

Bye-Law 3

Election Regulations

Owned by: President

Date passed by Board of Trustees: 19/01/2019

Date passed by Student Senate: 30/01/2019

Review Required: 19/01/2020

1. Overview

- 1.1. Winchester Student Union is required to host various elections throughout the year in order to fulfil its requirements under its own Constitution and bye-laws.
- 1.2. Any Union election should be run in a way which is fair and provides all members with the opportunity to take part in the Union's democracy.
- 1.3. Union elections should be promoted and accessible by all members.

2. Returning Officer & Election Officials

- 2.1. Responsibility for the overall administration, enforcement and interpretation of these regulations will be divested to the Returning Officer and their deputies and/or delegates.
- 2.2. The trustee board will appoint a returning officer on an annual basis. This individual will not be an ordinary member of the union and will be selected on the basis of being appropriately qualified for that role.
- 2.3. The Returning Officer is at liberty to appoint any number of Deputy Returning Officers as is practicable in the fulfilment of the role and day to day running of an election; these may be an ordinary member or staff member, where no conflict of interest exists.
- 2.4. If affiliated; the NUS may be called upon by the returning officer for advice.
- 2.5. No person appointed under the provisions of this section shall comment in any way upon the suitability or otherwise of any candidate.
- 2.6. No person who serves on a candidate's election team, either official or unofficially, shall undertake the duties of an elected official as herein defined.

3. Powers & Responsibilities of the Returning Officer

- 3.1. The powers in this bye-law are given to the Returning Officer
- 3.2. The Returning Officer may rule as s/he considers appropriate in respect of any matter in which this bye-law is silent.
- 3.3. The Returning Officer shall be responsible for the expenditure of the elections budget.

4. Eligibility to stand for election

- 4.1. Only members as defined by the Union's Constitution are eligible to stand for election.
- 4.2. 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.
- 4.3. Only members who are eligible hold the office of trustee as defined by the Constitution; may stand for any trustee position.
- 4.4. 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.

5. Methods of voting

- 5.1. 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.
- 5.2. Where there is more than one constituency position available in a single election then the single transferable vote system shall be used.

6. Election timetable

- 6.1. 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.
- 6.2. The nomination and campaigning period of elections shall be announced at the discretion of the Returning Officer or their nominee.
- 6.3. There shall be a period of open nominations during which nominations may be submitted to the Returning Officer or their nominee; usually through an online process.
- 6.4. The Returning Officer or their nominee shall ensure that nominations are open for a suitable time to allow a fair opportunity for all prospective candidates to submit their nomination; usually a period no less than five working days.
- 6.5. All completed nomination forms (including electronic version if relevant) shall be received by the set deadline. Notwithstanding Section 7.6; no nomination form will be considered valid if submitted after the established deadline.
- 6.6. If after the close of the nominations period, in an election or a by-election, a post remains unfilled, the Returning Officer or their nominee may extend nominations for the post for no more than five working days.
- 6.7. At the close of the nomination period the remained 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.

7. Union Elections

- 7.1. As outlined by the Union's Constitution, and supporting bye-laws, Winchester Student Union is required to run various cross-campus elections open to all members to both stand and vote in. These elections are as follows:
 - 7.1.1. **Union Executive Elections;** also known as Union General Elections or Union Spring 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.

- 7.1.2. **NUS National Conference Delegates Election**; by requirement of NUS stipulation, Winchester Student Union are required to be elect NUS National Conference delegates by cross campus ballot of membership.
 - 7.1.2.1. The delegates for NUS National Conference is set down by NUS delegate entitlement and will consist of;
 - 7.1.2.1.1. Union President or their nominee/deputy (as set out in bye-law 1)
 - 7.1.2.1.2. X other members of the Student Union elected by cross-campus ballot (where X is the NUS delegate entitlement minus one)
- 7.1.3. **Union Student Senate Elections**; also known as Union Autumn Elections shall take place once annually normally at the midpoint of Semester One. These elections will occur under the terms of these bye-laws and auspices of the Constitution; to elect the Union's Student Senate (as defined in bye-law 1).
- 7.1.4. **Union by-elections** shall serve in all matters of elections outside of the prescribed framework set by Union Executive Elections, NUS National Conference Delegates Election and Union Student Senate Elections; for purpose of replacing vacant, resigned or removed officer posts.
 - 7.1.4.1. Such by-elections fall under the remit of the Returning Officer as defined above.
 - 7.1.4.2. All timetabling matters for such elections are to be determined by the Returning Officer or their nominee providing such timings provide a fair and adequate window for candidacy and membership awareness.
 - 7.1.4.3. If the by-election is to be held to replace an officer post that, for whatever reason is left vacant after the 31st December, Student Senate shall have discretion to either call a by-election or leave the post vacant until the next Union Executive Elections.

8. Exceptions

- 8.1. The Election of Union Clubs & Societies shall fall outside of the remit of this bye-law; such elections will be overseen by an Officer Trustee as outlined in bye-law 4;
 - 8.1.1. Clubs & Societies will be made aware of the mechanic of their elections prior to any such elections taking place.

9. Terms of Office

- 9.1. Elected Executive Officers (including Officer Trustees) are elected to serve a term of twelve concurrent months starting from July 1st subsequent to the Union Executive Elections:
 - 9.1.1. Such Officers elected via by-election after July 1st will serve a term of office for a duration ending on June 30th subsequent to election.

- 9.2. Elected Student Senate Members are elected to serve a term of office for a duration ending on June 30th subsequent to election.

10. Re-Open Nominations (R.O.N)

- 10.1. Re-Open Nominations (R.O.N) shall be a candidate in all elections.
- 10.2. The Returning Officer or their nominee shall ensure this option is explained to members.

11. Requirement for candidates in elections

- 11.1. Introduction:
 - 11.1.1. Failure to comply with all the requirement of this section may result in disqualification from the election.
 - 11.1.2. A maximum of one formal warning may be given depending upon the seriousness of the offence at the discretion of the Returning Officer.
- 11.2. It is the responsibility of all candidates to ensure that they and all their supports are fully aware of these regulations. Ignorance of these regulations shall not be an acceptable excuse for contravening them.
- 11.3. Candidates may have both formal and informal supporters, and campaign teams:
 - 11.3.1. Any person campaigning in support of a candidate shall be the responsibility of the candidate.
 - 11.3.2. Should any election offence be committed by a supported or campaign team the offense shall be considered in the same way as if the candidate had committed the offense personally.
 - 11.3.3. The Returning Officer considering a complaint may decide to ignore an offence committed by a supporter, provider they are satisfied that there was no collusion between the support and the candidate and that the offence as only of a minor nature.
- 11.4. Nominations form:
 - 11.4.1. Nomination forms will, in the majority of elections, be submitted through an online website application form and must include;
 - 11.4.1.1. Candidate's name
 - 11.4.1.2. Candidate's University Student Number
 - 11.4.1.3. Candidate's University Email Addresses
 - 11.4.2. Any candidate shall be duly nominated provided that the above are included on the submitted nomination and that the following conditions have been fulfilled:
 - 11.4.2.1. The completed nomination has been submitted by the close of nominations.
 - 11.4.2.2. Proof of membership status is verified.
- 11.5. Election Statements & Manifestos:
 - 11.5.1. Candidates will be required to submit an elections statement and/or a manifesto promoting their candidacy for election.
 - 11.5.2. Election statement and/or manifestos shall be supplied electronically to the Returning Officer or their nominee.

- 11.5.3. The maximum word count for election statements and/or manifestos shall be determined by the Returning Officer.
- 11.5.4. Statements and/or manifestos must not include mentions of any member, post holder or staff member by name or post.
- 11.5.5. Statements and/or manifestos must not breach any standing policy of the Union; including but not limited to, the equal opportunities policy.
- 11.5.6. In cases of factual inaccuracies, false and/or misleading statements within candidate's election promotional material, the Returning Officer, at their discretion, has the right to ask for corrections to be made to ensure statements are factual, clear and without false or misleading statements.

12. Candidate expenditure & Campaigning

- 12.1. 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.
- 12.2. Before the close of polling, all candidates must submit to the Returning Officer or their nominee a full and accurate return of all expenses (including a nil return applicable) for the purpose of the election, accompanied by receipts.
- 12.3. 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.
- 12.4. 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 advantage of them.
- 12.5. It shall be an election offence to tamper with any poster displayed in accordance with the provisions of this section.
- 12.6. All candidates may be allowed a limited number of prints 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.
- 12.7. Posters & election materials must not breach any standing policy of the Union; including but not limited to, the equal opportunities policy.

- 12.8. Posters & election materials must not include mention or reference of any member (beyond the candidate), post holder or staff member by name or post.
- 12.9. There shall be an exclusion zone of 5 meters within eye-sight 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. For the sake of clarity, mobile devices will not count as polling stations.
- 12.10. All candidates will be given the opportunity to speak to their candidacy at a Question & Answer (Q&A) or Question Time session arranged and advertised by the Returning Officer or their nominee; such session will be run to the guidelines as set down in the candidates information packs:
 - 12.10.1. Such Question & Answer (Q&A) or Question Time will be run in the spirit of fairness and with the aim of providing each candidate with an equal amount of time.
 - 12.10.2. In cases where the Question & Answer (Q&A) or Question Time takes place in a panel style the Returning Officer will manage as fair as possible but questions may be tailored in regards to each candidates manifesto.
- 12.11. Winchester Student Union will ensure Re-Open Nominations (R.O.N) is communicated as a valid candidate at Q&A sessions.
 - 12.11.1. 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.

13. Election Coverage

- 13.1. From time-to-time Student Media societies of the Union or University of Winchester media programmes may wish to cover a Union election.
- 13.2. In their coverage of Union elections Union Societies or University of Winchester programmes may wish to interview election candidates.
- 13.3. In order for a society or programme to cover Union elections they must:
 - 13.3.1. Seek formal permission from the Returning Officer
 - 13.3.2. Complete the required documentation and coverage proposal document provided by the Returning Officer
 - 13.3.3. Ensure commitments within their proposal are followed, if approved by the Returning Officer
 - 13.3.4. Ensure they conduct themselves in a manner of fairness and equality, showing no favour to any one candidate
- 13.4. The Returning Officer has full discretion to accept or reject any such proposals.
- 13.5. Candidates should not accept to be interviewed by any media society or media programme without the permission of the Returning Officer.
- 13.6. Societies may wish to invite candidates to debates or to speak to their society members. Where this takes place the society should ensure all

candidates within the election are invited to attend with a similar level of notice:

- 13.6.1. Societies should ensure each candidate has the same amount of time to speak.
- 13.6.2. Photoage of the interview/debate or talks are not shared by the society outside of private communication forms.
- 13.6.3. A society as a whole should show no favour to one candidate. Individuals within a society are free to act as they wish in accordance with this policy.

14. Voting Systems

- 14.1. Voting shall be conducted via either an electronic or manual voting system.
- 14.2. All voting shall be by secret ballot casting using single or alternative transferable voting methods depending upon the nature of the post being contested.
- 14.3. Unless dictated by circumstances, 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 their nominee will set out such systems prior to the election.

15. Voting procedures

- 15.1. Voting shall be conducted by secret ballot via the Union website.
- 15.2. Voting instructions will be clearly displayed on the Union website for at least 5 working days prior to the ballots opening.
- 15.3. Members will be emailed voting details and links to the voting website on the day the ballot opens.
- 15.4. No candidate or their support may apply undue influence to voters when they are casting their vote online; either in a physical or virtue sense.
- 15.5. No unofficial computer ballot stations may be set up by candidates or their supporters at any location.
- 15.6. 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.

16. The Count

- 16.1. The Returning Officer or any such person as they 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.
- 16.2. 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.

- 16.3. Where ballot boxes are used these shall be brought unopened to that site.
- 16.4. In the case of elections held off-line each candidate shall be entitled to have a scrutiner present at the count. Such scrutiners may not be a candidate in that election.
- 16.5. The Returning Officer may appoint additional scrutiners who shall not be candidates in any of the elections being counted at the same time.

17. Declaration of the Returns

- 17.1. 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.
- 17.2. 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.
- 17.3. The results shall be final unless challenged within 72 hours of its declaration according to section 15 of this schedule.

18. Recounts

- 18.1. 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.
- 18.2. The Returning Officer need not order the recounting of any one set of votes more than once.
- 18.3. In addition, the Returning Officer may order recounts at their discretion.
- 18.4. 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.
- 18.5. The recounts shall take place within ten working days of receipt of a request for a recount, unless mutually convenient date beyond this time scale is agreed.
- 18.6. The election results shall be displayed with the phrase "Recount Requested" entered beside the post in question.

19. Retention of Ballots

- 19.1. 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.
- 19.2. Upon resolution, the Returning Officer shall declare that all ballot papers be destroyed within five (5) working days.

20. Complaints

- 20.1. It is recognised that candidates and students may be aggrieved by the conduct of other participating in the election. The process detailed below should be followed in cases where you wish to make a complaint.
- 20.2. 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".
- 20.3. Complaints of the following nature need to be accompanied by clear evidence of;
 - 20.3.1. Breach of publicity regulations
 - 20.3.2. Allegations of removal of publicity by opposing candidates
 - 20.3.3. Circulation of publicity purporting to be from another candidate
- 20.4. 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, or through the Union's official complaints process.
- 20.5. In accordance with Winchester Student Union's Complaints Procedure the Returning Officer will respond to the complaint within three (3) working days or receipt and investigate in a manner that they deem appropriate.
- 20.6. 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.
- 20.7. The Returning Officer, after deliberating the evidence, may make the following decisions:
 - 20.7.1. To not uphold the complaint
 - 20.7.2. To uphold the complaint and take sanctions against an individual(s)
 - 20.7.3. To disqualify candidate(s)
 - 20.7.4. To order a new ballot /electronic vote
 - 20.7.5. To order a recount
 - 20.7.6. To pass the complaint onto the complaints policy as governed by the Union's bye-law 2.
- 20.8. Complaints raised by election officials or scrutinisers will be dealt with through the same process.
- 20.9. Complaints raised by candidates or students about election officials including the Returning Officer should be lodged immediately with the Deputy Returning Officer.
- 20.10. Complaints about the Returning Officer shall be reported to Union Trustee responsible for the Union's complaints procedure who will make a ruling upon the complaint as per the above process.
- 20.11. 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 subject to the discretion of the Returning Officer.

- 20.12. The ruling of the Returning Officer on any complaint shall be final, subject only to a successful challenge of a 66% majority of quorate meeting of Union's Student Senate.
- 20.13. Appeals to the result of a declared result can only be made through the complaints procedure as outlined above.