

**ELECTIONS**

**REGULATIONS**

## **1. Introduction**

1.1 This document sets out the regulations for all elections in the Students' Union.

1.2 The Students' Union will hold elections that:

- are accessible to all Bath Spa Students' Union members
- are valid and secure
- nurture citizenship and increase participation in wider Students' Union activities
- are legal and conform to the Education Act 1994 and the Students' Union Members Code of Conduct

1.3 From time to time there will be a requirement to update these procedures.

1.4 The Elections Regulations form an appendix to the Constitution and, in the event of any conflict, the Constitution is the overriding document of authority.

## **2. Returning Officer and Elections Committee**

2.1 The Returning Officer will oversee the elections and ensure confidence in the validity and legality of the elections. They will be the final interpreter of the Elections Regulations.

2.2 The Returning Officer for Officer elections will be a National Union of Students staff member.

2.3 The Returning Officer for non-Officer elections will be the Chief Executive Officer or their nominee

2.4 An Elections Committee will assist the Returning Officer. The Elections Committee will:

- ensure that all candidates adhere to the Election Regulations and rules
- ensure that the elections are run in accordance with the Elections Regulations and investigate any irregularity
- establish rules and guidelines that add to and support the rules and principles set out included in these Elections Regulations
- consider complaints regarding the elections process or conduct of candidates or their campaigns teams
- Investigate and reprimand candidates who infringe the Elections Regulations.

2.5.1 The following people will be members of the committee for Officer and Representative elections:

- Chair: The President of the Students' Union or a Student or Officer Trustee who is not running in the elections. The Chair will have the casting vote.
- A nominee of the Vice-Chancellor.
- Two members of the Democracy and Scrutiny Committee who are not running in the elections.
- The Chief Executive Officer or a member of staff nominated by them.
- There will be an option to have up to two more student members on the Elections Committee.

- Clerk: A member of Students' Union staff appointed by the Chief Executive Officer. The Clerk will not have a vote in the committee.

#### 2.5.2 The following people will be members of the committee for Club and Society Committee elections

- Chair: The President of the Students' Union or a Student or Officer Trustee who is not running in the elections. The Chair will have the casting vote.
- The Chief Executive Officer or a member of staff nominated by them.
- There will be an option to have up to two more student members on the Elections Committee.
- Clerk: A member of Students' Union staff appointed by the Chief Executive Officer. The Clerk will not have a vote in the committee.

2.6 The Clerk will convene the Elections Committee.

2.7 Quorum for the Elections Committee is half its members plus one.

2.8 Members of the Elections Committee must not run in the elections or be part of a campaigns team.

2.9 A member of the Elections Committee can be removed by a vote of no confidence of the Elections Committee which will be a simple majority vote.

2.10 The member upon whom the vote of no confidence has been called has the right to defend themselves in front of the Committee and must be given 24 hours' notice.

2.11 If a vote of no confidence is passed against a member, they can appeal to the Returning Officer whose decision is final.

2.12 In the event that the Chair has a vote of no confidence called against them, the Clerk to the committee will notify the Returning Officer and the Returning Officer or the Chief Executive Officer will convene and chair interim committee meetings.

### **3. Elections Schedule**

3.1 Nominations will be open for a minimum of five working days, and will close no later than one working day before voting takes place.

3.2 Lists of candidates for election will be published no more than one working day after the close of nominations.

3.3 Voting shall take place over a minimum of three consecutive working days.

3.4 The outcome of the count for Officers shall be announced no sooner than 12 hours and no longer than two working days after the close of voting.

3.5 The outcome of the count for roles described in 9.2 shall be announced no sooner than 12 hours and no longer than five working days after the close of voting.

### **4. Nomination and Eligibility**

4.1 The Students' Union will publicise the dates that nominations open and close.

- 4.2 Candidates must be a student at Bath Spa University and a full member of the Students' Union at the time of the elections, and for non-sabbatical posts must be a student for the full term of office.
- 4.3 Candidates may not stand for or hold more than one elected Officer or Representative post. However, anyone may stand as NUS Conference Delegate or Student Trustee in addition to a Representative or Officer post or hold a course representative or club or society committee member simultaneously.
- 4.4 Candidates must nominate themselves by submitting an official nomination. The nomination must include their registered or preferred name used by with the University.
- 4.5 Officer candidates must produce a candidate statement or manifesto that will be made available to all voters by the Returning Officer or Elections Committee.
- 4.6 All candidates must confirm that they have read and will adhere to the Code of Conduct of Officers, Reps and Trustees and the Election Regulations for their nominations to be approved. Sabbatical Candidates must also complete a candidate declaration form confirming there is no impediment to them becoming a trustee.
- 4.7 Any candidate standing for an elected role who had a disciplinary action taken against them are eligible to run. However, this information will be made available to voters, though any details would be withheld (Ex. 'Disciplinary measure: a formal warning').

## **5. Campaigning**

- 5.1 All candidates and their campaign teams must comply with existing Students' Union and University rules and regulations as well as the law.
- 5.2 Candidates should not openly start campaigning before the end of the nominations period. Candidates can prepare materials, campaign teams and networks but must not publicly declare their candidacy.
- 5.3 The Elections Committee shall organise an opportunity for Students' Union members to question candidates for Students' Union Sabbatical Officer positions; absence can only be permitted by the Elections Committee.
- 5.4 The Elections Committee or Returning Officer will set an upper spending limit for campaigning and inform candidates how this will be monitored.
- 5.5 No candidate or campaigner is permitted use of any Students' Union materials or equipment or any Students' Union paid staff hours, other than those offered to all campaign teams by the Returning Officer.
- 5.6 Candidates and campaigners must not interfere in any way with other campaigns or campaign material.
- 5.7 Candidates and campaigners must not harass voters.
- 5.8 Candidates and campaigners must not knowingly mislead voters.

## **6. Voting**

- 6.1 Voting will take place by secret ballot open to all full members of the Students' Union eligible to vote.

- 6.2 Each student shall have one vote and shall not be allowed to vote on behalf of another student.
- 6.3 Voting shall use the single transferrable vote system and shall include re-open nominations as a candidate.
- 6.4 The Elections Committee shall arrange polling stations.
- 6.5 Voting shall take place online where possible.

## **7. Results and Counting of Votes**

- 7.1 The Returning Officer or their nominee shall supervise the count of votes.
- 7.2 At the conclusion of any Officer elections the Chair of the Elections Committee (or their nominee) must present a report to the Board of Trustees and the University's Board of Governors, confirming the results of the elections and that they have been conducted in a fair and proper manner.
- 7.3 In the event of a tie the candidate with the most first preference votes will be elected. Where a winner can still not be identified for non Sabbatical positions the outcome will be decided by a toss of a coin. For Sabbatical roles a by-election will be held.

## **8. Complaints Procedure**

- 8.1 All complaints must be submitted to the Clerk of the Elections Committee via email or in writing.
- 8.2 Complaints can be made if an individual candidate or one of their campaigners breaks Election Regulations or the elections are managed irregularly.
- 8.3 All complaints should be made as soon as possible and no later than 24 hours after the incident has occurred or the concern has been realised.
- 8.4 The absolute deadline for receiving complaints will be 12 hours after voting has closed.
- 8.5 The Elections Committee will investigate and consider a complaint that they have received and will endeavour to make a decision on the matter within 24 hours of a complaint being received.
- 8.6 For a complaint to be considered, clear evidence must be attached which warrants the Elections Committee or Returning Officer making a judgement.
- 8.7 Where the validity of a complaint cannot be clearly established, the Elections Committee should give all parties concerned the opportunity to present their case. This may be by email or in person but should not be allowed to unreasonably disrupt the timescale for decision making.
- 8.8 The Elections Committee has the authority to take any of the following actions;
  - No further action
  - Issue a warning to one or several candidates
  - Suspend a candidate or campaigner's rights to campaign via social media
  - Suspend a candidate or campaigner's rights to campaign in person
  - Remove campaigners from a candidate's campaigns team
  - Deduct votes from a candidate from their overall total

- To disqualify a candidate
- 8.9 The Elections Committee and/or the Returning Officer have the power to suspend elections or the announcement of results pending further enquiry into a complaint or irregularity.
- 8.10 A candidate or campaigner who has received a penalty or a complainant may appeal to the Returning Officer. Appeals must be made within 24 hours of receipt of the Election Committees decision.
- 8.11 The Returning Officer's decision shall be final.

## **9. Union Representatives**

- 9.1 There are a number of Union Representative posts that may not be elected by a cross-campus ballot.
- 9.2 Union Representative posts include, but are not limited to;
- Club and Society Committees who will be elected by members of the individual clubs.
  - Academic Reps who will be elected by members of the course or discipline they represent.
  - Representative groups within the membership, including but not limited to, liberation representatives. These representatives will be elected by members of those groups.
  - Leader(s) of Student Media groups will be elected by the membership.