

## Regulation A5: Elections

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### 1. Election Process

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- 1.1 The Elected Officers of the Robert Gordon University Student Association (the “Union”) shall be elected into their roles by a secret ballot of all Ordinary Members of the Union in accordance with these Election Regulations.
- 1.2 The Election Process shall be overseen and implemented by the Returning Officer, who may appoint a Deputy Returning Officer or other nominee(s) to act on their behalf.
- 1.3 Elections shall normally be held no later than the second Thursday in April of each academic year.
- 1.4 By-Elections may be held in the event that following the proper conclusion of the Elections, at least one post remains vacant. The decision as to whether or not to hold such further elections to fill any vacant posts shall be at the sole discretion of the Returning Officer.
- 1.5 By-Elections should normally take place by the third Thursday in November of the next academic session, and shall follow the same procedure as elections, except timing restrictions which shall be decided by the Returning Officer.
- 1.6 The process for undertaking an election shall be as follows:
  - 1.6.1 Notification of the election with information about the roles and key dates shall be issued to all Ordinary Members at least ten days prior to opening nominations;
  - 1.6.2 Nominations for positions shall be opened for candidates to put forward their details usually for a period of two weeks;
  - 1.6.3 Once nominations have closed and the candidates’ details have been verified, the Union shall formally publish the list of candidates;
  - 1.6.4 The Union shall host a candidates’ briefing to outline the Union’s Election Regulation and issue guidance for those participating in the elections;
  - 1.6.5 After the briefing has concluded, candidates shall be allowed to campaign for votes until such time as the voting closes;
  - 1.6.6 The Executive Committee shall determine the length of the voting period, including dates and times, and the decision of the Executive Committee shall be ratified by the Trustee Board;
  - 1.6.7 The Union shall host a candidates’ hustings to allow the opportunity for voting members to ask questions to candidates;
  - 1.6.8 Once voting has closed and the Returning Officer has undertaken a count, the Union shall officially announce those elected into the roles.

### 2. Returning Officer

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- 2.1 The elections shall be presided over by a Returning Officer, who shall be appointed by the Trustee Board and shall not be a member or staff of the Union.

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- 2.2 The Returning Officer may appoint a Deputy Returning Officer or other nominees from amongst the Union's staff to act on their behalf in the day-to-day supervision of the Elections.
- 2.3 The Deputy Returning Officer, on behalf of the Returning Officer, may 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 ensure the dates and times of the Elections, notification of the Elections and voting period comply with the Union's Election Regulation;
  - 2.3.3 supervise and conduct the count;
  - 2.3.4 oversee the announcement of the result;
  - 2.3.5 any other function as delegated by the Returning Officer.

### 3. Notice of Elections

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- 3.1 The Returning Officer shall issue notification of the Elections to Ordinary Members at least ten days before the date on which nominations open. This notice shall state the;
- 3.1.1 period for nominations;
  - 3.1.2 key election dates;
  - 3.1.3 posts for which nominations can be made;
  - 3.1.4 places from which nomination forms can be obtained; and
  - 3.1.5 places to which completed nomination forms must be returned.

### 4. Nominations

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- 4.1 Each Ordinary Member shall be eligible to stand as a candidate in an Election and may only stand for one post within the Union elections at a time.
- 4.2 Ordinary Members may not hold sabbatical union office, or paid elected office, for more than two years in total at the Union. Vice Presidents shall be able to serve a maximum of two years in any Vice President role, and may be elected into a President role for a maximum of two years
- 4.3 Nominations shall ordinarily be open for a period of two weeks for candidates to submit their name, student number, course details, contact details, manifesto, nominations and election declaration to the Union.
- 4.4 Candidates are encouraged to, but not required to, submit a manifesto outlining their aims and objectives if elected, alongside their completed nomination form. All manifestos received shall be collated and be published and made available on the Union website.
- 4.5 On closing of the nominations, the Returning Officer shall inspect all nominations and manifestos and verify that the candidates are eligible to stand in the elections.
- 4.6 The Returning Officer shall 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.

## 5. Candidates Briefing and Hustings

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- 5.1 All candidates shall be invited to a briefing session with the Returning Officer once the nominations have closed and the list of candidates has been published.
- 5.2 The Returning Officer shall inform the candidates on the following aspects of the elections:
- 5.2.1 key dates of elections, including the voting period and the results announcement;
  - 5.2.2 overview of the Union's Election Regulations and the election process;
  - 5.2.3 rules and conduct around campaigning, including interaction with voting students and other candidates, materials on campus and online, and materials in student accommodation;
  - 5.2.4 information on hustings events and other promotional opportunities;
  - 5.2.5 candidate's budgets, printing and expenses;
  - 5.2.6 information about the voting process;
  - 5.2.7 inappropriate use of existing positions or resources;
  - 5.2.8 candidate photographs and videos.
- 5.3 All candidates shall have the opportunity to ask questions to the Returning Officer at the briefing.
- 5.4 The Union shall provide opportunities for voting members to ask questions to candidates running for positions. Hustings events shall be opened to all candidates and shall be chaired by the Returning Officer, Deputy Returning Officer, or their nominee.

## 6. Campaigning

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- 6.1 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.
- 6.2 Each candidate may receive a small budget from the Union for campaigning materials and no other monies shall be spent on elections by a candidate. Finances shall be confirmed at the candidates' briefing and shall be set by the Trustee Board.
- 6.3 The Union, and associated media, shall promote the elections in a fair and balanced manner, allowing all candidates equal exposure and the Union shall publish a full list of valid nominations, manifestos and videos as soon as is reasonably possible.
- 6.4 All candidates are required to abide by the campaigning rules as outlined by the Returning Officer at the candidates' briefing. This shall include, but is not limited to:
- 6.4.1 any materials or posters must not be offensive or derogatory;
  - 6.4.2 all campaigning must respect the rules and policies of the Union and University, including the Union's Equality and Diversity policy and any poster policies;
  - 6.4.3 all candidates must be respectful of each other, and shall not be allowed to damage or remove other candidates' materials until after campaigning has finished;
  - 6.4.4 campaigning is not permitted in academic areas such as the library or classrooms;

- 6.4.5 candidates cannot make use of any privileges or resources they may have as part of any existing roles either on the Executive Committee or with societies, sports clubs or otherwise;
  - 6.4.6 candidates must only make use of resources and opportunities attainable by all candidates;
  - 6.4.7 campaigning in either academic areas or student accommodation is at the sole discretion of either the lecturing staff or resident, and candidates must ask permission before campaigning in such areas;
  - 6.4.8 candidates must be respectful and not partake in any discriminatory behaviour towards particular groups of students.
- 6.5 The Returning Officer reserves the right to remove any election material which in their reasonable opinion is inappropriate.

## 7. Voting

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- 7.1 The Returning Officer shall be responsible for ensuring that voting is conducted in a fair and appropriate manner, and shall determine whether voting shall be through a paper ballot, electronic ballot, or combination.
- 7.2 The Returning Officer shall ensure the dates and times of the voting period comply with the Union's Election Regulation. Voting details, including information regarding voting stations, timings, and any electronic voting platforms shall be published to Ordinary Members once confirmed by the Returning Officer.
- 7.3 Only Ordinary Members of the Union may vote upon the production of a valid University matriculation card or via valid electronic access.
- 7.4 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.
- 7.5 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.
- 7.6 Voting shall be carried out by one of two means:
- 7.6.1 placing an "X" opposite the name of the voter's preferred candidate;
  - 7.6.2 placing all, or some, of the candidates in the voter's numerical preference; as appropriate in and as directed by the circumstances.
- 7.7 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.
- 7.8 There shall be an option on the ballot paper entitled "Re-Open Nominations" ("RON").
- 7.8.1 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 6.2 of this Regulation.
  - 7.8.2 If RON wins the Election, then the office shall be declared vacant as if no one had been nominated.
  - 7.8.3 In the event of a re-run of the Election, RON shall appear as an option on the ballot paper.
- 7.9 In all elections, reasonable adjustments in the spirit of the Equality Act 2010 shall be made to ensure no voter shall be disenfranchised.

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

## 8. Voting Count

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- 8.1 The count of the votes shall be administered by the Returning Officer, with assistance from the Deputy Returning Officer or nominee(s) and if appropriate their appointed ballot counters.
- 8.2 Candidates are not allowed to be present at the count, but may appoint a scrutiner on their behalf.
- 8.3 Where the election uses paper ballots, on opening the ballot boxes, the Returning Officer will instruct all appointed counters to examine the voting papers.
- 8.4 Where the election uses paper ballots, voting papers will be declared spoiled by the Returning Officer if they consider that:
- 8.4.1 the paper has clearly been defaced/vandalised; or
  - 8.4.2 there is no clear indication of preference for any candidate; or
  - 8.4.3 the paper has not been stamped by the polling officer; or
  - 8.4.4 the paper is not authentic.
- 8.5 The quota for the voting count shall be calculated as follows:
- 8.5.1 the quota will be determined by dividing the total number of valid votes, excusing any spoiled papers, by the number of positions available (plus one);
  - 8.5.2 quotas that appear with decimal places shall be rounded up or down to a maximum of two decimal points where appropriate.
- 8.6 If a candidate reaches the quota on the first count, then they will be deemed to be elected to that post.
- 8.7 If no candidate reaches the quota, the votes shall be redistributed in accordance with Electoral Reform Society Scotland's and NUS Scotland's guidance.
- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 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.

- 8.12 The Returning Officer shall be responsible for announcing and publicising the results of the Election by way of the Union website and by any other reasonable means or media they deem appropriate.

## 9. Complaints and Appeals

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- 9.1 Any complaints regarding the conduct of a candidate, supporter or campaigner in an election should be made to the Deputy Returning Officer.
- 9.2 To be considered valid, any complaint must be submitted in writing and on a Student Election Complaint Form. Any complaint must cite the specific rule and/or regulation broken and provide specific evidence of the breach. Verbal complaints will not be considered.
- 9.3 If the complaint relates to the actions of the Deputy Returning Officer, this must be submitted using the same process and it will be referred to the Returning Officer.
- 9.4 Complaints made anonymously or without sufficient supporting evidence may not be considered. All evidence should be submitted alongside the complaint.
- 9.5 The complaints window begins at the close of nominations and closes one hour after the voting period ends. Any complaints received after this time may be considered under the Union's standard Complaints Regulation but will have no bearing on the outcome of the election.
- 9.6 Complaints must be submitted as soon after the breach as possible, especially during the campaigning and voting periods. Any delay in submitting a complaint may negatively impact the consideration of the case by the Deputy Returning Officer.
- 9.7 Upon receiving a complaint, the case will be investigated by the Deputy Returning Officer. This may involve contacting relevant individuals or groups to determine whether a rule or regulation has been breached. The Deputy Returning Officer will respond to all complaints in writing as soon as practically possible.
- 9.8 Anyone who does not engage with the Deputy Returning Officer's investigation within any requested timeframes will be deemed to have nothing further to add.
- 9.9 Following an investigation, the Deputy Returning Officer may:
- 9.9.1 Reject the complaint,
  - 9.9.2 Uphold the complaint and issue a sanction, or
  - 9.9.3 Refer to a relevant Union or University process.
- 9.10 Any sanction will aim to:
- 9.10.1 Redress where an advantage, inadvertently or deliberate, has been gained,
  - 9.10.2 Hold to account where a rule or regulation has been breached.
- 9.11 The candidate, complainant, and any other affected individuals will be notified of the decision. It may also be necessary to publish the outcome on the Union website.
- 9.12 Candidates are regarded as reasonably responsible for the conduct of individuals campaigning on their behalf and may therefore be subject to investigation and disciplinary action if those individuals engage in misconduct.
- 9.13 Any complaints deemed to have been filed maliciously to damage another candidate's campaign, rather than to pursue a genuine grievance, may incur

penalty to the candidate who submitted such a complaint.

- 9.14 A candidate may appeal the decision of the Deputy Returning Officer.
- 9.15 The appeals process exists to remedy any failings in the process rather than to repeat the investigation.
- 9.16 If the Deputy Returning Officer's original decision was communicated before the close of voting, an appeal must be submitted on an official Student Election Appeal Form within 24 hours of the decision being communicated, or up to one hour after the close of voting period, whichever is sooner.
- 9.17 If the Deputy Returning Officer's original decision was communicated after the close of voting, an appeal must be submitted on an official Student Election Appeal Form within 24 hours of the decision being communicated.
- 9.18 Following an appeal, the Returning Officer may:
  - 9.18.1 Reject the appeal,
  - 9.18.2 Uphold the appeal and amend or remove the sanction, or
  - 9.18.3 As the Deputy Returning Officer to re-open the investigation.
- 9.19 Rulings of the Returning Officer will usually be communicated within two working days.