

UNIVERSITY OF BRIGHTON STUDENTS' UNION

**BYE LAW x
(Election Standing Orders)**

August 2010

Contents

	PAGE No.
Contents	2
1 Definitions and Duties of Elected Officers	
2 Election Officials	
2.1 Returning Officers	
2.2 Powers of Returning Officers	
3 Student/Staff Protocol	
4 Eligibility to Stand for Election	
5 Methods of Voting	
6 Election Dates	
6.1 Notice of Nominations and of Elections	
6.2 Nomination & Campaigning Timelines	
6.3 Close of Nominations	
6.4 Extension of Nomination Period	
6.5 Union General Elections (also known as Semester Two Elections)	
6.6 Union By-Elections	
6.7 By-Election Due to Resignation/Removal of Sabbatical Officer	
6.8 Semester One Elections	
6.9 NUS Annual Conference Delegates	
6.10 Societies & Sports Federation Steering Committee	
6.11 Re-Open Nominations (RON)	

7 Requirements for Candidates in Elections

7.1 Introduction

7.2 Knowledge of Election Regulations

7.3 Supporters

7.4 Nomination Form

7.5 Valid Nominations

7.6 Election Statements & Manifestos

7.7 Content of Elections Statement & Manifesto

7.8 Candidate Expenditure

7.9 Details of Expenditure

7.10 Cheap Goods or Services

7.11 Posters

7.12 Free Union Publicity

7.13 Scrutiny of Publicity

7.14 Canvassing

7.15 Candidates Question Time

7.16 Fair Running of Election Campaign

8 Voting Systems

9 Electronic Voting Procedures

10 Manual Voting Procedures

10.1 Items Issued for Voting

10.2 Issuing Paper Guidelines

10.3 Details Included on Ballot Papers

10.4 Procedure on Receipt of Completed Ballot Paper

10.5 Postal Ballot Papers

10.6 Record to be Kept

10.7 Ballot Boxes

11 The Count

11.1 Counting

11.2 Scrutineers

11.3 Disqualifications

11.4 Declaration of the Result

11.5 Recounts

11.6 Retention of Ballot Papers

12 Complaints Procedure

12.1 Making a Complaint

12.2 Detailing a Complaint

12.3 Complaints Alleging Harassment, Intimidation and Violence

12.4 Returning Officer's Obligations

12.5 Possible Rulings on a Complaint

12.6 Complaints Raised by Election Officials or Scrutineers

12.7 Complaints about Election Officials

12.8 Complaints about the Returning Officer

12.9 Deadline for Complaints

12.10 Overturning a Ruling on a Complaint

12.11 Appealing the Ruling on a Complaint

1 Definitions and Duties of Elected Officers

Schedule One of the Constitution defines the Union officer profiles.

2 Election Officials

2.1 Returning Officers

- a) The Returning Officer shall be the NUS Regional Officer or his/her nominee. S/he shall appoint a Deputy Returning Officer to assist in the election process.
- b) The Returning Officer or his/her nominee shall (if necessary) appoint officials, counters and any other election officials. No person appointed under the provisions of this section shall comment in any way upon the suitability or otherwise of any candidate.
- c) No person who has signed a nomination form shall undertake the duties of an election official

2.2 Powers and Responsibilities of the Returning Officer

- a) The powers granted by this schedule are given to the Returning Officer.
- b) The Returning Officer may rule as s/he considers appropriate in respect of any matter about which this Schedule is silent.
- c) The Returning Officer or his/her nominee shall be responsible for the expenditure of the Elections Budget.

3 Student/Staff Protocol

The 'PROTOCOL ON STAFFING MATTERS/GUIDELINES ON THE RELATIONSHIP BETWEEN OFFICERS AND STAFF' must be adhered to at all times during the election, a copy of which is available at every Students' Union office.

4 Eligibility to stand for election

Only Ordinary Members of the Union may stand for election. Some posts may have a restriction on candidature, for example School Reps should be students within the School they seek to represent. Full details of any restrictions to candidature are listed in Schedule One.

5 Methods of Voting

- a) Each election will be run in accordance with the alternative-transferable voting system* and in accordance with regulations produced by the NUS (UK). Copies of the regulations can be obtained from the elections pages of Brighton SU's website or by writing to NUS (UK).
- b) Where there is more than one constituency position available in a single election (eg NUS Conference delegates) then the single transferable voting system shall be used.

6 Election Dates

6.1 Notice of Nominations and of Elections

The dates of elections shall be announced at the discretion of the Returning Officer or his/her nominee, usually no later than the start of the academic year.

6.2 Nomination and Campaigning Timelines

- a) The nomination and campaigning periods of elections shall be announced at the discretion of the Returning Officer or his/her nominee.
- b) There shall be a period of open nominations during which nominations may be submitted to the Returning Officer or his/her nominee.
- c) The Returning Officer or his/her nominee shall ensure that nominations are open for suitable time to allow a fair opportunity for all prospective candidates to submit their nomination.

6.3 Close of Nominations

All completed nomination forms, (including electronic versions), shall be received by the Returning officer or his/her nominee by 23.59pm on the day of close of nominations.

6.4 Extension of Nomination Period

If, after the close of nominations, in either an election or by-election, a post remains unfilled, the Returning Officer or his/her nominee may extend nominations for that post for no more than five (5) working days

6.5 Union General Elections (also known as Semester Two Elections)

- a) There shall be a General Election to (s)elect student representatives for the following academic year. This shall be known as Semester Two election.
- b) The General Elections shall be held during the spring term, prior to the Easter vacation.
- c) The Chair of Council, the Executive posts and the school reps shall be elected in the Semester Two election.
- d) The elected reps shall take up position from 1st August each year.

6.6 Union By-Elections

In all other matters not referred to in this section the Election Standing Orders shall regulate the holding of a by-election

6.7 By-Election due to resignation/removal of sabbatical officer

- a) A by-election shall be held due to the resignation or removal of a sabbatical officer.
- b) A by-election must be announced within ten (10) working days of the resignation or removal of a sabbatical officer and no later than the half way through the academic year.
- c) A minimum of fifteen (15) working days' notice is required prior to the start of voting
- d) If the resignation/removal has occurred after December 31st, Union Council shall have the discretion to either call a by-election, appoint the incoming sabbatical for the remainder of the term or to leave the post vacant for the remainder of the year.

6.8 Semester One Elections

- a) A by-election shall be held in the autumn term where a post was not filled at the previous year's General Election. This by-election shall be known as the Semester One Election.
- b) The remaining Zone Reps, as detailed in Schedule One, will be elected in the Semester One election.
- c) The elected reps shall take up position at 9am on the Monday after confirmation of the Count.

6.9 NUS Annual Conference Delegates

- a) Candidates for NUS Conference Delegate positions must be ordinary members of the Union
- b) Delegates for NUS Annual Conference shall usually be elected in the Semester One elections
- c) The delegation for NUS Annual Conference shall comprise of the delegate entitlement as laid down by NUS.
- d) The delegation shall consist of:
 - i. Union President (ex officio)
 - ii. X other members of the Students' Union elected by cross-campus ballot (where X is the Delegate entitlement minus one).

6.10 Societies & Sports Federation Steering Committee

- a) The Deputy Returning Officer or his/her nominee shall organise a secret ballot to elect a Chair and five clubs and five societies representatives onto the respective Federation Steering Committees.
- b) The elections will take place in the first six weeks of a new academic year.
- c) By-elections, to fill casual vacancies shall be held at the next respective Federation Steering Committee meeting.

6.11 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.

7 Requirements for Candidates in Elections

7.1 Introduction

- a) Failure to comply with all the requirements of this section may result in disqualification from the election.
- b) A maximum of one warning may be given depending upon the seriousness of the offence at the discretion of the *Deputy* Returning Officer. Candidates may appeal to the Returning Officer; this must be lodged prior to the commencement of the count.

7.2 Knowledge of Election Regulations

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

7.3 Supporters

- a) A member who has signed a nomination form is automatically assumed to be a supporter.
- b) Any persons campaigning in support of a candidate shall be the responsibility of the candidate. Should any election offence be committed by a supporter the offence shall be considered in the same way as if the candidate had committed it personally.
- c) The Deputy 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.

7.4 Nomination Form

Nomination forms must be completed by all candidates and shall include:

- the candidate's name
- the candidate's Uni card number
- the candidate's signature (a scanned format is acceptable for electronic submission)
- the candidate's address, telephone number and University e-mail address
- the candidate's course and year of study
- names, signatures, university e-mail addresses and Uni card numbers of five supporting signatories

7.5 Valid Nominations

- a) Any candidate shall be duly nominated provided that the following conditions have been fulfilled:
- b) the completed nomination has been submitted before the close of nominations
- c) proof is given that the candidate is eligible to hold the post in question
- d) the supporting signatories are ordinary members of the Union

7.6 Election Statements & Manifestos

- a) Candidates will be required to submit an election statement and / or manifesto promoting their candidacy for election
- b) Election statements shall be supplied electronically to the Returning Officer or his/her nominee.
- c) The maximum word length for election statements is 25 words
- d) The maximum word length for a manifesto will be decided by the Deputy Returning Officer on an annual basis.

7.7 Content of Election Statement & Manifesto

The Deputy Returning Officer must delete those parts of any statement and/or manifesto which:

- mentions present or previous individual members of the Union by name.
- mentions present or previous members of staff.
- advocate discrimination or any other practice which contravenes Brighton SU's Equal Opportunities policy.

7.8 Candidate Expenditure

- a) Prior to each election the Returning Officer shall decide the level of expenditure permissible by candidates running for election
- b) Brighton SU will be responsible for the costs (upon production of receipts) of any inter-site travel candidates undertake as part of their campaign. The maximum amount that can be claimed will be set each year by the Deputy Returning Officer

7.9 Details of Expenditure

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.

7.10 Cheap Goods or Services

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.

7.11 Posters

It shall be an election offence to tamper with any poster displayed in accordance with the provisions of this section.

7.12 Free Union Publicity

- a) All candidates may be allowed limited monochrome photocopied publicity produced at the expense of the Union, which shall not be considered as part of their election expenses.
- b) The Returning Officer or his/her nominee may vary the allowed number of such copies before the close of nominations and candidates shall be made aware of such a decision before or immediately following the close of nominations.

7.13 Scrutiny of Publicity

The Deputy Returning Officer has the right to request the removal of any material which:

- identifies present or previous staff or individual Union members by name
- in the opinion of the Deputy Returning Officer is, or may be, prejudicial to the fair running of the election
- contravenes Brighton SU's Equal Opportunities Policy

7.14 Canvassing

The Deputy Returning Officer shall declare that no canvassing in support of candidates shall be allowed within designated areas as specified on an annual basis.

7.15 Candidates' Question Time

- a) The Deputy Returning Officer shall arrange for Candidates' Question Time to be held prior to start of voting, and shall ensure that all candidates are made aware of the location(s) and timing.
- b) The Deputy Returning Officer shall facilitate Candidates' Question Time.
- c) At Candidates' Question Time Brighton SU shall actively promote Re-Open Nominations for all posts

7.16 Fair Running of Election Campaign

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 (see Section 12 of this Schedule)

8 Voting systems

- a) Voting will take place using either electronic or manual voting systems. All voting shall be conducted by secret ballot using single or alternative transferable voting methods depending upon the nature of the post being contested.
- b) The Returning Officer or his/her nominee will decide upon the voting system on an annual basis.

9 Electronic Voting Procedures

- a) Voting shall be conducted by secret ballot via the Union website using single or alternative transferable voting systems depending upon the nature of the post being contested.
- b) Voting instructions will be displayed clearly on the union website for at least 5 working days prior to ballots opening.
- c) Members will be e-mailed voting details and links to the candidate manifestos on the day ballots open.
- d) No candidate or their supporter may apply undue influence to voters when they are casting their vote online. This may result in disqualification from the election
- e) No unofficial computer ballot stations may be set up by candidates or their supporters at any location. This may result in disqualification from the election
- f) In the event of disqualification the count shall be conducted with the names of all the candidates included. Any candidate disqualified after start of polling shall be removed at the start of the count and their votes transferred.
- g) If a candidate is disqualified transferred votes on the same voting slip shall be counted as usual.
- h) Only the Returning Officer or their deputy may have access to the results until the announcement of results is made.

10 Manual Voting Procedures

10.1 Items Issued for Voting

An Ordinary Member shall be issued with a signed ballot paper upon production of a valid Union membership card (*Unicard*), provided that such a member has not previously voted in the election and is eligible to do so. A record will be kept, so as to identify that s/he has been issued with a signed ballot paper.

10.2 Issuing Paper Guidelines

His/her membership card shall be presented to the polling official immediately prior to submitting the ballot paper. No individual may submit the ballot paper of another member.

10.3 Details Included on Ballot Papers

- a) Ballot papers shall list the names of the candidates for each position.
- b) Candidates will appear on the ballot slip in an order determined by draw at the Candidate Briefing
- c) In all elections the option of 'Re-open Nominations' shall be included at the top of the list of candidates.
- d) The header for the ballot papers shall include the name of the Union, the title of the election and the dates of polling.

10.4 Procedure on Receipt of Completed Ballot Paper

All ballot papers shall be signed by a polling official upon issue. Unsigned ballot papers shall only be issued to polling officials by an authorised member of Union staff or by the Returning Officer.

10.5 Postal Ballot Papers

Postal Ballots shall be allowed if the students register their request with the Returning Officer before the close of nominations.

10.6 Records to be kept

The polling officials at each polling station shall record the number of ballot papers issued together with other such information as the Returning Officer may require.

10.7 Ballot Boxes

Ballot boxes shall be used and administered so as to ensure the fair running of all elections. Instructions on the manner of how to cast a vote will be included with all ballot boxes

11 The Count

11.1 Counting

- a) The Returning Officer, or such person as he/she 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.
- b) The count shall be conducted on one Students' Union/University premises to be determined by the Returning Office and shall be conducted in accordance with regulations produced by the National Union of Students UK, NUS (UK).
- c) Where ballot boxes are used these shall be brought unopened to that site.

11.2 Scrutineers

- a) Each candidate shall be entitled to have a scrutineer present at the count. The scrutineer may not be a candidate in that election.
- b) The Returning Officer may appoint additional scrutineers who shall not be candidates in any of the elections being counted at the same time.

11.3 Disqualifications

- a) The count shall be conducted with the names of all the candidates included. Any candidate disqualified after start of polling shall be removed at the conclusion of the count and their votes discounted.
- b) If a candidate is disqualified transferred votes on the same voting slip shall be counted as usual.

11.4 Declaration of the Result

- a) The result 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. 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 in full in the Union publications.
- b) The result as declared shall be final unless challenged within five days of its declaration according to section 12 of this Schedule.

11.5 Recounts

- a) The Returning Officer shall order a recount of some or all of the ballot papers at the request of any scrutineer or any person involved in the count.
- b) The Returning Officer need not order the recounting of any one set of votes more than once.
- c) In addition, the Returning Officer may order recounts at their discretion.
- d) 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.
- e) 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.
- f) Notwithstanding section 11.5 (e) the election results shall be displayed with the phrase "Recount Requested" entered beside the post in question.

11.6 Retention of Ballot Papers

- a) 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.
- b) Upon resolution, the Returning Officer shall declare that all ballot papers be destroyed within five (5) working days

12 Complaints Procedure

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.

12.1 Making a Complaint

The complaint should be put in writing to the Deputy Returning Officer as soon as the issue has arisen. All correspondence should be marked "Private and Confidential".

12.2 Detailing a Complaint

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

12.3 Complaints Alleging Harassment, Intimidation and Violence

Complaints alleging harassment, intimidation or violence should be reported to the *Deputy* Returning Officer immediately. The Deputy Returning Officer may recommend that the student raise the matter with the University or the Police.

12.4 Returning Officer's Obligations

- a) In accordance with Brighton SU's Complaints Procedure the Deputy Returning Officer will respond to the complaint within three (3) working days of receipt and investigate in a manner that he/she deems appropriate.
- b) The Deputy 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 Deputy Returning Officer will inform the complainant and agree a suitable time with them.

12.5 Possible Rulings on a Complaint

The Deputy Returning Officer, after deliberating the evidence, may make the following decisions:

- To not uphold the complaint
- To uphold the complaint and take sanctions against an individual(s)
- To disqualify candidate(s)
- To suspend the election
- To order a new ballot / electronic *vote*
- To order a recount

12.6 Complaints Raised by Election Officials or Scrutineers

Complaints raised by election officials or scrutineers will be dealt with through the same process.

12.7 Complaints About Election Officials

Complaints raised by candidates or students about election officials including the Deputy Returning Officer should be lodged immediately with the Returning Officer.

12.8 Complaints About the Returning Officer

Complaints about the Returning Officer shall be reported to Union Council.

12.9 Deadline for Complaints

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

12.10 Overturning a Ruling on a Complaint

The ruling of the Returning Officer on any complaint shall be final, subject only to a successful challenge of a 75% majority of a quorate meeting of Union Council's Election Committee with *reference to clause 19.2 of the Union Constitution's by laws*

12.11 Appealing the Ruling on a Complaint

Appeals to the result of a declared election result can only be made through the complaints procedure as outlined above.