

## **By-law (7): Elections**

*This By-law sets out how elections to a variety of positions within the Union should be conducted. This includes provision for cross-campus elections to be conducted online and guidance for other elections to be held within Union meetings. Provision is made for a Returning Officer to oversee elections and for by-elections and co-options in those cases where positions remain unfilled following an election.*

### **General Regulations for Elections**

1. No member shall have more than one vote in any election.
2. Voting shall be by secret ballot using the single transferable vote system [STV] for multiple vacancy posts and alternative transferable vote [ATV] for a single vacancy position, as detailed by the Electoral Reform Society.
  - 2.1. The only exception to this shall be for internal student group elections, which may use Simple Majority Voting at the discretion of the nominated returning officer.
3. Re-open Nominations (RON) shall always appear on the ballot as a candidate in an election.
  - 3.1. Should re-open nominations be the elected candidate, then the post in question shall remain vacant until a by-election is held, unless otherwise stated in this By-law.
4. The Returning Officer shall be responsible for the conduct of all matters regarding the election subject to members' right of appeal in accordance with the remainder of this By-law.
5. The Returning Officer shall set the rules by which elections are conducted, subject to approval by the Policy & Review Group. These rules should be made available to candidates from the point at which nominations open.

### **Returning Officer**

6. There shall be an independent Returning Officer for each election or referendum, who shall be approved by the Chair of the full Trustee Board on a per election/referendum basis. The Returning Officer shall be either:
  - 6.1. A member of Union staff;
  - 6.2. A member of NUS staff; or
  - 6.3. Another suitably qualified individual from outside the membership.

7. All powers and responsibilities for the running of Union elections and referenda shall be delegated to the Returning Officer and they may rule on any matters of procedure or discipline, subject to members' right of appeal in accordance with the remainder of this By-law.

### **Powers & Duties of the Returning Officer**

8. To appoint such persons as required to act as Deputy Returning Officers, who shall carry out the duties that the Returning Officer empowers them to do.
9. To ensure that elections and/or referenda are carried out in a fair and democratic manner and conform to the Constitution and By-laws of the Union and all relevant legal requirements.
10. To submit a written report to the Board of Trustees which should include a summary and commentary on the elections and/or referenda for which they have been responsible.
11. To investigate any infringement of election/referendum rules or complaints regarding candidate/campaigner conduct. Any Complaints shall be made in writing [including via email] to the Returning Officer. If they find that there has been an infringement they may take any proportional action up to and including disqualification of a candidate or a ban on campaigning for one side of a Referendum motion.
12. To put in place detailed election arrangements, regulations and rules in line with the Constitution and By-laws that ensure a fair and open process that encourages participation in the democratic process, subject to approval by the Policy & Review Group.
13. To review campaign materials and veto any materials that they deem to be offensive, defamatory towards other candidates/campaigners or in breach of the Students' Unions equal opportunities policies.
14. To arrange candidate/campaigner briefings prior to campaigning.

### **Online Cross-campus Elections**

#### ***Positions to be elected***

15. The following posts shall be elected by online cross-campus ballot:
  - Officer Group (Full-time and Part-time Officers);
  - Student Trustees;

- Policy Coordinator;
- Faculty Reps
- Delegates to National Union of Students (NUS) National Conference, in line with guidelines on delegation composition from NUS and following the rules set out in By-law [UNION REPRESENTATIVES).

16. Members of Network and Coordination Committees shall normally be elected at open meetings of the relevant group, subject to any eligibility criteria laid out in these By-laws.

16.1. There shall be provision for these committee positions to be conducted by cross-campus (online or paper) ballot if required.

### ***Timings***

17. Elections shall be held at times which are intended to enable the largest possible number of members to vote.

18. Notice of each election shall be given as far in advance as is realistically possible to allow for proper promotion and strong student engagement.

19. Detailed notice of elections shall be given by the first day of the term in which they are to be held.

20. Candidates must be provided with a briefing about the election process, including the election rules and details of the complaints and appeals process, following the close of nominations. The Returning Officer shall determine whether this is done by email or at a meeting.

### ***Nominations***

21. Nomination papers must be available as soon as nominations open and be available for submission online unless the Returning Officer has authorized a paper-based method.

22. The Returning Officer or their deputy will then check and compile all nominations at the close of nominations.

23. Each completed nomination form must include the candidate's given name and their University login username.

24. A written or emailed receipt must be issued by the Union to confirm the submission of each completed nomination form.

### ***Hustings***

25. Where appropriate, the Returning Officer or their deputy shall organize events at which candidates shall have the opportunity to speak and to answer questions.
26. Hustings shall take place before polling.
27. Non-attendance at a hustings event shall not be compensated by the presence of a representative but a statement may be submitted and will be read where this occurs.

### ***Campaign Publicity***

28. All campaigning publicity must meet the requirements of the Rules and Regulations on Elections, as approved by the Returning Officer.
29. Candidates are required to provide a copy of all campaigning materials to the Returning Officer before they are used in order for the Returning Officer to ensure that they comply with the rules.

### ***Campaign Expenses***

30. All candidates in an election shall be entitled to spend up to a limit set by the Returning Officer on materials and publicity used in their election campaign.
31. The Campaigns Budget Document shall be updated annually to ensure this limit remains reasonable.
32. Candidates must submit an official expenses form detailing money spent and including receipts for items purchased. Where items have been used but not purchased, a representative figure shall be used.
33. The Union reserves the right to decide whether and how much to reimburse candidates for money spent in the course of campaigning. Candidates shall be informed in advance of any arrangements for reimbursement.

## ***Conduct***

34. Candidates must conduct themselves in line with the Election Rules. Candidates breaching the rules will be subject to the sanctions decided upon by the Returning Officer.
35. Campaigning may begin as directed by the Returning Officer.
36. Complaints regarding candidates' conduct must be submitted to the Returning Officer or their nominee using the official Complaints Form no later than the close of polling.
37. Complaints and appeals will be dealt with as outlined in the Election Rules covering campaigning regulations.
38. The individual Elections Rules will outline the full procedure for complaints and appeals, including;
  - 38.1. Disciplinary action that can be taken
  - 38.2. Who is responsible for appeals

## ***Counting***

39. The timing of the count shall be approved by the Returning Officer or their nominee prior to the start of polling.
40. The count shall be closed except to the Returning Officer and/or their nominee, and the results shall be kept secret until the official announcement.
41. Complaints about the count must be made in writing to the Returning Officer no later than 1 working day after the announcement of the result. The appeals panel for that election shall be convened to hear any complaints.
42. The results of all Union elections shall be certified by the Returning Officer.

## **Elections at Open Meetings**

### ***Positions to be elected***

43. The following elections shall normally be conducted at an Open Meeting of the relevant group:
  - 43.1. Union Committees, including Coordination Committees and Campaign Network committees;

43.2. NUS Liberation & Section Conference delegates;

### ***Timing***

44. Elections shall be held at times which are intended to enable the largest possible number of members to vote;

45. Detailed notice of the elections shall be given at least 5 working days prior to the meeting at which they are due to take place;

### ***Nominations***

46. Members shall formally nominate themselves at the Open Meeting in which the elections are to take place.

47. A nomination form shall be made available when notice of the elections is given for any member who is unable to attend the Open Meeting but would like to stand in the elections.

47.1. The form shall include a space for the candidate to write a short statement that can be read out on their behalf at the same time as the candidates present at the meeting.

### ***Hustings***

48. Where possible, candidates shall be given the opportunity to make short speeches at the Open Meeting in support of their candidacy;

49. Candidates unable to attend the meeting shall have the candidate statement from their nomination form read out on their behalf by the chair of the meeting.

### ***Voting and Counting***

50. The chair of the meeting must arrange for someone trained in election counting to be available at the Open Meeting for counting the votes;

51. Official YUSU ballot papers must be provided for members to vote;

52. Completed ballots for each election shall be held securely until the count takes place.

53. Results shall take place at the Open Meeting whenever possible.

54. Completed ballots for each election shall be held securely until the count takes place.

### ***Student Group Elections***

55. Ratified student groups, as defined in By-law [STUDENT ACTIVITIES], shall hold elections in accordance with their own Constitutions, subject to the general provisions for the conduct of elections.

55.1. Student groups shall be entitled to use Simple Majority Voting for their

committee elections rather than AV/STV.

### **By-elections**

56. Where positions are not filled by ordinary elections or vacancies arise outside of the ordinary election times, a by-election should be held at the next available opportunity..
57. By-elections shall be conducted according to the regulations for elections set out in this By-law and should be scheduled to give reasonable notice of the opportunity to stand as a candidate.
58. Candidates elected at a by-election shall remain in post until the next ordinary election for that position is due to take place.

### **Co-option**

59. A vacant position may be filled by co-option in the following instances:
  - 59.1. A position remains unfilled following both an ordinary election and a by-election;
  - 59.2. A position becomes vacant within four working weeks of an ordinary election being due for that position.
60. Under these circumstances, the officer responsible for the position should issue a notice of co-option, inviting members to stand for the position.
61. If only a single candidate stands for co-option they shall be considered elected, subject to approval by Policy & Review Group.
62. If more than one candidate stands for co-option the position is considered contested and a by-election shall be held at the earliest opportunity;
  - 62.1. A by-election held as a result of co-option shall be subject to the regulations in this By-law with the exception that re-open nominations shall not appear as a candidate in the election.