



New South Wales

University of Sydney Amendment (Senate Elections) By-law 2009

under the

University of Sydney Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has approved the following By-law made by the Senate of the University of Sydney under the *University of Sydney Act 1989*.

VERITY FIRTH, MP
Minister for Education and Training

Explanatory note

The object of this By-law is to provide for elections of members of the Senate of the University of Sydney to be conducted by means of an electronic ballot. Currently, elections can only be conducted by means of a postal ballot. In an electronic ballot, eligible voters will access a website established for the purposes of the election and submit their vote online.

This By-law is made under the *University of Sydney Act 1989*, including sections 9 and 36 (the general power to make by-laws).

2009 No 389

Clause 1 University of Sydney Amendment (Senate Elections) By-law 2009

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under the

University of Sydney Act 1989

1 Name of By-law

This By-law is the *University of Sydney Amendment (Senate Elections) By-law 2009*.

2 Commencement

This By-law commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of University of Sydney By-law 1999

[1] Clause 15 Definitions

Insert in alphabetical order:

closing date of the ballot means:

- (a) in the case of a postal ballot, the date and time by which ballot papers must be returned to the returning officer, and
- (b) in the case of an electronic ballot, the date and time by which the electronic ballot form must be submitted to the returning officer via the election website.

election website means a secure internet site approved or managed by the returning officer for the purposes of an electronic ballot.

electronic ballot means a ballot conducted in accordance with Division 5B.

electronic vote means a vote cast in an electronic ballot by means of an electronic ballot form.

postal ballot means a ballot conducted in accordance with Division 5A.

[2] Clause 15, definitions of “exhausted ballot paper” and “primary votes”

Insert “or an electronic vote” after “a ballot paper”, wherever occurring.

[3] Clause 15, definition of “poll”

Omit the definition.

[4] Clause 15, definition of “primary votes”

Insert “or electronic votes” after “ballot papers”.

[5] Clause 15, definition of “secondary vote”

Omit “marked on a ballot paper”.

[6] Clause 16A

Insert in Division 2 of Chapter 4 before clause 17:

16A Definition

In this Division, *address* includes both residential address and email address.

2009 No 389

University of Sydney Amendment (Senate Elections) By-law 2009

Schedule 1 Amendment of University of Sydney By-law 1999

[7] **Clause 18 Provisional voting**

Insert “or 36D, as the case requires” after “clause 36” in clause 18 (2) (b).

[8] **Clause 25 Time intervals for different stages of the election process**

Omit clause 25 (b) and (c). Insert instead:

- (b) no more than 28 days between the date on which nominations close and the date of issue of ballot material, being:
 - (i) in the case of a postal ballot, the date of issue of ballot papers by the returning officer, and
 - (ii) in the case of an electronic ballot, the date on which instructions on how to access the electronic ballot and complete an electronic ballot form are sent to voters by the returning officer, and
- (c) no less than 14 days between the date of issue of ballot material and the closing date of the ballot.

[9] **Clause 26**

Omit the clause. Insert instead:

26 Manner of conducting ballot

- (1) Each election must be conducted by a postal ballot or an electronic ballot.
- (2) The returning officer may decide whether the election is to be conducted by a postal ballot or an electronic ballot.
- (3) In the case of an electronic ballot, the returning officer may make alternative arrangements for eligible voters who are unable to take part in an electronic ballot to vote in the election.
- (4) If there is any technical malfunction in respect of an electronic ballot, the returning officer may determine that the election is to be held again by a postal ballot or another electronic ballot.

[10] **Clause 27 Notice of ballot**

Omit clause 27 (2) (i)–(k). Insert instead:

- (i) whether the election is to be conducted by a postal ballot or an electronic ballot,
- (j) the closing date of the ballot,
- (k) the method of election,

[11] Clause 28 Nominating candidates

Omit “will be printed as a summary of information and distributed with ballot papers” from clause 28 (6).

Insert instead “are to be provided to voters”.

[12] Chapter 4, Division 5

Omit the heading. Insert instead:

Division 5 Conduct of ballot—general

[13] Clause 33 Death or ineligibility of candidates

Omit “the declaration of a poll for an election”.

Insert instead “the closing date of a ballot”.

[14] Clause 33 (b)

Omit “was not on the ballot papers printed for the election”.

Insert instead “did not appear on the list of candidates for election”.

[15] Chapter 4, Division 5A

Insert after clause 34:

Division 5A Conduct of postal ballot

34A Application of Division

This Division applies if the returning officer decides to conduct an election by postal ballot.

[16] Clause 35 Preparing and sending ballot papers

Omit “date and time by which the ballot paper must be returned to the returning officer” from clause 35 (2) (b) (ii).

Insert instead “closing date of the ballot”.

[17] Clause 36 Marking and returning ballot papers

Omit “for ballots specified in clause 35 (2) (b) (ii)” from clause 36 (3) (c).

Insert instead “of the ballot”.

2009 No 389

University of Sydney Amendment (Senate Elections) By-law 2009

Schedule 1 Amendment of University of Sydney By-law 1999

[18] Chapter 4, Division 5B

Insert after clause 36:

Division 5B Conduct of electronic ballot

36A Application of Division

This Division applies if the returning officer decides to conduct an election by electronic ballot.

36B Providing ballot material to voters

The returning officer must send to each voter on the relevant Roll, at the voter's email or residential address, instructions on how to access the electronic ballot and complete an electronic ballot form, including the internet address of the election website.

36C Election website

- (1) An election website is to be established for the purposes of an electronic ballot.
- (2) The election website must include the following:
 - (a) instructions on how to vote, including the closing date of the ballot,
 - (b) a summary of information about each candidate, if provided under clause 28 (5),
 - (c) the names of all candidates for election arranged in an order determined by drawing lots.
- (3) The election website may require voters to verify their eligibility to vote and their identity.

36D Completing and submitting electronic ballot forms

- (1) Voters must vote by completing the electronic ballot form on the election website, in accordance with the instructions on the election website, so as to indicate their preference for the candidates.
- (2) Voters:
 - (a) must express their order of preference for a number of candidates at least equal to the number of vacancies to be filled, and
 - (b) may express their order of preference for as many of the other candidates as have been nominated.

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- (3) Voters must, after completing the electronic ballot form, submit it to the returning officer by following the prompts on the election website.
 - (4) The returning officer must ensure that any electronic database or retrieval system containing electronic votes is kept secure until the counting of votes begins in accordance with Division 6 or 7 (as the case requires).

Division 5C Procedures after election is conducted

[19] Clause 37 Election not invalidated because of certain errors

Omit clause 37 (1) (b). Insert instead:

- (b) an eligible voter did not see a notice of ballot,
- (b1) in the case of a postal ballot—an eligible voter did not receive a ballot paper,
- (b2) in the case of an electronic ballot—an eligible voter could not access the election website,

[20] Clause 38 Scrutineers

Omit “A scrutineer” from clause 38 (3).

Insert instead “In the case of a postal ballot, a scrutineer”.

[21] Clause 38 (4)

Insert after clause 38 (3):

- (4) In the case of an electronic ballot, a scrutineer may inspect any report or record from any electronic database or retrieval system containing electronic votes used in the electronic ballot, provided that, in the opinion of the returning officer, that scrutiny does not delay the counting of votes unreasonably.

[22] Clause 39 Informal votes

Omit “A ballot paper”.

Insert instead “In the case of a postal ballot, a ballot paper”.

[23] Clause 39 (2)

Insert at the end of clause 39:

- (2) In the case of an electronic ballot, an electronic vote is informal if, and only if, in the opinion of the returning officer, it does not include a vote for a number of candidates at least equal to the number of vacancies to be filled.

2009 No 389

University of Sydney Amendment (Senate Elections) By-law 2009

Schedule 1 Amendment of University of Sydney By-law 1999

[24] Clause 40 Tally sheet to be kept

Insert “(in either electronic or hard copy form)” after “tally sheet” in clause 40 (1).

[25] Clauses 40 (1) (a) and 42 (k) (ii)

Insert “or electronic votes” after “ballot papers”, wherever occurring.

[26] Clauses 40 (1) (b), 41 (a) and 42 (a)

Insert “or electronic votes” after “informal ballot papers”, wherever occurring.

[27] Clauses 40 (2), 41 (b) and 42 (b)

Insert “or electronic votes” after “formal ballot papers”, wherever occurring.

[28] Clauses 41 (g) and 42 (e)

Insert “or electronic vote” after “ballot paper”, wherever occurring.