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EO Advice in Reply to Inquiries

Last updated: 13 September 2021

This document summarises the advice of the EO in reply to inquiries in order to provide a shared point of reference for all candidates and campaigners.

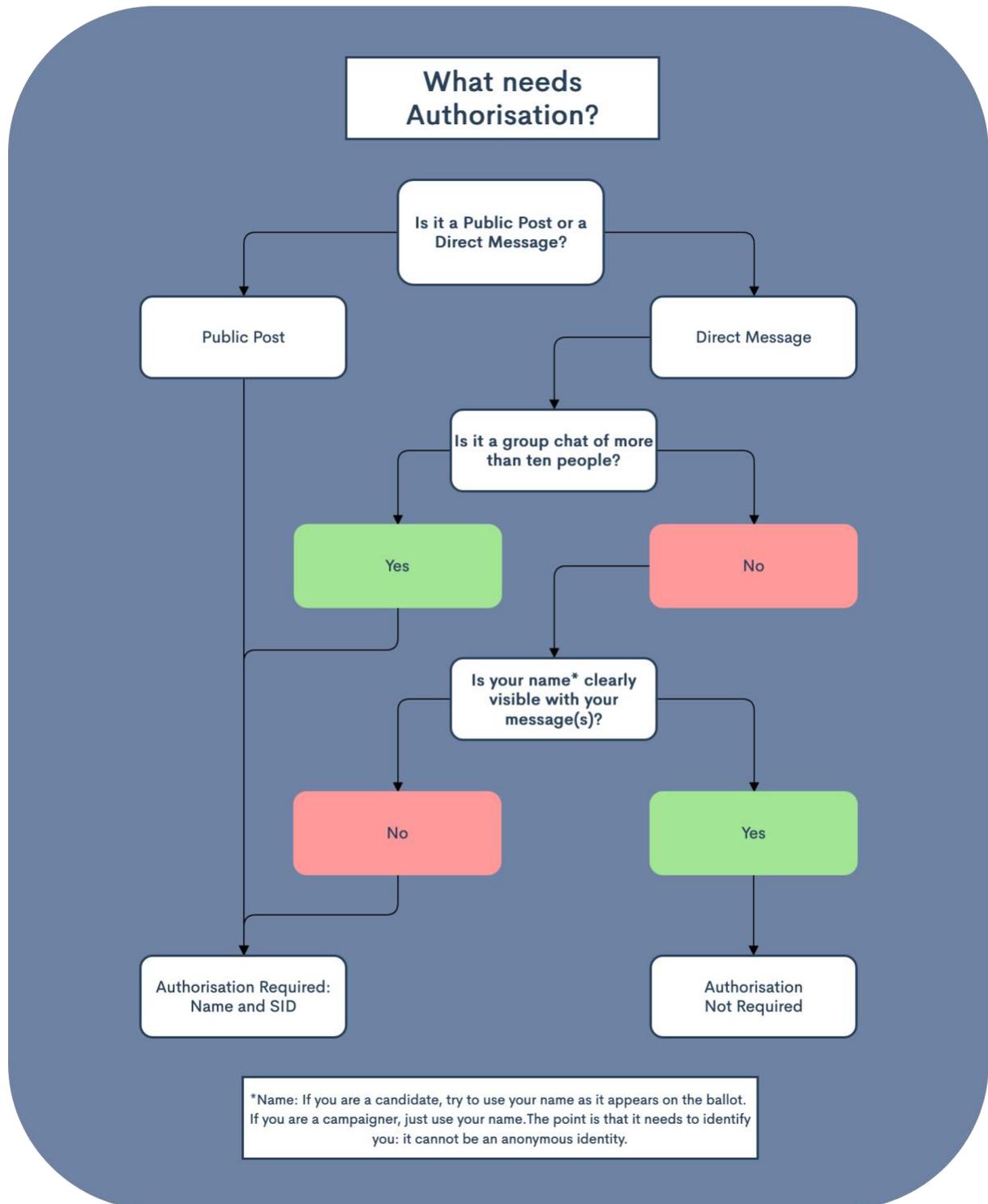
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Authorisations

September 13 2021

The below graphic summarises what needs authorisation under the Regulations. The purpose of authorisations is to ensure that there is always clear accountability and responsibility for all election material. The persons held responsible for any election material are, therefore, the person who actually produced or distributed the material and the authorising person.

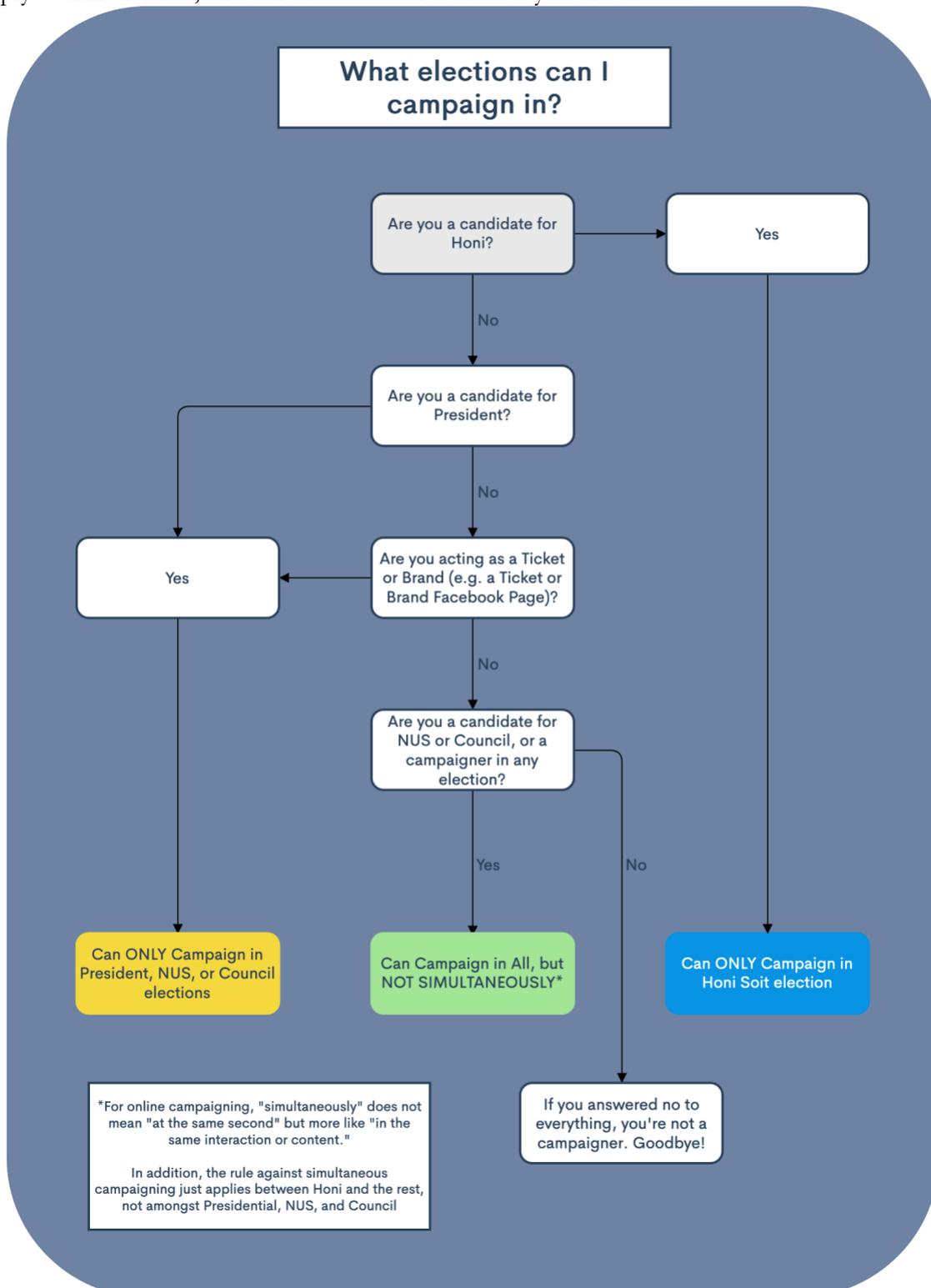


*Name: If you are a candidate, try to use your name as it appears on the ballot. If you are a campaigner, just use your name. The point is that it needs to identify you: it cannot be an anonymous identity.

Cross-Campaigning: Honi and Everything Else

September 13 2021

The below graphic summarises the 'cross-campaigning' rule. The purpose of this rule is to separate out the campaigns for Honi Soit from the campaigns for President, Council and NUS. For our purposes, please note that merely having a Profile Picture that bears campaign material and then posting a comment or post about the other election(s) is **not** considered to be cross campaigning. Apply common sense, and ask the Electoral Officer if you are unsure.



Campaigning in a LOTE: English translations and algorithms

September 13 2021

The Regulations forbid the production of any electoral materials in a Language Other Than English *unless* it is accompanied by a legible and visible English translation.

It is my view that election material which appears in an app or platform which has a native algorithmic translation function meets this condition if the translation is reasonably close to the actual meaning of the text. For this to apply, it must be a native translation feature: it cannot be a third-party translation service. If this does not apply, you must provide the English translation yourself.

Complaints: Make sure they're to the right person

September 13 2021

When you are submitting the complaint, make sure you correctly specify the respondent for the complaint. If you submit a complaint with evidence about the actions of Joe Blogg, a campaigner for Solomon the Wise, but specify Solomon as the respondent, then I am obliged by the Regulations to direct that complaint to Solomon. Unfortunately for your complaint, Solomon is indeed very wise, and he will simply reply: "The allegations and evidence concern the behaviour of Joe Blogg, so I cannot be found in breach of the Regulations." Solomon is quite right: he cannot be found in breach of the Regulations for actions he did not commit.

On the other hand, Solomon can be *held responsible* for the actions committed by Joe Blogg, and the outcomes of any finding against Joe Blogg can *instead* be applied to Solomon. There is an asymmetry of investigation and outcomes: I must investigate the individual alleged to have breached the Regulations, but I can apply any outcomes to another person.

This means, for instance, an entire brand can be held responsible for the actions of a campaigner. That may be your desired remedy, but it does not mean you should specify an entire brand as the respondent when your allegations and evidence concern a specific individual.

Election Promotional Activities

August 5 2021

What we're calling "election promotional activities" is separate from "election campaigning." Campaigning means advertising or promoting a candidate for election. Promoting the election itself, in the interest of maximising participation, is a separate activity.

Before the close of nominations, all persons are able to promote the election, either for nominations or voting.

There is, however, a risk that promoting the election can bleed over into campaigning, especially if you are a candidate or campaigner who is promoting the election to your own prospective voters. Spilling over into campaigning before the campaign period begins can mean consequences for candidates. To mitigate this risk, there are a few clear ways to ensure that any promotional activities are above-board:

1. Sharing SRC social media that is promoting the election
2. Pre-registering any other election promotional communications with the Electoral Officer via elections@src.usyd.edu.au, who will be able to advise you if the intended communications bear some risk
3. For any translated material, a copy of the original and English translation must be published together (per Regulations §8.69(L)), and you should send a copy to the EO

Recruiting campaigners before the campaign period

August 8 2021

On one view, asking someone to campaign for you or run alongside you as a candidate might be seen as itself a form of campaigning, and therefore prohibited until the online campaigning period begins.

This is not the case. Reaching out to potential campaigners or candidates is not a breach of the Regulations. Both of these acts are distinct from canvassing for votes. This is true, even if your potential campaigner says: "No, I won't campaign for you, but I will vote for you." However, that doesn't imply a cheeky loophole where you can ask indefinite numbers of people to campaign for you as a sly means of canvassing for their votes! Apply common-sense on this point, and you should be fine.

A partial justification on this point is the counterfactual that, if this was prohibited, then the formation of tickets as envisaged by the Regulations would be virtually impossible. If you can reach out to potential candidates to run with you, then you can reach out to potential campaigners as well since there's no relevant difference in the two acts. What makes it prohibited is if you are, in substance, campaigning to voters.