

# **Ruling (1) of the Returning Officer**

This ruling relates to matters of authorised election material, prohibited conduct and related matters.

## **Shorter matters**

1. Electoral Regulation 26.3(b) prohibits material reproduced on paper larger than A3. For the avoidance of doubt, the Returning Officer regards material produced on multiple A3 (or smaller) sheets that are combined to form a single item larger than A3 as being prohibited by this regulation, in order for it to have effect. If the Returning Officer is wrong, then such material is banned pursuant to Regulation 26.6 as of 7am Tuesday.
2. Poster paste/wheatpaste is banned except on bollards specifically set aside for posterage. This ban extends to any other method of adhesion that damages the surface where the poster is placed (Regulation 44.5[s]). Damage to surfaces will be treated as a significant aggravating factor in dealing with cases where posters are placed in prohibited locations.
3. Electoral Regulation 44.5(n) bans interference with another candidate's publicity. Once a voter has a leaflet in their hand, it's theirs, and you can't take it from them (even if they offer it to you). As a general rule, we strongly discourage candidates touching other candidates' pamphlets.

## ***Campaigning and phones***

4. A difficulty in an online election where students can vote using their devices is the ease with which a campaigner can, intentionally or inadvertently, violate the secrecy of a vote. A related concern is that a voter voting in the presence of a candidate can and often does have a coercive effect: if a student feels the easiest, or only, way out of an interaction with a campaigner is to vote for them, then that vote is not fairly got. This is true even if a campaigner doesn't intend to create a coercive environment. All candidates and tickets are reminded of Regulation 44.5(h), relating to violating the secrecy of the ballot and Regulation 44.5(q), relating to undue influence..
5. For the avoidance of doubt, the following are prohibited by the Regulations:
  1. Taking, with or without permission, the phone of a student to assist them in voting.
  2. Viewing the screen of a voter in the act of casting a vote, including viewing the email from the Returning Officer containing their voting link.
  3. Being in the vicinity of a voter when voting (including retrieving the voting link and accessing the BigPulse site), or when a campaigner has reason to believe the voter is voting. This is true even if the campaigner cannot see the voter's screen, because of the perception of undue influence, and because no effective control is in place to ensure ballot secrecy.
6. We are concerned particularly with the last point above: several campaigners received bans on Monday because our staff observed them chatting to voters who were clearly in the process of voting.

7. By analogy to a paper ballot: you can walk the voter to the line (i.e. tell them how you'd like them to vote and what steps to take) but once they cross the line (i.e. open their phone to begin voting), you have to step back and disengage. Campaigners cannot be in the vicinity of voters who are voting, and if a student (having been told how to vote) takes out their phone, campaigners should draw the inference that they are beginning their vote.
8. We appreciate this makes campaigning more difficult: you can't win a vote there and then, you have to trust that you have been convincing enough the student will subsequently vote for you. However our view is that it is the only way we can comply with the Regulations, and we regard a voter's right to vote privately as outweighing the other considerations.

Stephen Luntz

Returning Officer

4/9/2023