

# Bye Law 3: Elections and Referenda

## Overview (purpose of Bye Law)

This Bye Law applies to all elections by ballot for all campus elections including Officer Trustees and NUS Conference Delegates. The Elections for Network and Student Groups committees are covered in their respective Bye Laws although these elections are subject to the principles laid out in this Bye Law. This Bye Laws also sets out the rules for Referenda

**If you have any difficulty in understanding or interpreting this Bye Law, please contact the Deputy Returning Officer during Elections and the Students' Union President at all other times.**

## Key Terms

Members (of the Union)	All Worcester students automatically become full members of the Union (for free) when they join the University unless they choose to opt-out of membership. Alumni and University staff can apply and pay for associate membership of the Union. Student Council can also grant up to five people per year Honorary Life Membership of the Union
Trustee	A person on the Union's Board of Trustees who is responsible for ensuring good governance of the Union.
Officer Trustee	One of the elected Full Time Officers of the Union – they are also Trustees of the Union (also see Trustee definition).
Manifesto	A written statement by a candidate standing for election that outlines what they want to do for students if elected.
NUS (National Union of Students)	The NUS is a collective of students' unions in the United Kingdom. Around 600 students' unions (including Worcester Students' Union) are affiliated to it, which is more than 95% of all higher and further education unions in the UK.
NUS Conference Delegate	Students who represent Worcester Students' Union at the National Union of Students' (NUS) National Conference.

Returning Officer	The person who has overall responsibility for overseeing a Union election or referendum. They have the final say on interpreting the Election Rules and will not be a member of Union staff.
Deputy Returning Officer	The DRO supports the RO and is responsible for overseeing the day to day running of an election or referendum. They will not usually be a member of Union staff.
Material Irregularity	An event or action (e.g. a mistake by the Union) that means the result of an election is unfairly affected. If proven, can result in the suspension or cancellation of an election and/or its results.
Referenda	A vote on a single question or proposal with a yes/no answer, usually put to the whole student body by the Union.

## Elections

1. The Union's Leadership Elections will take place via cross campus ballot before 31<sup>st</sup> March each academic year for the following positions
  - a. Full Time Officer Trustees
2. NUS Conference Delegate elections will meet the requirements of NUS and selection criteria will be published each year. One space will be reserved for the Union's President (or their nominee) in their role as delegation leader.
3. Officer Trustees shall hold their role from the third Monday in June following their election until the second Friday in June the following year. There will be a handover from the previous Officer Team in the first two full weeks in June.
4. Candidates for Officer Trustee must be available for the whole of their term of office.
5. Elections for the committees of Union affiliated societies, sports clubs, and networks will take place in accordance with Bye Laws 5 and 6 and but will be run in line with the principles set out in this Bye Law.
6. When an elected position remains vacant from any Union election or becomes vacant, a By-Election may be called. If an Officer Trustee resigns following the commencement of the academic year the position will remain vacant.
7. If any elected position, with the exception of an Officer Trustee remains vacant after an election and a student expresses interest in fulfilling the position then the relevant council/committee or affiliated society, sports club or network committee may organise a co-option election. The student will

attend the relevant committee or council and state their reason for standing. The co-option must be agreed by a simple majority vote.

## Eligibility

8. As outlined in Bye Law 1 (Memberships) all candidates must be full members of the Union until the results have been announced.
9. No student shall be eligible to serve more than two terms as an Officer Trustee.
10. Officer Trustees are not able to hold positions on Society, Sports Club, Student Led Service or Student Network committees during their term of office.
11. Candidates may not stand for more than one vacant Officer Position. This excludes the position of NUS Conference Delegate.
12. Serving Officer Trustees may not stand for another Officer Trustee position in a By-election during the same period of office
13. Candidates should not put their academic studies at risk through the elections process or through taking up an officer position and be confident at the point of nomination that they are in good standing academically and able to commit to the role for the duration of the term of office.
  - a. The Union reserves the right to contact a candidates' course leader to check their academic status and that they are progressing well.
  - b. If there are concerns, the Union also reserves the right to discuss the issue with the candidate, together with their course leader and, if necessary, to recommend that they do not run for office.
14. All candidates for Officer Trustee positions must be eligible to be a charitable trustee in line with guidance published by the Charity Commission.
  - a. All candidates for Officer Trustee positions will be required to sign a Trustee Eligibility Declaration before their nomination is approved.
15. The Union's staff team will work with the University to ensure all candidates who are non-UK nationals receive support and advice to obtain the correct visas. Where we identify that prospective candidates will be ineligible for a visa to work as an Officer Trustee we will notify that candidate.

## Re-running Officers

16. Any Officer Trustee who has the ability to re-run as a Candidate:

- a. should be removed completely from the elections process, until such time as they declare to the DRO that they will not stand in the election; and
  - b. should declare their conflict of interest in meetings where the election process in which they are able to participate is being discussed.
17. Serving Officer Trustees who wish to stand as a candidate in an election must pre-book annual leave, time off in lieu or unpaid leave (if they have exhausted their annual leave) to run their campaign. Such officers are free to campaign outside of their contracted hours.

### Returning Officer

18. The Trustees will appoint a Returning Officer (RO) to oversee the election.
19. The Returning Officer will not be a current member of the Union or have been a member of the Union in the previous two academic years or a member of staff employed by the Union
20. The Returning Officer will:
  - a. Be responsible for the proper conduct of elections;
  - b. Be responsible for interpreting the election rules and regulations;
  - c. Rule on any contravention of the elections regulations;
  - d. Have the ability to rule as inadmissible any statement or the contents of any publicity which in their view is in breach of the Union's Constitution, Bye Laws, general law or policy of the Union;
  - e. When requested to do so, investigate all complaints made against a decision of the DRO regarding the administration and conduct of an election in accordance with the complaints section of this Bye Law.
  - f. Ensure that all members of the Union are able to vote;
  - g. Recommend the disqualification from the election for contravention of the Union Constitution or Education Act 1994.
  - h. Delegate responsibilities to the DRO as they see fit
  - i. Undertake any duties necessary to ensure that all Union elections are conducted in an open, fair and transparent way.
21. For the avoidance of doubt the Returning Officer's decision on any election issue is final and there is no Appeal."

## Deputy Returning Officer

22. The Deputy Returning Officer (DRO) shall be determined by the Board of Trustees.
23. The DRO will not be a current member of the Union.
24. The DRO will have been a member of the Union in the previous two academic years.
25. The DRO manages the day-to-day administration and coordination of the elections including:
  - a. Agreeing the elections timetable and ensure it is advertised;
  - b. Overseeing publicity for the elections;
  - c. Ensuring information for prospective candidates is available on the Union's website;
  - d. Overseeing processes to ensure nominees and candidates' eligibility;
  - e. Ensuring a list of candidates is published at the launch of the campaigning period;
  - f. Agreeing the voting procedures and ensure guidance around this is communicated to members;
  - g. The implementation and enforcement of elections regulations;
  - h. Investigating and ruling on complaints in line with Points 48-60 of this Bye Law.
  - i. Assisting the Returning Officer in the execution of their duties;
  - j. Acting in the absence of the Returning Officer.
26. The right of appeal over the DRO's decision is to the Returning Officer.

## Nominations

27. The Deputy Returning Officer will work with Union staff to ensure all elections of Officer Trustees are promoted (notice of nominations) at least 2 weeks before nominations open. For other elections the notice period before nominations will be a minimum of 5 days.
28. For elections of Officer Trustees there will be a minimum nominations period of 2 weeks.
29. Candidates wishing to stand are required to complete a nominations form that will be made available on the Union's website for the entirety of the nominations period.

- a. All forms must be completed and include all requested information for the nomination to stand.
  - b. Within the nominations form candidates will be required to submit a manifesto
  - c. Failure to include a manifesto by the deadline for nominations will mean the automatic disqualification of the candidate from the election.
30. The DRO will ascertain nominees' eligibility from the University's student records system.
31. Any person aggrieved by a decision by the DRO that they are not eligible to stand or vote in an election may apply in writing to the RO within 2 days of being informed of the decision for a review of the judgement. If the appeal is successful it will not be grounds for declaring the election void.
32. The DRO will oversee the organisation of a candidates briefing to be held as soon as possible after the close of nominations.
33. All candidates must attend the candidates briefing before their nomination can be announced. Failure to attend a briefing may result in their disqualification from the election.
34. Candidates submitting a nomination are consenting to be photographed and filmed during the elections process and for these images and videos to be used to promote current and future elections. Information on how candidates' information will be used will be made available in the Elections Candidates' Privacy Notice.

## Manifestos

35. As stated in Point 36 of this Bye Law, all candidates must submit a manifesto by the nominations deadline.
36. Each manifesto will have a word limit of 250 words and must be submitted as plain text.
- a. Candidates may submit a graphically designed manifesto alongside their plain text version if they wish.
37. The Union reserves the right to reproduce the manifesto but may not alter the text in anyway. The Union may adjust the layout to fit a standard format for plain text manifestos.

- a. The Union reserves the right to not publish a manifesto that contains defamatory material or material that contravenes the governing documents or any policies of the Union. The DRO will be responsible for determining if manifesto material is defamatory or in contravention of the Union's governing documents or policy.
  - b. Each manifesto will be checked to ensure it complies with the Union's governing documents and policies. If there are issues with the content the candidate will have the opportunity to resubmit the manifesto.
38. Manifesto text will be reproduced as received from the candidate with any spelling mistakes or grammatical errors left uncorrected.

## Voting

39. Voting for all positions shall be by secret ballot.
40. The ballot may be conducted by electronic or paper ballot
41. The length of the voting period will be approved by the DRO prior to the notice of nominations.
42. Re-open nominations (RON) will be a candidate for each post in all elections. If RON wins the post will be reopened in the next election. Candidates who stood in the previous election will be deemed ineligible to stand for that post.
43. The DRO shall be responsible for the oversight and running of any formal or informal hustings or question times.

## Candidate Expenses

44. The Deputy Returning Officer will agree the budget for each position before the notice of nominations for all elections
45. Each candidate must submit a budget sheet alongside proof of purchase for each item by the close of the voting period
46. Candidates who submit false information or fail to submit a completed budget sheet by the deadline will be considered to be in breach of the elections rules and at the discretion of the RO may be disqualified from the election.

## Counting Elections

47. The count will be overseen by the DRO.

48. Election results will be announced and published on the same day as the count.
49. If a valid complaint is upheld (in line with the complaints section below) the RO can suspend the count until all reasonable investigations are completed.

## Conduct

50. All candidates must agree to accept the elections rules and abide by the Union's Constitution and Bye Laws and the Candidates' Pledge of Fair Play.
51. Any breach of the elections rules or governing documents of the Union by candidate may result in the DRO applying a penalty as outlined in Point 55 of this Bye Law.
52. Candidates are fully responsible for their campaign and the conduct of the campaign team and supporters. Candidates may receive a penalty as a result of the behaviour or misconduct of their campaign team members.
53. If candidates are running in a 'slate' (joint campaign) they will be held fully responsible for the behaviour and misconduct of all members of that slate.
54. Candidates may use any form of publicity material as long as it does not breach the elections rules, the Union's governing documents or policy. However, candidates must always seek authorisation to display publicity materials across the University, with the exception of designated candidates' spaces. Publicity materials include content posted on electronic/social media.
55. No candidate, campaign team member or supporter shall attempt to bribe, harass or intimidate another candidate, campaign team member, supporter, voter or staff member, whether in person, in writing or through electronic/social media. Disciplinary action may be taken against any offenders under the Union's disciplinary procedures and penalties may be applied as per Point 65.
56. All Union staff are bound by the Staff rules and regulations regarding elections.

## Penalties

57. The breaking of elections rules and regulations may result in the application of penalties. The DRO reserves the right to impose any reasonable penalty in light of the circumstances but, as a guide a candidate can:

- a. Receive an informal warning;
  - b. Receive a formal written warning;
  - c. Be disqualified from the elections
58. If a penalty is applied to a candidate who is in a slate, the same penalty will be applied to all members of the slate. The DRO can apply incremental penalties to a whole slate as a result of the misconduct of different members of the slate i.e. the same members of the slate do not have to have committed misconduct for the penalty being applied to be escalated.
59. Should a candidate be alleged to be in serious breach of the rules then they may be suspended by the DRO from campaigning until such time as they are reinstated, penalised or disqualified.
- a. Within 48 hours of any such suspension the DRO must make a decision as to whether a suspended candidate may continue to take part in the elections process.
60. All candidates are strongly advised to consult the DRO or relevant Union staff member if they are unsure of any of the rules.
61. An appeal against any penalty may be made in writing to the RO within 2 days of the decision. If the appeal is successful, it will not be grounds for declaring the elections void.
62. The RO may cancel an election on the recommendation of the DRO if they find that there has been material irregularity or there is other sufficient cause to question the fairness of the election. A timetable for a fresh election will then be determined.

## Complaints

63. Any member may make a complaint to the DRO on any matter relating to the elections by completing the online complaints form.
64. Complaints about the conduct of a candidate must be made in writing, using the form provided, at the time of the event.
65. All elections complaints submitted later than one hour after the close of voting, without good reason will not normally be accepted.
66. Appeals against the decision of the DRO regarding a complaint can be made in writing within 2 working days to the RO.

## Referenda

67. Referenda shall be called and conducted, as required in accordance with Clause 20 of the Union's Constitution.
68. The RO and DRO shall be appointed as with the elections above and assume the same responsibilities.
69. Student Council shall be responsible for deciding the wording of the question on the referendum ballot paper. The question will require a decision for either FOR/YES, AGAINST/NO or ABSTAIN.
70. The DRO shall establish a timetable and shall ensure the promotion to the members. The period from receipt of a request for a referendum to announcement of the results shall be no longer than 14 weeks.
71. Only members can vote in a referendum.
72. The count will be overseen by the DRO who will ensure that it takes place within 2 working days of the last day of voting or within 2 working days of any complaints raised about the referendum – whichever is later.
73. Results will be announced and published on the same day as the count.
74. Decisions made or Policy set by referenda cannot be overturned by Student Council, but may be overturned by subsequent referenda, or by a general or annual general meeting (AGM).
75. Campaigning for or against a referendum is conducted in line with the regulations on Conduct set out in this Bye Law.
76. All members of the Union may choose to join the campaign team for each side in a referendum. These members must choose a senior campaign team of no less than three members to lead the campaign.
77. All senior campaign team members must declare themselves as such to the relevant member of Union staff and attend a mandatory briefing before campaigning can begin. If a Senior Campaign Team member is unable to attend a briefing without a genuine reason, the DRO reserves the right to remove them from the campaign team.
78. In the event of the legitimacy of a referendum being called into question, both sides will be invited to present evidence to the RO, who shall have decision making authority. The decision of the RO is final.

