

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: 19/01/2022

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 Board of Trustees 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 to act in the capacity of Returning Officer; in this instance the Board will additionally ratify the appointment of a Deputy Returning Officer, who will not be an ordinary member of the Union and will be selected on the basis of being appropriately qualified for that role.
- 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 officially 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 or their nominee
- 3.2. The Returning Officer may rule as they consider appropriate in respect of any matter in which this bye-law is silent.
- 3.3. The Returning Officer or their nominee, in consultation with the Union's Senior Manager, shall be responsible for the expenditure of the elections budget.

The Deputy Returning Officer (DRO), or their second in their absence, is responsible for the day to day running of the elections and is the person who formally answers questions on the rules, and makes rulings on common queries, to ensure the election runs as smoothly as possible.

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 Sabbatical Officer (Officer Trustee) positions.
- 4.3. Only members who are eligible hold the office of Trustee as defined by the Constitution; may stand for any Sabbatical Officer (Officer Trustee) position.
- 4.4. From time to time other restrictions may apply to specific portfolio roles. Any such restriction will be detailed by portfolio and in all election 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, if affiliated.
- 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 6.6 no nomination form will be considered valid if submitted after the established deadline.
- 6.6. If after the close of the nominations period, in any 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 remainder of the advertised election timetable will be in effect. The Returning Officer or their nominee 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 Officer Elections**; also known as 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) including 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 by-elections** shall serve in all matters of elections outside of the prescribed framework set by Union Officer Elections, NUS National Conference Delegates Election; for purpose of replacing vacant, resigned or removed officer posts.
 - 7.1.3.1. Such by-elections fall under the remit of the Returning Officer or their nominee as defined above.
 - 7.1.3.2. 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.
 - 7.1.3.3. 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 Officer Elections.

8. Exceptions

- 8.1. The Election of Union Activity Groups (sports teams, societies, representational networks) shall fall outside of the remit of this bye-law; such elections will be overseen by a Sabbatical Officer (Officer Trustee) as outlined in Bye-law 4 - Activities;
 - 8.1.1. Activity Groups will be made aware of the mechanic of their elections prior to any such elections taking place.

9. Terms of Office

- 9.1. Elected Officers of the Executive Committee (including Officer Trustees) are elected to serve a term of twelve concurrent months starting from July 1st subsequent to the Union Officer Elections, and ending June 30th of the following year;

- 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.

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

- 10.1. Re-Open Nominations (R.O.N.) may be used be as a candidate in elections.
- 10.2. If utilised 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 or their nominee.
- 11.2. It is the responsibility of all candidates to ensure that they and all their supporters 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 supporter 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 or their nominee considering a complaint may decide to ignore an offence committed by a supporter, provided they are satisfied that there was no collusion between the supporter and the candidate and that the offence was only of a minor nature.
- 11.4. In order to stand for election, candidates must submit a valid nomination. This is undertaken via a nominations form as follows:
 - 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.
- 11.4.2.3. The criteria laid out in section 11.5 below for election statements and manifestos has been met.
- 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 along with their nomination.
 - 11.5.3. The maximum word count for election statements and/or manifestos shall be determined by the Returning Officer or their nominee.
 - 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 or their nominee, 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 or their nominee shall decide the level of expenditure permissible by candidates running for election. Such levels will be clearly stated in all candidate packs and briefings. Campaign expenditure shall be defined as *"any expenditure that is carried out with the purpose of promoting a candidate's election"*.
- 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' if no monies were spent) for the purpose of the election, accompanied by receipts.
- 12.3. Candidates must not spend more than their campaign allowance, as set out in the Candidate Pack. If the Returning Officer or their nominee has evidence that amounts being spent are higher than candidate allowance, candidates may be disqualified from the election.
- 12.4. In the instance of candidates using pre-owned items or part used supplies in furtherance of their campaign, the Returning Officer or their nominee 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 or their nominee prior to utilising such materials to avoid inadvertent breach of expenditure rules.
- 12.5. 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 only 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.

- 12.6. It shall be an election offence to tamper with any poster displayed in accordance with the provisions of this section.
- 12.7. 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 or their nominee at the start of the election campaign.
- 12.8. Posters and election materials must not breach any standing policy of the Union; including but not limited to the Equal Opportunities Policy.
- 12.9. Posters and election materials must not include mention or reference of any member (beyond the candidate), post holder or staff member by name or post.
- 12.10. Any damage caused to Union or University property through the improper use of campaign materials or their fixing, shall be the responsibility of the candidate to make good.
- 12.11. There shall be an 'exclusion zone' where no posters, publicity or campaigning material may be displayed or circulated, including verbal campaigning, except where expressly permitted. Specific locations which fall within the exclusion zone will be outlined in the Candidate Pack, but will include 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.
- 12.12. 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 Candidate Information Pack:
 - 12.12.1. 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.
 - 12.12.2. In cases where the Question & Answer (Q&A) or Question Time takes place in a panel style, the host of the panel (usually a Deputy Returning Officer) will manage as fair as possible but questions may be tailored in regards to each candidates manifesto.
- 12.13. Winchester Student Union will ensure Re-Open Nominations (R.O.N.) is communicated as a valid candidate at Q&A sessions.
- 12.14. Any action deemed by the Returning Officer or their nominee to be prejudicial to the fair running of the election shall be subject to the Elections Complaints Procedure.

13. Election Coverage

- 13.1. Union activity groups (sports teams, societies or representational networks) may wish to invite candidates to debates or to speak to their members. Where this takes place, the activity group must ensure all candidates within the election are invited to attend with a similar level of notice:
 - 13.1.1. Activity groups should ensure each candidate has the same amount of time to speak.
 - 13.1.2. Footage of the interview/debate or talks are not shared by the activity group outside of private communication forms.
 - 13.1.3. An activity group as a whole should show no favour to one candidate. Individuals within an activity group are free to act as they wish in accordance with this policy.
- 13.2. From time-to-time Student Media societies of the Union or University of Winchester media programmes may wish to cover a Union election and/or interview election candidates.
 - 13.2.1. In order for any Union activity group (sports team, society or representational network) or University programme to cover Union elections they must:
 - 13.2.1.1. Seek formal permission from the Returning Officer or their nominee
 - 13.2.1.2. Complete any required documentation provided by the Returning Officer or their nominee
 - 13.2.1.3. Ensure commitments within their proposal are followed, if approved by the Returning Officer or their nominee
 - 13.2.1.4. Ensure they conduct themselves in a manner of fairness and equality, showing no favour to any one candidate
 - 13.2.2. The Returning Officer or their nominee has full discretion to accept or reject any such proposals.
 - 13.2.3. Candidates should not accept to be interviewed without the permission of the Returning Officer or their nominee.

14. Voting Systems

- 14.1. Voting shall be conducted via either a digital 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 system 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's website provider.

- 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 virtual 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 or their nominee and shall be conducted in accordance with regulations provided by the NUS, if affiliated.
- 16.3. In normal circumstances, as noted in section 14.3, all Student Union elections shall be by electronic media which automatically calculates the votes cast. In instances where a manual (paper) voting system was used, the following will apply in relation to the count:
 - 16.3.1. Where manual ballot boxes are used these shall be brought unopened to the agreed premises.
 - 16.3.2. 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.
 - 16.3.3. The Returning Officer or their nominee 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 18 of this schedule.

18. Recounts

- 18.1. Recounting of votes is only applicable in cases where manual (paper) voting has taken place. In normal circumstances, as noted in section 14.3, all Student Union elections shall be by electronic media which automatically calculates the votes cast and for which a recount would not be applicable.
- 18.2. In instances where a manual (paper) voting system was used, the following will apply in relation to recounts:
 - 18.2.1. The Returning Officer or their nominee 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.
 - 18.2.2. The Returning Officer or their nominee need not order the recounting of any one set of votes more than once.
 - 18.2.3. In addition, the Returning Officer or their nominee may order recounts at their discretion.
 - 18.2.4. The Returning Officer or their nominee 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.
 - 18.2.5. 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.
 - 18.2.6. 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 and to track engagement with the political processes of the Union.
- 19.2. All elections records will be kept in accordance with the Union's Privacy Policy and General Data Protection Regulations.

20. Complaints

- 20.1. 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 a candidate wishes to make a complaint.
- 20.2. Making a complaint; The complaint should be put in writing to the Returning Officer or their nominee 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 or their nominee immediately. The Returning Officer or their nominee 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 or their nominee will respond to the complaint within three (3) working days of receipt and investigate in a manner that they deem appropriate.
- 20.6. The Returning Officer or their nominee 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 or their nominee will inform the complainant and agree a suitable time with them.
- 20.7. The Returning Officer or their nominee, 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 Deputy Returning Officer should be lodged immediately with the Returning Officer.
- 20.10. Complaints about the Returning Officer shall be reported to the 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 or their nominee.
- 20.12. The ruling of the Returning Officer on any complaint shall be final.
- 20.13. Appeals to the result of a declared result can only be made through the complaints procedure as outlined above.