

GUU

Election Procedure & Standing Orders

As taken from the GUU Constitution

Article VI : Returning Officer

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Taken from the May 2014 Constitution

June 2020

Article VI. RETURNING OFFICER

(1) The Board of Management shall appoint a Returning Officer who shall be responsible for the conduct of the Annual Election and any By-Elections and who, subject always to the rules of the Constitution, shall be guided by the provisions of the Representation of the People Act 1948 or any re-enactment or replacement thereof; the Returning Officer shall not be a Member of the Board of Management nor a Registered Student of the University; the Returning Officer shall not be an employee of the Union, of the Queen Margaret Union, of the Students' Representative Council, of the Glasgow University Sports Association, or any other student Body.

(2) The Powers of the Board of Management to conduct any election shall be exercised solely by the Returning Officer on behalf of the Board of Management and without interference by the Board of Management except that the Board shall retain a Supervisory Role and may instruct the Returning Officer to seek legal advice, at Union expense, on any matter pertaining to a Union Election and require the Returning Officer to accept any such advice. The Board of Management shall draw to the attention of the Returning Officer any matter regarding the conduct of any election, including any matter on which the Returning Officer has already announced a decision, which the Board considers merits the further consideration of the Returning Officer but, always excepting the powers of the Board to require the Returning Officer to take legal advice, shall not attempt to overturn, or otherwise interfere in, a decision of the Returning Officer.

(3) The Board of Management shall have power to dismiss the Returning Officer at any time except during the period between the posting of Notice of any Election and the declaration of the results of that election.

(4) In the event of the Returning Officer being unable to supervise any election or any part of any election, the Board of Management shall appoint a Temporary Returning Officer to act in the absence of the Returning Officer, whose appointment shall not run for longer than the period from the posting of Notice of Election to the declaration of results of that Election, but who may be appointed as Temporary Returning Officer on more than one occasion. Any Temporary Returning Officer thus appointed shall fulfil all the conditions of eligibility for appointment as the Returning Officer and shall have all the rights and duties of the Returning Officer including the protection of Article VI, section 3 of this Constitution.

(5) The Returning Officer shall report to the Board of Management and to the University Court on the conduct, fairness, and result of the Annual Election and of any By-Election.

ARTICLE VII : ELECTIONS

(1) Annual Election

i) The Annual Election to the Board of Management shall be held in the Union between the hours of 9.00a.m. and 7.00p.m. on the first Thursday in March each year and shall be by secret ballot open to all Ordinary Members and Life Members of the Union. Nominations for vacancies at the Annual Election may be lodged at any time when the Union is open between 9.00a.m. on the Monday ten days before the day of the Annual Election and 5.00p.m. on the Thursday first following that Monday. The Notice calling said Annual Election shall be posted in the Union seven days before the day on which nominations open.

ii) The Notice of Election shall be posted as hereinbefore prescribed and shall contain a list of the Members of the Board retiring or resigning or otherwise demitting office and those eligible for re-election. The positions to be filled, the date of the Poll and the hours of the Poll shall also be stated.

iii) Nominations of Candidates to fill those vacancies shall be made upon forms supplied by the Honorary Secretary or upon copies of Forms supplied by the Honorary Secretary and shall be addressed and delivered to the Honorary Secretary at any time within the period hereinbefore specified. The form shall be signed by the Candidate nominated at the place marked for that purpose below the docquet of acceptance of nomination (which shall contain certain qualifications as hereinafter prescribed). The Form shall also be signed at the appropriate places by the Proposer and Seconder of the Candidate.

iv) The Candidate must be a person eligible for election according to the Constitution and the Candidate, the Proposer and the Seconder must be Ordinary or Life Members of the Union at the time when nominations close.

v) No person shall accept or maintain nomination for more than one vacancy in the same election under penalty of being deemed ineligible to stand for election for any position in that election; a person shall be deemed to have accepted nomination for any vacancy when a Nomination Form, duly signed by the Candidate, has been delivered to the Honorary Secretary or any person acting on her/his behalf.

vi) The names of the Candidate so nominated shall be posted on the Union Notice Board and made available to the membership in accordance with the Union's communication protocol as soon as is practicable after the nomination has been received by the Honorary Secretary.

vii) Any Candidate wishing to withdraw her/his acceptance of nomination for election must so intimate to the Honorary Secretary by or before twelve noon on the day preceding the election.

viii)The Nomination Form shall take the following form:

GLASGOW UNIVERSITY UNION

ELECTION OF OFFICE BEARERS AND BOARD OF MANAGEMENT 20__ - __
*Nomination Form in terms of Article VII section 1, subsection (iii) of the Constitution of
Glasgow University Union.*

We, the undersigned, being Members of the Union, hereby nominate

.....

For the position of

Signed (Proposer).....

..... *Ordinary Membership Number/Life Membership Number*

Signed (Secunder).....

..... *Ordinary Membership Number/Life Membership Number*

I,, agree to accept nomination.

I accept that all information requested in this nomination form is material and essential and that any error, including mistake in the Membership number of any party to the Nomination Form or failure of any party to the nomination to sign the Form (or signature by use of Block Capital Letters) shall render the Nomination invalid with the result that the Nomination shall be a nullity.

I agree that the Nomination Form lodged with the Union must bear an original signature by me and that photocopies or facsimile copies of my signature will not constitute acceptance of nomination for the purposes of Union elections.

I agree to abide by the decisions of the Returning Officer in all matters regarding the conduct of the election and the validity of nominations.

I have read and understood the contents of this Form and I agree if elected to abide by and uphold the Constitution, ByeLaws and policies of Glasgow University Union.

Signed(Candidate)

.....*Ordinary Membership Number/Life Membership Number*

ix) Before the close of Nominations, each Candidate for election whose eligibility for election depends upon her/his being a Registered Student shall lodge a Manifesto Form bearing a completed docquet at the beginning thereof in the following terms:

GLASGOW UNIVERSITY UNION

MANIFESTO FORM IN TERMS OF ARTICLE VII, section 1, subsection (ix)

I seek election to the position of until March.....

I fully intend to serve on the Board of Management until at least that date.

I am a year Student in the College of.....

I am due to graduate in the month of in the year.....

x) No Member of the Board of Management may accept nomination for any vacancy to be filled at an Annual Election unless the term of office then being served by that Member shall expire by attainment of the term of that office at the Annual General Meeting immediately following such Annual Election, by disqualification effective at or before the Annual General Meeting immediately following such Annual Election, or by resignation intimated and effective before the close of nominations for the Annual Election. In the event of resignation as aforesaid being specifically stated in the intimation of resignation to be for the purpose of seeking election at the Annual Election, the resigning Member of the Board of Management shall be permitted to carry out the duties and to enjoy the privileges and authority of a Member of the Board of Management until the result of the Annual Election has been declared or, should the resigning Member of the Board of Management not be validly nominated for election notwithstanding the terms of the intimation of resignation, until the close of nominations for the Annual Election.

(2) By-Election

(a) Save as provided in this paragraph and in Article VII, section 2, paragraph (b) hereof, in the event of any Member of the Board of Management resigning or otherwise demitting office in the course of her/his tenure of office, her/his successor shall be elected in a manner hereinafter provided by a By-Election convened within 28 days of such resignation or demission of office except where said resignation or demission of Office takes place within 28 days preceding the Annual General Meeting. In the event of such resignation or demission of office (other than by attainment of the term of that office) taking place within 28 days but more than 18 days preceding the Annual General Meeting, the election of the successor shall be included in the Annual Election and shall be organised in accordance with all rules relating thereto; in the event of such resignation or demission of office (other than by attainment of the term of the office) taking place within 28 days and less than eighteen days preceding the Annual General Meeting, the election of a successor shall take place at a By-Election convened within the 28 days immediately following the Annual

General Meeting. Any By-Election shall be by secret ballot open to all Ordinary Members and Life Members of the Union.

(b) Where it is known at the date of posting of the Notice of By-Election that another By-Election will require to be held within seven days of such By-Election, the Board of Management may (but only with the agreement of the Returning Officer) delay the holding of the first By-Election to allow both By-Elections to be held concurrently; no By-Election may be thus postponed more than once.

(c) Notwithstanding the foregoing, in the event of a By-Election being required during Semester One, no Notice of Election shall be posted before 0900 hours on the Monday immediately following 1st October.

(d) No Member of the Board of Management may accept nomination for any vacancy to be filled at a By-Election without first having resigned from the post already held on the Board of Management and such resignation must take effect before the close of nominations for that By-Election. In the event of resignation as aforesaid being specifically stated in the intimation of resignation to be for the purpose of seeking Election at a By-Election, the resigning Member of the Board of Management shall be permitted to carry out the duties and to enjoy the privileges and authority of a Member of the Board of Management until the result of the By-Election has been declared or, should the resigning Member of the Board of Management not be validly nominated for election notwithstanding the terms of the intimation of resignation, until the close of nominations for the By-Election.

(e) No By-Election to the Board of Management shall be held during a recognised university vacation. Should any By-Election fall to be held during a recognised University vacation, this By-Election shall be held within 21 days of the commencement of the succeeding term. No By-Election shall be held on a day that is a recognised University holiday. Should any By-Election fall to be held on a recognised University holiday, it shall be held on the Thursday immediately following said University holiday.

(f) Unless otherwise specified in the Intimation of Resignation, any resignation by a Member of the Board of Management shall be deemed to be effective from the date of such intimation or, if undated, from the date of receipt of such intimation by the Honorary Secretary or any substitute therefor nominated so to act by the Executive Committee or the Board of Management.

(g) The Honorary Secretary, failing whom a Member of the Board of Management appointed to undertake pro tempore the duties of the Honorary Secretary, shall post a Notice of a By-Election in the Union before 1700 hours on the first Friday of Semester One. Said notice shall be as nearly as may be in the following form: "Notice is hereby given that a By-Election may be held in terms of Article VII, section 2, Subsection g of the Constitution on Thursday (specify date) (being the Thursday following 10 days after the first Monday after 1st October) to fill any vacancies on the Board of Management created by resignation or demission of Office for any reason. A list of positions for which it is already known that an election will be required is appended to this Notice. A formal Notice of By-Election containing a complete list

of positions for which Election will be required will be posted on the first working day after the twenty-first calendar day of Semester One (all calendar days, including the first day of Semester One, being counted towards the total of 21). Nominations for Election to such positions may be made between 0900 hours on Monday (specify date) (being the first Monday following 1st October) and 1700 hours on Thursday (specify date) (being the first Thursday thereafter). A By-Election will be held seven days later on Thursday (specify date).” A By-Election shall be called in accordance with the terms of such notice.

Article VIII. ELECTORAL SYSTEM

(1)

a) The Members of the Board of Management shall be elected (whether at an Annual Election or at a By-Election) in the manner hereinafter provided.

i) In the event of there being more nominations than vacancies for any position on the Board of Management, the method of voting shall be by the single transferable vote system, videlicet:

ii) A Voter shall place the figure 1 on her/his ballot paper opposite the name of the Candidate who is her/his first choice, and may, in addition, place on her/his paper the figure 2, or the figures 2, 3, 4, 5, or such a number as shall correspond with the number of Candidates duly nominated, in the order of her/his preferences opposite the names of the Candidates whom he/she would prefer should her/his first or any later choice be excluded from the count. The Returning Officer shall have absolute unchallengeable discretion in determining whether or not any mark other than a figure as aforesaid shall render a ballot paper void, non transferable, or shall indicate a clearly expressed preference which the Returning Officer may deem to be a vote in favour of a particular Candidate.

iii) The quota of votes required by any Candidate for election out of the total number of votes cast shall be calculated according to the formula:

$$\text{Quota required: } \frac{\text{(total valid votes cast in favour of all Candidates)}}{\text{(number of vacancies+1)}} + 1$$

iv) When calculating the total valid votes cast in favour of all Candidates, the cumulative number of spoiled or non-transferable ballots shall be deducted from the total number of ballot papers.

v) Until any Candidate obtains a quota, the Returning Officer shall exclude from the count the Candidate with the smallest number of first votes, and shall then examine the papers bearing the votes in favour of the excluded Candidate, and shall transfer to other Candidates any votes given on these papers whereon their names are marked as next in preference (after excluding from consideration higher preferences in favour of Candidates already

excluded or elected); he shall in each case add as first votes the votes transferred to the total of the votes of the Candidates to whom the transfer is made.

vi) Until such Candidate obtains a quota as described above, the Returning Officer shall, in the manner as aforesaid, exclude from the count the Candidates not previously excluded one after another, the Candidate with the smallest number of votes being always first excluded.

vii) In the event of two or more Candidates gaining the same number of votes in circumstances in which the Returning Officer must declare one or more of them elected or must exclude one or more of them from the count, the Returning Officer shall resolve the tie by applying the earliest-mentioned of the following options that would resolve the tie:

i. He/she shall give precedence to the Candidate who attained the highest number of first preference votes in the first count.

ii. He/she shall give preference to the Candidate who had attained the highest number of votes immediately before commencement of the current count.

iii. He/she shall examine the first count ballot papers in favour of the tied Candidates and, solely for the purpose of resolving the tie, shall treat them as if they were the only votes cast in the election and as if the tied Candidates were the only remaining Candidates in the election and, by transferring votes according to second or subsequent preference in accordance with the rules set down in this Constitution, shall determine which of the tied Candidates should be declared elected or excluded; having concluded this election within an election, he/she shall then restore to each Candidate involved the votes that had been cast in her/his favour immediately before the conduct of the election within an election and shall then proceed with the remainder of the election.

iv. He/she shall examine the first count ballot papers in favour of all Candidates and, solely for the purpose of resolving the tie, shall treat them as if the tied Candidates were the only remaining Candidates in the election and, by transferring votes according to second or subsequent preference in accordance with the rules set down in this Constitution, shall determine which of the tied Candidates should be declared elected or excluded; having concluded this election within an election, he/she shall then restore to each Candidate involved the votes that had been cast in her/his favour immediately before the conduct of the election within an election and shall then proceed with the remainder of the election.

v. In the event of none of the foregoing steps resolving the tie, he/she shall toss a coin to break the tie, and shall have power to allow Candidates or their representatives to call "heads or tails" or him or herself to allocate "heads or tails" to Candidates, provided that said allocation shall be made before the toss of the coin.

viii) Should there be a tie between Candidates either in the final count, for one vacancy, or at the bottom of a count precedence will be given to the Candidate with the greater number of votes in the first count; should there be a tie between Candidates at the bottom of the first

count, eligibility for a further count shall be decided by an examination of the papers of the other Candidates higher on the list, and the Candidate with the smallest number of votes on these papers as given him or her as next in order of preference shall be excluded.

(b) In the event of the nominations for any position on the Board of Management being equal to or less than the number of vacancies the Returning Officer shall declare that the Candidates so nominated have been duly elected; in the case of an Annual Election, the Declaration that the Candidates so nominated have been duly elected shall become effective at the close of the Annual General Meeting immediately following said Annual Election; in the event of a By-Election, the declaration that the Candidates so nominated have been duly elected shall become effective immediately after said declaration.

(2) No persons other than the Returning Officer and those appointed by him or her shall be allowed within the place of voting except for the express purpose of voting.

(3) In the event of any Candidate or Candidates for election in a By-Election being the only validly nominated Candidate or Candidates such that the By-Election need not proceed, the Returning Officer shall declare such Candidates duly elected and said declaration shall become effective immediately.

(4) Without prejudice to the terms of Article VI, section 2 hereof, the decisions of the Returning Officer shall be final.