

## Bye-law 05

### How do elections and referenda work?

Purpose: The purpose of this Bye Law is to outline the rules and responsibilities governing elections at Arts SU. These are further detailed in accompanying guidance updated for each Election or Referenda.

## Arts SU Elections

### 1. General Regulations

- 1.1. A Returning Officer and Deputy Returning Officer will be appointed by the Trustee Board for the purpose of administering the election regulations.
- 1.2. No member shall have more than one vote.
- 1.3. Voting shall be by secret ballot using either the single-transferable vote (STV) or alternative-transferable vote (ATV) system and shall include Re-Open Nominations as a candidate. More information on both these methods can be found on the Electoral Reform Society of Great Britain & Northern Ireland website.
- 1.4. Should Re-Open Nominations be the elected candidate, then the post in question shall remain vacant until a by-election is held.

### 2. Elected Positions

- 2.1. Elections shall be held per this bye-law for the following roles:
  - 2.1.1. Sabbatical Officer Trustees;
  - 2.1.2. School Representatives;
  - 2.1.3. NUS Conference Delegates;
  - 2.1.4. Student Group Committee Roles (incl. Sports Clubs and Societies).
- 2.2. All positions except for Student Group Committee Roles shall be elected by cross-campus ballot.
- 2.3. Only eligible voters should vote in elections they are entitled to as per the 1994 Education Act. There may be roles with the exception of Officer Trustees where students in one constituency (e.g., School, Sports Club or Society) cannot nominate or vote for a role based in another constituency.
- 2.4. Delegates to all other National Union of Students (NUS) conferences shall be elected in accordance with the rules of that election.

### 3. Eligibility

- 3.1. Any Student Member of the Union as defined by the Articles and Membership Bye-law is eligible to stand for election, subject only to:
  - 3.1.1. No member can stand for more than one position of each type of role.
  - 3.1.2. Members are limited to two terms of office as Officer Trustees.
- 3.2. Postgraduates who are registered as of the 1<sup>st</sup> January but whose course may have ceased during the spring Sabbatical Officer Elections will be eligible to apply.
- 3.3. In the case of positions covering specific Colleges, Schools or Student Group roles, the Union may limit standing to those who either are currently studying in/a member of said College, School or Student Group.

## Returning Officer

### 4. Returning and Deputy Returning Officer

- 4.1. The Returning Officer shall be appointed by the Trustee Board. They will typically be a member of staff from the National Union of Students.
- 4.2. The Deputy Returning Officer shall be appointed by the Trustee Board for the duration of the election to assist the Returning Officer in their duties. They will be supported in their duties by a broader Elections team made up of permanent staff from within the Students' Union.
- 4.3. The duties of the Returning and Deputy Returning Officer are to:
  - 4.3.1. Be responsible for the proper conduct of the elections;
  - 4.3.2. Be responsible for the interpretation of election rules and issued guidance;
  - 4.3.3. Rule on complaints and where appropriate issue warnings and penalties in accordance with these election rules and issued guidance.
  - 4.3.4. Ensure a suitable election timetable is produced and publicised to members;
  - 4.3.5. Ensure suitable information, guidance and training is provided to all candidates;
  - 4.3.6. Ensure suitable information and guidance is provided to all voters
  - 4.3.7. Undertake any duties necessary to ensure the fair and proper conduct of the elections process.
- 4.4. The Returning Officer will have ultimate responsibility for the interpretation of all election rules for the Union and how they are carried out. In cases of disqualification or annulling of an election, the final decision must be taken with the Returning Officer.

## Election Regulations

### 5. Elections Timetable

- 5.1. Elections shall be held at times which are intended to enable the largest possible number of members to participate as candidates and voters.
- 5.2. Formal notice of all elections shall be given from the start of each academic year.
- 5.3. Each election shall include dates and times for the completion of the following stages:
  - 5.3.1. Nomination (Standing)
  - 5.3.2. Candidates Briefing
  - 5.3.3. Publicity/Campaigning
  - 5.3.4. Candidates Question Time (where appropriate)
  - 5.3.5. Voting
  - 5.3.6. Results
- 5.4. Detailed notice of elections shall be given a minimum of seven working days before nominations open.

### 6. Nominations

- 6.1. Nomination papers must be available online and as soon as nominations open unless otherwise specified by the Returning Officer/Deputy Returning Officer.
- 6.2. Each completed nomination must include the full name, student number, where issued of those nominated.
- 6.3. At the close of nominations submitted papers will be checked and compiled. When the Deputy Returning Officer is satisfied, all valid nominations will be confirmed with candidates and shared on the Students' Union website.
- 6.4. Nominations can be challenged on the basis an individual was not a student or was not submitted within proper process.

### 7. Publicity

- 7.1. All campaigning publicity must meet the requirements of Candidate Guidance Handbook, as approved by the Deputy Returning Officer.
- 7.2. All candidates in the Election shall receive a publicity budget as detailed at candidates briefing.

- 7.3. Publicity to be publicised by the Union (e.g., photos, manifestos, social media videos) will only be accepted if submitted by the date laid down in issued guidance.
- 7.4. Publicity to be publicised by the Union will be displayed on the Students' Union website, and elsewhere as determined by the Deputy Returning Officer.

## **8. Conduct**

- 8.1. Candidates notwithstanding existing laws and rules which govern individual and student behaviour must conduct themselves in line with the Elections Rules and Regulations, and issued guidance, as approved by the Deputy Returning Officer.
- 8.2. Candidates will receive briefing and training sessions on the Elections Rules and Regulations, and issued guidance at the close of nominations. Failure to attend candidate briefings or contact the Elections team to arrange an alternative session may result in a candidate being withdrawn from the election.
- 8.3. Candidates may make use of individual campaigners who assist them during an election, sometimes also collectively referred to as a campaign team. A campaigner is defined as someone who would be thought to be acting on behalf of a candidate to further the election of that candidate.
- 8.4. Candidates will remain responsible for the conduct of campaigners, and therefore must take all practicable steps to ensure campaigners follow the election rules, regulations and issued guidance. Breaches that are committed by campaigners may be treated as if the candidate themselves had breached Candidate Guidance and Election Rules and Regulations.
- 8.5. For an election, campaigning is defined as working in an organised and active way towards a particular goal.
- 8.6. Candidates/campaigners must adhere to the following principles of acceptable conduct:
  - 8.6.1. Do only what other candidates have an equal opportunity to do;
  - 8.6.2. Treat all students, candidates, and staff members with respect.
- 8.7. Unacceptable conduct during elections includes but is not limited to any of the following practices (including attempts):
  - 8.7.1. The use of University or Students' Union resources to further the election of a candidate/nominee (except where explicitly permitted by the Returning Officer/Deputy Returning Officer).
  - 8.7.2. The defacement of or interference with a candidate's publicity
  - 8.7.3. Bribery of voters or election officials;
  - 8.7.4. Behaviour which is threatening, harassing, or risking the wellbeing and safety of others;
  - 8.7.5. Producing offensive or defamatory publicity;
  - 8.7.6. Preventing the free and confidential exercise of a vote by voters, including the improper use of mobile devices;
  - 8.7.7. Compromising or interfering with the integrity of the election.
- 8.8. The Deputy Returning Officer may issue penalties to candidates for breach of conduct guidelines. In cases of disqualification or annulling of an election, the final decision must be taken in consultation with the Returning Officer.
- 8.9. Campaigning may begin after the time and date set by the Deputy Returning Officer.

## **9. Incumbent Candidates**

- 9.1. Current Sabbatical Officer Trustees will have the same expectations of all candidates and be expected to conduct themselves in line with this bye-law, Election Rules and Regulations and issued guidance.
- 9.2. Current Sabbatical Officer Trustees must declare paid holiday to the Deputy Returning Officer if they wish to undertake campaign activity during normal office hours in the election period.
- 9.3. Current Sabbatical Officer Trustees may not use any of the resources of their current position to assist any election campaign.
- 9.4. Current Sabbatical Officer Trustees will receive briefing on the Elections Rules and Regulations, and issued guidance.



## Voting and Results

### 10. Voting

- 10.1. Details of the elections and voting process shall be published through the Students' Union website, and elsewhere as determined by the Deputy Returning Officer.
- 10.2. All elections will be conducted by secret ballot, where each voter has only one transferable vote, following the methodology set out by the Electoral Reform Society of Great Britain and Ireland in 1997.
- 10.3. Re-Open Nominations shall be a candidate on each ballot. If Re-Open Nominations is elected, the position will be declared vacant and a new election will be held at a time and date specified by the Deputy Returning Officer.
- 10.4. Votes will not be counted while there are outstanding complaints awaiting a decision. As such, individual results may be held until such a time when outstanding complaints have been resolved.

### 11. Counting / Results

- 11.1. The timing of the count shall be approved by the Returning Officer / Deputy Returning Officer prior to the start of voting.
- 11.2. Each candidate in any election will be permitted to nominate one individual to monitor the count on their behalf.
- 11.3. Complaints about the count must be made in writing to the Returning Officer / Deputy Returning Officer no later than 1 working day after the announcement of the result.
- 11.4. The results of all Union elections shall be declared by the Returning Officer / Deputy Returning Officer when the count of each post has been successfully completed.
- 11.5. Results of the elections shall be posted on the Students' Union website within one working day of the count.
- 11.6. Individual count sheets for each election shall be posted on the Student's Union website with five working days of the count.

# Complaints

## 12. Complaints

- 12.1. Complaints that a candidate or campaigner(s) has contravened Election Rules and Regulations or issued guidance will be accepted up until one hour after the close of voting.
- 12.2. Complaints must be submitted in writing in a format decided upon by the Deputy Returning Officer.
- 12.3. If necessary, the Deputy Returning Officer will investigate the complaint to obtain further evidence.
- 12.4. The Returning Officer and where appropriate Deputy Returning Officer will rule upon the complaint and if necessary, issue penalties at their discretion including, but not limited to:
  - 12.4.1. A verbal warning;
  - 12.4.2. Suspension of campaigning activity;
  - 12.4.3. Halting elections for specific post(s);
  - 12.4.4. Referring a matter to be dealt with by the Union or UAL Disciplinary Processes;
  - 12.4.5. Disqualifying specified candidate(s).

## 13. Appeals

- 13.1. Appeals relating to the ruling of the Deputy Returning Officer must be submitted in a writing no later than 12 noon the day after the decision has been communicated to the candidate and no later than one hour after the close of voting.
- 13.2. An appeal against a decision of the Deputy Returning Officer may be made on the following grounds:
  - 13.2.1. The interpretation of the Election Rules and Regulations or issued guidance used during the election is unrealistic;
  - 13.2.2. The correct procedure set out in the Election Rules and Regulations or issued guidance has not been followed;
  - 13.2.3. The Deputy Returning Officer has been prejudiced or biased;
  - 13.2.4. The Deputy Returning Officer has failed to fully consider the available evidence.
- 13.3. The Returning Officer is responsible for the final interpretation of the election rules and final decision.

## Referenda

### 14. Referenda

- 14.1. Referenda are votes which are open to the entire student body for them to decide on a specific question.
- 14.2. With the exception of a vote of no confidence in a Trustee or elected representative, a referendum shall be held to debate any issue by:
  - 14.2.1. A Secure Petition signed of at least 1% of student members in accordance with Articles;
  - 14.2.2. A simple majority vote of the Trustee Board;
  - 14.2.3. A simple majority vote of an All-Student Forum.
- 14.3. The quorum for a referendum will be set by the Returning Officer but shall not be less than 2.5% of student members.
- 14.4. The regulations for the Referendum shall be set by the Returning Officer but shall include:
  - 14.4.1. A notice period of the referendum of at least 14 days;
  - 14.4.2. Provision held by secret ballot outlining the process for voting including how many days it shall be open for;
  - 14.4.3. The date and time where the count will take place and how the result will be publicised;
  - 14.4.4. The procedure for submitting complaints and how they will be dealt with.
- 14.5. To trigger a motion of no confidence in a Student Trustee or External (Lay) Trustee by Secure Petition will require signatures of at least 1% of members in accordance with the Articles and will only be valid if at least 2.5% of members vote.
- 14.6. To trigger a motion of no confidence in a Sabbatical Officer Trustee by Secure Petition will require signatures of at least 1% of members in accordance with the Articles and will only be valid if at least 4% of members vote.
- 14.7. There will be an Appeal process concerning the outcome of the referenda and the conduct of the Returning Officer. Appeals should be submitted to the Board of Trustees no later than five working days following receipt of a response from the Returning Officer. The Board's decision is final.

### 15. Changes to Articles

- 15.1. The period of time during which any amendments to a proposal to change the Articles may be submitted to the Board of Trustees under Article 9.3.2 shall be 14 days.