

Appendix Two

Imperial College Union

Bye-Law J Major Elections

Approved by Board of Trustees November 2022
Ratified by Union Council December 2022

imperialcollegeunion.org



J. Major Elections

Application

1. These Bye-Laws shall apply for all elections conducted by cross-campus ballot, and for all elections of Officers of the Union other than
 - 1.1. Management Group Chairs and Treasurers.
 - 1.2. Representatives to Council

The Returning Officer

2. The **Governance & Membership Committee** will, at least once per academic year, appoint an appropriately qualified person to act as the **Returning Officer and Deputy Returning Officer**, who may not be a current Member of the Union and whose appointment must be ratified by the Board of Trustees. **The Governance & Membership Committee will also ratify and publish a set of election rules on an annual basis, which are available to candidates. For the purpose of this byelaw, reference to the Returning Officer may also include the Deputy Returning Officer, where duties have been delegated.**
3. The Returning Officer shall:
 - 3.1. Be the final interpreter of the Major Elections Bye-Laws.
 - ~~3.2. Appoint (and dismiss if necessary) Deputy Returning Officers and other officials to ensure the good conduct and administration of the elections.~~
 - ~~3.3.3.2.~~ 3.3.3.2. Oversee the count and declare the results of the elections.
 - ~~3.4.3.3.~~ 3.4.3.3. Set rules, regulations and guidelines other than these election Bye-Laws to govern the conduct of the election.
 - ~~3.5.3.4.~~ 3.5.3.4. Seek legal advice if they believe that statements made or the contents of publicity could leave the Union open to legal action.
 - ~~3.6.3.5.~~ 3.6.3.5. Rule out of order any statement or the content of any publicity which in the Returning Officer's view is in breach of the constitution, the law, or any other appropriate rules and guidelines.
 - ~~3.7.3.6.~~ 3.7.3.6. Be empowered to issue warnings to candidates in accordance with these election Bye-Laws and any rules and regulations issued in accordance with the above.
 - ~~3.8. Be empowered to issue fines to candidates up to a maximum set by the Governance & Membership Committee, in accordance with these election Bye-Laws and any rules and regulations issued in accordance with the above.~~
 - ~~3.9.3.7.~~ 3.9.3.7. Deliver, or ensure the delivery of, appropriate training to all election candidates.
 - ~~3.10.3.8.~~ 3.10.3.8. Make available an information pack to potential candidates for each election outlining relevant rules and procedures.
4. The following powers shall be reserved by the **Governance & Membership Committee** having taken advice from the Returning Officer:
 - 4.1. **Disqualifying a candidate,**

Commented [JC1]: Board Subcommittee name to be corrected throughout.

Commented [JC2]: GovCom has tended to appoint the DRO directly as well, rather than through the RO.

Commented [JC3]: This allows tasks to be delegated

Commented [JC4]: See above – DRO to be appointed by GovCom

Commented [JC5]: We haven't done this in recent memory, and think fines could only be issued where there has been damage to property (incorporated below).

Commented [JC6]: GovCom may wish to consider in future whether the (D)RO may use these powers, and if the RO/GovCom should act as a body for Appeals instead.

4.2. Ordering a re-run, and

4.3. ~~Setting aside ballot papers.~~

4.4. ~~Uphold a recommendation to require payment of a fine where candidate action has caused physical damage to property.~~

Commented [CJ7]: If ever enacted, this would most likely be arbitrary. The Committee may wish to request further investigation as to what would be a precedent here, if the Committee wishes to retain this power.

Commented [JC8]: Relocating the RO's power to issue a fine here.

Complaints

5. The Returning Officer shall deal with complaints regarding the conduct of candidates, their supporters and campaigns, and the administration of elections.
6. Complaints regarding the conduct of the Returning Officer shall be referred to the Board of Trustees. The onus is on the complainant to set out such complaints in writing for the Board of Trustees consideration. The Board of Trustees may order a re-run of the whole or part of the election should the complaint be upheld.
 - 6.1. Complaints regarding the conduct of the Returning Officer must be submitted within 10 College days of the close of voting.

The Process of Elections

7. The Returning Officer shall produce an election timetable which shall outline:
 - 7.1. The process for nomination
 - 7.2. Details for the submission of manifestos
 - 7.3. Arrangements for the ballot
8. The Returning Officer shall produce details of the arrangements for balloting and for complaints procedures, and ensure that they are publicised to all Members eligible to stand, and or vote.
9. The election will be conducted in accordance with the rules outlined by the Electoral Reform Society for running elections by the Single Transferable Vote system for elections with more than one position available, and the Alternative Vote system for elections with one position available.
10. The Returning Officer shall ensure that any additional details, or amendments to the arrangements, are publicised to all students in a timely fashion.

~~11. The Returning Officer shall ensure that all candidates sign a statement of intent that they will take up the position, and that they are satisfied the election has been run fairly before the count.~~

~~12-11. No candidate may challenge the result of the election once the count has been held.~~

Commented [JC9]: Superfluous – candidates are expected to take up office if elected; the RO is responsible for the fair running of the election and candidates can complain against RO conduct under sec. 6.

Commented [JC10]: Rationale for removing this is that it is unclear what 'challenge' means.

Nominations

- ~~13-12.~~ Nomination forms will be available to all Members eligible to stand.
- ~~14-13.~~ It shall be the responsibility of nominees to ensure that nomination forms are completed accurately and submitted before the deadline.
- ~~15-14.~~ Nomination forms shall require a 4-second.
- ~~16-15.~~ Any Member of the Union eligible to vote in the election may second a candidate.

~~17-16.~~ The Returning Officer shall have the sole responsibility for declaring a submitted nomination form valid.

~~18-17.~~ When the Returning Officer is satisfied, all valid nominations shall be confirmed with the candidates and published.

Manifestos

~~19-18.~~ Manifestos must be submitted by the date laid down in the election timetable and must comply with any format requirements stipulated by the Returning Officer.

~~20-19.~~ The Returning Officer will ensure that manifestos are available to voters at the point of ballot.

Campaign Publicity

~~21-20.~~ The Returning Officer will determine the allowance for publicity available to each candidate for each election.

~~22-21.~~ The Returning Officer shall stipulate a maximum amount that candidates may spend on their own election campaigns.

~~23-22.~~ All candidates ~~running for the same position in each election~~ shall have an equal publicity allowance.

~~24-23.~~ The Returning Officer shall draw up regulations for the conduct of candidates' campaigns. Any breach of these regulations could lead to disqualification from the election.

Commented [HP11]: Potentially unclear wording of 'each election' vs 'each position' corrected here.

Hustings

~~25-24.~~ The Returning Officer may arrange a hustings for the candidates in an election.

~~26-25.~~ Candidates will be informed of the format of any hustings at the initial candidates' meeting.

Withdrawal

~~27-26.~~ Any candidate may withdraw from the election at any point by informing the Returning Officer.

~~28-27.~~ If a candidate withdraws during the ballot, or after a point at which the ballots cannot be amended, the Returning Officer will ensure that the voters' next preferences are counted in accordance with the principles of the Electoral Reform Society.

Voting

~~29-28.~~ The Returning Officer will ensure that all eligible members of the Union can vote.

~~30-29.~~ The Returning Officer shall decide the method of voting and publicise it appropriately.

~~31-30.~~ The Voters shall be able to express preferences for as few or as many candidates as they wish subject to the instructions on ballot papers.

~~32-31.~~ Ballots shall bear the chosen name of each candidate, and of the position being contested.

~~33-32.~~ The order of names on the ballot shall be decided by the drawing of lots or by using an electronic system which ensures the order of names on the ballot is chosen at random.

~~34-33.~~ There will be a facility for voting for "Re-Open Nominations".

~~34.1. For positions which require more than one candidate to be elected, if Re-Open Nominations receives the most votes, nominations must be re-opened for all positions.~~

Commented [JC12]: This has caused problems in elections where there are two places available but RON wins first place, meaning the second-place candidate cannot take up the second spot. This forces a byelection where candidate and voter engagement is lower. Propose to remove so that nominations are reopened for at least one seat but second-place behind RON can still take up office.

~~35-34.~~ Voting shall be by secret ballot.

Declaration

~~36-35.~~ Results of the election shall be declared by the Returning Officer when the count for each post has been successfully completed.

~~37-36.~~ A list of successful candidates will be published within 1 clear day of the declaration of the results, unless there is reason to delay. In this case, a statement of explanation will be published on the website.

By-Elections and Co-Options

~~38-37.~~ If any Union Office falls vacant, Governance & Membership Committee shall determine if and when a by-election should be called, except the Officer Trustees and elected Student Trustees, in which case the vacancy will be resolved in accordance with the Constitution & Bye-Laws. This timeline should be ratified by the Union Council.

Commented [JC13]: This seems an administrative burden upon Council.