

Birmingham City Students' Union ELECTIONS REGULATIONS BYLAW

A. General Rules

- 1.1 The Union is a democratic organisation and so its elections are of paramount importance.
- 1.2 To this end the Union aims to:
 - Conduct all elections fairly;
 - Ensure all students at Birmingham City University have the opportunity to participate fully in all aspects of the election;
 - Conduct Elections in a spirit of friendliness and co-operation.

2. What Elections these rules apply to

- 2.1 The Union elects students as representatives into a wide range of committees, positions and activities. This bylaw details the procedure for electing students to/as the following:
 - Directors (including Senate and Governors)
 - Executive Officers (Part-Time)
 - Student Council
 - Council Committees
 - NUS Conference
 - Casual Vacancies
- 2.2 Where the need for an election arises that is not detailed in this by-law, or where existing positions change or are added to, Elections Committee shall decide which are the most appropriate guidelines to follow.

3. Returning Officer and Deputy Returning Officer

- 3.1 The Council shall appoint a Returning Officer (RO), who shall normally be a reputable person independent of the Union (e.g. a local Union's General Manager).
- 3.2 The Deputy Returning Officer (DRO) shall be the Campus Engagement Officer, except when the Campus Engagement Officer is participating in the election, when Executive Committee shall appoint a Director, not participating in any way in the current election, as Deputy Returning Officer.
- 3.3 The DRO shall be responsible for running the elections on a day to day basis.
- 3.4 The RO shall be solely responsible for interpreting all election procedures referred to them by the Elections Committee.

4. Elections Procedure

- 4.1 All elections procedures shall follow the same principles.
- 4.2 The Campus Engagement Officer will propose to the Executive Committee the exact dates of all elections at the start of the academic year.
- 4.3 The Elections Committee shall make available a detailed timetable for each election at the start of the academic year.

4.4 All elections shall normally have the following stages:

- Invitation to nominate
- Nominations received and accepted
- Candidates Training
- Campaigns and/or Hustings
- Voting
- The count and declaration

4.5 The Elections Committee may use electronic voting for any elections, provided they are confident about the security of the process and when they reasonably believe more votes may be cast than by normal balloting

5. Casual Vacancies

5.1 A casual vacancy shall be defined as a vacancy that arises from an elected representative standing down from their position before the normal end of their term or a new vacancy that has been created at such a time that the first incumbent will not be able to serve a normal full term.

5.2 For casual vacancies amongst the Union's councillors, committee officers or a conference delegation, wherever possible the Union should run a new election for the vacancy.

5.3 If this is not possible or reasonable then the vacancy will be filled by Union Council co-opting a full member of the Union. The member co-opted must fulfil the requirements laid down in the Constitution and by laws for election to the post in question.

5.4 In the event of a vacancy arising for a Director or Executive Officer, Union Council should determine how best to fill the vacancy, taking account of the time of year and likely workload. Ideally this will be by cross campus ballot.

6. Constituencies

6.1 All elections shall be open to all members and be held cross campus with the exception of elections for positions that represent only students from a specific campus, course or faculty.

6.2 It will be up to Elections Committee to make any decisions regarding what constituency should be able to participate in any given election.

7. Time Table

7.1 The Campus Engagement Officer with the agreement of the Executive Committee shall set the dates for all elections at the beginning of the academic year.

7.2 All elections shall be timed with the intention of ensuring the participation of the greatest number of students whilst also taking into account when the term of office will start and how much notice is needed for candidates.

7.3 Executive Officers will normally be elected in the 2nd Semester.

7.4 Elections for Council positions should be held during the preceding 2nd Semester where circumstances allow.

B. Election Regulations for Directors and Part time Executive Officers, Birmingham City University Senate Members & Birmingham City University Governor

1. Invitation to Nominate

- 1.1 The Elections Committee shall invite nominations for the forthcoming election in good time, which should normally be at least 3 term weeks prior to the first day of voting.
- 1.2 The minimum advertising required is 5 notices at each Birmingham City University Teaching Campus.
- 1.3 Full details of all available positions and how to stand will be issued in a nominations pack.
- 1.4 The elections committee will determine the specific rules for candidates standing which are not detailed in this By-law and will publicise them in the nominations pack.

2. Nominations Received

- 2.1 Elections Committee will set the closing date for receipt of nominations; this will normally be at least two clear working days before voting commences and must ensure enough time is allowed for candidates to prepare their election campaigns.
- 2.2 Only Union members may stand for election.
- 2.3 Nominations must be received in the prescribed form, which should include the submission of a written manifesto.
- 2.4 2 Union members must nominate each candidate.
- 2.5 All nominations will be verified by the RO or DRO.
- 2.6 Only nominations received before the closing date will be considered valid.
- 2.7 Candidates are not permitted to stand on or as a slate
- 2.8 In the instance of a position that represents a specific constituency, only students within that constituency will be able to nominate themselves for election. In the case of a liberation group, this will be by self-definition; for example, only those who self-define as from an ethnic minority will be able to stand for the Ethnic Minority Students Officer.

3. Candidates Training

- 3.1 All candidates are required to attend the candidates training session(s) held.
- 3.2 Elections Committee will ensure that the training gives all candidates a chance to understand the rules and procedures for the forthcoming election.

4. Campaigns and Publicity

- 4.1 All campaigning will be conducted in a spirit of fair play and the RO will be asked to decide on appropriate action in any election where this is brought into doubt.
- 4.2 Candidates are encouraged to elicit the help of others on a campaign team, provided that their campaign team are not involved in the election campaign of other candidates.
- 4.3 All Candidates will be responsible for the actions of their campaign team.

- 4.4 The Union will allocate an equal budget to all candidates for each position to cover the campaign costs. No candidate may spend more on their campaign than the limit set by the Elections Committee.
- 4.5 Elections committee will set a date for the start of campaigning, normally directly after candidates' training has been completed. No campaigning may take place before this date.
- 4.6 Candidates may prepare their campaigns as soon as their nomination has been received and accepted by the RO. Candidates will be encouraged to use their imagination in campaigning.
- 4.7 It is up to candidates to prepare their election materials, although the Union will provide help, and it is up to candidates to secure quotes for any materials used.
- 4.8 Elections Committee shall provide guidance to candidates on the nature of acceptable and unacceptable publicity materials at the Candidates Training.
- 4.9 All publicity must be approved by the RO or DRO prior to any printing or mass publication being undertaken, or else it may be removed without compensation for the candidate. The RO/DRO shall resolve any issues with candidates using similar designs prior to campaigning starting.
- 4.10 Any candidate that has used publicity that has not been approved, and is seen by the RO or DRO to have significantly advantaged their campaign may be disqualified.
- 4.11 Any materials which cause damage to University or Union property will be removed and any repair bills sent to the responsible candidate(s).
- 4.12 All expenditure will usually be by official order form to a list of nominated suppliers. The RO/DRO may allow other suppliers if a good case can be made for using them.
- 4.13 The financial level set will be strictly adhered to and the RO may disqualify anyone whom he/she reasonably believes to have exceeded the limit in a way likely to affect the outcome of the election.
- 4.14 The RO may take any action they see fit up to and including disqualification for unfair campaigning. This is not intended to prevent candidates developing new and innovative ways of campaigning, provided these methods could have been used by all other candidates had they thought of it.

5. Hustings

- 5.1 Elections Committee shall ensure with each election that all students eligible to vote are given the opportunity to ask all candidates questions and receive answers from the candidates in a public forum. Elections Committee shall decide for each election whether this should be done through one or more hustings events or through other means such as the Union website or other technology.
- 5.2 The Elections Committee shall set rules for the hustings and communicate these to all candidates in good time, and one of their members shall preside at each hustings.

6. Voting

- 6.1 Voting will be Alternative Vote (AV) only.
- 6.2 In all matters of the voting procedure the Electoral Reform Society guidance notes will be used.

- 6.3 Elections Committee shall determine and publicise the ballot box rota, in order to allow all students of different study modes and at different campuses a fair chance to vote.
- 6.4 The ballot paper shall include Reopen Nominations (RON) as an option in every election.
- 6.5 The Elections Committee shall promote this option in all elections whether contested or not.
- 6.6 The Elections committee will determine rules for campaigning for RON by members.
- 6.7 In the event of RON 'winning' the most votes the election shall be re-run as soon as practically possible, usually within 21 days.
- 6.8 Postal votes will be available to all who ask for one. Those seeking postal votes must write to the RO requesting such enclosing their University I.D. card for verification. Such a request must be received at least 7 days before the last day of voting. The RO shall then send a ballot paper, manifesto and ID card to the voter, who must return it before the close of voting.
- 6.9 The RO may decide to give a whole class of members a postal vote if there is no easy or convenient way of conducting a normal ballot; or when the RO reasonably believes more votes may be cast by post than by normal balloting.

7. Counting

- 7.1 The date and venue of the election count will be set by the Elections committee.
- 7.2 Where voting is done with paper ballots, counting of ballot papers shall be supervised by the RO and DRO. All candidates and 1 representative each may observe the count of the ballot papers in their particular election provided safety permits. The RO or DRO will normally declare each election result as it is available.
- 7.3 If E-voting is used and the count is done electronically, Elections Committee will decide whether it is practical for candidates and their representatives may observe the count. Elections Committee will decide how the results should be announced, taking into consideration that there should usually be a Results Night event.
- 7.4 The Campus Engagement Officer, or their nominee, may be present to report on the election.

8. Withdrawals

- 8.1 Once a nomination has been received, it is anticipated that they will continue to participate and take up office if successful.
- 8.2 On rare occasions, candidates may choose to withdraw.
- 8.3 Withdrawals must be submitted in writing to the RO.
- 8.4 If the candidate withdraws prior to voting, but after their name has been publicised as a candidate, Elections Committee will produce a notice for each ballot box explaining the withdrawal.
- 8.5 If the winning candidate withdraws within the first week of the result being declared, then the RO will re-count the election as if that candidate had not stood.

C. Election Regulations for NUS National Conference

9. The Regulations shall be the same as for directors with the following exceptions

- 9.1 There need not be hustings for conference elections.
- 9.2 Voting will be by Single Transferable Vote (STV) only, in which voters must express a preference for candidates.
- 9.3 Postal votes will only be available when these elections are held at the same time as elections for Directors.

D. Election Regulations for elections held at Council

10. The Regulations shall be the same as for directors with the following exceptions

- 10.1 Nominations shall be invited in the agenda for the Council meeting at which the election is to be held.
- 10.2 Nominations will close immediately prior to the election taking place at the meeting.
- 10.3 Written manifestos need not be a feature of elections held at Council.
- 10.4 Candidates may nominate themselves for these positions.
- 10.5 There is no formal campaigning for these elections.
- 10.6 Hustings will take place at the Council meeting where the election takes place.
- 10.7 Voting will be by AV/STV as appropriate.
- 10.8 The ballot box will be open only during the course of the meeting.
- 10.9 In the event of RON winning, a new election will be held at the next meeting of Council.
- 10.10 Postal votes will not be available.
- 10.11 Only candidates or a representative may be present at the count.

E. Complaints

- 11.** Any Union member may lodge a complaint about the conduct of the elections.
- 12.** The Elections Committee will hear all complaints in the first instance. The RO will not be involved in this first stage of the complaint.
- 13.** The key test of a complaint shall be the extent to which the offence has significantly advantaged or disadvantaged a candidate's campaign.
- 14.** Complaints should be entered in writing on the grounds of:
 - Failure of good conduct in election;
 - Behaviour and activities of the candidates or their supporters,
 - The administration of the election or
 - Breaches in regulations.
- 15.** Procedure during the campaign
 - 15.1 All complaints shall be submitted, in writing, to the DRO.

- 15.2 Any challenge or complaint should be heard and determined by the Elections Committee within 2 working days.
- 15.3 The DRO will respond in writing.
- 15.4 In determining a complaint, the Elections Committee will hear all the appropriate evidence and may decide to do any of the following.
- Not to uphold the complaint,
 - Adjust campaigning materials/budget
 - Halt the elections,
 - Disqualify specified candidates,
 - Refer the complaint to the RO
 - Count the election and decide whether the basis of the complaint has had any impact on the outcome of the vote.

16. Procedure after the announcement of the results

- 16.1 All complaints shall be submitted, in writing, to the RO, within one term time week of the declaration of results.
- 16.2 Any challenge or complaint should be heard and determined by the Returning Officer within 2 working days.
- 16.3 The RO will respond in writing.
- 16.4 In determining a complaint, the RO will hear all the appropriate evidence and may decide to do any of the following.
- Not to uphold the complaint,
 - Order a re-count
 - Order a re-poll
 - Re-run that election,
 - Disqualify a candidate
 - Fine a candidate.

17. Appeals must be lodged within one term week of the Elections committee decision, and will be referred to the RO who will follow the procedure in 17.5 and 17.6 above, except that the powers will be different:

- 17.1 The RO may:
- Decline to hear the appeal on grounds of triviality
 - Accept the decision of the Elections Committee
 - Reject the findings of the Elections Committee and either:
 - Refer the matter back to the Elections Committee, or
 - Decide upon any action her/himself.

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