

Chapter 14

ELECTION BYE-LAWS

AA. All cross-campus ballots shall be conducted by secret ballot, the procedure and arrangements to be approved by an Officer of the University, fully taking into consideration for accessibility of any such elections to all members, regardless of orientation, origin or disability.

A: Elections Bodies and Responsible Officers

Returning Officer

- A1. The trustees shall appoint the Returning Officer, who shall not be a sabbatical officer or employee of the Union. In the first instance the trustees shall apply for an external returning officer. If this is not possible, for any reason the trustees shall decide upon a suitable person who shall be a full member of KUSU.
- A2. The Returning Officer shall not in any way show a preference for any candidate, and should declare such an interest if it will interfere with the election so a substitution can be made.

Powers of the Returning Officer

- A3. The Returning Officer shall be responsible for the observation of these regulations and shall have the power either to suspend the election or declare a nomination invalid should these regulations be contravened.
- A4. The Returning Officer shall have the power to suspend or disqualify a candidate or group of candidates from an Election or declare an Election void in the interest of the good conduct and fair administration of the Election.
- A5. The Returning Officer may appoint a Deputy Returning Officer and other officials to ensure the good administration and promotion of the Election in agreement with the Board of Trustees. The Deputy Returning Officer and Election officials shall be instructed by the Returning Officer on their duties and shall perform these in an impartial manner.
- A6. The Returning Officer may remove Election officials who are not carrying out the Returning Officer's instructions or acting in an impartial manner.
- A7. The Returning Officer shall not designate a Sabbatical Officer to carry out his/her duties.
- A8. Subject to A9, the ruling of the Returning Officer on the conduct of the campaign and execution of the Election and/or Referenda shall be final.
- A9. The Elections Forum may review the decision of a Returning Officer and may (in exceptional circumstances) overturn their decision by a formal vote achieving a majority of all voting members of the Elections Forum (not just those present at a meeting) if the consequence of any decision of the Returning Officer is deemed to fall outside of the scope and authority of these regulations.
- A10. The Returning Officer shall publish any additional rules that are not provided for within these regulations in the candidate information pack which must be made available to candidates in accordance with C1.

Elections Forum

- A11. There shall be an Elections Forum that shall consist of:

- (a) The Constitutional Affairs Secretary, who shall be Chair of the Forum,
 - (b) The Chair of the Student Council, who shall be Vice-chair of the Forum,
 - (c) The General Secretary,
 - (d) Four full members of KUSU, who shall be elected from the floor of any quorate UGM or Student Council preceding the opening of nominations.
 - (e) The Returning Officer and Deputy Returning Officer, who shall act in an advisory capacity and have no voting rights.
- A12. Quorum for the Elections Forum shall be four voting members AND either the Chair of the Forum, the Returning Officer or the Deputy Returning Officer.
- A13. All members of the Elections Forum shall show the same neutrality towards candidates that is expected of the Returning Officer.
- A14. In the event of any member of the Elections Forum being unable to fulfil their position, for whatever reason, a replacement shall be elected from the floor of any quorate UGM or Student Council.

B: Election Timetable

- B1. The following timetable should be followed in the spring semester for all elections to KUSU Offices as defined by Chapter 7, Sections B01, C01 and C04 and election of any student trustees as defined by Clauses 41-44 of the Constitution:
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|--------|-----------------------------|---|
| Week 2 | Wednesday 9am | Nominations open |
| Week 3 | Thursday 5pm | Nominations close |
| | Friday 5pm | Publicity hand in deadline for candidates |
| Week 4 | Thursday 9am | Publicity collection for candidates |
| Week 6 | Monday 9am | Polling opens |
| | Wednesday 5pm | Polling closes |
| | Wednesday before the count | Election Appeals Meeting |
| | Wednesday after the appeals | Count |
| | Wednesday night | Declaration |
| | Thursday | Election Review Meeting |
- B2. Should the above timetable be unworkable because of factors outside of the Returning Officer's control, the Student Council shall have authority to resolve as much, and by simple majority permit the Returning Officer to:
- (a) move the election forwards by a whole number of weeks, or,
 - (b) arrange the election according to the by-election rules of Section K.

C: Nominations

- C1. An Election Information Pack must be available before nominations open. The pack shall contain a copy of the description of the role of each position available in the election, a nomination form, an election timetable, a copy of the election rules and regulations and information on the facilities the Union will make available to each candidate.
- C2. Full members of the Union, as defined in the KUSU constitution, can stand for Election and shall be considered for nomination provided that a nomination form, with the candidates name, student number and consent to standing

- signed by the candidate are received by the Returning Officer or their representative by close of nominations.
- C3. The Returning Officer shall have the sole responsibility of declaring a submitted nomination form valid. When the Returning Officer is satisfied, all valid nominations will be confirmed with the candidates.
 - C4. Candidates may not stand for more than one post in any single election cycle, with the exception that candidates may be simultaneously elected to KUSU office and elected a NUS Delegate.
 - C5. In all elections there will always be one further candidate, namely "Re-Open Nominations". Thus in the event of there being only one candidate for one of these posts, the election shall continue as normal with the candidate running against "Re-Open Nominations".
 - C6. In the event of no nominations being received for any position, the election for that position shall be postponed and re-scheduled by the Returning Officer at the earliest convenience. Elections postponed in this way shall be conducted according to the by-election rules.
 - C7. In the event of no nominations being received for an election re-scheduled under C6, the Returning Officer shall immediately declare the post open to application. The post shall be filled by the first full member of KUSU who makes an application to the Returning Officer in person.
 - C8. Members that are validly nominated shall be deemed candidates at the time that the Returning Officer publishes the list of nominations.
 - C9. No candidate may withdraw his/her nomination and candidature for a post later than 5pm on the last calendar day before polling for that post. Notice of withdrawal must be submitted in writing to the Returning Officer and signed by the candidate.

D: Candidates' Publicity

General Provisions

- D1. Publicity shall be defined as any material that can be used by a candidate in an attempt to gain a vote.
- D2. Candidates shall not be permitted the use of any publicity whatsoever except as provided for by these regulations. Use of prohibited publicity shall incur the disqualification of the candidate(s) responsible. The Returning Officer shall be responsible for executing this disqualification, if satisfied that the candidate is responsible.
- D3. All election publicity must clearly indicate the position the candidate is standing for and the name of the candidate. Candidates shall have free say in how their name should appear, as long as it is consistent and not defamatory or obscene.
- D4. All printed publicity originals must be submitted to the Returning Officer by the prescribed deadline; candidates failing to do so will be deemed to have forfeited their entitlement to publicity. The Returning Officer should ensure that publicity is printed by the prescribed date and time; all publicity shall be released simultaneously to all candidates at that time.
- D5. No election publicity shall contain any direct or indirect reference to any other candidate in any election for any post being held at the same time.
- D6. It is prohibited for any person to publicise a "Re-Open Nominations" campaign in order to stand should the nominations actually re-open. Such an action will

lead to the disqualification by the Returning Officer of that person from the following election.

- D7. The Returning Officer shall have discretion to make necessary alterations and/or deletions to rectify minor breaches of these regulations in order to preserve a flyer, poster or news-sheet entry and publish it. This under no circumstances must change the substance or meaning of the flyer, poster or news-sheet entry and the candidate must be made aware of the change(s).
- D8. Every candidate in an election shall be allowed publicity on the official KUSU website, the nature of this publicity shall be at the Returning Officer's discretion.
- D9. The Returning Officer shall have the power to determine how the various student media outlets (e.g. Radio, Magazine, Newspaper) on campus are used by candidates in the election. Should the use of these outlets be permitted by the Returning Officer, it must be ensured that they are equally accessible to all candidates.
- D10. Candidates must observe the University Statutes, Ordinances and Regulations.
- D11. The Returning Officer, in agreement with the trustees, shall determine the publicity budget for candidates in the election. The candidate's budget will be provided by KUSU.
- D12. All printing will be provided by KUSU. The cost of this printing will be deducted from the candidate's budget.
- D13. Candidates wishing to purchase additional materials must provide receipts of all campaign expenditure before the close of poll.
- D14. Publicity materials must not be obtained through special relationships with suppliers.
- D15. The use of electronic material other than what has already been outlined in these regulations shall be determined by the Returning Officer and published in the Election Information Pack.
- D16. The Returning Officer shall be authorised to allow the replacement of posters which have been defaced or removed, provided that he/she is satisfied that the candidate concerned has no connection with the defacement or removal. Replacement posters shall be identical to the original.

E: Manifestos

- E1. All candidates for Union Committee elections shall be required to provide a manifesto. Failure to do so will result in disqualification of the candidate. A manifesto shall not exceed 2 sheets of standard A4 in size. All manifestos shall be handed to the Returning Officer by the prescribed deadline.
- E2. The Returning Officer shall have discretion to make necessary alterations and/or deletions to rectify minor breaches of these regulations in order to preserve a manifesto and publish it. This under no circumstances must change the substance or meaning of the manifesto and the candidate must be made aware of the change(s).

F: Canvassing

- F1. Canvassing shall be defined as any attempt to gain a vote by methods beyond normal social interaction.

- F2. The use of KUBE, the KUSU News-Sheet, or other KUSU publications for canvassing is forbidden: student journalists connected with an official KUSU organisation or publication may, however, interview candidates for publishing or broadcasting purposes. Such journalists shall be prohibited from publishing or broadcasting reports biased towards any candidate or candidates, or prejudicial to the fair operation of the election. The Elections Forum shall have authority to impose measures as it sees fit in order to correct bias or prejudice. The Returning Officer shall be responsible for bringing offending KUSU organisations into line, and where necessary shall propose sanctions to Student Council or UGM.
- F3. Any candidate who is a contributor to KUBE, other KUSU publications, or the KUSU website must sign a declaration that they will not use these opportunities to canvass during the nomination and election cycle.
- F4. Tannoys, megaphones and other special equipment for the purpose of canvassing or publicity are forbidden. Use of the campus telephone system in order to canvass is forbidden. The use of microphones however is allowed in lecture halls. The use of social networking and other websites will be at the discretion of the Returning Officer. Any specific rulings to these matters will be further defined in the candidate Election Information Pack
- F5. Candidates may enlist assistants, or a campaign team, for canvassing purposes.
- F6. Any person enlisted by a candidate to assist them in distributing publicity or canvassing shall be bound by these regulations as if they were the candidate himself/herself. Candidates will be held entirely responsible for the action of any helper or assistant. It is the absolute responsibility of candidates to ensure that helpers are aware of, and abide by, election regulations.

G: Hustings

- G1. Hustings shall be held for all elections for voting Union Committee posts, Sabbatical and non-Sabbatical. Hustings may be held for other posts at the Returning Officer's discretion.
- G2. It shall be the Returning Officer's responsibility to organise hustings. At his/her discretion, separate hustings may be held for sabbatical and non-sabbatical positions.
- G3. Hustings shall be chaired by the Returning Officer or their nominee.
- G4. Candidates failing to attend hustings are expected to absent themselves with good reason to the Returning Officer. Those failing to absent themselves with good reason shall be deemed withdrawn from the election.
- G5. Hustings must be open for all members of KUSU to attend free of charge.

H: The Ballot

Ballot papers

- H1. The Returning Officer shall select at random the order of the names of the candidates that shall appear on the ballot papers. The process of selection at random shall be determined by the Returning Officer and conducted in the presence of two full members of KUSU. Candidates shall be permitted to attend.

- H2. In the case of “Re-Open Nominations” being required on the ballot paper, it shall always appear last.
- H3. The Returning Officer shall ensure that ballot papers are identical in appearance and order.

Restrictions on candidates on polling days

- H4. On polling days candidates may not canvass in the Union.
- H5. On polling days, candidates are permitted up to four helpers at any one time, who shall be registered with the Returning Officer and shall be subject to the same regulations as the candidates. Candidates and assistants must not obstruct access to the Union or other university buildings. No candidate or assistant shall commit intimidation to influence the result of an election.
- H6. The Returning Officer will determine obstructions and intimidation. In the case of either, the Returning Officer shall have discretion to disqualify the candidate(s) concerned.

Voting

- H7. Voting shall be by the Single Transferable Vote scheme (STV) as prescribed for in the Electoral Reform Society guidelines.
- H8. No elector shall vote more than once and no elector shall be allowed to vote in proxy for another elector.

The count

- H9. The count shall be supervised by the Returning Officer.
- H10. Subject to good order, the count shall be open to all members of KUSU.
- H11. Any candidate, independent observer, or Returning Officer may request a recount within twenty-four hours of the close of the count.
- H12. The Returning Officer shall retain all available count information for a period of three months from the last date of polling. Any member of KUSU may request the anonymised ballots during this time.
- H13. In elections where more than one candidate can be elected, if at any stage of the count “re-open nominations” candidate gains the required number of votes to be elected, it shall be deemed to have been elected and any surplus and any further votes, transferred to a further “re-open nominations” candidate. This stage shall be repeated as often as required. The returning officer shall declare unfilled the number of vacancies equal to the number of “re-open nominations” candidates deemed to have been elected, if any.

The declaration

- H14. Election results shall be declared by the Returning Officer or his/her nominees within reasonable time after the count has been completed.
- H15. Should “Re-Open Nominations” win, nominations shall be re-opened for election to be held as soon as possible at a time to be determined by the Returning Officer.

Electronic voting

- H16. Any electronic voting system must comply with the requirements of:
- (a) The Education Act 1994
 - (b) University regulations
 - (c) These election bye-laws including, but not limited to, bye-laws on ballot secrecy and fairness.
- H17. All KUSU elections shall be held using electronic voting. Paper ballots will only be used in emergency circumstances when the use of electronic voting is not available for reasons beyond KUSU’s control.

- H18. No electronic voting system may be employed by KUSU, unless ratified in advance of the opening of nominations by the Constitutional Affairs Committee.
- H19. Electronic voting forms, and electronic vote data, shall be considered "ballot papers" for the purposes of these election bye-laws.
- H20. Tampering with an electronic voting system, attempting to gain unauthorised entry to an electronic voting system, telling by electronic means, and the obtaining of indicative or interim results are forbidden. Subject to H21 below, no person shall access an electronic voting system between the initial opening of polls and the final close of polls, except to exercise their own vote. In the event of any such access, an election shall be null and void.
- H21. The Returning Officer may access an electronic ballot system at any time, for the purposes of:
- (a) Verifying the integrity of the ballot
 - (b) Performing maintenance on the software
 - (c) Correcting public information (candidate names, manifestos, and other data not relating to the ballot) The Returning Officer may not, for any purpose, at any time before the final close of polls, access data relating to the ballots of any voter, or collection of voters.
- H22. No candidate may knowingly approach a voter in the course of casting a vote.

I: Elections Forum Procedure

Poll Review Meeting

- I1. The Elections Forum will meet after the close of poll but before the count. I2. This meeting will consider any outstanding complaints and appeals under these regulations. If the Forum decides that any problem has affected the election then the following resolutions will be open to it:
- (a) Reprimand one or more candidates but allow the count to begin unhindered.
 - (b) Disqualify one or more candidates for breach of the Election Bye-Laws. In this case the count shall proceed normally; all votes for disqualified candidates will be transferred to the electors' next preferences according to the counting rules.
 - (c) In extreme circumstances, where the result of the poll could be adversely affected, declare the election invalid and reschedule it according to these regulations. In this case, the Forum must either:
 - (i) Restart the election from the opening of polls, with the exclusion of one or more disqualified candidates.Or;
 - (ii) Restart the election from the opening of nominations, with one or more disqualified former candidates prohibited from nomination.

Count Review Meeting

- I3. The Elections Forum will meet within 48 hours after the close of count. At this meeting they will consider any complaints regarding the count. If the Forum upholds any complaint then they have the power to call a recount. I4. The Count Review Meeting shall review the whole election process and the Forum

shall consider the recommendation of any necessary or desirable changes to the election procedure to the next UGM.

Appeal Meetings

- I4. The Elections Forum will meet upon receipt of an appeal against a decision of the Returning Officer at any time from the open of nominations until the close of polling.
- I5. The Forum has the power to overturn decisions made by the Returning Officer.

Extraordinary Meetings

- I6. The Returning Officer may at any time summon the Elections Forum for the purpose of consultation.
- I7. The Chair of the Elections Forum may call an extraordinary meeting at any time during an election from the open of nominations to the close of polls for the purpose of conducting business he or she considers too urgent to wait until the next scheduled meeting.

J: Election Discipline, Complaints and Appeals

- J1. In order to ensure the fair and equitable running of the election, the Returning Officer has discretionary power to apply any reasonable penalty to candidates breaking these election regulations, except where regulations stipulate automatic disqualification.
- J2. Any full member of KUSU can complain in writing about the conduct of the election or the conduct of any of the candidates or their campaign team and should address these complaints to the Returning Officer.
- J3. If a complainant or any other full member of KUSU is dissatisfied with the Returning Officer's actions or decisions:
 - (a) in response to a complaint made under J2,
 - (b) in the exercise of his/her powers as Returning Officer,then the complainant shall have right of appeal to the Elections Forum. Appeals may be made in writing to any member of the Forum, who must then notify the Chair, who will convene an appellate meeting of the Forum at the earliest opportunity.

K: By-elections

- K1. By-elections shall be conducted under the election regulations insofar as they apply.
- K2. In the event of a By-Election, the following timetable rules shall apply. The Returning Officer shall determine the actual dates.
 - (a) The period between the open of nominations and the close of nominations shall be no less than two complete calendar days.
 - (b) The period between the close of nominations and the open of polls shall be no less than three complete calendar days.
 - (c) The period between the open of polls and the close of polls shall be not more than three complete calendar days.
 - (d) Polls shall be open for not less than fifteen hours in total.
 - (e) Polling dates and hours must be ratified in advance of the by-election by quorate Student Council or UGM.

- (f) Polling dates and hours must be published in advance of the opening of nominations.
- K3. By-Elections may not be held during university vacation periods.
- K4. On receiving notice of the resignation or removal of an Elected Officer of KUSU, the Returning Officer shall, within a reasonable period declare a by-election for the post.
- K5. If notice of a resignation or removal is received within the last five weeks of the Spring Semester, a by-election will only be held in the case of resignation or removal of a Sabbatical Officer-elect.

L: Election of NUS Delegates

- L1. Election of NUS Delegates shall be conducted under the election regulations insofar as they apply.
- L2. Election of NUS Delegates shall happen in the first term.

M: Election of the General Secretary, Constitutional Affairs Secretary and Chair of Student Council

- M1. Elections to the positions of General Secretary, Constitutional Affairs Secretary and the Chair of Student Council shall be conducted under the election regulations insofar as they apply.

N: Election from specific cohorts.

- N1. Positions that are elected from within their specific cohorts may be elected by paper ballot where this is more practicable. This must be agreed upon by the board of trustees.