

# BYE LAW EIGHT: ELECTIONS, REFERENDA AND PETITIONS

## Introduction

*All Ordinary members have the opportunity to influence the policy, direction and leadership of the Union. Ordinary members have the opportunity to stand for and vote in elections for the leadership positions within the Union.*

*Ordinary members can set policy through participating in Annual General Meetings Better Staffs Forums Forum and Referenda.*

*Ordinary members can petition for policy matters to be considered by Referenda.*

### **1. Cross Campus elections shall be held for the following positions:**

- 1.1. Four Sabbatical Officer Trustees;
- 1.2. Seventeen Subject Representatives to sit on Student Representative Council
- 1.3. Committee members for student groups and Networks

### **2. Returning Officer**

- 2.1. There shall be an external and independent Returning Officer, approved annually by the Board of Trustees at their first meeting of each academic year usually a senior and experienced NUS staff member. All powers and responsibilities for the running of the Union elections shall be delegated to the Returning Officer and any decisions made by the Returning Officer shall be final.

### **3. Powers & Duties of Returning Officer or their nominee:**

- 3.1. To approve from the staff of the Union, such person(s) as required to act as Deputy Returning Officer(s), who shall carry out the duties that the Returning Officer empowers them to do.
- 3.2. To ensure that elections are carried out in a fair and democratic manner and conform with the constitution of the Union and all relevant legal requirements.
- 3.3. To submit an annual written report to the Board of Trustees which should include a summary and commentary on the election process for that particular year.
- 3.4. To investigate any infringement of election rules or complaints regarding candidate conduct. Any Complaints shall be made in writing to the Deputy Returning Officer. If they find that there has been an infringement they may:
  - Warn the candidate that any future infringement will result in a fine or disqualification; or
  - Fine the candidate from and up to the maximum of their publicity budget;
  - Disqualify the candidate only with the approval of the Returning Officer.
  - In the event of any dispute or difficulty the Deputy Returning Officer would consult with the Returning Officer before arriving at a decision
- 3.5. To set out detailed election arrangements, regulations and rules in line with the constitution and bye laws that ensure a fair and open process that encourages participation in the democratic process.
- 3.6. To agree an election timetable with the Students Union President by 31st August each year in line with the outline elections timetable.
- 3.7. To publicise and promote the elections to encourage participation in the democratic process, including posting of official notices.
- 3.8. To review literature and veto any literature that they deem to be offensive, defamatory towards other candidates or in breach of the Students' Unions equal opportunities policies.
- 3.9. To arrange candidate training and briefings.

3.10. To promote elections to the membership.

#### **4. Eligibility to Participate in elections**

- 4.1. All Ordinary members will be eligible to participate in Union elections.
- 4.2. Ordinary members will be able to:
  - Vote;
  - stand as a Candidate in elections;
- 4.3. Ordinary Members who have been salaried members of Union core staff in the last 5 years will be ineligible to stand for Officer Trustee Posts.
- 4.4. The voting procedure shall be in the form of a single transferable vote system (for single posts) and Alternative Transferable Vote (for multiple vacancy posts) as detailed by the Electoral Reform Society.
- 4.5. Referenda should be by a simple yes/no vote, though provision is made for presenting multiple choices including "none of the above" where appropriate.
- 4.6. Candidates shall be provided with training and briefing sessions arranged by the Returning Officer or their nominee. .
- 4.7. Ordinary members shall not be allowed to take up post for more than two positions during election.
  - 4.7a The position of Full Time Officer may only be held in isolation and not alongside other roles
  - 4.7b Ordinary Members may also take up post as both a Subject Representative and on a Student Group Committee but may not hold multiple posts on the same Committee.
  - 4.7c Roles will be assigned (i.e. elections will be counted) in the order defined below. Once elected, candidates will be excluded from further posts they would be unable to hold according to 4.7-4.7b
    - I. Full-Time Officer
    - II. Subject Representative
    - III. Representative Network Committee
    - IV. Student Group Committee
- 4.8. All candidates for Trustees posts shall sign a declaration confirming their eligibility to be a Trustee, failure to do so or subsequent disclosure of ineligibility to be a Trustee will result in their automatic removal from their Trustee post.
- 4.9. The candidate who receives the largest mandate will be offered the responsibility of assuming or delegating the position of President, following a conversation with the Officer-Elect team.

#### **5. Outline Election Timing**

- 5.1. Elections will be held in term 1 for any positions vacant or vacated since previous elections (bye-elections).
- 5.2. Elections will be held in term 2 for the following posts:
  - Sabbatical Officer Trustees of the Union;
  - Subject Representatives
  - Student groups and Network Committee Members.
- 5.3. Referenda and "preferenda" may be held at the same time.

#### **6. Bye-Elections and Occasional Vacancies**

- 6.1. Vacancies will be considered by the Returning Officer or their nominee and executive who will agree an appropriate course of action.

- 6.2. This may involve returning to the votes cast in an STV election to identify the next candidate with the highest preference of the voters, or conducting a bye-election.
- 6.3. The Returning Officer or their nominee shall set an election timetable, which enables the following activities.
  - Election timetable agreed by President and Returning Officer and published by 31<sup>st</sup> August each year
  - Promotion of the opportunities for standing for office
  - A Period of Nominations open and promoted, candidate training and briefing sessions arranged.
  - A period for Candidates to be confirmed & election materials prepared.
  - A period for the balloting of members (to be not less than 48 hours, nor more than 5 days)

## **7. NUS Representatives**

- 7.1. Full Time Officers will act as NUS Representatives, representing our students views nationally, year-round and at relevant conferences and events
- 7.2. Where any number or gender balance of conference or event attendees prescribed by NUS exceeds that available through the Full Time Officer Team, other representatives may be selected by Executive to attend.

## **8. Campaigning and Candidate Conduct and Rules**

- 8.1. Any Sabbatical Officer Trustees should be impartial during any election process.
- 8.2. Any Sabbatical Officer Trustee, who is standing in elections, shall take one week's leave coinciding with the campaigning and voting period.
- 8.3. All candidates will be required to provide a manifesto as defined in the Candidates' handbook to include their name, photograph and main aims.

## **9. General Provisions for Referenda**

- 9.1. A Referendum may be called on the presentation of a Secure Petition of 250 Ordinary Student Members.
- 9.2. A secure petition will be established by the Union in line with section 12 of this byelaw
- 9.3. A referenda may also be called by:
  - A majority resolution of the Trustees
  - a two-thirds majority vote of Students' Council;
- 9.4. A Referendum must be held not less than five working days and not more than 20 working days after the date of the request has been submitted to the appointed Union office (the deadline for petition signatures).
- 9.5. The business of an Extraordinary Referendum shall be restricted to the motion or business for which the referendum was called.
- 9.6. Motions for Referendum can be withdrawn only by the person proposing the motion, unless they are being withdrawn on specific legal advice in which case the Returning Officer or their nominee may withdraw the motion.

## **10. Requirements for Referenda Motions**

- 10.1. Motions proposed to Referenda must comply with the following Byelaws.
- 10.2. Individual motions should be no longer than 500 words in total length, including the title.
- 10.3. Motions must clearly state what the motion resolves for the Union. The title must reflect this. The title may be subject to change under rule 9.8 of this Byelaw.

- 10.4. Motions for Referenda must include, separately from the word count, the name and student numbers of a Proposer and a Secunder. Where the Proposer of a motion holds a position in the Union, their position may be stated.
- 10.5. Where appropriate, motions must clearly state any relevant changes proposed to Constitution or Byelaws either within the body of the motion or as supporting information.
- 10.6. No motion may be taken Referendum that concerns the allocation of resources to any current or future student activity group unless the business has first been to the Activities Executive and Students Representative Council. A student activity group is here taken to mean any group of self-organised students approved by the Union.
- 10.7. Motions may not deny any other groups or members rights or privileges as protected under constitution and the Byelaws. This includes the legal responsibilities of the University and Union stated in such working agreements as the Code of Practice on Freedom of Speech and Lawful Assembly.
- 10.8. Content of motions may be amended by the Returning Officer or their nominee prior to Referendum voting on the grounds of legality or unproven factual accuracy. Such an enforced amendment may be made at any time including after a Secure Petition.
- 10.9. No motion, business or question can be taken to either an Ordinary or Extraordinary Referendum more than once in the same academic year.
- 10.10. The Returning Officer or their nominee can decide whether a proposed motion is repetitive of motions submitted previously in the same academic year and therefore whether this rule applies.

## **11. Acceptance of Motions by the Returning Officer or their nominee**

- 11.1. The Returning Officer or their nominee is responsible for agreeing final motion titles and should ensure that the title accurately reflects the proposal contained within the motion
- 11.2. The Returning Officer or their nominee is advised to only block the passage of motions or amendments under the following criteria :
  - Where student safety may be put at risk.
  - Where the passage of the motion would endanger the future of the organisation due to breach of the law, undue financial risk or serious risk to the reputation of the organisation
  - Where the motion or amendment has no relevance to Students.
- 11.3. A member who has had a motion refused for any of the reasons outlined can appeal to the Board of Trustees, clearly setting out the reasons for the appeal.
- 11.4. The Board of Trustees will rule on whether the item should have been accepted, and any further action to be taken, and their decision will be final.

## **12. General Provisions for Secure Petitions**

- 12.1. Only a Secure Petition meeting all of the following rules will result in a motion being put to Referenda.
- 12.2. A Secure Petition may be requested by any Ordinary Member wishing to put a motion to Referenda.
- 12.3. A request for a Secure Petition for Referenda can be made at any point during term time.
- 12.4. A request for a Referenda Secure Petition must include a full copy of the proposed motion and names and student numbers of the members proposing and seconding the motion.
- 12.5. Requests for a Secure Petition should be made to Union Executive in writing.
- 12.6. The Union Executive will arrange for a secure petition to be available to the membership that permits each Union member the right to a single endorsement of the position.

- 12.7. This will be done by using a digital petition on the Union website or alternative digital service.
- 12.8. This should be promoted and accessible within 3 working days of the request.
- 12.9. A Secure Petition should be open for a maximum of one week / 5 working days, but may be closed sooner if the required number of signatories is reached.
- 12.10. Members wishing to sign the petition will have to verify their Student ID via the digital verification of the digital petition system.
- 12.11. Quorum for Secure Petitions for Referendum is 250 valid members' signatures.
- 12.12. At the Petition deadline, the Returning Officer or their nominee will confirm the total number of students who have signed the Petition.
- 12.13. Lobbying may take place to encourage people to sign the petition.

### **13. General Provisions for Referenda Campaigning, Debate and Voting**

- 13.1. The Returning Officer or their nominee will publish annual provisions for conduct of referenda in line with the constitution. These shall include:
- 13.2. Provision for campaigning rules and timetable consistent with the normal election processes
- 13.3. Provision for establishing a yes and no campaign and allocation of funding.
- 13.4. Provision of a Referenda debate meeting open to all ordinary members of the Students Union, establishment of standing orders and appointment of independent debate chair
- 13.5. Provision for Referendum voting to take the form of a secret cross campus ballot in which members are asked to vote either yes or no in answer to a clearly defined motion or motions.
- 13.6. Provision that Referendum voting shall last not less than one working day and no more than five working days.
- 13.7. That the quorum for a Referendum is 500 Ordinary Student Members per motion