

## **Bye-Law 4: Elections**

### **1 General**

- 1.1 Bye-law 4 Elections governs the elections of the Executive Officers (Sabbatical Officers and Part-Time Officers), Student Councillors, NUS Delegates and other positions as deemed appropriate by the Board of Trustees.
- 1.2 Additional rules and information will be provided in the Candidate Handbook.
- 1.3 These rules are in addition to general Union and University/College rules and regulations.

### **2 Returning Officer and Deputy Returning Officer**

- 2.1 The Board of Trustees shall appoint the Returning Officer and Deputy Returning Officer annually.
- 2.2 During an election the Returning Officer will take sole responsibility for interpretation of election rules and the Union bye-laws. Interpretation and rulings will be in the interest of the electorate above all others.
- 2.3 The Deputy Returning Officer is responsible for the day to day management of the election and has the responsibility to ensure that the election is efficient and fair in accordance with the regulations.
  - 2.3.1 The Deputy Returning Officer has full delegated authority from the Returning Officer to implement the regulations including issuing minor sanctions, overseeing the election count and answering questions.

### **3 Eligibility**

- 3.1 All and only Student Members may stand and vote in Union elections, subject to constituency based limitations.
- 3.2 Constituency based limitations include:
  - (a) School Representative Officer; only students belonging to a School may stand for election to or vote for the position. This includes the Graduate School.
  - (b) Liberation Officers; only students who self-define as the liberation group the position represents can stand for election to or vote for the position.
- 3.3 Candidates standing for election for a Sabbatical Officer position must be eligible to be a Trustee and Company Director in accordance with the relevant legislation.
- 3.4 Student Members who have already completed two terms of office as a Sabbatical Officer of the Union are not eligible to stand for election for a Sabbatical Officer.
- 3.5 It is an election candidate's responsibility to ensure their eligibility to stand, including ensuring their course enrolment record is up to date, before submitting their nomination.

- 2.8. Student Members cannot stand for or hold more than one position at any one time, except for the role of NUS National Conference Delegate.

#### **4 Nomination Process**

- 4.1 Positions for each election will be advised in the Notice of Election.
- 4.2 For each position being elected an option to Re-Open Nominations (RON) shall be provided on every ballot.
- 4.3 By standing for election all candidates agree to be subject to the Union Articles, Bye-Laws, regulations, policy and values.
- 4.4 Candidates must complete a nomination form for each position they are contesting. Only correctly completed forms will be valid.
- 4.5 Candidates seeking election as a School Representation Officer (SRO) must be nominated by Student Members' from their School.
- 4.6 Student Members may only nominate one candidate for each position.
- 4.7 Completed nomination forms must be submitted in accordance with the notice of Election.
- 4.8 All candidates and nominators agree for their data to be shared with the University for election administration purposes.
- 4.9 Late nomination forms will be automatically declared invalid.

#### **5 Notice of the Election**

- 5.1 The Deputy Returning Officer shall publish a Notice of Election at the latest by the following times:
- (a) Executive Committee and NUS National Conference Delegate elections; four weeks prior to the close of poll.
  - (b) Student Council; two weeks prior to the close of poll.
  - (c) By-election for any position or when nominations are re-opened due to unfilled positions; two weeks prior to the close of poll.
- 5.2 The Notice of Election shall specify:
- (a) Details of the positions for election;
  - (b) Details of eligibility for each of the positions for election.
  - (c) The dates of the conference concerned where relevant if NUS National Conference Delegates are being elected.
  - (d) Methods by which nomination packs, forms or equivalent material may be obtained.
  - (e) Details of the place, date and time by which completed nominations must be Submitted.
  - (f) For Executive Committee and NUS National Conference Delegate elections, details of the place, date and time of the Candidates' briefing meeting
  - (g) The Deputy Returning Officer's contact details, or their chosen point of contact.

- (h) Any mandatory and optional election material to be provided with a valid application.
- (i) The Notice of Election shall be published on the Union website and in such other form as the Deputy Returning Officer shall deem appropriate.

## **6 Notice of Poll**

6.1. The Deputy Returning Officer shall publish a Notice of Poll no later than the following times:

- (a) For Executive Committee and NUS National Conference Delegate elections; within 1 clear working day of the Candidates' Briefing.
- (b) For other elections and referenda, 5.00pm on the last working day before the opening of polls.

6.2 The Notice of Poll shall specify:

- (a) The name of each candidate and the position for which they have been nominated and any other relevant information the Deputy Returning Officer deems to be appropriate.
- (b) The location and opening times of polling stations, where applicable.
- (c) Details of the arrangements for online voting
- (d) The dates, locations and times of any candidates' debate sessions.
- (e) The date and location of the count, if a physical count is required.
- (f) The Deputy Returning Officer's contact details, including the email which must be used for all correspondence.
- (g) The Notice of Poll shall be published on the Union website and in such other form as the Deputy Returning Officer shall deem appropriate.

## **7 Candidates Meeting and Training**

7.1. A Candidates Meeting for all nominated candidates will be held after the close of nominations.

7.2 At this meeting the Returning Officer or the Deputy Returning Officer, will explain the election process, outline campaigning guidelines and set the tone of the election.

7.3 Candidates will have the opportunity to ask questions about any aspect of the election process.

7.4 If a candidate is unable to attend they must inform the Deputy Returning Officer of this in advance of the meeting by email.

7.5 If a candidate is unable to attend they are expected to meet with the Returning Officer or Deputy Returning Officer before they commence any campaigning, to ensure they are completely clear about all election regulations and procedures.

7.6 Candidates who do not attend the meeting or contact the Returning Officer or Deputy Returning Officer by the deadline set may be withdrawn from the election.

7.7 Additional training may be provided at the discretion of the Deputy Returning Officer.

## **8 Collective campaigning or "slates"**

- 8.1 Formalised collective campaigning by candidates or their supporters is prohibited.
- 8.2 Campaign material must be individual and must not promote any other candidate. This includes:
- (a) Approved campaign descriptors/summary or campaign logo's.
  - (b) Both online, video and printed material.
  - (c) E-mail, Social Media and other electronic communications.
  - (d) Verbal declarations of support for other candidates, including voting intentions during debates, in designated campaigning areas or during interviews with the student media is prohibited.
  - (e) Outside of debates or interviews with the student media, candidates may verbally inform individuals who they are voting for if asked.
- 8.3 Student societies or other student groups constituted under the Union can support a particular candidate. This will require the agreement of its committee and the candidate. The committee shall then be considered the candidates supporters.
- 8.3.1 This agreement shall be recorded in the form of a minute of the meeting at which support for the candidate was agreed and an email from the candidate accepting this support. This minute shall be supplied to the Deputy Returning Officer before the message of support is issued.
- 8.3.2 Student societies or other groups constituted under the Students' Union may not support more than one candidate for each position. They may not produce materials or communications supporting groups of candidates.
- 8.4 For the sake of clarity, Re-Open Nominations (RON) shall be considered a unique, individual candidate for each separate position being elected.

## **9 Campaign Materials**

- 9.1 Campaigns must submit the following accordance with the time frame and format detailed in the Candidate Handbook:
- (a) A manifesto;
  - (b) A head and shoulders photograph of the candidate;
  - (c) A campaign descriptor/slogan of up to six words which will be published on the ballot.
- 9.2 Other optional and mandatory campaign materials will be specified in the Candidate Handbook.
- 9.3 Approved manifestos, photographs, and descriptors/slogans of all candidates will be displayed by position and in alphabetical order by surname on the Union website.
- 9.4 No changes to manifestos, photographs and descriptors/slogans will be accepted after the submission deadline.
- 9.5 Candidates may not use the Union logo, the University Logo or University crest; or the branding, format or logo used by the Union in awareness campaigns for the election. For the sake of clarity, the Deputy Returning shall indicate any "tag lines", graphics or colours which must not be used.
- 9.6 All publicity materials must be submitted to the Deputy Returning Officer or their nominee by email before use for approval. Candidates should allow 48 hours for approval. The Deputy Returning Officer reserves the right to reject any descriptor or

content that is offensive, open to misinterpretation, breaches the regulations or which breaches copyright.

- 9.7 Candidates may use T-shirts, Videos, Banners, balloons, and stickers etc. as campaign materials. These require the approval of the Deputy Returning Officer or their nominee.
- 9.8 Candidates must not use gifts such as sweets, vouchers or any other incentive to encourage students to vote.
- 9.9 Union computers, premises or resources may not be used to produce, store or assist in the production of any candidate's election materials.

## **10 Campaigning and Conduct**

- 10.1 Candidates and campaigners should not undertake campaigns activity which others could not also reasonably do.
- 10.2 Candidates and campaigners must take reasonable steps to ensure that their supporter's actions comply with Union, University and the campaign rules at all times and must be able to demonstrate this in the event of a complaint against them.
- 10.3 Campaigners may only alter, move or remove their own campaign materials.
- 10.4 Campaigners may only use mailing lists where lawful to do so. In most cases this will require the consent of the members on the list to use their details.
- 10.5 Campaigners must allow voters to cast their ballot freely and must not communicate with voters in any way once they have begun to complete their ballot.
- 10.6 No campaigning or distribution of publicity material is permitted prior to the date published in the notice of election.
- 10.7 Campaigning is prohibited in any areas defined by the Deputy Returning Officer. This will include the area around the Polling Station(s), in University computer rooms and around any permanent open-use computers in the University's communal areas.
- 10.8 Candidates must consider their health and safety and the health and safety of others when conducting any campaigning activity.
- 10.9 Candidates and campaigners must not impede students on University premises.
- 10.11 Candidates shall not provide computer terminals or internet enabled wireless devices of any kind to enable members to vote.
- 10.12 Candidates or their supporters shall not supervise or assist a voter in casting their vote in any way.
- 10.13 Posters may only be displayed on notice boards with prior permission.
- 10.14 Any publicity fixed to walls, road signs or street furniture in the vicinity of the University may be removed and the cost of that removal and any consequential damage may be charged to the candidate concerned.
- 10.15 Union computers or resources (including membership lists and other data)

may not be used to campaign or assist in the campaign for any candidate.

- 10.16 Students working for the Union, University or subcontractor may not engage in any campaigning activity during their working hours.
- 10.17 Candidates must remove all of their own publicity materials within one-week after the election. If materials are not removed, candidates may be liable for the cost of removal.
- 10.18 University email addresses must not be used for campaigning purposes for any email sent on behalf of a candidate to more than 20 students. This includes messages sent via the University virtual learning environment.
- 10.19 Use of bulk unsolicited direct messaging is not permitted.
- 10.20 Candidates may use social networking such as Facebook and Twitter for campaigning.
- 10.21 All incumbent Executive Committee Officers shall agree any mailshots, publicity campaigns or public announcements with the Union Chief Executive. The Chief Executive may refer any such activity to the Deputy Returning Officer to rule on potential electoral advantage.
- 10.22 No elected officers of the Union will be allowed to use the Union offices for electoral purposes. Incumbent Sabbatical Officers seeking election may still use their office for their day to day work, as agreed in advance with the Union Chief Executive.
- 10.23 Any Sabbatical Officer in post and standing for re-election must run their campaign entirely separately from their day-to-day work as an elected Officer. This may involve taking annual leave.
- 10.24 The Deputy Returning Officer may publish supplementary regulations relating to the candidates' conduct. Candidates will be advised of any such regulations by email to the address provided upon submission of each candidates' nomination.

## **11 Candidates' Debates**

- 11.1 For Executive Committee elections, at least one candidates' debate will be arranged to take place during the election period.
- 11.2 The session will be chaired by the Deputy Returning Officer or their nominee.
- 11.3 Guidance on how the Candidates' Debate will be structured and run will be made available at the Candidates Briefing.
- 11.4 The Chair or Deputy Returning Officer has the authority to curtail debate on issues that are deemed to be outside the scope of the election, inappropriate or offensive.

## **12 Candidates Budget**

- 12.1 Campaigners must not exceed their budget limits.
- 12.2 All campaigners must submit a written list of all campaign costs with corresponding receipts to the Deputy Returning Officer (or equivalent) no later than 1 hour after

polls close. If candidates do not spend any money during the course of their campaign this must be made clear on the submission.

- 12.3 Items freely and readily available to all campaigners can be used without itemisation.
- 12.4 Candidates standing for a Sabbatical Officer position may have their campaign expenses reimbursed up to a maximum of £75.
- 12.5 Candidates for Part-time Executive Committee positions, NUS delegates or Student Councillor may spend up to £30 on campaigning and publicity which shall be reimbursed.
- 12.6 Candidates standing for NUS Delegate plus a Sabbatical Officer position may spend a maximum of £75 in total shared between the two elections.
- 12.7 No candidate standing for a Full Time Officer position may spend more than £75 on campaigning and publicity regardless of whether they are standing in one or more posts.
- 12.8 No Society funds may be used to finance any candidate's campaign.

### **13 Voting and Results**

- 13.1 All elections shall be conducted by secret ballot using the Single Transferable Vote (STV) system (Electoral Reform Society 1997 rules).
- 13.3 Voting shall normally take place online and appropriate guidance will be produced to support Student Members.
- 13.4 Voting times will be published in the Notice of Poll and on the Union website.
- 13.5 The counting of votes will take place after the close of Poll at a time and date specified by the Deputy Returning Officer.
- 13.6 The election result will be announced as soon as practicable. The full election results shall be published on the Union website and in such other form as the Deputy Returning Officer shall deem appropriate.

### **14 Complaints**

- 14.1 Any student can submit a complaint about a candidate or their campaigner or about the election process until 1 hours after the close of voting. These complaints may be on any of the following grounds:
  - (a) Failure in good conduct of the election.
  - (b) Behaviour and activities of candidates or their supporters.
  - (c) The administration of the election.
  - (d) Breaches in regulations.
- 14.2 Complaints raised after this point will not be accepted, except in relation to the conduct of the count.
- 14.3 Any student can submit a complaint about the conduct of the count within one day of the announcement of results. Grounds for complaint are limited to:

- (a) The STV calculations are inaccurate.
  - (b) There is a physical error in the count.
- 14.4 All complaints must be sent, in writing on the complaint form, to the Returning Officer or the Deputy Returning Officer. A complaints form will be available from the Union Reception and online at the Union website.
- 14.5 Complaints will normally be heard within 2 working days. The Returning Officer or the Deputy Returning Officer will respond in writing and candidates and complainants will be informed of any action taken.
- 14.6 In responding to a complaint the Returning Officer or Deputy Returning Officer, after hearing all the appropriate evidence, may decide to apply any of the following:
- (a) Not to uphold the complaint.
  - (b) Suspend elections for a specified period pending an investigation(s).
  - (c) Apply sanctions to specified candidates (see sanctions below).
  - (d) Hold the election count and decide whether the basis of the complaint has any impact on the outcome of the vote.
  - (e) Re-run the election
- 14.7 In the event the Deputy Returning Officer ruled on the complaint, a candidate can appeal the decision of the Deputy Returning Officer to the Returning Officer, except if a minor sanction has been ruled.
- 14.7.1 The appeal must be made in writing to the Returning Officer within 24 hours of the Deputy Returning Officers decision.
- 14.7.2 Appeals will normally be on the grounds that the decision of the Deputy Returning Officer was:
- (a) Procedurally incorrect,
  - (b) Taken outside the scope of the powers of the Deputy Returning Officer as defined by these regulations
  - (c) Disproportionate
- 14.7.3 The Returning Officer will normally rule on the appeal within three working days. The decision of the Returning Officer is final.
- 14.8 If the Returning Officer ruled on the complaint, their decision is final.

## **15 Sanctions**

- 15.1 Any student found in breach of the regulations during any stage of the election may be penalised.
- 15.2 The penalty will be determined by the Returning Officer or Deputy Returning Officer.
- 15.3 Possible “minor sanctions” with no appeal shall include:
- (a) Penalty to your campaign budget (if applicable).
  - (b) Restriction applied to attendance at or participation in candidates’ debates.
  - (c) Restriction on campaigning in a given area and or for a specific amount of time.



- 15.4 Other sanctions that may be determined by the Returning Officer or Deputy Returning Officer shall include:
- (a) A formal written warning, which will be published in locations deemed appropriate by the Returning Officer or Deputy Returning Officer.
  - (b) Disqualification from the election.
- 15.5 Any student found to be interfering with the smooth running of the election, acting fraudulently or otherwise illegally may be referred for disciplinary action to:
- (a) The Union Disciplinary Panel under the Students' Union Bye-law 13.
  - (b) The University under Senate Regulation Student Discipline.
  - (c) Be reported to the police.