

Bye-Law 3: Elections

1 Introduction

- 1.1 Bye-law 3: Elections govern the elections of the Sabbatical Officers part-time roles and NUS Delegates.
- 1.2 Additional rules and information will be provided in the Candidate Handbook.
- 1.3 These rules are in addition to the Articles of Association, Bye-Laws and Union policy approved by the Board of Trustees, University rules and Codes of Conduct, and the law.

2 Definitions

- 2.1 Candidate – A Student Member who is standing for election to a position.
- 2.2 Slate – A group of candidates that formally organise and run together in the elections on common priorities.
- 2.3 Job Share – Up to two candidates may run on a Job Share for one Sabbatical Officer position. They will be treated as one candidate for the purposes of the elections and the combined job share will equal the equivalent of one full time Sabbatical Officer. Further information on how Job Shares operate will be detailed in the Candidate Handbook. Constituency-based limitations apply.
- 2.4 Supporter – Any person who supports a candidate in their election. Candidates are responsible for the actions of their supporters.
- 2.5 Student Group – Any Union or City, University of London affiliated group of students including but not limited to Clubs, Societies and Community Projects.
- 2.6 Election Official – An 'election official' includes the Returning Officer, Deputy Returning Officer, and any other person nominated by the Deputy Returning Officer to be an election official.

3 Returning Officer and Deputy Returning Officer

- 3.1 The Board of Trustees shall appoint the Returning Officer and Deputy Returning Officer annually.

- 3.2 During an election the Returning Officer will take sole responsibility for the interpretation of election rules, the Union Articles of Association, Bye-Laws and Union policy. Interpretation and rulings will be in the interest of the electorate above all others.
- 3.3 The Deputy Returning Officer is responsible for the day-to-day management of the election and has the responsibility to ensure that the election is efficient and fair in accordance with the regulations.
- 3.4 The Deputy Returning Officer has full delegated authority from the Returning Officer to implement the regulations including issuing minor sanctions, overseeing the election count, and answering questions.

4 Eligibility

- 4.1 All and only Student Members may stand and vote in Union elections, subject to constituency-based limitations.
- 4.2 Constituency based limitations include: Assembly Members, only students belonging to a School may stand for election to or vote for the position; Tooting Executive Committee, only students studying predominantly on the Tooting campus may stand for election to or vote for a position on the Tooting Executive Committee. .
- 4.3 Candidates standing for election for a Sabbatical Officer position must be eligible to be a Trustee and Company Director in accordance with the relevant legislation.
- 4.4 Candidates standing for election to the Assembly must be a student in the following academic year.
- 4.5 Student Members may only stand for one position unless they are standing for NUS Delegate, in which case they can stand for NUS Delegate and one additional position.

5 Nomination Process

- 5.1 Positions for each election will be advised in the Notice of Election.
- 5.2 For each position being elected, an option to Re-Open Nominations (RON) shall be provided on every ballot.

- 5.3 By standing for election all candidates agree to be subject to the Articles of Association, Bye-Laws, Union policy and values.
- 5.4 Candidates must complete a nomination form for each position they are contesting.
- 5.5 All candidates agree for their data to be shared with the University for election administration purposes.
- 5.6 Late nomination forms will be automatically declared invalid.

6 Notice of the Election

- 6.1 The Deputy Returning Officer shall publish a Notice of Election usually by the following times:
- (a) Sabbatical Officer, part-time roles and NUS National Conference Delegate elections; four weeks prior to the close of poll.
 - (b) By-election for any position or when nominations are re-opened due to unfilled positions; two weeks prior to the close of poll.
- 6.2 The Notice of Election shall at least include:
- (a) Details of positions and eligibility for election.
 - (b) Details of how to nominate and relevant deadlines.
 - (c) Details of the place, date, and time of the Candidate Briefing.

7 Notice of Poll

- 7.1. The Deputy Returning Officer shall publish a Notice of Poll as soon as reasonably possible after the Candidate Briefing.
- 7.2 The Notice of Poll shall at least include:
- (a) The name and position of the candidate for which they have been nominated.
 - (b) Details of the arrangements of voting.

8 Candidate Briefing

- 8.1 A Candidate Briefing for all nominated candidates will be held after the close of nominations. At this meeting the Deputy Returning Officer or Election Official, will

explain the election process, outline campaigning guidelines and set the tone of the election.

8.2 If a candidate is unable to attend the Candidate Briefing, they must confirm in writing that they have read and understood the Bye-Law 3: Elections and the Candidate Handbook.

8.3 Campaigning, including distribution of printed and digital publicity officially begins at the close of the first Candidate Briefing.

9 Slates (Collective Campaigning)

9.1 Candidates may run together and collectively campaign to form a slate.

9.2 Candidates must inform the Deputy Returning Officer of their agreement to form a slate no later than the close of nominations.

9.3 All candidates in a slate must share the following:

- (a) A combined budget, further detailed in this Bye-Law and the Candidate Handbook.
- (b) A slate group name.
- (c) At least one shared slate priority.
- (d) A slate slogan. (e) Publicity and branding.

9.4 The slate group name will appear next to each candidate's name on the ballot.

9.5 All members of the slate are collectively responsible for the actions of the candidates in their group.

9.6 All candidates, regardless of whether they are part of a slate or not, are granted freedom of association during voting days and are able to recommend other candidates and slates to voters. Candidates must not share publicity or campaign materials of any kind from other candidates unless they are on a slate with those candidates.

10 Student Group Endorsements (Clubs & Societies)

10.1 Student Groups can support a candidate or a slate, in their election campaign. Endorsing a candidate will require the agreement of the student group, which must be communicated to the Deputy Returning Officer by the group President / Captain.

After confirmation the student group will then be the candidate or slate's supporters and the candidate is responsible for their actions.

10.2 All endorsements will be automatically accepted on behalf of candidates, unless a candidate communicates that they would refuse an endorsement for a particular student group.

10.3 Once the candidate endorsement is confirmed by the Union's student group they may use their membership list to encourage members to vote and to communicate which candidates they have endorsed.

10.4 Student Group funds must not be used to finance any election campaign.

11 Publicity & Campaign Materials

11.1 Candidates must submit the following which will appear on the Union website within the time frame and format detailed in the Candidate Handbook:

(a) Three election priorities. Candidates standing as a slate must have at least one of their three priorities as a shared slate priority. (b) A photograph of the candidate.

A campaign slogan of up to six words which will be published on the ballot.

- 11.2 Other optional and mandatory campaign materials will be specified in the Candidate Handbook.
- 11.3 No changes to election priorities, photographs and slogans will be accepted after the submission deadline.
- 11.4 The Deputy Returning Officer shall indicate any graphics, colours or taglines that must not be used.
- 11.5 All campaigning materials must meet the requirements of the Candidate Handbook. If materials do not meet the requirements, then they may be removed, and sanctions may be applied at the discretion of the Deputy Returning Officer.
- 11.6 Union computers, premises or resources may not be used to produce, store, or assist in the production of any candidate's election materials.

12 Elections Conduct

- 12.1 Candidates and supporters should not undertake campaigns activity which others could not also reasonably do.
- 12.2 Candidates must take reasonable steps to ensure that their supporter's actions comply with elections, Union and University rules at all times and must be able to demonstrate this in the event of a complaint against them.
- 12.3 Candidates and supporters may only use lists and groups where lawful to do so. In most cases this will require the informed consent of the members on the list to use their details, including email and phone number for this purpose. The University's Global Address Book must not be used to create mailing lists.
- 12.4 Voters must be able to cast their ballot freely. Candidates and supporters must not communicate, assist, or supervise voters in any way once they have started to vote.
- 12.5 Campaigning is prohibited in any areas defined by the Deputy Returning Officer. This will include the area around the polling stations, University libraries, and University faith spaces.
- 12.6 Candidates must consider their health and safety and the health and safety of others when conducting any campaigning activity.

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- 12.7 Candidates must not provide devices of any kind to enable members to vote.
- 12.8 Any publicity fixed to walls, road signs or street furniture in the vicinity of the University may be removed, and the cost of that removal and any consequential damage may be charged to the candidate concerned.
- 12.9 Union computers or resources (including membership lists and other data) must not be used by candidates.
- 12.10 Students working for the Union, University, or subcontractor must not engage in any campaigning activity during their working hours.
- 12.11 The Deputy Returning Officer may publish supplementary regulations relating to candidate conduct.

13 Incumbent Sabbatical Officers and Assembly Members

- 13.1 All incumbent Sabbatical Officers and part-time Officers shall agree on publicity campaigns or public announcements with the Chief Executive or their nominee during a period of two weeks prior to the close of nominations and the publication of results. The Chief Executive may refer any such activity to the Deputy Returning Officer to rule on potential electoral advantage.
- 13.2 No elected members of the Union will be allowed to use the Union offices for electoral purposes. Incumbent Sabbatical Officers seeking election may still use their office for their day-to-day work, as agreed in advance with the Chief Executive.
- 13.3 Any Sabbatical Officer in post and standing for re-election must run their campaign entirely separately from their day-to-day work as an elected Officer. Incumbent Sabbatical Officers standing for re-election as a Sabbatical Officer are required to take annual leave during the period of voting.

14 Candidates Budget

- 14.1 Candidates must not exceed their budget limits.
- 14.2 All campaigners must submit a written list of all campaign costs with corresponding receipts to the Deputy Returning Officer no later than one hour after the close of polls. If a candidate does not spend any money during their campaign, then this must be made clear on their submission.

14.3 The Chief Executive will annually agree a maximum budget per candidate dependent on the overall budget agreed by the Board of Trustees, this will be defined in the Candidate Handbook. The maximum budget a candidate standing for a Sabbatical Officer or Assembly Member position can spend will be dependent on whether a candidate is running by themselves or as part of a slate.

The following are the maximum candidate budgets:

- (a) One candidate has a maximum budget as agreed by the Chief Executive.
- (b) Two candidates on a slate have a maximum combined budget of 1.5 times the maximum single candidate budget.
 - Three candidates on a slate have a maximum combined budget of 1.75 times the maximum single candidate budget.
- (d) Slates with more than three candidates will have a maximum combined budget of 1.75 times the maximum single candidate budget plus an additional 0.25 times a single candidate budget for every additional candidate over the three candidates.

14.4 Candidates standing for NUS Delegate, plus any other additional position will not receive any additional expenditure.

15 Voting and Results

15.1 All elections shall be conducted by secret ballot using the Single Transferable Vote (STV) system (Electoral Reform Society 1997 rules).

15.2 Voting shall normally take place online and appropriate guidance will be produced to support voters.

15.3 Voting times will be published in the Notice of Poll on the Union website.

15.4 The counting of votes will take place after the close of poll at a time and date specified by the Deputy Returning Officer.

15.5 The election result will be announced as soon as practicable. The full election results shall be published on the Union website and in such other form as the Deputy Returning Officer shall deem appropriate.

16 Complaints

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- 16.1 Any student can submit a complaint about a candidate, their supporter, or about the election process until one hour after the close of voting. These complaints may be on any of the following grounds:
- (a) Failure in good conduct of the election.
 - (b) Behaviour and activities of candidates or their supporters.
 - (c) The administration of the election. (d) Breaches of the election rules.
- 16.2 Complaints raised after this point will not be accepted, except in relation to the conduct of the count.
- 16.3 Any student can submit a complaint about the conduct of the count within one day of the announcement of results. Grounds for complaint are limited to:
- (a) The STV calculations are inaccurate. (b) There is a physical error in the count.
- 16.4 All complaints must be sent, in writing on the complaint form, to the Deputy Returning Officer. A complaints form will be available on the Union website.
- 16.5 Complaints will normally be heard within two working days. The Returning Officer or the Deputy Returning Officer will respond in writing and candidates and complainants will be informed of any action taken.
- 16.6 In responding to a complaint the Returning Officer or Deputy Returning Officer, after hearing all the appropriate evidence, may decide to apply any of the following:
- (a) Take no action by not upholding the complaint.
 - (b) Suspend elections for a specified period pending an investigation.
 - (c) Apply sanctions to specified candidates (see sanctions below).
 - (d) Hold the election count and decide whether the basis of the complaint has any impact on the outcome of the vote. (e) Re-run the election.
- 16.7 In the event the Deputy Returning Officer ruled on the complaint, a candidate can appeal the decision of the Deputy Returning Officer to the Returning Officer, except if a minor sanction has been ruled.
- 16.8 The appeal must be made in writing to the Returning Officer within 24-hours of the Deputy Returning Officers decision.
- 16.9 Appeals will normally be on the grounds that the decision of the Deputy Returning Officer was:

- (a) Procedurally incorrect,
- (b) Taken outside the scope of the powers of the Deputy Returning Officer as defined by these regulations.
- (c) Disproportionate.

16.10 The Returning Officer will normally rule on the appeal within 3 working days. The decision of the Returning Officer is final.

16.11 If the Returning Officer ruled on the complaint, their decision is final.

17 Sanctions

17.1 Any student found in breach of the regulations during any stage of the election may be disciplined.

17.2 The penalty will be determined by the Returning Officer or Deputy Returning Officer.

17.3 Possible “minor sanctions” with no appeal to the Returning Officer shall include:

- (a) Penalty to your campaign budget (if applicable).
- (b) Restriction applied to attendance at election events.
Restriction on campaigning in a given area and/or for a specific amount of time.

17.4 Other sanctions that may be determined by the Returning Officer or Deputy Returning Officer shall include:

- (a) A formal written warning, which will be published in locations deemed appropriate by the Returning Officer or Deputy Returning Officer.
- (b) Disqualification from the election.

17.5 Any student found to be interfering with the smooth running of the election, acting fraudulently or otherwise illegally may be referred for disciplinary action to:

- (a) The Union Disciplinary Panel under the Students' Union Bye-law 9.
- (b) The University under Senate Regulation Student Discipline.
- (c) Be reported to the police.