



ELECTION RULES

Spring 2022

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INTRODUCTION

WHAT ARE THE ELECTIONS?

Elections are a process where students have the opportunity to stand for positions within the Students' Union, with the aim of representing the views of students to the relevant bodies. They happen throughout the academic year, and Students are able to vote in the election for their preferred representatives.

To do this we're student-driven, led by democratically elected positions, and supported by over 30 full-time staff. We have elections to ensure that those people representing the views of students are the people you as students feel best to represent you. They also allow us to have a student leadership team to take a lead on projects and campaigns, ensuring your issues are being acted upon effectively.

WHEN DO ELECTIONS HAPPEN?

Elections happen throughout the Academic year:

- In Spring we elect our Full-time Officers, Executive Committee, Liberation Officers and also Club and Society Committees
- In Autumn we elect our Student Assembly members and any roles that were not filled in the previous elections.

We may also have the need to run the occasional by-election when a post has not been filled, or has been vacated. Where possible we will run these as part of an existing election, although we may occasionally have to run a separate by-election.

WHO'S RESPONSIBLE FOR ELECTIONS?

All of our elections within the Union are overseen by the **Elections and Referenda Committee (ERC)** a committee of Student Assembly Representatives and Officers. This committee is supported by Union staff including the Democracy and Student Engagement Coordinator and the Deputy Returning Officer. Their role is to make sure that all elections are conducted in a free and fair manner - developing the regulations which candidates must follow, and then monitoring the conduct of the elections to ensure everyone follows these rules.

ERC meets regularly throughout the Elections process and to make sure no one can complain about bias or favouritism, ALL of the committees agree to not express interest or support for any candidates. Committee members who know candidates must recuse themselves from discussions about those candidates.

The fairness of Students' Unions Elections is a requirement of law (Education Act, 1994) and this law places a level of responsibility on the University. In addition, the elections are conducted on university premises, by and for Brunel Students. As a result, the Union (and therefore ERC in this case) are answerable to the University and commit to abiding by agreements made between us. This also means that the University will take action against students and candidates who undermine the fairness of the election and whose conduct during the election is unacceptable according to these rules, our bye-laws or University regulations.

ERC will, therefore, take very seriously its role in overseeing the regulations- including those which put at risk the relationship between the Union and the University. Whilst we hope that this is not necessary ERC is granted powers by the Constitution to sanction students including candidates in relation to the elections. If ERC agrees that an action has impacted on the fairness of the Election process, they will look to redress the balance in some way, and if this proves impossible, they reserve the right to remove a candidate from the Election process. This process will be support by staff members and the Deputy Returning Office, who is ultimately responsible for deciding on sanctions against students and candidates.

Contact the Elections and Referenda Committee by emailing Elections@brunel.ac.uk

THE RETURNING OFFICER

As a further and final commitment to ensuring open fair elections, the Unions constitution requires the appointment of an independent Returning Officer (RO). Their role is to oversee the entire elections process, provide guidance to ERC should they request it, and if necessary, hear appeals against the decision of ERC. They will also declare the elections- i.e., oversee the count of votes, and verify the results. The appointment of the RO is the responsibility of Student Assembly, and for this Academic year, NUS has been agreed as the Returning Officer. Constitutionally, their decision is final.

Should anyone feel the need to contact the Returning Officer, they can do so by emailing Elections@brunel.ac.uk.

BECOMING A CANDIDATE

By nominating yourself as a candidate the Union understands that you take personal responsibility for ensuring you understand the rules, regulations and policies which govern the elections and the students' union. We will make every effort to answer questions and have timetabled a series of opportunities to present these rules, however it remains the responsibility of the candidate to understand the rules and ensure they do not breach them.

In order to become a candidate in the elections you are required to:

- Fill out the online nomination form correctly and have two proposers to approve your nomination. The proposer cannot have proposed anyone else for the same position.
- Attend a Candidates Briefing. You will have the opportunity to meet other candidates at this meet and will be informed of how the election will be conducted. Only 2 Briefing opportunities will be provided. If you fail to attend a candidate briefing you will be considered to have withdrawn from the election.

RULES

In order to ensure free and fair elections there are a number of rules in place. Elections and Referenda Committee will evaluate the actions (and intentions) of every candidate on an equal footing and take action to ensure that candidates do not unfairly influence the conduct or outcome of the election process.

NOTE: While these rules primarily apply to candidates, non-candidates who break these rules may be considered to be interfering unduly in the elections and undermining the free and fair election processes of the Union.

If this is perceived to be the case students may be investigated and disciplined by the Students' Union and or the University. If you are unsure at any time about elections rules and regulations contact the Students Union by emailing Elections@Brunel.ac.uk.

Principal Rules

- All candidates must act in the interests of a fair election
- All candidates shall abide by the Constitution, its Bye Laws, Union Policy, University Regulations and the Law of the Land throughout the elections process
- Do not do anything that another candidate cannot do¹
- Treat all other students and staff with respect
- All members have the right to stand as a candidate in the elections, if it is found to be true that you actively discouraged another member from standing, your candidacy will be revoked. If you are not a candidate and you discourage members from running for elections you may be considered to be interfering with the elections and may be liable to

Behavioural Rules

- All candidates will be held liable for the actions of anyone acting on their behalf. This is not limited to official campaigners.
- No candidate shall seek to gain advantage over another candidate by spending more than the allowed limit because they have greater funds or resources at their personal disposal.
- No candidate shall seek to gain advantage by breaching the set timetable for the elections
- Candidates will not be in the defined vicinity of the balloting area/s, with the exception of when they are casting their own vote.
- Every member has the right to vote freely; as such candidates should not be influencing students who are in the process of voting.
- No candidate may cast a ballot on behalf of another member.

NOTE: These final two rules are considered some of our most fundamental and if breached, will likely result in disqualification and potentially the suspension of membership of students from the Students Union.

¹ Example:

- If your family own a lollipop factory and offer to give you lollipops for free, but other candidates will not get the lollipops for free then you cannot utilise this.
- If your friend owns a printing company and is offering you a 50% discount for your election printing, however this discount is not available to any other candidate, then you cannot utilise this.

Campaigning Rules

- Elections and Referenda Committee will rule on where candidates can and cannot campaign. The committee reserves the right to change these locations to address any issues arising over the elections period. These will be approved with the University in coordination with security and the police.
- Publicity must be approved by Elections and Referenda committee and can only be placed in agreed locations
- There must be no 'negative campaigning', such as candidates or their supporters making unsupported attacks on other candidates' or making attacks of a personal nature against other candidates. Any challenge which is not deemed to be of a personal nature is allowed. This can include criticism of a person's policies or record in office but must be specific and not include attacks on the character of the person. Campaigning must also abide by all other Union and University regulations.
- All Candidates and Campaigners must be clearly identifiable and no more than 10 campaigners shall be campaigning for a candidate at any one time. Campaigners should not congregate in groups of more than 5. This includes groups of campaigners for different candidates.
- Candidates and campaigners should respect social distancing rules throughout the elections and should not harass students or other candidates at any stage. If students do not wish to talk to campaigners and candidates and indicate this to the campaigner or candidate, further interaction with those students by the same candidates or campaigners will be considered harassment.
- ERC can at their discretion limit the number of campaigners allowed in a particular campaigning area.

Breach of the Rules

Any breach of the rules may be punished. Elections and Referenda Committee will rule on any sanctions they feel necessary to ensure the fairness of the elections. These sanctions include:

- A warning
- A fine on the permitted campaigns budget;
- Restricted level of publicity available to candidate;
- Suspension from campaigning for a specified time;
- Total disqualification

A candidate may appeal the decision of the Elections and Referenda Committee, in writing, to the Returning Officer. Such an appeal shall identify the issue and the nature of the appeal and must be submitted within 72 hours of the decision being communicated to the candidate.

A candidate may only appeal the decision of the Elections and Referenda Committee on the basis of a failure to follow procedures, or if new evidence pertinent to the case should arise. This process is outlined in Bye-Law B of the Union Bye-Laws.

ENDORSEMENT

Societies and/or Sports Clubs are free to endorse any candidate provided they hold a hustings, to which all candidates are invited and a quorate committee meeting follows, in order to make a democratic decision. You must then notify the Union using the following steps:

- Email elections@brunel.ac.uk; this email must cc in all the members of the committee within 48 hours of hustings.
- If the candidate being endorsed is on the committee they should not be promoting themselves, but instead another committee member should take up this responsibility.
- All endorsements must be submitted prior to the opening of the ballot.

Once an endorsement has been approved any promotional activity must be within the rules and regulations of the Union, a breach of these rules will result in disciplinary action. In the interest of fairness promotional activities are limited to:

- Posting on Social media in support of a candidate
- Using email lists and digital communication methods to promote a candidate
- Promoting a candidate at club or society events
- Being part of the campaign team for a specific candidate
- The candidate may also wish to advertise they have been endorsed by a society or club when campaigning.

COSTS

Standing as a candidate need not cost you anything; however, there are rules as to what the MAXIMUM amount of money you can spend.

- Candidates will be allocated a set number of posters and flyers, printed through the Union. The exact amount will be decided by Elections and Referenda Committee. To receive this publicity you must have submitted your art work by the date publicised.
- Candidates for FULL TIME OFFICER POSITIONS are able to spend UP TO £100. This is your own choice and will not be refunded by the Union. This funding cannot be spent on flyers or posters
- Candidates for ANY OTHER POSITION are able to spend UP TO £30. Again, this is your own choice and will not be refunded. This funding cannot be spent on flyers or posters.
- Candidates are personally responsible for maintaining accurate records of expenditure, which they must submit to Elections and Referenda Committee prior to the close of the ballot. Failure to do so will result in the removal of that candidate from the elections (this applies even if you have spent £0- submit an account stating that fact)
- By running in this election, you are agreeing to pay any money owed to the Union as a result of your campaign.
- Money spent by candidates must be spent purely on their own campaigns and not on supporting or endorsing other candidates. While candidates may express their support for other candidates and campaign alongside them, they should not be sharing campaign funds or print material.

Election Bye Law

Bye-Law B excerpt:

Elections Procedures relating to general conduct. Please refer to the Bye-laws document for the full Byelaw

The process of nomination

7. The nominations process shall be accessible to all members, and key information relating to the election shall be made available alongside the nomination form. This shall, at minimum, include the Elections Procedures and any supplementary regulations.
8. Nominations shall be open for at least five working days.
9. Nominations shall only be valid if made on the official published form and correctly completed and submitted. A nominee must also have completed any mandatory requirements outlined in the supplementary regulations for the nomination to be considered valid.
10. Candidates are responsible for ensuring they are eligible to be nominated for a given position by referring to section 2.1 to 2.9 of this bye law.
11. No member may nominate or second more than one candidate for the same position.
12. Candidates for the position of Vice President CBASS, CHLS and CEDPS must be students of that particular college.

General Conduct for Elections

16. Candidates shall abide by the Constitution, its Bye Laws, Union Policy and the Law of the Land throughout the elections process.
 - 16.1 The Democracy Committee shall produce annually a set of election regulations which must be submitted to the Student Assembly for approval.
 - 16.2 The Election regulations should cover campaigning, canvassing, publicity and the general conduct of candidate's and their campaigners.
 - 16.3 Such regulations shall not contradict the spirit or text of any defined statement within these governing documents.
 - 16.4 No Supplemental Regulation may be submitted to Student Assembly twice within one academic year.
 - 16.5 Any amendments to this Bye-Law must be submitted to Student Assembly at least 2 months before the start of the election to which it is intended to apply.
17. All candidates wishing to run in an election shall adhere to the following rules of campaigning. Failure to observe these will result in an immediate consideration of discipline under the Elections Regulations:

- 17.1 In terms of publicity the Election and Referenda Committee shall, at the Candidates Briefing outline the permissions gained from the University as to where publicity may be posted.
- 17.2 All publicity intended to be used by candidates for the promotion of their campaign must be submitted to the Election and Referenda Committee for approval prior to use.
- 17.3 Where candidates are running in multiple elections, they must ensure that publicity is clearly identified for each separate position.
- 17.4 In terms of canvassing, it is the responsibility of the candidate to ensure that they have the necessary authority and/or permission to canvass in University owned accommodation.
- 17.5 There shall be no canvassing allowed within the area outlined around and within the ballot station.
- 17.6 Candidates or their campaigners shall not enter the area outlined around the ballot station other than to cast their personal vote.
- 17.7 Any complaints received by the Union regarding the conduct of canvassers throughout the elections period shall be referred to the Election and Referenda Committee for consideration.
- 17.8 No candidate shall use Union meetings as a forum for campaigning, except where all candidates are invited.
- 17.9 The use of electronic campaigning shall be permitted in all Union elections. If there are any charges incurred in the use of online campaigning they shall be registered in the same way as all physical campaign resources, and a receipt provided.
- 17.10 Candidates may use free web-based resources for the duration of the campaign. The use of such resources should be communicated to the Election and Referenda Committee prior to their utilisation.
- 17.11 The use of SMS messages is permitted.
- 17.12 Unsolicited emails, SMS messages, posts and spamming, are not permitted, and should members wish to, they may make a complaint.
- 17.13 There must be no 'negative campaigning', such as candidates or their supporters making unsupported attacks on other candidates' manifestos or making attacks of a personal nature against other candidates. Any challenge which is not deemed to be of a personal nature is allowed.
- 17.14 Societies and/or Sports Clubs are free to endorse any candidate provided they hold a hustings, all candidates are invited and a committee meeting follows.

Expenses

18. The Union may allocate resources to candidates, these resources and the amounts shall be agreed by Democracy Committee. In addition to these resources each candidate shall be allowed to spend personal money on campaign materials as outlined below.
19. Student Officers – Each candidate standing for election as a Student Officer shall be permitted to spend up to £100.
20. All other positions – Each candidate in all other Union elections shall be permitted to spend up to £30.
21. Candidates must provide detailed accounts of the expenditure incurred in connection with their election campaigns, including receipts, prior to the election count in order to remain eligible for election.
22. Where candidates are standing for two positions (or more) their overall permitted spend will be calculated as follows; 100% of the first position where this is the greatest allowance + 40% of the second position allowance + 20% of the third position allowance.
23. In the case of material being previously owned by candidates or campaign teams the items must be registered with the Election and Referenda Committee. The Committee shall consider the cost of purchasing said materials and require that this sum be included in the overall calculation of the candidate's accounts and submitted accordingly.

Voting

24. The method of voting in all Union elections shall be the Alternative Transferable Vote where only one position is available and the Single Transferable Vote system where multiple positions exist within the same election.
25. The Election and Referenda Committee shall identify appropriate locations for ballot stations to be situated on campus. The minimum number of stations shall be one, which shall be located within the main building of the Union.
26. Each ballot station shall make provision for the clear identification of each candidate in a non – partisan way.
27. Ballot papers shall clearly identify each candidate and the election in which they are running.
28. The ballot shall be conducted over a minimum of 1 and maximum of 5 consecutive University days.
29. Members may only cast their own ballot, they cannot cast a ballot on behalf of another member.
30. Any attempt to defraud the elections process by any member of the Union shall be referred immediately to a Union Disciplinary Panel as outlined in Bye Law O.

The Count

31. The timing of the count shall be determined by the Election and Referenda Committee and shall be identified prior to the start of the elections process. The count shall commence no later than 24 hours after the close of the ballot.
32. At the completion of the count where physical ballot papers exist, the Returning Officer shall place all ballot papers into a sealed container. All ballot papers shall be destroyed seven days after the formal declaration of results.
33. The Returning Officer shall make an initial declaration of results at the close of the count. This declaration shall be formally confirmed upon closure of any outstanding complaints, appeals, or investigations into the election processes.

Complaints

34. All complaints regarding the conduct of any candidate's campaign must be submitted, in writing to the Chair of the Election and Referenda Committee, prior to the commencement of the count. Complaints received after the commencement of the count will not be considered.
35. All complaints regarding the count, or the conduct of candidates during the count, must be submitted to the Returning Officer prior to the initial declaration of results. Complaints received after the initial declaration will not be considered.
36. Any complaints being made during the campaigning or voting period shall be heard by the Election and Referenda Committee within 48 hours of the noted receipt of the complaint. The complaint must be heard before the commencement of the count.
37. In the occasion of a complaint being submitted during, or immediately after the count, this complaint shall be heard within 24 hours of it being submitted.
38. The communication of the decision relating to any complaint is the responsibility of the Deputy Returning Officer who shall ensure it is posted within 24 hours. All declarations shall be made publicly; no individual correspondence shall be entered into.
39. Requests for the interpretation of these regulations or complaints about the conduct of candidates shall, in the first instance, be made in writing to the Election and Referenda Committee.
40. In the event that a candidate is found to have broken one or more of these regulations or any of supplemental regulations, the Election and Referenda Committee shall have the power to:
 - I. Issue a warning;
 - II. Impose a fine on the permitted campaigns budget;
 - III. Restrict level of publicity available to the candidate;
 - IV. Suspension of the candidate's campaign for a specified time;
 - V. Disqualify the candidate from the Elections;
 - VI. Suggest other actions for approval by the Returning Officer.

Appeals Process

41. A candidate may appeal the decision of the Election and Referenda Committee, in writing, to the Returning Officer. Such an appeal shall identify the issue and the nature of the appeal.
42. Appeals against a decision of the Election and Referenda Committee must be made within 72 hours of the decision of the committee being communicated to the candidate.
43. A candidate may only appeal the decision of the Election and Referenda Committee on the basis of a failure to follow procedures, or if new evidence pertinent to the case should arise. Any appeal made shall adhere to the following processes:
44. The Returning Officer shall make investigations as may be necessary, and seek to provide a decision within 5 working days following the receipt of the appeal. The decision of the Returning Officer shall be final.
45. The Returning Officer shall have the following powers:
 - i. Confirm the decision made by the Election and Referenda Committee.
 - ii. Reduce the sanction imposed by the Election and Referenda Committee.
 - iii. Set aside the sanctions imposed by the Election and Referenda Committee.
46. The Returning Officer shall not have the power to increase any level of sanction as imposed by the Election and Referenda Committee.
47. Should an individual wish to progress further, they shall be referred to the University Memorandum of Understanding for details as to how they may challenge the activities of the Union