



**BRIGHTON**  
STUDENTS' UNION

# **Elections**

# **Policy**

BYE LAW of

**UNIVERSITY OF BRIGHTON**

**STUDENTS' UNION**

Passed by Trustee Board 17/1/2020

## 1. Introduction and Definitions

- 1.1. An election is a vote open to all full members of University of Brighton Students' Union (also referred to as 'Union' or 'BSU').
- 1.2. This policy sets out the base line requirements for the operation of all elections within the Union, including but not limited to Sabbatical Officer & NUS Delegate elections (also referred to as the Leadership Elections), Society Committee elections and Course Rep elections.
- 1.3. This Election Policy makes up the 'Election Rules' along with any guides, handbooks or information produced by the Union. Election candidates must conform to all other Union and University policies and procedures during election periods.
- 1.4. For the purpose of this policy, term time is defined using the University of Brighton standard term dates.
- 1.5. For the purpose of this policy, a By-election is an election that occurs outside of the normal elections period due to the resignation or removal of a Sabbatical Officer.

## 2. General Regulations for Elections

- 2.1. No member shall have more than one vote in each election.
- 2.2. Voting shall be by secret ballot following the rules approved by the Electoral Reform Society for:
  - 2.2.1. Alternative vote in single post election; and
  - 2.2.2. Single transferable vote in multiple post elections
- 2.3. Re-open nominations (R.O.N.) will be a choice in all elections.
- 2.4. When Re-Open Nominations wins, the post in question will remain vacant until a by-election is held.
- 2.5. When Re-Open Nominations is the winning candidate in a multi-seat election its surplus of votes shall be transferred to a new Re-Open Nomination candidate.
- 2.6. The overall responsibility for the conduct of elections belongs to the Trustee Board who shall nominate a Returning Officer and Deputy Returning Officer.
- 2.7. The Returning Officer or Deputy may convene a Steering Group made up of current staff and officers to assist in the planning and running of the election.
- 2.8. To protect the transparency of the election process, no current Officer who has the potential to stand for one of the Leadership Election post may make any decisions about Elections eg. Policy changes, complaints, member of steering group.
- 2.9. Should a Sabbatical Officer be removed or resign from their position during their term in office, the Trustee Board will have the authority to either order a by-election be held to appoint a successor or to distribute that Officer's duties amongst the rest of the Sabbatical Team until a new Officer is elected through the next election cycle.

2.10. By-elections shall follow the same rules as the Leadership Elections.

### **3. Returning Officer**

3.1. For the Leadership Elections the Returning Officer shall normally be an external professional supplied by the National Union of Students or another Students' Union and will ensure that these elections are conducted in accordance with this policy and any rules governing the conduct of campaigns.

3.1.1. Under no circumstances shall a Sabbatical Officer be the Returning Officer.

3.2. For Society Committee Elections and Course Rep Elections the Student Voice Manager shall be the Returning Officer.

3.3. The Deputy Returning Officer(s) shall be delegated operational responsibility for the organisation of the elections and shall be responsible for ensuring the suitable conduct of the Leadership Elections, subject to their decisions being approved by the Returning Officer, where appropriate.

3.4. The Deputy Returning Officer shall also be responsible for:

3.4.1. Ensuring all procedures governing elections are rigorously applied;

3.4.2. Producing a report on the results and conduct of the election to the following Trustee Board;

3.4.3. Notifying the student body of the outcome of the election;

3.4.4. Notifying the University of any irregularities and also that all elections have been carried out in accordance with the requirements of the 1994 Education Act, Schedules and Standing Orders.

### **4. Eligibility to Stand as a Candidate**

4.1. All Full Members are able to stand in the Student Leadership Elections for the Sabbatical Officer and NUS Delegate elections.

4.2. For any liberation posts, students must self-identify as a member of that liberation group prior to the election taking place. The Returning Officer will determine what constitutes a liberation post.

4.3. For the avoidance of doubt, Associate Members and Honorary Members cannot stand in an election.

4.4. Candidates may be disqualified if they are currently involved in or subject to any Union or University disciplinary procedures that would prevent them from fulfilling their role.

4.4.1. This will be at the Trustee Board discretion for Leadership Elections.

4.4.2. This will be at the Deputy Returning Officer's discretion for Society and Course Rep Elections.

4.5. For Sabbatical Officer Elections candidates must confirm before standing that they are eligible to be a Trustee, and therefore do not meet any of the Charity Commission's criteria for automatic disqualification for Trustees.

## 5. Elected Positions

5.1. The Trustees will determine which roles will be elected during each annual Election, other than the NUS Delegates which are stated in 5.2

5.2. NUS Delegates to NUS National Conference

5.2.1. The Sabbatical Officers shall act as the primary NUS delegates.. The only exception to this will be if all Officers self identify as male, and therefore breach the NUS equality rules on delegates. In this case, the Officers shall decide who attends, and remaining spaces shall be elected.

5.2.2. In accordance with NUS rules, the remaining spaces in the Union's delegation will be elected by cross campus ballot and will comply with any quotas set by NUS.

5.2.3. For all other NUS Conferences, the associated Officer shall act as the Union's Primary delegate.

5.3. Society Committee positions available will be determined annually by the Trustee Board. Elections for vacant posts through the year will be determined by the Student Activities Manager.

5.4. Course Reps elections will be decided by the Deputy Returning Officer, and may take place in person or online.

## 6. Timing of Elections

6.1. Elections will be held at times that which enable the largest possible number of members to vote. The Leadership Elections will normally take place in the second term.

6.2. The Deputy Returning Officer in consultation with other Union managers will publish a list of all key dates, including; deadlines associated with nominations, meetings with candidates, media publications, voting periods, announcing results and any other deadlines required for the effective administration of elections.

6.3. Times of online voting and in person ballot stations will be published to all students through all of the Union's communications channels.

## 7. Voting

7.1. Voting in the Leadership Elections will normally be a hybrid of online and in person voting. In all other elections voting will normally take place online only.

7.2. For hybrid voting should a person vote twice online and in person, both of their votes will be located and removed.

7.3. All Full Members are able to vote in the Leadership Elections for the Sabbatical Officer and NUS Delegate elections.

7.4. For any liberation positions, students must self-identify as a member of that group before voting in the election.

- 7.5. For Society Committee elections, only members of that society will be able to vote in their elections. They must have been a member prior to the close of nominations.
- 7.6. For Course Rep elections, only members of each cohort will be able to vote for their Course Rep.
- 7.7. The count for all elections will be conducted by the Deputy Returning Officer after the close of voting. Results will be published within 48 hours of the count.

## **8. Publicity & Expenses**

- 8.1. Any publicity created by candidates should not breach any of the Union's rules or regulations, name individuals in a derogatory manner or in any way bring the Union into disrepute.
- 8.2. The Deputy Returning Officer shall outline the rules around publicity expenses to each candidate prior to the election. The Deputy Returning Officer will create an equal system that will not prevent any potential candidate from standing, or receiving an unfair financial advantage.
- 8.3. Candidates are not able to use cheap goods or services from friends, family or other associates unless they are made available to all candidates in the election.
- 8.4. If applicable, expenses forms must be submitted before the close of voting.

## **9. Results**

- 9.1. The result shall be announced within 48 hours of the close of voting.
- 9.2. Candidates in the Student Leadership Elections will be able to send one observer to watch the count of ballot papers. Observers will be unable to leave the count until the results are announced.
- 9.3. Results will be published on the Students' Union website detailing the vote count at each stage.

## **10. Complaints**

- 10.1. Although every effort will be made to ensure a fair election, it is possible that a candidate or student may wish to complain. A complaint can be made on the following grounds:
  - 10.1.1. Misconduct of candidate
  - 10.1.2. Breach of election regulations
  - 10.1.3. Breach of Union or University regulations
  - 10.1.4. Illegal activity
- 10.2. The complaint should be put in writing to the Deputy Returning Officer as soon as the issue has arisen and must include clear evidence in order for the Deputy Returning Officer to be able to take action.

- 10.3. Any complaint about the conduct or administration of the election should be lodged before the start of the count. Any complaint received once the count is in progress or has been completed may refer only to the conduct of the count. Any exceptions to these are subject to the discretion of the Returning Officer.
  
- 10.4. The Deputy Returning Officer will respond to the complaint within two (2) working days of receipt and investigate in a manner that they deem appropriate. The Deputy Returning Officer will then produce a written report, which shall be published within ten (10) working days of the dated acknowledgement of the complaint. If there are difficulties with this i.e. not being able to complete the investigation thoroughly, the Deputy Returning Officer will inform the complainant and agree a suitable time with them.
  
- 10.5. The Deputy Returning Officer, after deliberating the evidence, may make the following decisions:
  - 10.5.1. To not uphold the complaint
  - 10.5.2. To uphold the complaint and take sanctions against an individual(s)
  - 10.5.3. To disqualify candidate(s)
  - 10.5.4. To suspend the election
  - 10.5.5. To order a new ballot / electronic vote
  - 10.5.6. To order a recount
  
- 10.6. Complaints raised by election officials or observers will be dealt with through the same process.
  
- 10.7. Complaints raised by candidates or students about election officials including the Deputy Returning Officer should be lodged immediately with the Returning Officer.
  
- 10.8. The complainant or accused may request an appeal of the decision by writing to the Returning Officer within 5 days of receiving the outcome.
  
- 10.9. Complaints about the Returning Officer shall be reported to Trustee Board.
  
- 10.10. The ruling of the Returning Officer on any complaint shall be final.
  
- 10.11. Appeals to the result of a declared election result can only be made through the complaints procedure as outlined above.
  
- 10.12. For the avoidance of doubt, no other Union democratic procedure, such as a referendum or general meeting can overrule an election result or reopen an election.