

University College Birmingham Guild of Students

Bye Laws – Elections

Last updated 8th December 2021

Returning Officer

1. There will be a Returning Officer who will supervise the conduct of all UCB Guild elections that come under the remit of these bye laws.
2. The Returning Officer will be appointed annually by the Trustee Board.
3. The Returning Officer may not be any of the following:
 - a. A member of the Guild;
 - b. A trustee of the Guild;
 - c. An employee of the Guild.
4. The Returning Officer has the power to:
 - a. Disqualify candidates;
 - b. Penalise candidates;
 - c. Give direction and instruction to candidates;
 - d. Order a recount;
 - e. Annul an election and order a new one.
5. The Returning Officer will appoint a member of the Guild staff team to be the Deputy Returning Officer.
6. The Deputy Returning Officer will manage the day-to-day administration and coordination of the elections, including nominees' and candidates' eligibility; the implementation and enforcement of the Elections Regulations; and investigating and ruling on complaints. The Deputy Returning Officer may in turn appoint other members of staff as Assistant Returning Officers for the duration of any election, and delegate roles accordingly.
7. All questions of interpretation of these bye laws will be resolved by the Returning Officer.

Election timing

8. The Deputy Returning Officer will publish all election details for upcoming elections within one calendar month of the opening of voting. These details will include:
 - a. The dates and times of the opening and closing of nominations;
 - b. The dates and times of the opening and closing of the voting period;
 - c. The positions that are due to be contested in the election;
 - d. How candidates may submit their nominations.
9. The Returning Officer may, at the request of the Deputy Returning Officer, alter any of the election details as published, providing that revised details are published at least two weeks in advance of the opening of the nomination period.
10. Voting will only take place during term-time as defined by the University calendar.

11. Nominations shall be open for at least one week, and voting will be open for at least 3 days.

Voting

12. All elections will be conducted by secret ballot, where each voter has only one vote.

13. For single vacancy positions, the Alternative Vote system will be used.

14. For multiple vacancy positions, the Single Transferable Vote system will be used, following the methodology set out by the Electoral Reform Society of Great Britain and Ireland in 1997.

15. The option to Re-Open Nominations (RON) will be offered on all ballots, which will be treated as if it were a candidate for the purposes of counting.

16. If Re-Open Nominations is elected, the position will be declared vacant and a new election will be held at a time and date specified by the Deputy Returning Officer.

17. The counting of votes will be conducted by the Deputy Returning Officer. Results will only be considered valid once the Returning Officer has certified that the election has been conducted freely and fairly.

18. Votes will not be counted while there are outstanding complaints awaiting the decision of the Returning Officer.

Eligibility to Stand and Vote for Elected Positions

19. This Bye Law applies to the positions set out in the table below. Only members of the electorate indicated in the table below who have not opted out of membership of the Guild may vote for that position.

20. All candidates for the positions to which this Bye Law applies must be members of the corresponding electorate to be eligible to stand, as set out in the table below.

Role	Eligibility
Executive Officers	All registered students
Society Leaders	All registered members of that society, in membership by 11.59pm the day before election details are published by the DRO.
Delegates to NUS National Conference	All registered students
Delegates to NUS Liberation Conference	All registered students, who self-identify into one or more of the relevant liberation categories as defined by NUS. As of 2021, these are black students (including all BAME students), women, LGBT+, disabled and trans students.

21. UCB Guild holds 2 delegate places to NUS National Conference, which must be elected by a cross campus ballot. The Guild holds 6 delegate places to NUS Liberation Conference. The Guild will elect candidates for NUS Liberation Conference via Liberation Forum.

22. At least 50% of the positions for delegates to all NUS Conferences must be filled by women students.

Nominations

22. Nominations will be submitted in accordance with guidelines issued by the Deputy Returning Officer.

23. All submitted nominations must include the full name and student number of the candidate.

24. The Deputy Returning Officer will ensure a receipt for each submitted nomination is provided to the candidate.

25. In the event that no nominations are received for a position, the Deputy Returning Officer will have discretion to either:

- a. Extend the deadline for nominations;
- b. Treat the election as if Re-Open Nominations had been elected, and hold a new election at a later date and time.

Communication

26. The results of all Guild elections shall be certified and communicated by the Returning Officer at the soonest opportunity after the conclusion of the count.

27. The Deputy Returning Officer shall report to the Trustees and the Corporation Board on at least an annual basis the outcome of elections and recommendations for improvements, along with any other pertinent matters.

Expenditure

29. For an election, the Deputy Returning Officer will set an expenditure limit. Candidates may not spend more than this limit during their campaign.

30. All publicity used by a candidate (including by their campaign team) during the election must be declared and given a monetary value.

31. At the close of voting, candidates will submit to the Deputy Returning Officer a statement of their expenditure.

32. Candidates must verify their statement of expenditure by providing receipts for all items they spent money on during on a campaign.

Conduct in Elections

33. The Deputy Returning Officer, subject to the approval of the Returning Officer, will provide guidelines on acceptable conduct during elections. Candidates must act in accordance with these guidelines.

34. The Returning Officer may issue penalties to candidates, including disqualification from the election, for breach of the conduct guidelines.

35. Candidates may make use of campaigners who assist them during the election. However, the candidate will remain responsible for the conduct of these campaigners and candidates must take all practicable steps to ensure campaigners are in compliance with this Bye Law and issued guidelines.

36. Breaches of this Bye Law and issued guidelines that are committed by campaigners will be treated as if the candidate themselves breached this Bye Law and issued guidelines.

37. For the purposes of an election, a campaigner is defined as someone who would be reasonably thought to be acting on behalf of a candidate to further the election of that candidate.

Complaints

38. Complaints that a candidate or a member of their campaign team has acted in contravention of this Bye Law or issued guidelines will be accepted up until the close of voting.

39. Complaints must be submitted in writing in a format decided upon by the Deputy Returning Officer.

40. If necessary, the Deputy Returning Officer will investigate the complaint to obtain further evidence.

41. The Returning Officer will rule upon the complaint and if necessary issue penalties at their discretion.

Appeals

42. An appeal against a decision of the Returning Officer may be made on the following grounds:

- a. The interpretation of this Bye Law or any of the issued guidelines used during the election is unreasonable;
- b. The correct procedure set out in this Bye Law or issued guidelines has not been followed;
- c. The Returning Officer has been prejudiced or biased;
- d. The Returning Officer has failed to fully take into account the available evidence.

43. Appeals must be made no later than 12 noon on the day after the decision of the Returning Officer is communicated to that candidate.

44. If an appeal is made by a candidate, an appeals panel will be convened by a member of the Trustee Board who has not been involved in the administration or campaigning of the election.

45. The appeals panel will consist of three independent people who would be eligible to be appointed as the Returning Officer.

46. The appeals panel will appoint a chair from within its number.

47. The appeals panel will hear the evidence from the Deputy Returning Officer and any representations made by the appealing candidate.

48. The appeals panel's decisions are final and cannot be appealed further.

Operation of Bye Laws

49. The Trustee Board will approve and revise from time to time these Bye Laws.