**Regulation 5: Election Regulations**

**1 General Provisions**

* 1. The elections of the President and Vice-Presidents (together being the “Sabbatical Officers”) and any other elected officers of the Union (“Elections”) shall be carried out in accordance with these regulations (the “Regulations”).
  2. The Returning Officer and his nominee(s) (see clause 2.2 of the Regulation) shall implement the Election process.
  3. The Elections shall be by secret ballot of all Ordinary Members of the Union.
  4. In addition to the Regulations, the Union shall be obligated to comply with:

1. the University regulations and policies (including but not limited to IT, Health and Safety, bullying and harassment);
2. the Union’s Constitution, Regulations and policies; and
3. the Laws of Scotland.

**2. The Returning Officer**

2.1 A returning officer for the Elections (“Returning Officer”) shall be appointed by the Board and shall not be a member of the Union, or a member of staff of the Association.

2.2 The Returning Officer may appoint nominees from amongst the Union’s staff to act on his behalf in the day-to-day supervision of the Elections.

2.3 The Returning Officer’s nominee(s) shall, in acting on behalf of the Returning Officer, carry out the following functions:

2.3.1 oversee the procedure for the acceptance of nominations and the determination and publication of valid nominations;

2.3.2 fix the date of the Elections which will be then ratified by the Board, the publication of the notices giving information about the date of the Elections and the arrangements for the Elections;

2.3.3 supervise and conduct the count; and

2.3.4 oversee the announcement of the result.

**3. Nominations**

3.1 Each Ordinary Member shall be eligible to stand as a candidate for an Election.

3.2 Ordinary Members may stand for a maximum of two years for any one officer position.

3.3 A candidate may only stand for election for one post within the Student Union election.

3.4 The Returning Officer, or one of his designated nominees acting on his behalf, will post a notice on the Union’s website at least ten days of University term-time before the date on which nominations open stating the;

3.4.1 period for nominations,

3.4.2 posts for which nominations can be made,

3.4.3 places from which nomination forms can be obtained and

3.4.4 places to which completed nomination forms must be returned.

3.5 Candidates are encouraged but not required to submit a manifesto alongside their completed nomination form. All manifestos received will be collated and published by the Union and will be available on the website.

3.6 On closing of the nominations, the Returning Officer’s nominee(s) will inspect all nominations and manifestos and verify that they comply with the Constitution and the Regulations.

3.7 The Returning Officer’s nominee(s) will draw up a list of candidates after the close of the nominations and will post a notice on the Union website as soon as is reasonably practicable stating the date of the Election and the arrangements for voting.

3.8 Where appropriate the Returning Officer may allow electronic voting to take place in tandem with, or instead of, manual voting procedures.

3.9 The Returning Officer and his nominee(s), as soon as reasonably practicable following the publishing of the notice in terms of Clause 3.6 of this Regulation, arrange a meeting at which they shall brief the candidates on the Election process and procedure. All candidates will be afforded an opportunity to ask questions relating to the Election at the end of the briefing.

**4 Campaigning**

4.1 As soon as is reasonably practicable following the close of the nominations, a list of valid nominations and manifestos will be published and distributed on the Union’s website.

4.2 The campaigning period shall commence at the end of the candidates’ briefing at a time announced by the Returning Officer and shall end at the close of voting.

4.3 Any coverage of the Elections by the Union by whatever means or media shall be fair and balanced providing equal exposure to all candidates, as far as reasonably practicable.

4.4 Each candidate may receive a small budget from the Union for canvassing materials and no other monies shall be spent on canvassing by the candidate. Finances shall be confirmed at the candidates’ briefing and shall be set by the Board.

4.5 No offensive or derogatory election material shall be produced during the campaign by any candidate.

4.6 The Returning Officer and his nominee(s) reserve the right to remove any election material which in their reasonable opinion is inappropriate.

4.7 “Hustings” shall be held at a designated time following the candidates’ briefing and shall be chaired by the Returning Officer or one of his nominees.

4.8 Each candidate shall been encouraged to attend “Hustings”.

**5. Election**

5.1 The Elections shall be held no later than the second Thursday in April of each academic year.

5.2 In the event that following the proper conclusion of the Elections, at least one post remains vacant; it shall be permissible to hold further elections with a view to appointing candidates to assume such vacant posts. The decision as to whether or not to hold such further elections shall be at the sole discretion of the Returning Officer.

5.3 In such cases, any further election(s) must take place by the third Thursday in November of the next academic session, although they may take place in late in the same semester. The same procedure for nominations and campaigning shall apply as set out in Clauses 3 and 4 of these regulations except for the timing restrictions which shall be decided at the sole discretion of the Returning Officer.

**6. Voting**

6.1 The responsibility for ensuring that voting is conducted in accordance with the provisions of this Clause shall rest solely with the Returning Officer.

6.2 Voting shall take place at the appropriate voting stations or electronically at times to be determined by the Returning Officer.

6.3 The location and arrangements of voting stations and the list of candidates shall be publicised on the Union’s website as soon as is reasonably practicable.

6.4 Ordinary Members of the Association may vote upon the production of a valid University matriculation card or via valid electronic access.

6.5 Votes shall be cast in sealed ballot boxes, or by electronic means where appropriate. All paper voting slips issued shall be placed in the sealed ballot box at the time of voting whether used or not.

1. Ballot papers shall bear the name of each candidate, the position being contested and a suitable space for indicating the voting preference of the voter.
2. Voting shall be carried out by one of two means:
3. Placing an “X” opposite the name of the voter’s preferred candidate; or
4. Placing all, or some, of the candidates in the voter’s numerical preference; as appropriate in and as directed by the circumstances.
   1. Where a number of vacancies exist on one ballot paper, each voter may only vote for the number of vacancies which exist. Ballot papers shall bear a brief description of the voting procedure.
   2. There shall be an option on the ballot paper entitled “Re-Open Nominations” (“RON”).
      1. RON, for the purposes of the count, shall be treated as a candidate, though it will not be allowed a publicity budget as allowed to the other candidates in the Election in terms of Clause 4.4 of this Regulation.
      2. If RON wins the Election, then the office shall be declared vacant as if no one had been nominated.
      3. In the event of a re-run of the Election RON shall appear as an option on the ballot paper.
   3. In all elections, reasonable adjustments in the spirit of the Equality Act 2010 shall be made to ensure no voter shall be disenfranchised.

6.11 Candidates and their supporters should not be in the immediate vicinity of a voter when they are in the act of casting their vote.

**7. Administration**

7.1 The Returning Officer and his nominee(s) shall administer the count.

7.2 Candidates are not allowed to be present at the count, but may appoint a scrutiniser on their behalf.

7.3 Where appropriate, in the circumstances of any particular Election, the Returning Officer and his nominee(s) shall be entitled to appoint polling officers and counters.

7.4 Where the election uses paper ballots, on opening the ballot boxes, the Returning Officer will instruct all appointed counters to examine the voting papers.

7.5 Where the election uses paper ballots, voting papers will be declared spoiled by the Returning Officer if they consider that:

7.5.1 the paper has clearly been defaced/vandalised; or

7.5.2 there is no clear indication of preference for any candidate; or

7.5.3 the paper has not been stamped by the polling officer; or

7.5.4 the paper is not authentic.

7.6 A quota will be calculated as follows:

7.6.1 the quota will be determined by dividing the total number of valid votes, having taken into account Clause 7.5, by the number of positions available (plus one)

7.6.2 quotas that appear with decimal places shall be rounded up or down to a maximum of two decimal points where appropriate.

7.7 If the candidate reaches the quota on the first count then they will be deemed to be elected to that post.

7.8 If no candidate has yet reached the quota, the votes shall be redistributed in accordance with Electoral Reform Society Scotland’s and NUS Scotland’s guidance.

7.9 In the event that the count results in there being less than ten votes of a difference, there shall be an automatic recount of any paper ballots.

7.10 In the event of a tie at the exhaustion of all transferable votes the candidate with the highest number of first preferences shall be deemed the winner. If these are tied a coin toss shall decide the Election outcome.

7.11 Where a singular position is being elected Electoral Reform Society Scotland’s and NUS Scotland’s rules on Alternative Transferable Voting shall be followed. This may mean that votes for the candidates with the lowest number of votes could be redistributed to remaining candidates.

7.12 Where multiple positions are being elected Electoral Reform Society Scotland’s and NUS Scotland’s rules on Single Transferable Voting shall be followed. This may mean that votes for the candidates with the lowest number of votes could be redistributed to remaining candidates, it may also mean that the surplus of successful candidates could be redistributed to remaining candidates.

7.13 The Returning Officer, or his nominee, shall be responsible for announcing and publicising the results of the Election both by way of the Association website and by any other reasonable means or media he shall deem appropriate.

**8. Candidates**

8.1 Candidates already in office shall be given the same privileges and restrictions as the other candidates in the Election.

8.2 Candidates may only make use of resources attainable by all candidates, at the sole discretion of the Returning Officer.

**9. Complaints and Appeals**

9.1 The procedure for the consideration of complaints relating to elections shall be as follows:

9.1.1 no one involved in a candidate’s campaign shall be involved in the appeals procedure;

9.1.2 formal complaints must be submitted in writing with any supporting evidence to the Returning Officer.

9.1.3 the Returning Officer reserves the right to investigate any unsound activity and make any rulings which are fair and reasonable in all the circumstances.

9.1.4 the Returning Officer shall investigate any formal complaint within the terms of Clause 9.1.2 of this Regulation and decide what action shall be taken, including but not limited to the disqualification of any candidate concerned, or the annulment of the relevant election.

9.2 Disqualified candidates may appeal the decision of the Returning Officer in writing to the university under the procedure outlined in the university’s published Code of Practice.

9.3 Options open to the Appeals Panel include but are not limited to;

9.3.1 upholding or dismissing the appeal; or

9.3.2 request a re-running of the election.