

6. ELECTIONS & DEMOCRACY BYELAW

This Byelaw describes the process of Elections, Officerships, and Byelaws, as well as the inter-relationships between the democratic bodies of the Union.

PREAMBLE

1. The Union consists of two principle bodies charged with the development, compliance, and direction of its work. These are the Board of Trustees and the Student Forum.
 - 1.1. The Board of Trustees is responsible for the financial, strategic, and long-term development of the Union as an organisation. Its terms of reference are detailed in the Trustees Byelaw.
 - 1.2. The Student Forum is responsible for the expression of student opinion through debate and policymaking, to inform the priorities, positions, and advocacy work of the Union. Its terms of reference are detailed in the Student Forum Byelaw.

2. The relationship between the Board of Trustees and the Student Forum is such that:
 - 2.1. the Board of Trustees is concerned with the Union as a charity and is responsible for ensuring that the Union has systems and resources in place to support a functioning and vibrant democracy and within this, a Student Forum;
 - 2.2. the Student Forum is concerned with the political work of the Union and responsible for the faithful representation of students' views and priorities to the Board of Trustees, via the Full Time Officers, as the Board of Trustees seeks to fulfil its charitable objects;
 - 2.3. policy statements which support the achievement of the Unions objectives are the Student Forum's business, but may also have financial, physical, and personnel elements which are the responsibility of the Board of Trustees; and
 - 2.4. if the political decisions of the Student Forum carry major resource implications the approval of the Board of Trustees may also be required.

3. The work of these bodies is supported by their sub-committees, the Executive Committee, and the Union staff team.

ELECTIONS AND DEMOCRACY WORKING GROUP

4. There shall be an Elections and Democracy Working Group, that shall be responsible for:
 - 4.1. setting the dates for the election calendar;
 - 4.2. Publicising election and democratic events;
 - 4.3. reviewing election performance with a view to recommending any election rule changes to be considered by the Returning Officer (RO); and
 - 4.4. co-ordinating democratic events, such as referenda, in conjunction with the Governance and Policy Committee and alongside the RO or their nominee, in line with the procedures as laid out in the Referenda, Student Forum, and Student Members Meetings Byelaw.

ELECTIONS AND DEMOCRACY COMMITTEE MEMBERSHIP

5. The members of the Elections and Democracy Committee shall be:
 - 5.1. Deputy Returning Officer (DRO) as Chair;
 - 5.2. Union staff who are delivering the democratic events as required; and
 - 5.3. A nominee of the Board of Trustees who will ordinarily be an officer or student trustee.

ELECTIONS

6. Procedures specified in this Byelaw shall govern the running of all Union elections.
7. By principle, all Union elections shall be: fair, open, democratic, accessible, and transparent.
8. All Union elections will follow this election sequence:
 - 8.1. Notice of elections;
 - 8.2. Nominations;
 - 8.3. Candidates are checked for eligibility with LJMU.
 - 8.4. Official Candidate Briefing;
 - 8.5. Campaign and polling period opens;
 - 8.6. Candidates' Speeches;
 - 8.7. Count; and
 - 8.8. Publication of Results.

9. Re-open Nominations is the alternative option to candidates on the ballot (RON). RON shall appear as an option on the ballot in all elections and should RON be the elected option, then the post in question shall remain vacant until a by-election is held.

RETURNING OFFICERS

10. The Returning Officer shall be a suitably qualified legal body external to the University, appointed annually by the Board of Trustees.
11. The Returning Officer shall have overall responsibility for overseeing the process of elections within the Students' Union.
12. The DRO shall be a suitably qualified member of Union staff, appointed by the Trustee Board.
 - 12.1. The DRO shall be responsible for the day-to-day planning of the elections process, producing guidance/information, briefing, and training candidates, administering elections, fielding questions, and referring election complaint appeals to the RO for rulings to be made.
 - 12.2. The DRO will have the delegated powers from the Returning Officer to issue formal rulings and warnings, in the first instance, to those taking part in the election in relation to breaches of the election rules.
 - 12.3. The DRO will assume the responsibilities of the Returning Officer in smaller internal Union elections in which the Returning Officer would not be involved, for example, Student Group elections.
 - 12.4. The DRO will act as Chair for the elections and democracy committee and working group.

ELECTED POSITIONS

13. The following categories of officers shall be elected by a Cross Campus Ballot:
 - 13.1. Full-Time Officers;
 - 13.2. NUS Conference Representatives as defined by NUS.
 - 13.3. Student Group Executive Officers will be elected in accordance with the procedures set out in the Activities Policy and shall be assigned a Deputy Returning Officer.

TIMING AND NOTICE OF ELECTIONS

14. Elections for sabbatical roles shall take place before the Easter Break in the Spring Term each year.
15. NUS Delegate elections will be elected in line with NUS' rules and schedules for the given year.
16. There shall be at least five working days' notice of elections given before nominations open.
17. Unless the Trustee Board determines otherwise, any vacancies arising in any term shall to the fullest extent possible be the subject of a by-election.

NOMINATIONS

18. Nominations for all elections must be open for at least 5 working days.
19. All Members of the Union are eligible to stand for a position in the Union elections, with the exception of where candidacy criteria and electorates have been agreed regarding self-defining electorates.
20. Any Full Time Officer who takes part in an election whilst holding office must take annual leave for the duration of their campaigning activity and must not use the facilities, influence, information, or resources afforded to them by their role as an officer, employee, or trustee to assist their campaign.

VACANCIES

21. If a Full-Time Officer vacancy arises before the commencement of the academic year, then the Trustee Board shall decide if a bye-election can be delivered, else it may decide to hold the vacancy.
22. If a Student Trustee vacancy occurs, the Appointments Committee shall determine the suitability of a recruitment process to fill the vacancy.

TERMS OF OFFICE

23. Office tenure is based upon an individual's membership status. If an officer ceases to hold full member status of the Students' Union, their office tenure will end.
24. The term of office for Full Time Officers will be a year period, commencing on the 1st July until the 30th June, unless otherwise specified by the Trustee Board,
25. The term of office for all other elected roles shall be:
- 25.1. NUS representatives: 1st July – 30th June.
 - 25.2. Student Group Committee Members in line with the Activities Policy.

ELECTIONS CAMPAIGNING & CONDUCT

26. The Elections and Democracy Committee shall submit a set of campaigning rules and regulations to the Trustee Board for approval each academic year, which shall ensure that election campaigning is fair, accessible, transparent, non-party-political, compliant with Charity Commission guidance, and does not place the Union at reputational, financial, or legal risk.
27. These rules should be adhered to by candidates and used by the Returning and Deputy Returning Officers to make decisions on elections issues.
28. Creative, Media, and Performance Societies shall ensure that they give impartial coverage of elections. Where any opportunity, platform, or promotional coverage is offered to a candidate, the same opportunity must be made available equally to all candidates.

POLLING & COUNT

29. The polling period will be open for a minimum of 24 hours. This can be extended at the discretion of the Returning Officer and Deputy Returning Officer.
30. Elections counts shall be conducted by the Deputy Returning Officer with support as appropriate.
31. The results will be sent to the Returning Officer to confirm. This confirmation may take place after the announcement of results.

32. Election counts should ordinarily take place and results be published within 2 working days of a poll's closure.
33. Trustee Board and University will be notified of the results after the Elections Results Night.

ELECTIONS COMPLAINTS AND APPEALS

Complaints

34. In the first instance, complaints about election conduct and process should be given in writing to the Deputy Returning Officer. If the complaint is regarding the Deputy Returning Officer, notification should be given in writing to the Chief Executive Officer.
35. Complaints shall either relate to:
 - 35.1. breaches of the elections rules and regulations; and/or
 - 35.2. an irregularity in process; and/or
 - 35.3. activity by person(s) that could reasonably be viewed to have damaged the integrity of the vote.
36. The Deputy Returning Officer shall investigate and arbitrate on all complaints in the first instance.
37. Complaints may be fed into the Union's and/or University disciplinary processes if they are considered not to be an election matter first and foremost.
38. The Deputy Returning Officer can decide to take action based on the outcome of a decision. These actions shall take immediate effect with the following exception:
 - 38.1. The removal of candidates shall require the authorisation of the Returning Officer.
39. If the Returning Officer believes an offence to have fundamentally damaged the integrity of a vote, then they may call for the election to be re-run as soon as is considered reasonably practical.
40. All complaints about election conduct must be received before the count begins and no later than one hour after the close of voting.
41. All decisions of the Returning Officer are final.

Appeal to the University

42. If an individual has a complaint over how the Union has managed the election process in relation to their duties under section 22 of the Higher Education Act of 1994, these shall be set out in writing to the University to investigate.

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