

Imperial College Union
Elections-Related Constitution Amendments
A paper by ICU President – Scott Heath

Background

The Union wishes to ensure all its elections are fair and free from unnecessary barriers. As part of this move the Executive Committee has been asked to allow a nomination period of 4 weeks, to give potential candidates ample time to discuss the roles and our administration enough time to sufficiently inform everyone.

During these discussions, a further area of potential over-restriction was highlighted relating to the rules which govern elections in Regulation 4 of the Constitution (Elections and Referenda).

Part A

Section C. 15.3, states:

“Twenty seconders are required for Sabbatical Officer and Felix Editor elections...”

This quote raises three questions:

1. What is the purpose of a seconder?
2. Why is the limit twenty?
3. Should this be interpreted as ‘no more than twenty’?

To answer the first question, a seconder is a person who stands on public record as endorsing someone’s candidacy. Typically a candidate would be recommended by a ‘proposer’ (which can be themselves) and to show some support from the electing body a defined number of supporters of this candidacy, the ‘seconders’, would have to back this proposal.

This leads to the perfectly to the second question by virtue of asking yourself “does the number of seconders really matter?”

A previous President was asked why the number of seconders was set to twenty. Their response was that it was to provide a “tough precondition to candidacy.” I believe that the true test of whether someone should hold a Sabbatical Office is the cross-campus ballot. We, as an institution which argues against inequality in Higher Education, should not make it easier for the most popular members of the Union to hold an advantage over the less well-known members.

Though this may not seem as a significant great barrier, a quick canvas of a lecture theatre can get most people twenty seconders, we must remember that: groups such as postgraduates research (PhD) students and part-time students are under-represented in candidacy; not all students have lectures and not all students will know twenty willing people.

The final question is whether the number of seconders should be capped.

In last year’s Sabbatical elections the number of seconders per candidate averaged 51.3 (range 23-115). A student considering standing against a candidate with 115 seconders may be dissuaded to stand – is this right?

Interestingly we have no data that suggests the greater the number of seconders the more electable the candidate is. In fact, no member of the current Sabbatical team that was opposed had the highest number of seconders. However it is easy for a candidate to perceive a high level of seconders in this way.

Furthermore, the writing of the Constitution stating “Twenty seconders are required” relates to the paper-based elections system whereby candidates pinned a notice of candidacy to a departmental board. Once this paper had twenty, and only twenty, signatures a candidate was declared. No candidate would turn up with forty, fifty, etc.

Council
16th January 2012

Conclusion: From this we believe that the limit for seconders should be reduced from twenty to five.

Part B

Section D, 22 states:

“The Executive Committee shall determine whether the elections are to be held by paper ballot or electronic voting”

We have not held a Sabbatical Election by paper voting for at least 5 years. The use of electronic voting has made the elections process more transparent, reliable and resource efficient. Furthermore, making the Executive Committee have a conversation about ballot papers and electronic voting is a questionable use of their time.

Conclusion: From this we believe that Section D, 22. should be deleted.

Actions

Subsequently Council is asked to:

1. Amend the Constitution to reduce the number of Seconders required to five.
2. Amend the Constitution to remove the option of paper ballots and thus the necessity of the Executive Committee to certify this.

Regulation Four - Elections and Referenda

A. General provisions

1. All elections in Imperial College Union, Faculty Unions, Constituent or Campus Unions, clubs and societies shall be held according to these regulations.
2. In any Union rule, the word "election" or any derivative thereof shall mean an election under these regulations.
3. Only Full Members of the Union may participate or vote in any part of an election, though Life Members may act as returning officer.
4. All elections and referenda shall be conducted by secret ballot, except that an election held at a meeting with a single candidate (apart from RON) may, if no elector dissents, proceed to elect summarily the person to office.
5. All elections shall be determined by Single Transferable Vote with Quota System as defined by the Electoral Reform Society.
6. The candidate 'RON' stands fully nominated for every post.
7. The President is responsible to the College Council to ensure elections are fairly and properly conducted under the terms of the Education Act 1994.
8. In these regulations, "constituent part" means any committee (except the Council), Faculty Union, Constituent or Campus Union, club or society.

B. Eligibility to participate

9. All Full Members of the Union may stand and vote in an election unless otherwise prescribed. All Full Members of the Union may vote in a referendum.
10. No person holding sabbatical office may propose or second a candidate in an election, though all other Full Members of the Union may propose or second a candidate in an election, unless limited under sections 10 or 11.
11. The right to stand, nominate and vote in elections for the officers of the Faculty Unions, the Constituent or Campus Unions, the Graduate Students' Association, clubs and societies may be restricted to their full members only.
12. The Silwood Park Union may restrict eligibility to stand, nominate and vote to those students on courses of study predominantly at Silwood Park.

C. Nominations and Timetable

13. All elections require nominations to be publicised one week in advance and be placed in a public forum for at least one week, with the name, College identification number ("CID") or login of the candidate and seconders.
14. Nomination papers shall include the name and contact details of the returning officer. The requirements for nomination of candidates may not be amended once nomination papers are placed up.
15. Elections for Officers of the Union, Felix Editor, any position granting membership of the Council or Executive Committee and other posts as determined by the Executive Committee or Council have additional requirements:
 1. Notice and publicity for the election should be produced five College days in advance of nomination papers being placed up,
 2. Nomination papers should be up for at least ten College days for Sabbatical and Felix Editor elections and at least five College days for other elections, and
 3. ~~Twenty~~ A minimum of five seconders are required for Sabbatical Officer and Felix Editor elections and at least four seconders are normally required for all other elections.

16. Elections during the first Council of the academic year require nomination papers to be up within the first ten College days of term, notwithstanding section 14.2.
17. The election shall be held within ten College days of nomination papers coming down. The ballot times shall be determined and publicised prior to nomination papers coming down, after which they may be amended only with the approval of the Union Court.
18. The Council or policy-making body of a constituent part of the Union in which an election is held may by two-thirds majority suspend time limits (except ballot times) in this part for particular elections, with a separate resolution required for each election.
19. In the event of a vacancy, nomination papers shall go up within ten College days of the vacancy occurring.

D. Sabbatical elections

20. The Sabbatical Officers and Felix Editor shall be elected by a College-wide secret ballot. All Full Members are entitled to stand and vote for these positions.
21. The election shall normally be held in the Spring Term on dates approved jointly by the Executive Committee and Court.
- ~~22. The Executive Committee shall determine whether the elections are to be held by paper ballot or electronic voting.~~
- ~~23-22.~~ The ballot times shall include as a minimum the period between 10.00 and 17.00 on two consecutive College Days and as a maximum five whole days.
- ~~24-23.~~ In the event of a vacancy in mid-session, an election shall take place within twenty College days of the vacancy occurring.

E. Elections for non-sabbatical posts

- ~~25-24.~~ Elections for all non-sabbatical Union Officers except for officers of the Faculty Unions and Chairs of the Club and Society Committees shall be by and from the Full Membership at Council or by College-wide secret ballot as may be prescribed.
26. Elections for Faculty Union Presidents shall be by secret ballot in the relevant departments, by and from all full members of the respective Faculty Union. Other Faculty Union posts shall be elected at a meeting or by departments-wide secret ballot as may be prescribed.
27. Elections for Chairs and other officers of the Club and Society Committees shall be by the committee and from the Full Membership. The Graduate Students' Association Chair shall be elected by the Full Membership from amongst those Full Members who are graduate students.
28. Elections for club and society officers shall be at a general meeting of the club or society by and from all full members of the club or society.
29. Elections for the Student Trustees and Ordinary Members of the Council shall be by College-wide secret ballot by and from the Full Membership. Student Trustees shall be elected concurrently with the sabbatical elections, and ordinary members of the Council at the start of the academic year.
30. The Council or relevant policy-making body may prescribe that any election is held by electronic ballot or departments-wide secret ballot notwithstanding any rule to the contrary. This does not change the composition of eligible candidates or electors in it.

F. Referenda

31. The Constitution provides for the elementary rules of referenda. Other parts of these regulations only apply to referenda where specifically provided for.
33. Upon receipt of a petition through the President, the Court shall consider its constitutionality and that of the subject matter of the referendum. The Court may make orders to require further steps to be taken to complete a petition, or quash an unconstitutional petition or proposed policy.

34. The Court shall determine the wording of the referendum question. In doing so it may, with the approval of those the Court deems responsible for organising the petition and as an alternative to quashing a proposed policy, amend it to the extent that it becomes constitutional.
35. Once constitutionality is resolved, the Executive Committee shall authorise notice to be given of the referendum within five College days.
36. The referendum shall be held between twenty and twenty-five College days of notice having been given. If notice has been published within twenty College days of the end of a term other than the Summer Term, the Executive Committee may direct the holding of the referendum in the first twenty College days of the next term.
37. A referendum committee shall act as the equivalent of the Elections Committee. The referendum committee shall initially be the Executive Committee, and the President the returning officer. Individual members may recuse themselves from membership or be removed by the Court. The referendum committee or the Council may appoint new members or a returning officer with the approval of the Court.
38. The referendum committee may appoint campaign managers for each side, who shall be responsible for their campaigns, and may make rules for the running of the referendum.
39. All College and Union media must be equally available to both sides of the referendum.

G. Campaigning and Publicity

General publicity

40. The returning officer is responsible for ensuring the election is publicised in advance of nominations.
41. In any election or referendum publicity including, but not limited to Felix, Media Group media, Faculty Union newsletters, club and society newsletters shall be equally available to all candidates. All media conducting interviews or discussions must notify all candidates in writing three days before the interview or discussion is due to take place.
42. All media or newsletter reports or comments must mention the names of all candidates standing for a post within the body of the report, in the case of elections, or attempt to produce a balanced debate on both sides of the argument in the case of referenda. In any case reports and comments should be fair and accurate.

Candidates' publicity

43. No candidates' campaign publicity may appear prior to the close of nominations, in the case of elections, or before notice of a referendum is published, in the case of a referendum.
44. All publicity material is to be covered by a suitable receipt. The maximum amount that may be spent on an election or referendum campaign will be decided by the returning officer or Elections Committee and notified to the candidates at close of nominations.
45. No form of Union or College insignia shall appear on any candidate's publicity material.
46. All poster publicity must comply with the Union's Publicity Policy.

Campaigning on the record

47. Candidates are permitted to refer to other candidates in their publicity only to the extent permitted below:
 1. Statements made by candidates,
 2. Conduct by candidates previously or currently in office, related to their office,
 3. A disciplinary hearing in relation to a candidate.
48. Any reference must fulfil the following conditions:
 1. A reference must be relevant to a candidate's integrity or ability,
 2. No reference may be made which is merely scandalous or intended only to vilify, insult or annoy,
 3. No reference may be made to any personal trait of character, except in so far as it is clearly demonstrated by other statements or conduct,
 4. No reference may be made to another candidate's political views, except in so far as they relate to students in their interests as students,
 5. No reference may be made to another candidate's religious views.

49. Any reference to a statement or fact must be supported by substantial~~and~~ independent evidence, for example meeting minutes, publications, reports, written publicity or hustings comments. The burden of proof is upon the person seeking to assert the facts or statements, to the extent that the returning officer or Elections Committee must be sure that they are true.
50. Reference may only be made to a disciplinary hearing and charges made in it if the candidate was found guilty of misconduct, censured or dismissed and no appeal is outstanding. The returning officer must deem it in the student interest for it to be revealed, and may make any restriction on revelation of detail about it.
51. If a candidate referred to in any publicity disputes the truth of such a statement and provides evidence or an explanation which results in the burden of proof no longer being met, or demonstrates that the other regulatory restrictions applied, the publicity may then be disallowed. A returning officer may choose to hear both candidates' arguments in any fair way he or she wishes.
52. Publicity which is disallowed must be removed within 24 hours. If it involved any comment in a publication, it must be retracted or correcting comment put in within 24 hours, or in the next publication.

H. Hustings and debates

53. There shall be hustings in all Union elections, to which all candidates are invited to speak and answer questions.
55. The returning officer (or Elections Committee if there is one) shall determine the date and format of hustings, which shall be chaired by the returning officer or a nominee.
56. The chair of hustings shall ensure that each candidate is treated equally in the proceedings, and that questions are directly or indirectly relevant to the potential performance of the candidate in the post being elected.
57. In referenda, the referendum committee shall organise at least one public, fair and balanced debate which shall take place not less than two and not more than five College days prior to the vote.

I. Re-Open Nominations ('RON')

58. The returning officer shall appoint a RON campaign manager and allocate a budget (as permitted within budgetary policy) up to the same level as the other candidates.
59. In the event of:
 1. RON winning, or
 2. a decision to re-run the entire election including nominations,nominations shall be re-opened within ten College days and the election repeated.
60. In the event that RON commits an unfair practice as described in section 87 it may be ordered that the election is re-run without recourse to new nominations within ten College days of reaching such a conclusion.
61. In elections for multi-member constituencies, the default effect of RON being elected shall be that any candidate polling less than RON is excluded. The returning officer may decide (and if so doing must publicise it on or near the ballot box) that the effect of RON being elected is instead that one place is subject to new nominations, a further RON candidate is immediately created with no initial votes and further votes for RON are applied to it, with the process repeating if RON is again elected.

J. Supervision of Elections

Returning Officer

62. There shall be a Returning Officer for each election who shall be responsible for the fair and efficient conduct of that election. The Returning Officer shall maintain neutrality at all times, and may not participate in the election in any manner except as Returning Officer.

63. The Returning Officer shall be:
1. In elections at a committee, the chair of the committee or nominee, unless otherwise prescribed,
 2. In elections held during the Council, Executive Committee or Clubs and Societies Board, the President or a nominee,
 3. For Sabbatical Officer and Felix Editor elections, a nominee of the Court, and
 4. For Faculty Unions, clubs and societies, their President or Chair, unless otherwise prescribed.

Supervisory authorities

64. Supervisory authorities oversee elections and step in, in exceptional circumstances, to ensure an election is run fairly.
65. A supervisory authority may impose an Elections Committee or scrutineer or fill a vacancy in the post of returning officer for any election in the Union.
66. In all elections except for Union Officers or positions deriving membership or permanent observer rights upon the Trustee Board, Council, Executive Committee or Court, the supervisory authority may also replace a returning officer (even if *ex officio*), member of an Elections Committee or scrutineer, and is the only body entitled to do so over the objections of the person being removed. The Court may also act to remove and replace any person involved in the administration of any election in the Union.
67. In this regulation, the term "supervisory authority" shall refer to, in increasing order of seniority:
1. the committee or senior policy-making body of the constituent part of the Union in which the election is held, or officer with their delegated powers,
 2. the President, and
 3. the Court (whose decision is final).
68. An authority is exercisable as a standing order or policy (though not in the case of the Court), or just invoked for a particular election. A more senior supervisory authority may amend the decision of a junior one, and may act whether or not it has previously acted.
69. If the President is the returning officer, a candidate or otherwise not impartial, his position as an authority in 67.2 shall be struck out for that election.

Elections Committees

70. In Sabbatical Officer, Felix Editor and Student Trustee elections, and other elections as may be prescribed or ordered, an Elections Committee shall supervise the elections and reserve certain duties of the returning officer to itself, including:
1. counting the votes,
 2. ratifying an election,
 3. ordering a re-run, and
 4. disqualifying a candidate.
- An Elections Committee may also over-rule any decision of the returning officer.
71. The returning officer shall convene and chair the Elections Committee, which shall meet regularly during the course of the elections. The Elections Committee shall review all progress and decisions of the returning officer each meeting.
72. For Sabbatical Officer and Felix Editor elections, the Elections Committee shall consist of the returning officer and four other members of the Council, who are not members of the Executive Committee, chosen at random by the Court.
73. In any non-sabbatical election, the supervisory authority may require an election committee to be convened. It shall have two, four or six members (excluding the chair) appointed in such manner as the supervisory authority determines.

Observers and scrutineer

74. A candidate has the right to send an observer, or at the discretion of the returning officer be present himself at the count.
75. The supervisory authority may request a completely independent observer (who does not need to be a member of the Union) as scrutineer to oversee any part of the election proceedings. Sabbatical elections shall normally have a scrutineer appointed by the College.

Delegation

76. The returning officer (or Elections Committee if there is one) may appoint deputies or assistants and allocate duties to them.
77. In Sabbatical Officer and Felix Editor elections, any deputy or assistant returning officer shall be permanent observers but not members of the Elections Committee.

Restriction of rights

78. The Returning Officer, any deputies or assistants and members of an elections or referendum committee may not vote or participate in any part of the election except in furtherance of their duties, notwithstanding section 8.
79. People employed under the direction of the Returning Officer may not participate or influence the result of the election, apart from actually voting.

K. Objections and Unfair Practices

80. Objections should be dealt with at the earliest possible opportunity and every effort made by the returning officer or election committee to resolve the dispute.
81. Objections may be based on unfair practices by candidates or the unconstitutional running of the election by the returning officer.
82. Depending on the type of objection, they are dealt with in the following manner:
 1. objections to the administration of the election are dealt with under part J (supervision of elections).
 2. objections to all other matters are dealt with in the remainder of this part.

Statements of intent

83. After voting has ceased and before the count has started, the returning officer shall require candidates to declare that they have no recourse to complaint against the actions of the returning officer or Elections Committee for the fair and constitutional running of the election.
84. In sabbatical elections, the above declaration shall be made in writing and include a statement of intent stating that should they win the election, they shall take up that position, providing they achieve the academic requirements of the College.

Unfair practices

85. It is an unfair practice to:
 1. infringe the Union Constitution, regulations, elections or referenda policy,
 2. disobey instructions of the returning officer, elections or referendum committee or Court in carrying out their duties under 85.1,
 3. take unfair advantage of any publication or other publicity that is not contained within the allotted budget,
 4. do permanent damage to any Union or College area as a consequence of a campaign,
 5. make any attempt to influence the impartiality of the returning officer, Elections Committee, referendum committee, Court or Union staff,
 6. deliberately sabotage any campaign other than one's own,
 7. infringe College rules,
 8. intimidate any participant in the election,
 9. overspend the allotted campaign budget, or not produce suitable receipts,
 10. Canvass for votes to voters using or about to use a ballot box, or
 11. tamper with any ballot box used in the election or with the submission of electronic votes.
86. An unfair practice may result in action being taken under the Disciplinary Regulation or Policy as well as action within the terms of this regulation. Unfair practices in referenda or sabbatical elections may also be referred by the President directly to the College Discipline Committee.
87. A candidate is wholly responsible for any act or omission made by another on his or her behalf.

Deposits

88. The Elections Committee in Sabbatical Officer, Felix Editor and other elections as authorised by the Court may require a cash deposit (up to a maximum set by the Council) from each candidate in security for fair behaviour during the elections.
89. The cash deposit as authorised shall be required from each candidate at the close of nominations.
90. The deposit may be partially or totally withheld by the Elections Committee for unfair practices detailed in section 85.

Enforcement and remedies

91. In the event of an objection to any part of the election except the count, the count shall not begin until the objection has been resolved.
92. The returning officer (or the Elections Committee if there is one) shall be able to:
 1. ratify the election or referendum,
 2. order the election or referendum to be re-run,
 3. partially or totally withhold a candidate's deposit (see section 90),
 4. disqualify a candidate (subject to appeal as in sections 96-98 below), or
 5. disregard all the papers in a ballot box, or submission of electronic votes from a particular source (this decision must be taken before the count commences).
93. The election or referendum may be re-run (under section 92.2) if the election has been run unconstitutionally, if it is in the interests of justice to do so. If a breach during an election occurred during nomination papers being up, the papers may be placed up again for between two and five College days after they would have normally been taken down. No new nominations shall be sought if the breach occurred after nomination papers were taken down.
94. If ballot boxes or the submission of electronic votes were tampered with, the returning officer may disregard the entire ballot box, or submission of electronic votes, as long as the number of affected votes does not exceed one-fifth of all votes cast.
95. The returning officer may (and must if the votes affected exceed one-fifth of all ballots cast) order the election or referendum to be re-run under section 92.2.

Appeals panel

96. In the event of an objection not being resolved by action of the returning officer, elections or referendum committee, the matter may be referred to the Court.
97. If the election is held by a Faculty Union, committee, club or society, the Court may delay involvement until any internal appeals process is exhausted.
98. The Court may replace the decision of the returning officer, elections or referendum committee, or internal appeal process with any other decision.

Setting aside election or referendum results

99. The Court may, if satisfied there were serious irregularities or that confidence in the propriety of an election or referendum was gravely diminished, set aside the result of a completed election or referendum and order that any or all parts of it be repeated, including nominations or the count.
100. An application to the Court to set aside such an election or referendum must be made within three weeks of the election results being declared, or the end of the Summer Term following it, whichever is sooner. No application may relate to an issue that was materially resolved by the Court in an earlier hearing.

Disqualification

101. A candidate who is disqualified from an election is automatically further disqualified indefinitely from being elected to or holding any elected or unpaid appointed office in the Union. Such a candidate is also disqualified from acting as a returning officer, scrutineer, observer, member of an elections or referendum committee, or supervisory authority.
102. A person who acts as an agent for a candidate who is disqualified from the election as a result, or partly as a result of the person's misconduct may be similarly disqualified.
103. A person (including those administering the election) whose misconduct in an election results in or contributes to a re-run, or which would have resulted in or contributed to the disqualification of a candidate, had the misconduct been upon a candidate's behalf may be similarly disqualified.
104. A person guilty of misconduct in a referendum may be similarly disqualified.

105. An order to disqualify any person except an election candidate may only be made by the Court. The returning officer, a Sabbatical Officer, elections, referendum, internal appeals, Disciplinary or Appeals committees may refer any case to the Court for this purpose.
106. No disqualification will act to remove a person from a post he or she already holds, unless that of returning officer or member of an elections or referendum committee. The Council may remove an indefinite disqualification.
107. The President shall maintain a register of people subject to a disqualification under the preceding paragraphs, and any returning officer or the Court in imposing a disqualification must notify the President of the same.