

## **Bye-law 4: Elections and Referenda**

This Bye-Law sets out the procedure for the conduct of Elections and Referenda. For the avoidance of doubt, this procedure covers elections for the following positions:

- Officer Trustees as set out in Bye-Law 2;
- Student Trustees;
- Part Time officers as set out in Bye-Law 2; and
- NUS Conference Delegates (President to be automatically deemed elected and to be delegate leader)

### **1. Returning Officer**

- 1.1. The Student Council shall appoint an independent Returning Officer and Deputy Returning Officer to oversee free and fair elections and referenda at the Students' Union.

### **2. Elections Committee**

- 2.1. Not less than 14 days before an Election is due to be held or on the receipt of a petition for a referendum, there shall be a meeting of the Elections Committee, in which the Deputy Returning Officer (the Chair of Elections Committee) shall appoint no less than 3 Electoral Officers from the full-time Students' Union staff.
- 2.2. Elections Committee shall agree the dates, times of day of Voting, the hustings and the copy date of the publishing of manifestos in line with these bye-laws.
- 2.3. Dates shall be set with regard to term dates, Public holidays and major Union events e.g. RAG.
- 2.4. Each Electoral Officer shall be responsible for the conduct of the ballot as indicated by the Returning Officer.
- 2.5. The Deputy Returning Officer will, in conjunction with the Elections Committee, draft the "Supplementary Election Information" which will set out regulations governing the conduct of candidate's campaigns, husting arrangements, manifesto deadline, details of polling and any other regulations required to ensure the smooth running and fairness of the election process. This will be reviewed annually with the Returning Officer.
- 2.6. The Deputy Returning Officer will, at the Elections Committee meeting at which the Electoral Officers are appointed, issue each Electoral Officer with a copy of this Bye-law and instructions as to how the ballot will be conducted.

### **3. Publicity**

- 3.1. The Elections Committee shall arrange for publicising all elections and referendums on all sites of the University.

### **4. Hustings and the Media**

- 4.1. Hustings shall be held after the close of nominations.

- 4.2. The Deputy Returning Officer (or their nominee), in conjunction with the Elections Committee, shall be responsible for the organisation and conduct of hustings, and shall ensure that all candidates receive an equal opportunity to speak or all interested parties debate the question to be put to a referendum.
- 4.3. The Deputy Returning Officer (or their nominee), in conjunction with the Elections Committee, shall be responsible for advising the Union's media on coverage of the elections, but shall not have editorial control over the media. Union media shall treat coverage of the elections with due balance and fairness.

## **5. Voting**

- 5.1. Voting shall be carried out in Electronic Format.
- 5.2. Students who are unable to access the online ballot will be entitled to register a postal vote.

## **6. Complaints and Results**

- 6.1. Any complaint on the conduct of the election, referendum or of any violation of the Bye-laws shall be made in writing to the Deputy Returning Officer by close of voting. Any violation that comes to light after the close of voting will be dealt with in accordance with the election regulations.
- 6.2. If a complainant wishes to appeal a ruling made by the Deputy Returning Officer, this may be made in writing to the Returning Officer within 1 working day of receiving the Deputy Returning Officer's ruling.
- 6.3. Any candidate who is declared elected and against whom a complaint is lodged shall be deemed elected until a decision is made on the complaint.
- 6.4. All results of elections and referendums shall be reported by the next meeting of the Elections Committee. The Returning Officer and their nominees shall keep all papers pertaining to the election or referendum until this meeting, or for one calendar month or until the complaint is resolved, whichever is the longer period of time.

## **Elections**

### **7. Nominations**

- 7.1. Each candidate and three other ordinary members of the Union shall sign a nomination form.
- 7.2. No member of the Union shall sign more nomination papers than there are vacancies at the election, nor may sign a nomination paper for any election in which they are not entitled to vote.
- 7.3. Nominations for all elections shall close five working days before the ballot is due to take place
- 7.4. Any candidate may withdraw their nomination by informing the Elections Committee in writing before the commencement of voting.
- 7.5. Under no circumstances shall the Elections Committee and/or Returning Officer, prior to the close of nominations, reveal to any person details of any nomination received.

- 7.6. Candidates shall appear on the ballot paper in a randomised order. The forename and surname by which the candidate is commonly known shall be used. In the event of any doubt or dispute the forename and surname as shown on their registration certificate shall be used. The candidate may use up to an extra six words or initials in brackets as a description.
- 7.7. In addition to the successfully nominated candidates, the ballot shall also include 'Re-open Nominations'. 'Re-open Nominations' shall be treated as a candidate for each position.
- 7.8. Any member banned from the Students' Union for antisocial behaviour (including, but not limited to antisocial behaviour includes unacceptable behaviour; violence, aggression, verbal or physical abuse, vandalism) will not be permitted to run in any election or bye-election.
- 7.9. No member may stand for election having been previously disqualified from a Hertfordshire Students' Union election.
- 7.10.
- 7.11. No member may stand for election having previously had employment terminated by Hertfordshire Students' Union or the University of Hertfordshire or being subject to a live disciplinary warning from Hertfordshire Students' Union or the University of Hertfordshire.

## **8. Campaigning**

- 8.1. Candidates shall comply with the rules contained within the "Supplementary Election Information" in force at the time of the election.

## **9. Re open Nominations (RON) Campaign**

- 9.1. Any full member wishing to run a Re-open Nominations campaign against any post should register this with the General Manager within three days from the publication of the nominations. Only one Re-open Nominations campaign will be allowed for each post. If more than one full member registers to run a Re-open Nominations campaign against a post, the Deputy Returning Officer will call a meeting and instruct all these members to form a group to run the campaign.
- 9.2. Re-open Nominations will be treated like any other candidate and as such will have a campaign budget equal to the other candidates, and will fall under the same disciplinary actions as the other candidates

## **10. Winner withdrawal**

- 10.1. Where an Officer (either Full-time or Part-time) resigns or is deemed ineligible to take up their post following election, the Deputy Returning Officer (on behalf of the Returning Officer) shall, in accordance with section 11, be permitted to return to the original ballot and elect the candidate with the highest votes once the votes of the withdrawn winner have been re-distributed, following the appropriate vote counting protocol.
- 10.2. This must be conducted before the start of the academic year. If the winner withdraws following the start of the academic year, a Bye Election may take place in accordance with the Union's Bye-Laws.

- 10.3. If candidate with the highest votes (following re-distribution) no longer wishes to hold the Officer position, their votes will be further redistributed and the next candidate with the highest votes (following redistribution) shall be deemed elected.
- 10.4. If the candidate with the next highest votes also no longer wishes to hold the Officer position, a Bye Election may take place in accordance with the Union's Bye-Laws.

## **11. Counting Procedures**

- 11.1. Counting shall be by the Alternative Transferable Vote or Single Transferable Vote as appropriate, as defined by the Electoral Reform Society guidance.

## **Referenda**

### **12. Remit**

- 12.1. Any question, save those relating to private and confidential matters, employment matters or those for which alternative procedures are established in the Unions Articles of Governance or its Bye-Laws, may be put to a referendum, subject to the provision of paragraph 4 of this Bye Law.

### **13. Calling a Referendum**

- 13.1. Subject to the provisions of this Bye-Law, a referendum may be called in accordance with the Union's Memorandum and Articles of Association.

### **14. Petitioning for a Referendum**

- 14.1. A petition for a referendum should be made in writing to , the Chair of the Union's Board of Trustees or the General Manager.
- 14.2. In case of a petition, the signatories to the petition shall:
  - 14.2.1. Provide proof that they are a member of the Union; and
  - 14.2.2. Provide a contact name and address.
- 14.3. On receipt of a petition for a referendum, the President shall notify the Deputy Returning Officer, who shall take the necessary steps to organise the referendum.

### **15. Phrasing the Question**

- 15.1. Phrasing the question to be put to a referendum shall be the responsibility of the Deputy Returning Officer, who shall consult with the Trustee Board on the matter. The phrasing shall ensure that responses can be gauged by a "Yes/No" vote.

### **16. Referendum Campaigns**

- 16.1. The Union will fund up to £50 for each candidate to run their referendum campaign including room bookings. Use of Union facilities for referendum campaign activity shall be subject to the standard scale of charge(s) applicable.
- 16.2. The Deputy Returning Officer shall make a decision on the validity of the referendum campaign. The topic for referendum shall cover the generality of students (ultra-vires)

law). If the topic does not cover the generality of students then no funding will be given.

**17. Notification of the Outcome of a Referendum**

17.1. It shall be the responsibility of the Deputy Returning Officer to ensure that the outcome of the referendum is advertised to the Union's membership.

**18. Questions of a like nature**

18.1. No questions of like nature shall be put to a referendum within 12 (twelve) calendar months of a previous referendum.

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