

# **UPSU Governing Documents**

## **Elections Bye Law**

**October 2019**

## Approval Details

<b>Approved by</b>	Trustee Board	<b>Date</b>	October 2019
<b>Ratified by</b>	Union Council	<b>Date</b>	October 2019
<b>Ratified by</b>	SU UEG	<b>Date</b>	August 2019
<b>Review lead staff member</b>	Director of Communication and Digital		

## Reviewing this document

This document may be amended with the permission of the Board of Trustees, following pre-approval by Governance and Appointments Committee.

Union Council will then review any significant changes to this Bye-law prior to any such change taking effect in order to permit the Council the opportunity to provide feedback and raise any concerns in respect of any such change directly with the Union Chief Executive who will refer such feedback and concerns to the Board of Trustees for further consideration.

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## 1 Elections Rules

1.1 This Election Byelaw and accompanying Rules shall apply to all elections of UPSU

1.2 There shall be the following elections:

- Sabbatical Officers,
- Part Time Officers
- Liberation Part Time Officers
- Union Council Chair
- Accountability Board Chair
- School Representatives
- Senate Representatives

1.3 Dates of elections shall be decided by the Board of Trustees.

1.4 All terms of office shall be decided by the Board of Trustees.

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- 1.5 As per the 1994 Education Act no one shall hold sabbatical union office, or paid election union office for more than two years in total.
- 1.6 Once elected, new Sabbatical Officers shall engage in a handover period with the outgoing Sabbatical Officer. This will be before, or during the term of office, and it will provide the opportunity for Sabbatical Officers to learn about their role from their predecessor.
- 1.7 All other representatives shall be provided with a written handover document from their predecessor, where possible

## **2 Rights of Full Members**

- 2.1 All full members of the Union are eligible to stand for any position, with the exception of the election of
  - (i) Partner Institution Forum Representatives,
  - (ii) Senate Representatives, and
  - (iii) Liberation Forum Representatives.

These positions shall only be open to students within the following groups:

- (i) For Partner Institution Representatives: those students studying at Partner Institutions,
  - (ii) For Senate Representatives: those students who are within a Course or School Representative role
  - (iii) For Liberation Forum Representatives; those students who self-define as a member of the liberation group.
- 2.2 All full members of the Union have the right to information about the process of elections, the positions available, and the candidates standing in the elections.
  - 2.3 All full members of the Union have the right to vote by secret ballot in the elections.

## **3 Appointment of the Returning Officer**

- 3.1 The Returning Officer shall be appointed by the Board of Trustees
- 3.2 The Returning Officer shall be responsible for overseeing the good conduct, and administration of the elections. They shall be the sole arbiter in the interpretation of the election rules.
- 3.3 The Returning Officer shall be independent, and shall not be a full member of the Union.

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## 4 Powers of the Returning Officer

- 4.1 The Governance & Appointments Sub-Committee shall appoint a Deputy Returning Officer to ensure the administration, and promotion of the election. The Deputy Returning Officer shall draw up regulations for the conduct of candidates' campaigns and shall be instructed on further duties by the Returning Officer, and shall perform these in an impartial manner.
- 4.2 The Returning Officer may remove the Deputy Returning Officer if they are not carrying out the Returning Officer's instructions, or are not acting in an impartial manner.
- 4.3 The Returning Officer may seek legal advice if they believe that statements made or the contents of publicity could leave the Union open to legal action.
- 4.4 The Returning Officer can rule out of order any statement or the contents of any publicity which, in his or her view, is in breach of the Unions Memorandum and Articles of Association, Bye Laws, Election Rules, and Equal Opportunities Policy.
- 4.5 The Returning Officer is the sole official charged to deal with complaints about the conduct and administration of the election, however, they may delegate duties to the Deputy Returning Officer.
- 4.6 In determining a complaint, the Returning Officer, after hearing all the appropriate evidence may choose not to uphold the complaint. If, in the view of the Returning Officer the candidate(s), or anyone acting on their behalf, has breached the election rules, they may enforce a sanction appropriate to the transgression, this may include but is not limited to:
  - Removal of the candidate(s) name from the ballot paper for a specified period of time
  - Deduction of a specified number of votes
  - Halting the elections for specified post(s),
  - Disqualification of the specified candidate(s) from the election.
- 4.7 The ruling of the Returning Officer on any complaint shall be final. This is subject only to a successful challenge by a two thirds majority of an Emergency Meeting of the Union Council.
- 4.8 The Deputy Returning Officer shall draw up regulations for the conduct of candidates' campaigns. Any breach of these regulations could lead to disqualification.

## 5 Nominations

- 5.1 If members wish to run for a position then they must nominate themselves and provide a manifesto within the time period publicised by the Union.
- 5.2 The Deputy Returning Officer in charge of elections will be responsible for determining the validity of any submitted nomination
- 5.3 Once the Returning Officer is satisfied, all valid nominations will be published and confirmed as the candidates.

## 6 Voting

- 6.1 Voting in all elections shall be by secret ballot using the Alternative Vote (AV), or, in the case of roles with more than one positions the Single Transferable Vote (STV).
- 6.2 The Deputy Returning Officer shall make arrangements whereby provision is made for all full members of the Union to vote within the provisions set out in 2.1.
- 6.3 Voters shall be able to express preferences for as few or as many candidates in an election for a position in accordance with the guidelines for the elections
- 6.4 The ballots shall bear the name of the candidate and the office being contested. The order of candidates will be randomly generated. There will be a facility for voting to “re-open nominations” (RON).

## 7 The Count

- 7.1 Once voting polls close the Deputy Returning Officer shall shutdown the voting system, and conduct an electronic count.
- 7.2 The candidates’ appointed representatives may, if they so wish, witness the counting as observers only. Those observers will not be allowed to disclose the details of the vote until after the results have been publically released and presented to the membership of the Union. To ensure confidentiality the observer must remain with an appointed member of staff at all times and will not be able to use a phone or any other electronic communication device.
- 7.3 The count will commence once the Deputy Returning Officer is satisfied that all complaints relating to the conduct and administration of the election have been resolved. Complaints after the count has commenced may only relate to the conduct of the count.
- 7.4 The count will be conducted according to the rules laid down by the Electoral Reform Society for running elections by STV for single constituency elections.

- 7.5 In the event of a tied vote in any Union election, the candidate with the greatest number of first preferences shall be deemed to be elected. If required, comparisons shall be made at second, third preferences etc. until one candidate has a majority. Should all rounds result in a tie the outcome will be decided by the toss of a coin, as specified by the Electoral Reform Society.

## **8 Results**

- 8.1 Results of the elections shall be declared by the Lead Sabbatical Officer or the Deputy Returning Officer when the count for each post has been successfully completed.
- 8.2 A list of successful candidates will be posted online within one working day of the declaration of results.

## **9 Bye-Elections**

- 9.1 If any Sabbatical Officer or Non- Sabbatical Officer post falls vacant then the Board of Trustees will determine whether a bye-election shall be held.

## **10 Additional information**

- 10.1 This Bye-Law should be read in conjunction with UPSU Election rules and guidance for staff.

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**For further help and advice, please contact the Governance Team**

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