

## Bye Law 2 – Election regulations

**Owned by:** President

**Date passed:** 21/10/14

**Body passing:** Student Senate

**Renewed:** 25/1/16

**Review required:** 25/01/19

### **1. Election officials & Returning Officer**

1.1 Responsibility for the overall administration and enforcement of these regulations will be divested to the Returning Officer and their deputies and/or delegates

1.2 The Returning Officer will normally be an Officer Trustee of Winchester Student Union.

1.3 Where an Officer Trustee is unavailable to fulfil the role of Returning Officer the Trustee Board will appoint an interim returning Officer.

1.4 The returning officer is at liberty to appoint any number of deputy returning officers as is practicable in the fulfilment of the role.

1.5 If affiliated; the NUS regional officer or their nominee will serve as an external scrutiniser to any election and election process.

1.6 No person appointed under the provisions of this section shall comment in any way upon the suitability or otherwise of any candidate.

1.7 No person who had nominated a candidate or who serves on a candidates election team, either official or unofficially, shall undertake the duties of an elected official as herein defined.

### **2. Powers & responsibilities of the Returning Officer**

2.1 The powers in this Bye Law are given to the Returning Officer.

2.2 The Returning Officer may rule as s/he considers appropriate in respect of any matter in which this Bye Law is silent.

2.3 The Returning Officer shall be responsible for the expenditure of the elections budget.

### **3. Eligibility to stand for election**

3.1 Only Members as defined by the Union's Constitution are eligible to stand for election.

- 3.2 Only Members who are able to take a full year sabbatical from study; or are imminently to end studies prior to graduation; may stand for the Officer Trustee positions.
- 3.3 Only members who are eligible to hold the office or trustee as defined by the constitution; may stand for any trustee position.
- 3.4 From time to time other restriction may apply to specific portfolio roles. Any such restriction will be detailed by portfolio and in all elections materials.

#### **4. Methods of voting**

- 4.1 Each election will be run in accordance with the alternative-transferable vote system as defined by the electoral reform society and in accordance with any regulations produced by the NUS.
- 4.2 Where there is more than one constituency position available in a single election then the single transferable vote system shall be used.

#### **5. Election timetable**

- 5.1 Notice of elections; the dates of elections shall be announced at the discretion of the returning officer or their nominee, usually no later than four weeks prior to the election commencement.
- 5.2 The nomination and campaigning periods of elections shall be announced at the discretion of the Returning Officer or his/her nominee.
- 5.3 There shall be a period of open nominations during which nominations may be submitted to the Returning Officer or his/her nominee.
- 5.4 The Returning Officer or his/her nominee shall ensure that nominations are open for a suitable time to allow a fair opportunity for all prospective candidates to submit their nomination.
- 5.5 All completed nomination forms (including electronic version if relevant) shall be received by the set deadline. Notwithstanding [5.6]; no nomination form will be considered valid if submitted after the established deadline.
- 5.6 If after the close of the nominations period, in an election or a by-election, a post remains unfilled, the Returning Officer or his/her nominee may extend nominations for that post for no more than five working days.
- 5.7 At the close of the nomination period the remainder of the advertised election timetable will be in effect. The Returning Officer will set such a timetable. The full timetable will be available in all election materials and briefings.

5.8 Union General Elections; also known as Executive Elections shall take place once annually normally at the midpoint of semester two. These elections will occur under the terms of these bye laws and the auspices of the Constitution; to elect the Union's executive committee (as defined in Bye Law 1) and the Union's Officer Trustees and Student Trustees.

5.9 NUS national conference delegates by requirement of NUS stipulation are required to be elected by cross campus ballot of membership and for the purposes of clarity shall be conducted as per a By-election.

5.9.1 The delegation for NUS national conference is set down by NUS delegate entitlement and will consist of:

5.9.1.1 Union President

5.9.1.2 X other members of the Student Union elected by cross campus ballot (where X is the NUS delegate entitlement minus one)

5.10 Union By-elections shall serve in all matters of election outside of the prescribed framework set by Union General election or NUS delegate election; for purpose of replacing vacant, resigned or removed officer posts.

5.10.1 Such By-elections fall under the remit of the returning officer as defined above

5.10.2 All timetabling matters for such elections are to be determined by the returning officer or his/her nominee providing such timings provide a fair and adequate window for candidacy and membership awareness.

5.10.3 If the By-election is to be held to replace an officer post that, for whatever reason is left vacant after the 31<sup>st</sup> December, Student Senate shall have discretion to either call a By-election or leave the post vacant until the next Union General Election.

## **6. Exceptions**

6.1 The Election of Union Club & Societies shall fall outside of the remit of these articles; such elections will be overseen by an Officer trustee who may choose to use these articles as a model for such elections. Clubs & Societies will be made aware of the mechanic of their elections prior to any such elections taking place.

## **7. Terms of Office**

7.1 Elected Executive Officers (including Officer Trustees) are elected to serve a term of twelve concurrent months starting from July 1<sup>st</sup> subsequent to Union General Election.

7.2 Such officers elected via By-election after July 1<sup>st</sup> will serve a term of office for a duration ending on June 30<sup>th</sup> subsequent to election

8. **Re-Open Nominations (RON):** Re-Open nominations (RON) shall be a candidate in all elections and the returning officer or his/her nominee shall ensure this option is explained to members.

## 9. Requirements for candidates in elections

### 9.1 Introduction

9.1.1 Failure to comply with all the requirements of this section may result in disqualification from the election.

9.1.2 A maximum of one warning may be given depending upon the seriousness of the offence at the discretion of the Returning Officer.

9.2 Knowledge of the election regulation; it is the responsibility of all candidates to ensure that they and all their supporters, are fully aware of these regulations. Ignorance of these regulations shall not be an acceptable excuse for contravening them.

### 9.3 Supporters

9.3.1 A member who has nominated a candidate is automatically to be a supporter.

9.3.2 Any persons campaigning in support of a candidate shall be the responsibility of the candidate. Should any elections offence be committed by a supporter the offence shall be considered in the same way as if the candidate had committed personally.

9.3.3 The Returning Officer considering a complaint may decide to ignore an offence committed by a supporter, provided s/he is satisfied that there was no collusion between the supporter and the candidate and that the offence was only of a minor nature.

### 9.4 Nomination form

9.4.1 Nomination forms must be completed by all candidates and must include;

9.4.1.1 The candidate's name

9.4.1.2 The candidate's university student number

9.4.1.3 The candidate's signature (a scan or e-signature is acceptable for electronic submission)

9.4.1.4 The Candidate's university email address

9.4.1.5 The candidate's course and year of study

9.4.2 Any candidate shall be duly nominated provided that 8.4.1.1 through 8.4.1.6 are included on the submitted nomination and that the following conditions have been fulfilled:

9.4.2.1 The completed nomination has been submitted by the close of nominations

9.4.2.2 Proof of membership status is verified

#### 9.5 Election statements & Manifestos

9.5.1 Candidates will be required to submit an elections statement and/or a manifesto promoting their candidacy for election

9.5.2 Election statement and/or manifestos shall be supplied electronically to the Returning Officer or his/her nominee

9.5.3 The maximum word count for election statements is 25 words

9.5.4 The maximum word count for a manifesto is 500 words

9.5.5 Statements and/or manifestos must not include mentions of any member, post holder or staff member by name or post.

9.5.6 Statements and/or manifestos must not breach any standing policy of the Union; including but not limited to, the equal opportunities policy

### **10. Candidate expenditure & Campaigning**

10.1 Prior to each election the returning officer shall decide the level of expenditure permissible by candidates running for election. Such levels will be clearly stated in all candidate packs and briefings.

10.2 Before the close of polling, all candidates must submit to the Deputy Returning Officer a full and accurate return of all expenses (including a nil return if applicable) for the purpose of the election, accompanied by receipts.

10.3 In the instance of candidates using pre owned items or part used supplies in furtherance of their campaign, the Returning Officer may elect to set a value to such that will count towards your spend limit. Such values will not be unreasonable. All candidates should seek dialogue with the Returning Officer prior to utilising such materials to avoid inadvertent breach of expenditure rules.

10.4 It is an election offence for any candidate to take advantage of any goods or services paid for at below the usual cost for the purpose of the election. Goods or services used in this way are permitted provided that: the normal cost is given as part of the election expense despite the receipt being for a lower value, or such goods or services are made available to all other candidates running for the same position should they wish to take similar advantage of them.

- 10.5 It shall be an election offence to tamper with any poster displayed in accordance with the provisions of this section.
- 10.6 All candidates may be allowed a limited number of monochrome photocopying produced at the expense of the Union, which shall not be considered as part of their election expenses. The details of such will be set by the Returning Officer at the start of the election campaign.
- 10.7 Posters & election materials must not breach any standing policy of the Union; including but not limited to, the equal opportunities policy
- 10.8 Posters & election materials must not include mention or reference of any member (beyond the candidate), post holder or staff member by name or post.
- 10.9 There shall be an exclusion zone of 5 metres from any polling station; for the determination of online voting only, such exclusion zones will apply to any University of Winchester or Winchester Student Union owned PC with an internet connection; which shall be considered a polling station for the purposes of the election.
- 10.10 All candidates will be given the opportunity to speak to their candidacy at a Question & Answer (Q&A) session arranged and advertised by the Returning Officer or their nominee; such sessions will be run to the guidelines as set down in the candidate's information packs.
- 10.11 Winchester Student Union will ensure Re-open nominations (RON) is communicated as a valid candidate at Q&A sessions.
- 10.11.1 Any action deemed by the Returning Officer to be prejudicial to the fair running of the election shall be subject to the Elections Complaints Procedure.

## **11. Voting Systems**

- 11.1 Voting shall be conducted via either an electronic or manual voting system.
- 11.2 All voting shall be by secret ballot cast using single or alternative transferable voting methods depending upon the nature of the post being contested.
- 11.3 Unless dictated by circumstance, all Student Union elections shall be by electronic media and will follow the guidelines below. In the event that it is deemed that a manual voting mechanic is to be used, the returning officer or his/her nominee will set out such systems prior to the election.

## **12. Voting procedures**

- 12.1 Voting shall be conducted by secret ballot via the Union website.

- 12.2 Voting instructions will be clearly displayed on the Union website for at least 5 working days prior to the ballots opening.
- 12.3 Members will be emailed voting details and links to the voting website on the day the ballot opens.
- 12.4 No candidate or their supporter may apply undue influence to voters when they are casting their vote online; either in a physical or virtual sense.
- 12.5 No unofficial computer ballot stations may be set up by candidates or their supporters at any location.
- 12.6 In the event that any candidates are disqualified from the election after the ballot has commenced, the count shall be conducted with the names of all the candidates included. Any such disqualified candidate will have all votes for them declared null and the votes transferred to the next preference if applicable.

### **13. The Count**

- 13.1 The Returning Officer or any such person as s/he may appoint, shall be in sole charge of the conduct of the count and, notwithstanding any other provision whatsoever, shall have the power to exclude any person or persons from the count at their absolute discretion.
- 13.2 The count shall be conducted or initiated on one Student Union/University premises to be determined by the Returning Officer and shall be conducted in accordance with regulations provided by the National Union of Students (UK).
- 13.3 Where ballot boxes are used these shall be brought unopened to that site.
- 13.4 Each candidate shall be entitled to have a scrutiner present at the count. Such scrutiners may not be a candidate in that election.
- 13.5 The Returning Officer may appoint additional scrutiners who shall not be candidates in any of the elections being counted at the same time.

### **14. Declaration of the Results**

- 14.1 The results shall be declared as soon as is reasonably practicable upon the conclusion of the count. The Returning Officer shall sign a certificate to the effect that the count is accurate and valid. A copy of the results shall be displayed across all Union sites for not less than seven days following the declaration and shall be published via all other relevant mediums.
- 14.2 The results shall be final unless challenged within 72 hours of its declaration according to section 15 of this schedule.

## **15. Recounts**

- 15.1 The Returning Officer shall order a recount of some or all of the ballot papers at the request of any scrutiner or any person involved in the count.
- 15.2 The Returning Officer need not order the recounting of any one set of votes more than once.
- 15.3 In addition, the Returning Officer may order recounts at their discretion.
- 15.4 The Returning Officer shall order a recount for the election concerned at the request of any candidate in writing within 72 hours of the conclusion of the count.
- 15.5 The recounts shall take place within ten working days of the receipt of a request for a recount, unless a mutually convenient date beyond this time scale is agreed.
- 15.6 Notwithstanding section 14.5 (e) the election results shall be displayed with the phrase "Recount Requested" entered beside the post in question.

## **16. Retention of Ballots**

- 16.1 Following the count, all ballot papers (either paper ballots or electronic records of votes cast) shall be kept securely for a period of not less than ten days and for such further period as may be necessary to complete proceedings arising out of any challenges to the result.
- 16.2 Upon resolution, the Returning Officer shall declare that all ballot papers be destroyed within five (5) working days.

## **17. Complaints**

- 17.1 It is recognised that candidates and students may be aggrieved by the conduct of others participating in the election. The process detailed below should be followed in cases where you wish to make a complaint.
- 17.2 Making a Complaint; The complaint should be put in writing to the Returning Officer as soon as the issue has arisen. All correspondence should be marked "Private and Confidential".
- 17.3 Complaints of the following nature need to be accompanied by clear evidence of:
  - Breach of publicity regulations
  - Allegations of removal of publicity by opposing candidates
  - Circulation of publicity purporting to be from another candidate.
- 17.4 Complaints alleging harassment, intimidation or violence should be reported to the Returning Officer immediately. The Returning Officer may recommend that the student raise the matter with the University or the Police.

- 17.5 In accordance with Winchester Student Union's Complaints Procedure the Returning Officer will respond to the complaint within three (3) working days of receipt and investigate in a manner that he/she deems appropriate.
- 17.6 The Returning Officer will then produce a written report, which shall be published within ten (10) working days of the dated acknowledgement of the complaint. If there are difficulties with this i.e. not being able to complete the investigation thoroughly, the Returning Officer will inform the complainant and agree a suitable time with them.
- 17.7 The Returning Officer, after deliberating the evidence, may make the following decisions:
  - 17.7.1 To not uphold the complaint
  - 17.7.2 To uphold the complaint and take sanctions against an individual(s)
  - 17.7.3 To disqualify candidate(s)
  - 17.7.4 To suspend the election
  - 17.7.5 To order a new ballot / electronic vote
  - 17.7.6 To order a recount
- 17.8 Complaints raised by election officials or scrutinisers will be dealt with through the same process.
- 17.9 Complaints raised by candidates or students about election officials including the Returning Officer should be lodged immediately with the Deputy Returning Officer.
- 17.10 Complaints about the Returning Officer shall be reported to Student Senate who will make a ruling upon the complaint as per the above process
- 17.11 All complaints about the conduct or administration of the election should be lodged before the start of the count. Any complaints once the count is in progress or has been completed should refer only to the conduct of the count. Any exceptions to these are subject to the discretion of the Returning Officer
- 17.12 The ruling of the Returning Officer on any complaint shall be final, subject only to a successful challenge of a 66% majority of a quorate meeting of Union's Student Senate.
- 17.13 Appeals to the result of a declared election result can only be made through the complaints procedure as outlined above.