

Newcastle University Students' Union

**STRATEGY AND GUIDANCE
DOCUMENT**

Annexe F

**ELECTION REGULATIONS AND
SCHEDULES**

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ELECTION REGULATIONS AND SCHEDULES

Election Regulations – Part of the Constitution of Newcastle University Students’ Union

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Election Schedules – Official Policy of Newcastle University Students’ Union

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General Provisions

1. The Election Regulations must be interpreted in a manner that ensures fairness in the conduct of all ballots or referenda.
2. In these Election Regulations the following definitions are used-
 - a. a **ballot** or **election** means a poll to fill the position of an Officer, Students' Union Councillor or other representative position in the Students' Union;
 - b. a **referendum** is a poll held to determine a specific question;
 - c. the **count** or **counting of votes** means the Junior Returning Officer receiving the result in the case of an electronic ballot, or the physical act of counting votes in the case of a paper ballot;
 - d. a **Returning Officer** refers to the Junior and/or Senior Returning Officers;
 - e. a **campaigner** is someone who would be reasonably thought to be acting on behalf of a candidate to further that candidate's prospects in a ballot;
 - f. a **decision of Students' Union Council**, or equivalent language, refers to a Motion of Students' Union Council passed by a simple majority.
3. Regulations that apply to ballots will apply to referenda where applicable unless explicitly noted otherwise.
4. Schedules to these Election Regulations may be amended by decision of Students' Union Council and are considered Policy of the Students' Union.
5. Where a vacancy arises in the position of an Officer, the following procedure will be used:
 - a. In the Autumn or Spring terms, an election will be held as soon as possible, or
 - b. In the Summer term, Students' Union Council will co-opt a student member to fill the vacancy for the remainder of the term of office.

Returning Officers and Election Officials

The Senior Returning Officer

6. Students' Union Council will elect a Senior Returning Officer at its Joint Meeting.
7. The Senior Returning Officer must be one or more of the following-
 - a. a member of the University senior academic or administrative staff;
 - b. an employee or returning officer of the National Union of Students;
 - c. an employee of Newcastle City Council;
 - d. any other person who is independent of the staff, officers and student members of the Students' Union.
8. A person elected to the position of Senior Returning Officer will serve for one year but will be eligible for re-election.
9. If the person elected as the Senior Returning Officer is temporarily unable to discharge their duties, Students' Union Council will elect another eligible person to deputise. This person will be treated to all intents and purposes as the Senior Returning Officer until such a time as the original appointee may resume their duties.
10. The Senior Returning Officer is responsible for ensuring that all ballots and referenda are conducted –
 - a. in a fair, open and impartial manner, and
 - b. in accordance with these Election Regulations and the Constitution.
11. The Senior Returning Officer will hear all appeals or challenges to the decisions or actions of the Junior Returning Officer. The Senior Returning Officer's decision in this regard will be final.

The Junior Returning Officer

12. Operations Group will appoint a Junior Returning Officer.
13. The Junior Returning Officer will be a permanent position of the Students' Union staff, or a position held by an existing staff member of the Students' Union.
14. The decisions of the Junior Returning Officer with regard to elections may be overturned only by the Senior Returning Officer. Directions with regard to specific elections may only be given to the Junior Returning Officer by the Senior Returning Officer.
15. If the person appointed as the Junior Returning Officer is temporarily unable to discharge their duties, Operations Group will appoint another eligible person to deputise. This person will be treated to all intents and purposes as the Junior Returning Officer until such a time as the original appointee may resume their duties.
16. The Junior Returning Officer is the primary administrator of a ballot or referendum and is responsible for the successful organisation and conduct of a ballot or referendum.
17. The Junior Returning Officer will have power to:
 - a. issue rulings on the interpretation of these Election Regulations,
 - b. appoint and dismiss from their position at any time Election Officials,
 - c. issue guidelines to govern the conduct of a ballot or referendum,
 - d. rule out of order publicity which is in breach of these Election Regulations,
 - e. give directions to candidates, campaigners and individuals with respect to ballots,
 - f. issue disciplinary action to candidates, campaigners or other individuals for committing Election Offences,
 - g. order recounts,
 - h. annul a ballot and order a new ballot in its place.
18. Guidelines issued by the Junior Returning Officer will be subject to these Election Regulations and the Schedules.
19. The Junior Returning Officer will report to Students' Union Council after each ballot the results of the count and any recommendations for changes to elections practices, including amendments to these Election Regulations or the Schedules.
20. Students' Union Council (by Formal Motion of No Confidence) or the Trustees may remove a Returning Officer or an Election Official from their position for breach of their duties.

Nominations and Job Shares

Nomination forms

21. The Junior Returning Officer will make a secure on-line nomination forms available to candidates.
22. To be eligible for nomination, all candidates must be student members of the Students' Union for the entirety of their term in office, with the exception of the Sabbatical Officers.
23. By submitting electronically their nomination form, a candidate affirms that they are –
 - a. eligible to stand for election,
 - b. willing and able to take up office and serve for the period prescribed by the Constitution, and
 - c. in acceptance of the terms and conditions of service currently in force in the case of nominations for Sabbatical positions.

Restrictions on Nominations

24. To be eligible for nomination to a Sabbatical position, a candidate must have signed a Trustee Responsibility Form with the Students' Union and must have submitted this to the Junior Returning Officer with their nomination form and relevant proof of identity.
25. Students must self-identify as belonging to the relevant liberation group for the following roles, as per the job description for each role:
 - International Students' Officer (who must also be registered as an international student)
 - Marginalised Genders Officer
 - LGBT+ Officer
 - Racial Equality Officer
 - Students with Disabilities Officer
 - Parent, Guardian and Carers Officer
 - Faith or Belief Officer

Job Shares

26. It is acceptable for two separately nominated student members to be jointly elected as a Job Share to a single Officer position, except that –
 - a. no Sabbatical Officer will be jointly elected;
 - b. no joint nomination will be valid for Chair of Students' Union Council;
 - c. no joint nomination will be valid for Scrutiny Officer.
27. The following items will be observed in respect of Job Shares in addition to the other restrictions on nominations –
 - a. Nomination forms for joint election must separately specify the names and student numbers of each and every person standing for election;
 - b. a joint nomination will be treated to for the purpose of a ballot as if they were a single candidate.

Nominations Procedure

28. As a condition of their candidacy, all prospective candidates must attend a training session organised by the Junior Returning Officer.
29. If a prospective candidate wishes to withdraw their nomination, they must do so by writing to the Junior Returning Officer before the commencement of voting.
30. If no nominations are received for a position by the deadline, the Junior Returning Officer may –
 - a. extend the deadline for nominations, or
 - b. postpone the ballot to a later date, including a time in a different term.

Publicity and Campaigning

Allowances

31. The Junior Returning Officer will ensure that all candidates receive an allowance for expenditure on publicity and campaigning.
32. Students' Union Council will determine from time to time the amount of the allowances, provided that –
 - a. the allowance for unopposed candidates will be no more than half as much as for opposed candidates, and
 - b. in the case of a job share, the amount allowed for publicity will be the same as if there were only one candidate standing.
33. Candidates may not spend more on their campaign than the allowance given to them. The expenditure of campaigners will count towards a candidate's allowance.

34. Items donated to a candidate's campaign, gifts received and publicity used, must be given a monetary value that is reasonable.
35. Candidates will submit to the Junior Returning Officer by a deadline before the opening of votes a detailed statement of their expenditure.
36. The Junior Returning Officer may compel candidates to provide documentary evidence of their claim after voting has closed.
37. The Junior Returning Officer will refund candidates within a reasonable time the amount stipulated on their claims form.

Publicity

38. All candidates must submit a manifesto to the Junior Returning Officer accompanying their nomination form. Students' Union Council will determine the specification of all manifestos.
39. The Junior Returning Officer will ensure that no manifesto is out of order.
40. The following procedure will be used in respect of publicity used by candidates –
 - a. candidates will submit to the Junior Returning Officer by a specified deadline the designs for the publicity they intend to use in their campaign;
 - b. the Junior Returning Officer will ensure that no publicity is out of order;
 - c. the Junior Returning Officer will return to candidates for modification any out of order publicity;
 - d. once satisfied, the Junior Returning Officer will authorise the publication of the candidates' publicity for use in the campaign.
 - e. Candidates will be restricted to a maximum of 1000 paper flyers and 50 printed posters.
41. Publicity that is out of order is that which –
 - a. refers to a candidate contesting a different position, or
 - b. makes personal statements about the conduct or character of a candidate, or
 - c. is factually incorrect or defamatory.
42. The use of emails or social networking sites will be considered word of mouth communication and candidates will be free to make use of them as they see fit, with the exception that candidates may not make use of:
 - a. official University mailing lists or NUSU mailing lists, nor may they break any of the rules of usage set out in the Newcastle University IT Service rules of use and guidelines.
 - b. Promoted posts on social media, which carry a cost, must be declared in your non-printed publicity forms and be within your elections allowance.
 - c. official University or Students' Union social networking pages.
43. Candidates may make use of Club or Society mailing lists, provided that –
 - a. any election email must be approved in advance by either the President, Secretary or Treasurer of the Club or Society;
 - b. any election email must be sent on behalf of the candidate by either the President, Secretary or Treasurer of the Club or Society.
44. Students' Union Council may make further provisions for the regulation of publicity, and set them in Schedules to these Election Regulations.

Election Campaigns

45. Candidates are permitted to organise teams of campaigners to assist their election campaign.
46. Candidates are responsible for the actions of their campaigners, and Election Offences committed by a campaigner may result in disciplinary action being taken against a candidate.

Question Time

47. For all ballots, the Junior Returning Officer will ensure at least one session of Question Time is held. These are optional for referenda.

Voting and Counting

Voting Regulations

48. A cross-campus ballot will only be valid if voting is open for at least eight hours.
49. Voting will be by secret ballot.
50. The Junior Returning Officer will decide whether to hold a ballot by electronic ballot, paper ballot, or a combination of the two methods.
51. The opportunity to re-open nominations will appear on all ballots. To all intents and purposes this option will be treated as a candidate.
52. The opportunity to abstain will be included in all ballots.

Counting Regulations

53. Votes will be counted by the Single Transferable Vote system for all elections, as set out by the Electoral Reform Society of Great Britain and Ireland in 1997.
54. The following procedure will be used for counting paper ballots –
 - a. the Junior Returning Officer will conduct the counting of votes;
 - b. the Senior Returning Officer may observe the count to ensure fairness;
 - c. candidates may send nominees to observe the count;
 - d. any person observing the count is bound to follow the instructions of the Returning Officers;
 - e. the Junior Returning Officer will ask the Senior Returning Officer to certify the result of the ballot.
55. The following procedure will be used for counting electronic ballots –
 - a. the count will be conducted through software;
 - b. the Junior Returning Officer will examine the counting process to ensure no tampering has occurred and will then collect the result;
 - c. the Junior Returning Officer will ask the Senior Returning Officer to certify the result of the ballot.
 - d. the Senior Returning Officer may oversee the counting process to ensure fairness;
 - e. candidates may send nominees to observe the count;
 - f. detailed breakdown reports of the count will be made available to candidates upon request.
56. If the option to re-open nominations is elected, the following procedure will be used –
 - a. in the case of a single vacancy held under the Alternative Vote, the vacancy will be declared unfilled;
 - b. in the case of a multiple vacancy held under the Single Transferable Vote, any surplus votes will be transferred between positions as if multiple re-open nominations options had been offered, and the number of vacancies equal to the number of re-open nominations options elected will be declared unfilled;
 - c. a new ballot will be held at a date decided by the Junior Returning Officer to contest the unfilled positions.
57. The Junior Returning Officer will announce the results of the ballot at the earliest opportunity after the counting of votes.

58. The Junior Returning Officer will publish at the earliest opportunity after the counting of votes a notice of the total votes cast in the ballot with the votes cast and re-allocated at each stage of the count, and the stage at which each candidate was elected or eliminated.

Complaints, Appeals and Challenges

59. Complaints against the conduct of a candidate, a campaigner or another individual may be filed with the Junior Returning Officer at any point in the ballot until 2 hours after the close of voting. The Junior Returning Officer will rule upon the complaint in line with these Election Regulations.
60. The Junior Returning Officer may take action if an Election Offence is brought to his or her attention through other means.
61. An appeal against a decision of the Junior Returning Officer must be submitted with the Senior Returning Officer before a deadline decided upon by the Senior Returning Officer.
62. The Junior Returning Officer will not conduct the count if there are any complaints or appeals outstanding which have not been ruled upon.
63. A challenge to the conduct of the running of elections, including the behaviour or actions of the Junior Returning Officer or Election Officials, may be filed with the Senior Returning Officer at any point in the ballot until 2 hours after the close of voting.
64. A challenge to the conduct of the count may be filed with the Senior Returning Officer within one week of the announcement of the result.

Election Offences

65. Students' Union Council may determine prohibited election practices as Election Offences in the Schedules to these Election Regulations.
66. An Election Offence will constitute an offence for the purpose of Section A1 of the Disciplinary Proceedings.
67. The Junior Returning Officer, subject to decision on appeal by the Senior Returning Officer, will have absolute discretion to determine whether a candidate, campaigner or other individual is guilty of an election offence.
68. The Returning Officers may issue the following disciplinary action (in order of severity) in response to a guilty verdict of an Election Offence –
- a. official written warning or caution;
 - b. reduction of the refund for campaign expenditure;
 - c. disqualification from the ballot;
 - d. referral to Disciplinary Committee for further consideration.
69. In weighing the action to take in light of an Election Offence, the Returning Officers must have regard to –
- a. the seriousness of the Offence,
 - b. the intentions of the individual, and
 - c. any previous convictions for Election Offences held by the individual.
70. The Junior Returning Officer will keep a record of all convictions for Election Offences and any disciplinary action issued in light of them for a period of at least three years.
71. Students' Union Council may determine fixed, minimum or maximum disciplinary action for Election Offences, and set them in the Schedules to these Election Regulations. The Returning Officers are bound to abide by these directions.

Referenda

72. A referendum may be called by –
- a. a General Meeting by a 2/3 majority vote
 - b. the Trustee Board by a 2/3 majority vote,

- c. Students' Union Council by 2/3rd majority vote,
 - d. a signed petition of at least 300 current student members delivered to the President; or
 - e. following a failure to approve ongoing affiliations at Students' Union Council;
 - f. in the case of an appeal of the dismissal of an Officer or Students' Union Councillor, at the appellants' request.
73. Referenda may –
- a. determine a specific issue of policy, and over-rule Students' Union Council or a General Meeting;
 - b. affiliate the Students' Union to an external organisation;
 - c. pass a motion of no confidence in an Officer, Trustee or other elected representative.
74. A referendum will be conducted in all aspects as if it were a ballot except that –
- a. notice of the referendum must be given at least 10 days in advance of the opening of voting;
 - b. if the referendum is to determine the dismissal of a student representative in a Department, only the students of that department are entitled to vote;
 - c. if the referendum is to determine the dismissal of a hall representative, only the students of that hall are entitled to vote;
 - d. unless multiple choices are requested, the ballot papers will provide only the options “yes” and “no”, and the count will be conducted by the simple plurality system.
 - e. in the case of an all student referendum it will only be binding if turnout is equal to or more than 5% of the total student population of Newcastle University.
75. A referendum to determine the dismissal of an Officer or Students' Union Councillor will be held in accordance with the following procedure –
- a. the appellant will send their request to the Junior Returning Officer;
 - b. the Junior Returning Officer will permit the appellant to make a statement in support of their reinstatement and will permit another to make a statement explaining the reason for the dismissal;
 - c. the ballot paper will contain the title of the post from which the appellant has been dismissed, a statement explaining why the referendum is being held and whether the voter has confidence in the appellant.
76. A referendum may not normally be conducted on the same subject matter, or very similar subject matter, more than once in a calendar year unless approved by the Trustee Board in exceptional circumstances.

Appendix

Referendum Campaigning

77. In a referendum to decide a policy question, or to overrule Students' Union Council or a General Meeting, the following provisions will apply:
- a. Identical rules will apply to any publicity or to any campaign teams as if the referendum were an election;
 - b. Students may apply to the Junior Returning Officer to sit on the 'Yes' or 'No' campaign teams (or more if policy is being decided by Alternative Vote);
 - c. The Junior Returning Officer will provide an allowance to the campaign teams, which must be used and declared in the same manner as for an election;
 - d. Each campaign team will appoint a Campaign Manager who will be responsible for managing the allowance and declaring receipts, and who will be responsible for the conduct of the campaign team, in the same manner as a candidate in an election;
 - e. Every Campaign Manager must attend training to be allowed to participate in the referendum.
78. In a referendum to determine the dismissal of an Officer or elected representative, or to have no confidence in an elected representative, no publicity will be permitted except for:
- a. a statement by the elected representative, and
 - b. a statement by another person to make the case against the representative.
79. The Junior Returning Officer will have absolute discretion to decide who may or may not sit on a campaign team or take the official statement against an elected representative.

SCHEDULES

Schedule 1 – Terms for Elections

1. The following positions will be elected in Semester 1 –
 - a. Delegates to the Conference of the National Union of Students

2. The following positions will be elected in Semester 2 –
 - a. President
 - b. Education Officer
 - c. Activities Officer
 - d. Athletic Union Officer
 - e. Editor of the Courier
 - f. Welfare and Equality Officer
 - g. Chair of Students' Union Council
 - h. Scrutiny Officer
 - i. Marginalised Genders Officer
 - j. International Students Officer
 - k. LGBT+ Officer
 - l. Racial Equality Officer
 - m. Students with Disabilities Officer
 - n. Student Parents, Guardians and Carers Officer
 - o. Students with Faith or Belief Officer

3. Should any of the PTO positions listed in Section 2 (g. to o.) not be filled then students may nominate themselves in the lead up to a sitting of Students' Union Council. Each candidate will produce a full manifesto to be presented at that sitting of Council and to be made available online. A portion of the Council sitting will be used as husting for the candidates. An online cross-campus ballot shall be opened at the close of Council. Campaigning will not be compulsory however candidates may campaign if they so wish.

Schedule 2 – Allowances for Publicity and Campaigning

4. The allowance for opposed Sabbatical positions is set as £100.
5. The allowance for opposed Part-Time positions is set as £50.
6. The allowance for unopposed Sabbatical positions is set as £25.
7. The allowance for unopposed Part-Time positions is set as £25.
8. For referenda to determine policy, campaign teams will be entitled to an allowance of £100, to be split equally between the campaign teams.

Schedule 3 – Publicity Rules and Manifesto Specification

9. Candidates will submit a manifesto to *The Courier* of 200 words. They will also submit an on-line manifesto of up to 500 words which may include the use of images, videos or any other content which may be reasonably included in a NUSU web page."

Schedule 4 – Prohibited Election Practices

Bribery

10. A person is guilty of an Election Offence if they are guilty of bribery.
11. A person is guilty of bribery if they directly or indirectly give a bribe to –
 - a. a voter to influence them to vote, not vote or abstain from voting in any manner;

- b. a person to affect in any way the fair, open and impartial conduct of a ballot or election of a candidate.
- 12. A person is guilty of bribery if they directly or indirectly receive a bribe.
- 13. A bribe is any gift and may constitute (but is not limited to) money, a job, food, entertainment, goods or services.
- 14. The giving of a bribe extends to any agreement, promise, offer, loan or contract whether written or verbal and whether explicit or implied.
- 15. Food or drink incidentally offered to a voter or other person while speaking with a candidate or campaigner is not bribery.

False statement

- 16. A person is guilty of an Election Offence if, for the purpose of affecting the election of any candidate, they knowingly publish a statement –
 - a. of the false withdrawal of a candidate, or
 - b. relating to the personal conduct or character of a candidate.

False nomination form

- 17. A candidate is guilty of an Election Offence if they knowingly publish on their nomination form –
 - a. false contact details,
 - b. false information of their university status,
- 18. A candidate is guilty of an Election Offence if they sign that they are eligible for election when they know this is false.

Defacement

- 19. A person is guilty of an Election Offence if they are guilty of defacement.
- 20. A person is guilty of defacement if they destroy, alter or interfere with the publicity or manifesto of a candidate.

Publication of unauthorised publicity

- 21. A candidate or campaigner is guilty of an Election Offence if they publish unauthorised publicity.
- 22. Unauthorised publicity is that which has not been approved in advance by the Junior Returning Officer.

Exceeding allowances

- 23. A candidate is guilty of an Election Offence if the total documented expenditure of their campaign is greater than the allowance permitted.

Slate Campaigning

- 24. A candidate is guilty of an Election Offence if they campaign as part of an election slate.
- 25. Slate campaigning includes, but is not limited to -
 - a. referring to a candidate standing for election to a different position to their own, in printed publicity,
 - b. sharing or pooling resources declared to the Junior Returning Officer as election expenses with other candidates or campaigners'

Voting Fraud

- 26. A person is guilty of an Election Offence if they commit voting fraud.
- 27. A person commits voting fraud if they:
 - a. vote (or attempt to vote) by impersonating another person,
 - b. vote (or attempt to vote) more than once, or
 - c. interfere (or attempt to interfere) with votes which have already been cast.
- 28. In the case of an electronic ballot, voting fraud includes the use of another person's university log-in details without their immediate supervision and consent.
- 29. In the case of a paper ballot, voting fraud includes the following practices:
 - a. Pretending to be another person in order to cast their vote,
 - b. Applying for a ballot paper more than once, or lying about whether they have already voted,

- c. Creating forged ballot papers.
- 30. A person commits voting fraud if they attempt to campaign in areas which:
 - a. have been explicitly designated as areas in which campaigning is prohibited by the Junior Returning Officer.
- 31. Election candidates are banned from providing voters with any facility to vote on.

Schedule 5 – Mandatory Penalties for Election Offences

Abuse of position, bribery, undue influence, voting fraud, false nomination form

- 32. If a person is found guilty of these election offences by the Junior Returning Officer, after the Junior Returning Officer has issued any appropriate disciplinary action, the case will be sent to Disciplinary Committee to consider whether additional sanctions are required, including suspension of membership.