

Part 9: Schedule 5

The Rules for the Conduct of Elections

This section is taken from the University of Portsmouth Students' Union Constitution and is provided as a reference for the entire rules governing elections. The entire Constitution can be found on the Union's website – www.upsu.net – under the 'democracy' link.

1 Sabbatical and other elected officers

- 1.1 The Sabbatical Officers and other officers of the Union shall be elected in accordance with the Memorandum L Articles of Association and these Regulations.
- 1.2 The election for Sabbatical Officers shall be prior to Easter in the University academic year.
- 1.3 Nominations for candidature in any Union elections shall only be accepted on behalf of students who are full members of the Union.
- 1.4 The term of office for both Sabbatical and non-sabbatical Officers shall be for a 12 month period commencing on 1st August and terminating on 31st July.
- 1.5 Members of the Union shall not be eligible to hold sabbatical office for more than two terms.

2 Returning officer

- 2.1 The Trustees shall annually appoint a person to serve as Returning Officer.
- 2.2 The Returning Officer shall at all times act in a manner which is independent of the electoral contest and to serve this purpose the Trustees shall not appoint a member of the Union to serve as Returning Officer save that the Trustees may appoint a member of the staff of the University who is an Associate Member of the Union.
- 2.3 The Returning Officer shall be accountable for the good conduct of elections and for ensuring that elections are conducted in accordance with the rules detailed in this schedule.
- 2.4 The Returning Officer shall have sole and absolute discretion in interpreting the rules for the conduct of elections.
- 2.5 The Returning Officer shall ensure that the Trustees shall have resolved the level of election fee which shall be payable by every candidate in an election and the publicity allowance that shall be made available to every candidate standing in an election.

- 2.6 The Returning Officer shall appoint a Deputy Returning Officer and such other Election Officials as the Returning Officer shall see fit in order to assist in the conduct of elections.
- 2.7 The appointment of such Election Officials shall be at the sole discretion of the Returning Officer save that the Returning Officer shall not appoint as an Election Official any person who is either a candidate, or the proposer, seconder or assentor of a candidate in an election in which they are to serve as an Election Official.

3 Election officials

- 3.1 The Deputy Returning Officer shall deputise for the Returning Officer at the discretion of the Returning Officer. Election officials shall assist in the conduct of elections in such manner as shall be designated by the Returning Officer.
- 3.2 A list of Election Officials shall be published by the Returning Officer no less than 48 hours prior to the commencement of polling. Candidates shall have the right to object to up to two Election Officials. Where an objection is received by the Returning Officer then that Election Official shall be relieved of their duties and the Returning Officer shall appoint an alternative person to serve as an Election Official should the Returning Officer deem that to be appropriate.
- 3.3 Election Officials shall not urge, solicit or display support/dissension as to the candidature of any person contesting an election in which they are to serve as an Election Official.
- 3.4 Should a complaint be received that an Election Official has failed to comply with the above requirement then the Returning Officer may at their sole and absolute discretion relieve that Election Official of their duties and may disqualify a candidate or candidates if the Returning Officer concludes that the electoral contest has been prejudiced.
- 3.5 Election Officials shall be required by the Returning Officer to sign a declaration to the effect that they shall act in accordance with the requirements of the rules for the conduct of elections.
- 3.6 Where an Election Official is a full member of the Union they may only register their vote in the election at a time when they are not on duty.

4 Notice of election

- 4.1 The notice calling an election shall be issued by the Returning Officer not less than 15 working days prior to the date for the close of nominations.
- 4.2 The notice shall contain the following information:
 - (i) the position for which nominations are invited;
 - (ii) the date on which nominations shall open;

- (iii) the date and time when nominations shall close, which shall be not less than 10 working days prior to the opening of the ballot;
- (iv) details of the constituency of Union members who are eligible to participate in the election;
- (v) details of where nomination papers may be collected and, subsequently, submitted and to whom enquiries should be directed;
- (vi) the dates, times and place of hustings;
- (vii) the location and times of opening of the polling stations;
- (viii) such other information as the Returning Officer may deem necessary.

4.3 The Returning Officer shall ensure that a minimum of five notices of election shall be posted at Students' Union premises.

5 The process of nomination

5.1 Nominations shall only be accepted by way of the completion of the official nomination forms as issued by the Returning Officer. Such forms shall be made available for collection from the time of the opening of nominations from the Copy Shop at the Students' Union and the Students' Union website.

5.2 When completing the nomination form candidates shall take due note that their nomination shall be deemed invalid by the Returning Officer should they present themselves as a candidate for more than one post in the same election, or should the nomination form cite as a proposer, seconder or assentor a person who signs the nomination form of another candidate for the same post. In the case of elections for multiple posts, nominations shall be deemed invalid by the Returning Officer should they cite as a proposer, seconder or assentor a person who signs more nomination forms than the number of vacancies for which nominations have been sought. The Returning Officer shall also deem a nomination invalid which cites as a proposer, seconder or assentor a person who holds sabbatical office in the Union at the time of close of nominations.

5.3 Nominations shall only be accepted by the Returning Officer where the nomination form has been fully completed such that it states: the names, course, Union Card number, and signatures of the candidate, the proposer, the seconder and six assentors all of whom shall be full members of the Union. For the nomination to be accepted the nomination form shall be accompanied by one passport sized photograph of the candidate, one copy of the candidate's manifesto, a completed candidate's profile and payment for the election fee. In the case of candidature for sabbatical office the nomination shall also be accompanied by a copy of the statement of the duties of sabbatical office bearing the signature of the candidate as confirmation of their acceptance to undertake those duties should they be elected.

- 5.4 Nomination forms shall be handed in person to the Returning Officer or the Deputy Returning Officer by 1800 hours on the day designated for the close of nominations. On receipt of nominations the Returning Officer or the Deputy Returning Officer shall check that the nomination complies with the requirements as listed above in which event the Returning Officer or Deputy Returning Officer shall declare that the nomination is valid.
- 5.5 Where a nomination is received the Returning Officer or Deputy Returning Officer shall issue a receipt which shall state the name of the person nominated, the post for which they are a candidate, and the time and date on which the nomination was received.
- 5.6 The Returning Officer or Deputy Returning Officer shall publish a valid nomination list no later than two working days after the close of nominations.

6 Publicity

- 6.1 The Returning Officer shall ensure that the following procedures and rules shall be applied with regards to the generation and circulation of election publicity:
 - 6.1.1 Candidates shall not permit the distribution of any publicity in support of their candidature prior to the time designated for the close of nomination;
 - 6.1.2 All publicity to be used by candidates shall be produced in the Copy Shop in the Student Centre. The Returning Officer shall disqualify a candidate who in the opinion of the Returning Officer is in breach of this rule;
 - 6.1.3 Publicity, nomination forms, manifestos and ballot papers shall be produced so as to be colour coded by position. Manifestos of all candidates shall be printed to an identical format to be determined by the Returning Officer;
 - 6.1.5 The Returning Officer shall ensure that each item of publicity shall bear the official Union stamp prior to the issue of publicity to candidates. All original artwork shall be retained in the Union until after the declaration of the result of the election.
 - 6.1.5 The Trustees shall annually determine the publicity allowance available to each candidate. In the event of a candidate exceeding the designated publicity allowance the Returning Officer shall at their sole discretion resolve whether such candidates shall be disqualified from the election.
 - 6.1.6 Publicity may be collected by candidates against signature at a place and time announced by the Returning Officer at the Candidate's Meeting.

6.1.7 At the Candidate's Meeting the Returning Officer shall advise all candidates of the following conditions which will be enforced in terms of the production and siting of publicity material:

- (a) Publicity material shall not be sited on fire doors or in any other location which may affect the safe operation of premises, nor on ceilings, bare walls or windows, nor in toilet areas, nor such so as to be visible from a polling station, nor in a manner likely to cause damage to Union or University property;
- (b) Publicity shall only be sited on notice boards designated by the Returning Officer for such purpose and shall only be affixed by the use of drawing pins, staples or blu tac. Such notice boards shall include ones sited in the Union premises and Union notice boards in University departments;
- (c) Candidates or their supporters shall not remove or deface the publicity of another candidate in the election;
- (d) It shall be the responsibility of the candidate to ensure that their supporters comply with the above regulations;
- (e) In the event of a candidate failing to comply with these conditions the Returning Officer shall at their sole discretion resolve whether such candidate shall be disqualified from the election;
- (f) If in the view of the Returning Officer publicity artwork submitted to the Union for production contains references which could be perceived as libellous then the Returning Officer shall at their sole discretion instruct that the offending references shall be excluded from the material prior to reproduction.

7 Hustings

7.1 The Returning Officer shall issue a timetable for hustings. The timetable shall provide that hustings shall be held at the Students' Union. For elections of Sabbatical Officers hustings will be scheduled into sets, with no one set consisting of more than four posts.

7.2 The Returning Officer shall at the Candidate's Meeting advise that all candidates shall be required to attend the hustings for the post for which they are a candidate. Should a candidate be unable to attend hustings they shall inform the Returning Officer in writing not less than 24 hours prior to the hustings as to their reason for non- attendance. The Returning Officer shall have sole and absolute discretion as to whether to accept the reason stated for non-attendance. Where a candidate fails to attend hustings without reason

acceptable to the Returning Officer then the Returning Officer shall disqualify such candidate from the election.

- 7.3 The Returning Officer shall appoint a person to Chair hustings who shall conduct hustings in accordance with the following procedure:
- 7.3.1 The Chair of hustings shall in the first hustings for each post invite speeches in alphabetical order by candidate surname. In the second hustings for each post the Chair of hustings shall invite speeches in reverse alphabetical order by candidate surname;
 - 7.3.2 The Chair of hustings shall allow the proposer of each candidate to make a proposal speech of no more than two minutes duration and each candidate a speech of no more than four minutes duration.
 - 7.3.3 After the completion of speeches by the proposers and candidates the Chair shall invite questions from the floor;
 - 7.3.4 The Chair shall allow a maximum of 10 questions. The Chair shall only allow questions which invite a response from all candidates for a particular post;
 - 7.3.5 The Chair shall disallow a question which makes reference to an employed member of staff of the Union or which in the view of the Chair could be perceived as slanderous;
 - 7.3.6 The Chair shall invite responses from the candidates such that each candidate responds to each question in rotating order.

8 Voting

- 8.1 The election shall be conducted as a cross campus ballot by the system of Alternative Transferable Vote which for the avoidance of doubt shall operate in accordance with the procedures as recommended by the Electoral Reform Society of Great Britain and Ireland.
- 8.2 Polling shall be conducted on those days as designated in the notice of election. The duration of polling shall be no less than one and no more than four and a half days. A day shall for these purposes be construed as a period of no less than eight hours and a half day as a period of no less than three hours in a time span of 24 hours.
- 8.3 After close of nominations the Returning Officer shall supervise the production of ballot paper books. The ballot paper for each post shall display the name of each candidate listed alphabetically by surname concluding with the option of Re-open Nominations. (The alphabet shall be deemed to commence with a letter randomly drawn by the Returning Officer). The books of ballot papers shall be produced so as to allow for the retention of a perforated stub. Each ballot paper shall carry a reference number. Ballot papers shall be produced so that they are numbered sequentially.

- 8.4 Ballot paper stubs shall be so printed as to allow for the entry of the voter's Union card number.
- 8.5 Once printed the Returning Officer shall sign for the receipt of the ballot paper books, shall make a record of the books in number sequence order and shall ensure their safe custody.
- 8.6 The Returning Officer shall number, secure and seal all ballot boxes prior to their distribution and shall record against signatures the total number of ballot boxes distributed and the number of each ballot box and its location.
- 8.7 The Returning Officer shall arrange for polling station assistants who shall, on rota, staff the polling stations at all times when the polling stations are open.
- 8.8 The Returning Officer shall ensure that at the commencement of each polling period:
 - (i) the polling station assistant signs for the numbered ballot box at their station and the sequentially numbered book of ballot papers on which votes are to be recorded;
 - (ii) the polling station has on display a notice explaining the voting system to be used;
 - (iii) the polling station has copies of every candidate's manifesto which shall be made available to any voter so requesting.
- 8.9 The Returning Officer shall ensure that Polling Station Assistants shall conduct polling such that:
 - (i) ballot papers are only issued to persons with a valid Union full membership card;
 - (ii) prior to issue each ballot paper is stamped with the official Union stamp;
 - (iii) the Union card of each voter is appropriately marked so as to clearly indicate that a vote has been recorded in the election for which a ballot paper has been issued.
- 8.10 The Returning Officer shall ensure that each Polling Station Assistant signs on and off the Polling Station rota list and on that list records the number of ballot papers issued during their period of duty.
- 8.11 On each occasion that the poll is closed the Returning Officer shall ensure that all ballot boxes are returned secure and sealed and that the ballot boxes are safely stored until being re-issued for the commencement of the next period of polling.
- 8.12 On each occasion that the poll is closed the Returning Officer shall ensure that all ballot paper books are returned and that they are securely stored in a separate location to that of the ballot boxes.

9 Postal votes

- 9.1 Members may apply for a postal vote should they be unable to attend a polling station during their times of opening.
- 9.1 Application for postal votes shall be made in writing to the Returning Officer such that the application is received by the Returning Officer not less than seven days prior to the close of polling. The Returning Officer shall only issue a postal ballot form against receipt of a full member's Union card.

10 The election count

- 10.1 At the close of the polls the Returning Officer shall ensure the return of all ballot boxes and shall verify that all the ballot boxes are accounted for and are correctly numbered, secured and sealed.
- 10.2 The Returning Officer shall also ensure that all issued books of ballot papers are returned. The Returning Officer shall prior to the commencement of the count verify the total number of ballot papers issued for each post.
- 10.3 The Returning Officer shall prior to the count have organised a team of counters who shall be persons who in the view of the Returning Officer have played no active part in the electoral contest.
- 10.4 The Returning Officer shall invite candidates to each appoint one scrutineer to attend the count.
- 10.5 The Returning Officer shall ensure that the only persons in attendance at the count shall be, in addition to the Returning Officer, the persons appointed as counters, such Election Officials as the Returning Officer deems appropriate, and the scrutineers nominated by candidates.
- 10.6 The Returning Officer shall ensure that no person leaves or enters the room designated for the count whilst the count for a post is in process.
- 10.7 Once the count for a particular post has been completed the Returning Officer shall reconcile the total number of votes recorded against the record of ballot papers issued. In the event of a discrepancy the Returning Officer shall have sole and absolute discretion as to whether such discrepancy could materially have affected the result. In such event the Returning Officer shall take such action as s/he deems appropriate which may include a declaration that the election for that post is void.
- 10.8 Once the count has been completed for all posts in an election the Returning Officer shall produce over his or her signature the declaration of the results for each post. The Returning Officer shall declare the result of an election within three days of the close of poll.

11 Restrictions on campaigning

- 11.1 Where a current Sabbatical Officer is a candidate in an election then the Returning Officer shall ensure that such Sabbatical Officer shall record as annual leave any period of time during the working day which they are involved in conducting their election campaign.
- 11.2 Where a candidate for election holds temporary employment with the Union then the Returning Officer shall ensure that such candidates shall not conduct their election campaign during any time when they are contracted to work for the Union nor in any way support their campaign by reference to their employed position in the Union.
- 11.3 The Returning Officer shall ensure that at the Candidate's Meeting all candidates are apprised of the provisions of the Student/Staff Protocol Agreement. Candidates shall be advised that under no circumstances are they to attempt to illicit support for their campaign from any employed member of staff of the Union and that in the event of any member of the employed staff exhibiting partiality in an election such member of staff shall be subject to disciplinary action.

12 By-election

In the event of elected position becoming vacant during an academic year the decision whether to hold a by-election shall be that of the Trustees or the General Meeting.

13 Conditions applying to elected candidates

Where a candidate who has been declared elected as a Sabbatical Officer has to that date been employed as a temporary member of staff in the Union such officer-elect shall resign their employment with the Union with immediate effect and shall not again seek such employment with the Union until the completion of their term of office.