vote will be informal and will not be counted.

## **Section 15 - Declaration of Result of Election**

(39) The returning officer must declare the result of the election by:

- a. giving notice in writing to the Vice-Chancellor and President of the elected candidates; and
- b. publishing the result of the election to all electors who were eligible to vote.

(40) The result of the election must be declared within two business days.

(41) If a ballot has been conducted, information on the number of votes cast for each candidate is included in the published result of the election, unless otherwise determined by the returning officer.

## **Section 16 - Election Not Invalidated**

(42) An election is not invalidated by reason of the following:

- a. an inadvertent failure to include a person on the electoral roll or to send a person eligible to nominate or vote any notice;
- b. a procedural irregularity, provided that the irregularity does not prejudice the integrity of the election process or the election result.

## Section 17 - Casual Vacancies

(43) If a casual vacancy arises in the office of an elected member of Council, the vacancy is filled in the manner set out in section 20A(2) of [the Act](#).

(44) For casual vacancies arising for other election positions, the vacancy is filled in the manner set out in [Council Procedure 1 - Committee Operations](#).

## Section 18 - Complaints Regarding Elections

(45) A complaint regarding the conduct of a candidate is made to the returning officer. The returning officer may resolve a complaint by one or more of the following actions:

- a. issuing directions to a candidate as to their future behaviour;
- b. in the case of a staff member or student, referring the complaint to be dealt with as a disciplinary matter;
- c. requiring a candidate to issue an apology to another person; and
- d. if the complaint relates to a serious breach by the candidate of campaigning conduct requirements, preventing the candidate from further participation in the election and withdrawing their nomination.

(46) In the event that the returning officer considers that action under clause (45)d is warranted, the returning officer must first give the candidate the opportunity to show cause why action should not be taken.

(47) If the complaint relates to election procedures, the returning officer will make a determination (subject to section 16) and will provide reasons for the determination to the complainant.

## Status and Details

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