

BYE-LAW | REFERENDUMS

Last updated: 11th June 2015

Returning Officer

1. For all referendums, there will be a Returning Officer who will supervise their conduct and ensure that they are run in accordance with this Bye-Law and in a free and fair manner.
2. There will be a Deputy Returning Officer who will assist the Returning Officer in carrying out their role.
3. The Returning Officer and Deputy Returning Officer for all referendums will be the persons appointed to those positions for the purposes of elections under the Bye-Law on Elections.
4. The Deputy Returning Officer may (subject to the approval of the Returning Officer) issue guidelines to all Students' Union staff members involved in the administration of the a referendum, which will govern their conduct.
5. The Deputy Returning Officer may appoint other members of the Students' Union staff to be Assistant Returning Officers for the purposes of a referendum, and may delegate any of their roles to these persons.
6. Notwithstanding Article 1, any question on the interpretation of this Bye-Law or guidelines issued in accordance with its provisions will be resolved by the Returning Officer.
7. The Returning Officer will have power to:
 - a. Give directions to students during the course of a referendum period (which will last from the notice of the referendum to the announcement of the result);
 - b. Order any recount;
 - c. Annul a referendum and order a new one in its place;
 - d. Refer any matter to the disciplinary procedures contained in the Bye-Law on Discipline;
 - e. Direct that any other action be taken to ensure fairness or maintain the integrity of a referendum.

Initiation of referendum

8. A referendum on any matter may be called by the Senate or a petition of 400 students.
9. A referendum of no confidence will be called in the position of any Trustee or Union Officer (including Officers who are not members of the Executive Committee) if a petition of 400 students is received calling for such a referendum.
10. No proposal put to a referendum will be in order if it proposes to allocate funding to any organisation or group of students, or if it proposes any course of legal action.
11. Any petition concerning the initiation of a referendum will be subject to the following rules:
 - a. Any petition must be freely available for all students to sign on a public website or fixed geographical location;
 - b. Petitions must be delivered to the Deputy Returning Officer or their nominee;
 - c. No signature will be considered valid unless it is accompanied by both the name and student number of that person, and that student number has been verified.

Timing and notice

12. The time and date of all referendums shall be at the discretion of the Deputy Returning Officer, and the Deputy Returning Officer may extend or postpone the voting period of any referendum at their discretion.
13. At least seven days' notice must be given of all referendums. If a referendum is postponed, at least seven days' notice must be given of the new date of the referendum.

Voting

14. In a referendum, the votes shall normally be cast and counted using the 'First Past the Post' method and the options on the ballot paper shall be 'Yes' and 'No'. However, if explicitly specified in a proposal to call a referendum, different options of any number may be voted upon, and these shall be cast and counted in accordance with the Alternative Vote method.
15. The option to abstain will be offered on all ballots. This shall not affect the result of any vote and shall only serve an indicative purpose.
16. Voting in all referendums must be open for at least three days, and will only take place during term-time as defined by the University calendar.
17. A result of a referendum as a vote of no confidence will only be considered valid if at least 5% of the total members of the Students' Union vote in that referendum.
18. The counting of votes will be counted by the Deputy Returning Officer. Results will only be considered valid once the Returning Officer has certified that the referendum has been conducted freely and fairly.
19. Votes will not be counted while there any outstanding complaints awaiting the decision of the Returning Officer, or any appeals awaiting an outcome.
20. All results will be communicated by the Deputy Returning Officer (or their nominee) at the soonest opportunity after the conclusion of the count.
21. A referendum will be invalid for lack of a quorum unless either:
 - a. At least 400 votes (inclusive of abstentions) are cast in the referendum, or
 - b. The most preferred outcome receives at least 75% of the votes cast and at least 200 votes (inclusive of abstentions) are cast in the referendum.
22. Any matter put to a referendum that is invalid for lack of a quorum shall not be reconsidered in the same academic year.

Campaigning

23. The Deputy Returning Officer will provide training for campaigners in this Bye-Law and all guidelines.
24. Every option in a referendum will have an official manifesto.
25. A meeting will be held before the opening of voting in any referendum. At this meeting, campaigners who support an option will elect two post-holders for the option:
 - a. The manifesto author, who will be treated by the Students' Union as the person authorised to submit the final design of the manifesto for that option, and
 - b. The budget holder, who will be treated by the Students' Union as the person authorised to approve expenditure from any allowance provided by the Union.
26. For the avoidance of doubt, the manifesto author and the budget holder for any option may be the same person.

Conduct, expenditure and complaints

27. The Deputy Returning Officer, subject to the approval of the Returning Officer, will issue guidelines setting out regulations for the conduct and behaviour of all individual campaigners during a referendum. All persons involved in a referendum must comply with these guidelines, and any breach of these regulations may be considered by the Returning Officer as a disciplinary matter within the meaning of the Bye-Law on Membership.
28. The Deputy Returning Officer may authorise the provision of resources, including an allowance, to support campaigners during the referendum.
29. Expenditure from any allowance provided by the Deputy Returning Officer must be accounted for in accordance with the provisions relating to expenditure in the Bye-Law on Elections.
30. Expenditure may only be authorised for a referendum option by the person elected to control the budget for that option.
31. Complaints may be made against campaigners during the course of a referendum. These shall be made in writing according to a design specified by the Deputy Returning Officer.
32. The Returning Officer shall rule on all complaints submitted and take action as they see fit.

Appeals

33. An appeal against a decision of the Returning Officer to take action may be made by any person directly affected by the Returning Officer's decision.
34. Appeals may be made on the following grounds:
 - a. The interpretation of this Bye-Law or any of the issued guidelines used during the election is unreasonable;
 - b. The correct procedure set out in this Bye-Law or issued guidelines has not been followed;
 - c. The Returning Officer has been prejudiced or biased;
 - d. The Returning Officer has failed to fully take into account the available evidence.
35. Appeals must be submitted no later than 12 noon on the day after the decision of the Returning Officer was communicated.
36. Appeals will be heard by a panel of three independent people, who would each be eligible to be appointed as the Returning Officer in accordance with the Bye-Law on Elections. The members of the panel will be appointed by the Trustee Board.
37. The procedure of the Appeals Panel will be governed by terms of reference set and revised from time to time by the Trustee Board.
38. The decision of the Appeals Panel will be final.

Bye-Law originally approved by referendum in 2012

Revised in entirety by Trustee Board on 27/11/2014

Amended by Union Assembly on 17/02/2015

Amended by Union Assembly on 11/06/2015