

# **MAKING POSTGRADS MATTER**

**GSA ELECTIONS**

**Election  
Regulations**



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## **The Returning Officer and Elections Committee**

### **1. Appointment of the Elections Committee**

- 1.1. An Elections Committee will be set up prior to each election. At minimum, the Committee will comprise of the following:
  - 1.1.1. The Returning Officer (an external member with no connection to the GSA);
  - 1.1.2. The Deputy Returning Officer;
  - 1.1.3. A member of Association Council;
  - 1.1.4. A GSA staff member;
  - 1.1.5. A student holding no official role at the GSA.
- 1.2. Unless approved by the Trustee Board in advance of an Election, the CEO should not hold a role on the Elections Committee.
- 1.3. Members of the Elections Committee may not stand for election.
- 1.4. Members of the Election Committee may not show preference for, or endorse, any candidate.
  - 1.4.1. Any member of the Elections Committee who shows a preference for, or endorses, a candidate shall be removed from the Elections Committee and should be replaced as early as possible.
- 1.5. The Elections Committee has the power to remove any committee member from their position should they fail to perform their duties in a fair, impartial or timely manner. Any removed member has the right to appeal any decision via the GSA appeals process (see below).
- 1.6. The Elections Committee will assume collective responsibility for any decision made. Any decision taken by the Committee will be attributed to the Committee as a whole rather than any individual member.
- 1.7. No member of the Elections Committee can be involved with the GSA appeals process.

### **2. Duties and Powers of the Returning Officer**

- 2.1. To oversee all aspects of the elections in a fair and impartial manner.
- 2.2. To ensure the elections are adequately publicised, and that the electorate has access to all appropriate information.
- 2.3. To work with the Elections Committee to deal with any complaints or breaches of regulations, and inform candidates of any sanctions issued.
- 2.4. To ensure that proper provision is made for all members to vote.
- 2.5. To oversee the count and order recounts, where necessary.

### **3. Duties and Power of the Deputy Returning Officer**

- 3.1. To lead on the planning and organisation of the Elections.
- 3.2. To manage the day-to-day running of the Elections.
- 3.3. To act as the first point of contact and receive all correspondence regarding elections, and relay them to the Elections Committee where appropriate.
- 3.4. To support the Returning Officer in their responsibilities, including, but not limited to, investigating complaints and liaising with candidates.



- 3.5. To arrange and oversee candidate briefing sessions.
- 3.6. To arrange and oversee the GSA Hustings.
- 3.7. To submit a report to the Student Council and the GSA Board of Trustees after the conclusion of the elections, covering the process and any issues encountered.

#### 4. Duties and Powers of the Elections Committee

- 4.1. To provide unbiased support and advice to the Returning Officer and Deputy Returning Officer on matters relating to the elections.
- 4.2. To ensure that elections are conducted in a fair, legal and democratic manner, in accordance with the constitution and Election Regulations.
- 4.3. To validate nomination forms and ensure no publicity produced is in breach of the Election Regulations.
- 4.4. To collectively issue rulings on the interpretation and application of the Election Regulations, and to issue or revise guidelines where necessary.
- 4.5. To collectively deal with complaints, and issue appropriate sanctions to candidates found to be in breach of the Election Regulations.
- 4.6. To, if necessary, alter the length of an election period. This includes the nomination period, campaigning period and voting period.
- 4.7. The Elections Committee may, in consultation with the Board of Trustees, declare an election invalid and annul them.
  - 4.7.1. To declare an election invalid, the Elections Committee and Board of Trustees must conclude that there has been an institutional failure, or that the elections were not conducted in a fair, legal and/or democratic manner.
  - 4.7.2. The decision and rationale for the annulment of an Election should be communicated to all members as soon as possible, alongside the timeframe for a new election.
- 4.8. The Elections Committee reserves the right to disqualify a candidate from the elections if they breach the University of York student Code of Conduct ([Regulation 7](#)).
- 4.9. The Elections Committee may seek clarification from the Board of Trustees for any issue that they feel is beyond the normal scope of the Committee.



## **The Election Timetable and Voting Procedures**

### **5. Election Timetable**

- 5.1. Provisional dates for the elections should be determined as early as possible. The specifics of the Election timetable should be agreed by the Elections Committee.
- 5.2. The full timetable should be published on the website before nominations open.
- 5.3. Elections should be publicised at least one week before nominations open.
- 5.4. Nominations should remain open for a minimum of one week.
- 5.5. All dates and deadlines (including for the submission of manifestos, photos and training sessions) should be available when nominations open.
- 5.6. Candidates will be given a minimum of three days to campaign before voting opens.
- 5.7. Voting should take place over at least a week. Where possible, the voting period should cover a weekend.
- 5.8. The count will be held as soon as possible after the close of voting.

### **6. Voting**

- 6.1. Voting will be by secret ballot.
- 6.2. Voting will take place by an electronic ballot.
- 6.3. The Elections Committee will decide if the STV or first-past-the-post voting system is to be used, based on which is most appropriate for the election.
- 6.4. All members of the GSA are permitted to vote.
- 6.5. All members are entitled to a single vote per position up for election.
- 6.6. The option to Re-Open Nominations (RON) must be made available on all ballots. If RON is elected then the position remains unfilled, and a further election should be held.
- 6.7. If issues arise during voting, for example a failure in the online voting system, the Elections Committee has the option to extend the voting period, delay or suspend the election.

### **7. Electronic Ballot**

- 7.1. The Returning Officer is responsible for ensuring that the online ballot is accessible to all members.
- 7.2. The polling site must be secure.
- 7.3. All eligible members must have the opportunity to vote.
- 7.4. Each voter will have an individual login or voting code.
- 7.5. A link to all candidate information should be available on the polling site.
- 7.6. Vote counting will be conducted by the voting software.
  - 7.6.1. In the case of a recount, the Elections Committee could request a hand-count if technological possible.
- 7.7. A voting portal should be established on the GSA website. If this is not possible, the website should relocate all voters to the appropriate voting location.
- 7.8. The ballot must randomise all candidates.



## **Eligibility**

### 8. Eligibility

- 8.1. All candidates must be Ordinary Members of York GSA (see the GSA Constitution)
- 8.2. All Ordinary Members of the GSA, including PhD students in their writing-up year, are eligible to stand for election. All members must be given equal opportunity to stand.
- 8.3. Candidates for Principal Officer positions will be required to confirm their eligibility to act as Trustees of the company, under the 2011 Charities Act. If, at any point during their term of office, they cease to be eligible to fulfil the role of Trustee or are disqualified for any reason, then they may also be disqualified as a Principal Officer.
- 8.4. No individual may serve as a Principal Officer for a total of more than two years.

These are the eligibility criteria set by the GSA. There may be other University or organisational restrictions to candidacy beyond the control of the GSA.

## **Candidate Rules and Conduct**

### 9. General Rules

- 9.1. All candidates must receive equal opportunities for campaigning.
- 9.2. Any practice not covered within the regulations should be submitted for review by the Elections Committee.
- 9.3. Campaigning covers any action undertaken in order to raise the profile of a particular candidate and influence voters, online and offline. This includes posterage, social media groups and pages, canvassing, handing out leaflets, and giving presentations. It does not include spreading unbiased information about the election or voting process, without reference to a particular candidate, or conversationally discussing the elections.
- 9.4. Successfully elected candidates for Principal Officer positions will be required to sign a legally binding Memorandum of Agreement, which covers their responsibilities and terms of office.

If candidates are uncertain about whether their campaign tactics are within the regulations they should consult the Deputy Returning Officer before going ahead.

### 10. Nominations Process

- 10.1. Nomination forms must be fully completed and submitted before the close of the nomination period to be considered.
- 10.2. All nominations must be validated by the Elections Committee, including confirming the registered student status of all nominees.
- 10.3. Submitting the nomination form constitutes a confirmation of eligibility and agreement to be governed by the Election Regulations.



- 10.4. Candidates may withdraw their application and stand down from election at any time, up until the start of voting, by informing the Returning Officer or Deputy Returning Officer in writing.
- 10.5. If a candidate becomes ineligible to stand for any reason at any point during the election they must withdraw.
- 10.6. Candidates may not run as a slate (a group of two or more candidates running on a shared manifesto).

## 11. General Conduct

- 11.1. Candidates must not behave in a manner which may bring themselves, the elections, the GSA, or the University of York into disrepute. All forms of bribery, blackmail, intimidation, and harassment towards other candidates or members of the University are strictly prohibited.
- 11.2. Current officers standing for election may not use their status or any resources provided to them as part of their role to further theirs or any other election campaign.
- 11.3. Members of GSA staff may not endorse or show preference for any particular candidate. Members of Association Council are permitted to endorse candidates, as long as it is clear that this is their independent opinion and not an official endorsement from Council.

## 12. Campaigning Rules

- 12.1. Candidates must attend a Candidate Briefing session before they begin campaigning.
- 12.2. Campaigning must only occur in the designated campaigning period.
- 12.3. Candidates may form a 'campaign team' of other students to help them promote their campaign. Details of all members of this campaign team, including email addresses, must be registered with the Elections Committee.
  - 12.3.1. Candidates are responsible for the behaviour of their campaign team, and for ensuring they understand and abide by the regulations.
  - 12.3.2. All campaigners are encouraged to attend the candidate briefing.
  - 12.3.3. The candidate may be held responsible for any election offence committed by someone campaigning on their behalf.
- 12.4. Candidates may not engage in negative campaigning. They may not make personal references to another candidate or member of a campaign team. Disagreeing with and debating another candidate's policies is allowed.
- 12.5. Campaign free-zones may be defined by the Elections Committee.
- 12.6. Any room on campus with a fixed computer is considered to be a study area. Study areas are considered to be campaign-free zones.
  - 12.6.1. The Library, the Library Cafe, and the Mezzanine of the Berrick Saul Building are examples of campaign-free zones.
- 12.7. Candidates may not provide voters with a laptop, tablet, smartphone, or other device for the purposes of voting.
- 12.8. Candidates may not harass or otherwise pressure students into voting.
- 12.9. Candidates cannot campaign near polling stations.
- 12.10. The following are not acceptable campaigning practices:
  - 12.10.1. Campaigning within residential blocks. Candidates may not enter residential blocks for the purpose of displaying publicity or door-to-door campaigning.



- 12.10.2. Any behaviour which may be deemed to inconvenience, harass, or invade the privacy of any member of the University.
- 12.10.3. Shouting or artificial voice amplification.
- 12.11. Media interviews relating to candidacy must be approved by the Elections Committee.
- 12.12. Candidates may not endorse other candidates or campaign for them.
  - 12.12.1. Members of a candidate's campaign team may endorse other candidates in a personal capacity only.
- 12.13. Use of copyrighted material in campaigning is strongly discouraged. Candidates are, however, free to use whatever artistic licence they choose. Candidates are individually responsible for the use of copyrighted material.
- 12.14. Candidates must ensure that their campaign is child-friendly. Any inappropriate or offensive campaign materials will be taken down.

### 13. Publicity

- 13.1. Publicity provision will be determined by the Elections Committee prior to the election.
- 13.2. Publicity must be submitted to the Returning Officer by the deadline for validation. Only publicity validated by the Elections Committee may be distributed.
- 13.3. Physical campaigning will be defined as any attempt to promote the name of a candidate or the benefits and policies of a candidate including, but not limited to: approaching and talking to students in person; using physical promotional materials such as posters and flyers; having statements published in campus and other media as a candidate; lecture shout outs; and getting supporters to do any of the above.
- 13.4. Candidates will be able to place physical materials - e.g. posters - around campus, with the exception of glass surfaces or surfaces containing visibility strips (the white strips around pillars that enable people with visual impairments to navigate campus safely).
  - 13.4.1. The GSA will notify relevant University Teams about the elections and ask that campaign materials are left in place, however, this cannot always be guaranteed.
- 13.5. Candidates must produce a manifesto of no more than 500 words. This will be displayed on the GSA website and at polling stations.
- 13.6. Physical campaigning content must not be offensive, libellous, or make reference to any other candidate. Candidates are solely responsible for making sure that their campaign materials are factually accurate and abide by the regulations.
- 13.7. All materials related to the election and signage deemed to be offensive can be taken down.
- 13.8. Publicity may only be displayed 'on-campus'. This includes University buildings such as Fairfax House, and the King's Manor.
- 13.9. Posters may not be displayed at bus stops and must not cover another candidate's publicity or any official University notices.
- 13.10. Candidates may not hire third party designers.
- 13.11. Candidates and their supporters may not remove, deface, or destroy election publicity.
- 13.12. Candidates are responsible for removing their publicity following the close of voting. If a candidate does not remove their publicity, the Elections Committee may decide to withhold reimbursement until the publicity is removed.

### 14. Electronic & Online Campaigning





- 14.1. Candidates may not send mass emails, nor make use of official mailing lists or email forwarding systems.
- 14.2. Candidates cannot use mailing lists they have access to as an Officer, Chair, President, Rep or any other committee role to promote their campaign. This equally applies to social media pages and groups, of which they are admins of due to their position.
- 14.3. Campaign emails and any other information sent via the University central computing facilities are subject to the University Regulations and IT Services terms of use.
- 14.4. Candidates may make use of social networking platforms for their campaign, provided that all pages and groups created are open to all students.
  - 14.4.1. Candidates are allowed one private planning group (with their campaign team), provided that access to this group is provided to the Deputy Returning Officer.
- 14.5. Candidates are allowed use of one page and group per social media website. Full lists of page and group names should be provided to the Deputy Returning Officer.
  - 14.5.1. The Deputy Returning Officer should be made an administrator on every page or group set up by candidates. If the DRO is unavailable to do this, the Elections Committee will nominate a replacement.
- 14.6. Any social media groups and pages that candidates create must include the following disclaimer, within the description: 'if you have any concerns about the contents of this page, please contact the Deputy Returning Officer on [elections@yorkgsa.org](mailto:elections@yorkgsa.org)'.
- 14.7. Candidates may not issue multiple invitations to an individual to join an online group.
- 14.8. Candidates' personal social media accounts must adhere to these rules regardless of privacy settings.
- 14.9. Candidates may post campaign promotion to third party social media groups as long as they are public.
- 14.10. Official GSA social media pages and groups are considered to be campaign free zones. The GSA will post official messages in these groups directing people to the Elections information.
- 14.11. Candidates may collect and create their own contact lists for the purposes of campaigning. Such lists must be opt-in and must be obtained directly from the contact. Candidates must use a GDPR statement (provided by the GSA) when collecting contacts via email or in person. This GDPR statement must be adhered to at all times.
- 14.12. Candidates may purchase social media advertisements, in line with the Elections Regulations.
  - 14.12.1. Candidates must seek approval from the Deputy Returning Officer before the purchase of each set of advertisements.
  - 14.12.2. Candidates must provide the following details:
    - 14.12.2.1. Cost of advertisement;
    - 14.12.2.2. Duration of advertisement;
    - 14.12.2.3. Content of advertisement;
    - 14.12.2.4. Audience of advertisement;
    - 14.12.2.5. Any other information the Election Committee requests.
  - 14.12.3. Candidates must provide proof of purchase and ordering. This can take the form of screenshots.

## 15. Endorsements

- 15.1. Candidates may not be publicly endorsed by any third party groups or organisations (including, but not limited to, political parties, Union committees and networks, societies, sports clubs etc.) Affiliation to any third party group can be expressed by the candidate.



- 15.2. Candidates may not be publicly endorsed by GSA Officers, members of College Committees, or individuals holding positions within networks, societies, clubs, committees or networks, whilst in their capacity as a position-holder. The aforementioned may, however, publicly endorse candidates as individual members of the GSA.
- 15.3. Candidates must not use Union resources, including official GSA accounts, staff or Principal Officers time, aside from the staff time and resources dedicated to all candidates as part of the elections support programme.
- 15.4. Candidates may not be publicly endorsed by any individual external to the Graduate Students' Association (including, but not limited to, staff members of the University of York, etc.).
- 15.5. Networks and sports teams may distribute messages encouraging their members to take part in the elections, but such messages must not show any bias towards particular candidates, but rather promote the elections as a whole.

## 16. Election Budgets

- 16.1. Candidates must keep a record of all materials used for the purposes of campaigning, including receipts for any items purchased. These must be provided to the Deputy Returning Officer before the close of voting.
- 16.2. Candidates for Full-Time Officer elections have a budget of up to £30, which may be reimbursed to the candidate.
- 16.3. Candidates for Part-Time Officers and Student Trustee elections have a budget of up to £15, which may be reimbursed to the candidate.
- 16.4. Candidates must not exceed the associated election budget.
- 16.5. The Elections Committee reserves the right to withhold reimbursement of all or part of a candidate's expenditure in the event of Election Rules being broken or processes not being adhered to.
- 16.6. The Returning Officer reserves the right to apply an approximate price to items used for campaigning but not purchased by the candidate (e.g. old clothing) for the purpose of calculating their expenditure. This will not be reimbursed.
- 16.7. Items freely available to any and all candidates at no cost do not need to be accounted for. This shall include, but not be limited to, paper and cardboard. Other items are subject to the ruling of the Elections Committee.
- 16.8. Reimbursement of expenditure will be withheld from individual candidates until they provide proof of purchase.
- 16.9. Candidates must not misuse departmental free printing. The GSA will be in consultation with departments during the Elections period and any printing determined to be related to a candidate's campaign will be added to the candidate's expenditure.

## **Rule Breaches**

### 17. Complaints

- 17.1. Complaints regarding any aspect of the elections process may be submitted by any candidate, student, or member of the University.



- 17.2. Complaints must be submitted by completing an official elections complaint form, found on the GSA website. A valid University of York email address must be supplied with the complaint for it to be considered.
- 17.3. All valid complaints will be referred to the Elections Committee for consideration. The Returning Officer determines what constitutes a valid complaint.
- 17.4. Evidence should be submitted by the Complainant via the Complaints form or to the Elections email address (provided on the website). This can include photos, screenshots and anything else the Complainant feels justifies their complaint.
- 17.5. Complaints must be in regard to a specific breach of Election Regulations or University policy.
- 17.6. The Candidate has the right to provide a defence and provide evidence to the Elections Committee.
- 17.7. The Elections Committee will decide the matter based on the balance of probabilities on the evidence presented to it.
- 17.8. The Elections Committee will decide on the appropriate course of action regarding any complaints. This includes issuing sanctions to any found to be in breach of the Election Regulations or, in extreme cases, the disqualification of a candidate.
- 17.9. The Elections Committee may also take action if they become aware of a breach of Election Regulations through other means.
- 17.10. Once a public written warning has been issued for an offence, any breach of the same type by any candidate will be considered more serious.
- 17.11. If a candidate is dissatisfied with the outcome of an appeal then they may make a written appeal to the CEO, and the Board of the Trustees to overturn the ruling.
- 17.12. Once voting has ended the only complaints that may be submitted are in relation to the conduct of the count.

## 18. Sanctions

- 18.1. The investigation and the application of sanctions is at the discretion of the Elections Committee. It is for the Elections Committee to decide, in discussion with the Returning Officer, what is reasonable and proportional based on the evidence provided.
- 18.2. Decisions regarding sanctions will take the following into account:
  - 18.2.1. Impact on the integrity of the election;
  - 18.2.2. Impact on votes;
  - 18.2.3. Severity and frequency of the breach
  - 18.2.4. If a breach of the rules or misconduct by an individual should be attributed to the campaign team (and therefore dealt with through these Election Regulations) or rather considered on an individual basis (outside of the Election Regulations), in line with the University of York Code of Conduct.
- 18.3. Sanctions available to the Elections Committee include, but are not limited to:
  - 18.3.1. Requiring a candidate to apologise for an action;
  - 18.3.2. Public retraction of comments that breach Election Regulations;
  - 18.3.3. Suspension of campaigning for a designated period of time;
  - 18.3.4. A informal warning by the Elections Committee;
  - 18.3.5. A formal warning by the Elections Committee. This will be visible alongside the ballot;
  - 18.3.6. Disqualification from the election;
  - 18.3.7. Any other sanctions as the Elections Committee sees fit.



- 18.4. In cases of serious election offences which also constitute a breach of University regulations, eg Regulation 7, the Elections Committee may advise students to submit a complaint through the official University complaints procedure.

## 19. Appeals

- 19.1. Candidates may appeal to the Elections Committee to review a decision that has been made if substantial new evidence pertinent to the outcome of the original decision has come to light, or there has been a serious irregularity in the proceedings of the Elections Committee.
- 19.2. If a candidate is dissatisfied with the outcome of a complaint or appeal, they can initiate the appeals process.
- 19.2.1. To initiate the appeals process, the candidate must make a written appeal to the CEO. The CEO will then investigate the merit of the appeal and provide a decision. The CEO has the following options:
- 19.2.1.1. To overturn the decision of the Elections Committee;
- 19.2.1.2. To uphold the decision of the Elections Committee.
- 19.2.2. If the CEO acts as a member of the Elections Committee, as pertaining to 2.1 of the Elections Regulations, the Trustee Board should appoint an individual independent of the Trustee Board and Elections Committee to act in place of the CEO during the appeals process.
- 19.2.3. If the candidate is unsatisfied with the CEO's decision, the candidate can appeal to the GSA Board of Trustees, who will act as final arbiter on any Election complaint. They can do this by making a written request to the Chair of Trustees.
- 19.3. The CEO should provide further guidance and information on how to escalate the appeal to the Board of Trustees, if the candidate is unsatisfied.

## By-Elections

### 20. By-Elections

- 20.1. By-Laws should be held in accordance with the GSA Constitution.
- 20.2. For the time between the office becoming vacant and the position being re-elected, Association Council may, by majority vote, co-opt one or more officers to cover the responsibilities of the position.
- 20.2.1. Co-opted officers must be able to cover all responsibilities of the post until it is re-elected.
- 20.2.2. The vacancy may be covered between the remaining Principal Officers. In this case, one Principal Officer will be directed to receive correspondence, including email, directed to the vacant position. Other responsibilities will be redistributed between the remaining Principal Officers as convenient.
- 20.2.3. In the case that the Principal Officers are unable or unwilling to cover the position, one or more Voluntary Officers may be co-opted to cover all responsibilities of the role.
- 20.2.4. Officers covering a vacant post must receive payment entitled by the post, proportional to the work undertaken.
- 20.2.5. The maximum length of time an officer may be co-opted without an election taking place is 4 months.



- 20.3. A new Elections Committee should be formed for a by-election. This may contain members of any previous Elections Committee.
- 20.4. In the case of a by-election, the Elections Committee may determine an alternative timetable which should be approved by the Board of Trustees.
- 20.5. In addition, the Elections Committee has the right to temporarily alter or change the Elections Regulations to fit the approved alternative timetable.