

Election Disciplinary Regulation Changes

- Currently the only explicitly stated disciplinary powers of the returning officer are:
 - o Issue warnings
 - o Issue fines
 - o Recommend disqualification to Governance Committee
- There is a catch all phrase that allows the returning officer to set further rules and regulations outside of the byelaws to govern the elections.
- Fines are not recommended unless on the grounds of replacing criminal damage due to the unequal effect it has on different students depending on their financial situation
- The difference in effect of the other two available sanctions – warning and disqualification recommendation – is felt to be too great and so for two years an intermediary sanction of suspension from campaigning has been applied
- An appeal process for disqualification was also constructed.
- This was agreed and implemented after earlier discussions at Governance Committee however it was agreed that the Byelaws describing this were unclear and so the changes are recommended below.

The Changes

H3. 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. Oversee the count and declare the results of the elections.

3.4. Set rules, regulations and guidelines other than these election Bye-Laws to govern the conduct of the election.

3.5. Seek legal advice if they believe that statements made or the contents of publicity could leave the Union open to legal action.

3.6. 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. 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 Committee, in accordance with these election Bye-Laws and any rules and regulations issued in accordance with the above.

3.8.1 Unless in relation to Byelaw G44.3 or 44.4, a monetary fine should be avoided.

3.9 Be empowered to suspend candidates from active campaigning

3.9.1 Suspension shall be defined as suspended from campaigning activities for 2 hours from the next day lunch time (12:00 – 14:00). If sanctioned on the final day of campaigning before mid-day, suspension occurs over the last 12:00 – 14:00 period during campaigning. If suspension occurs on

the final day of campaigning after mid-day the suspension is for the remainder of campaigning and enforced immediately.

3.9.2 For the avoidance of doubt all active campaigning activities are to cease – if candidate or team member is seen to be actively campaigning this will be seen to be a further breach of the election rules.

3.10 Be empowered to indefinitely suspend candidates pending disqualification decision from Governance Committee.

3.10.1 Indefinite Suspension shall be defined as the candidate being suspended from active campaigning activities from the next day 12:00 onward.

3.10.2 Challenges to this sanction must be made to Governance Committee.

3.119. Deliver, or ensure the delivery of, appropriate training to all election candidates.

3.120. Make available an information pack to potential candidates for each election outlining relevant rules and procedures.

H.4. The following powers shall be reserved by the Governance Committee having taken advice from the Returning Officer:

- 4.1. Disqualifying a candidate,
- 4.2. Ordering a re-run, and
- 4.3. Setting aside ballot papers

Complaints

H.5. The Returning Officer shall deal with complaints regarding the conduct of candidates, their supporters and campaigns, and the administration of elections.

H.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.