Notes from the Returning Officer- uea(su) Timetable and Election Campaigning Rules

Introduction from the Returning Officer

I am pleased to continue in my role as Returning Officer for uea(su) elections. As Chief Executive Officer of Westminster SU I have extensive experience of overseeing elections, issuing rulings and supporting staff members to successfully deliver results. I look forward to working with the uea(su) team again this year.

Michael Wigg
Returning Officer

As RO, ahead of the student officer election, I am required to:

- Recommend a Deputy Returning Officer to the Student Officer Committee
- Set out an election timeline having taken advice
- Publish a list of main campaigning rules having taken advice

SOC recommendations to RO

SOC has been given the opportunity to feed into the process of elections on 15th January 2019. The following recommendations were put forward:
- To have a dedicated room for candidates on campus at all time if they needed to “step-out”
- Officers would like to see guidance on how not to obstruct access when campaigning
- Make it clear that no campaign material can be affixed the officer wall

Deputy Returning Officer

As has become common practise for uea(su), I believe it is right to continue to split the role into two elements for this election period. The element that provides training and support to candidates will be split form the formal regulatory role of the DRO to provide enhanced support to candidates, and enhanced consistency and focus to any rulings or disputes. The support role will be delivered by Xenia Levantis who is the campaigns and policy coordinator at uea(su). The formal DRO role to be filled by Arran Cottam who is currently Charity Outcomes Project Manager at uea(su)

Timetable

In making the following recommendation, I have taken into account multiple representations and factors. The key factors this year is incorporating the wider student leadership opportunities.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Nominations Open</td>
<td>Monday 10th December 2018</td>
</tr>
<tr>
<td>Event</td>
<td>Date/Time</td>
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<td>-----------------------------------</td>
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<tr>
<td>Find out about being an officer</td>
<td>28(^{th}) January – 5(^{th}) March</td>
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<tr>
<td>events</td>
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<tr>
<td></td>
<td><a href="https://www.uea.su/elections/findoutmore/">https://www.uea.su/elections/findoutmore/</a></td>
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<tr>
<td>Nominations Close</td>
<td>Tuesday 5(^{th}) March 2019 (Midday)</td>
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<td>(including manifesto submission</td>
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<tr>
<td>deadline)</td>
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<tr>
<td>Candidate Meeting</td>
<td>Wednesday 6(^{th}) March 2019 (5:30pm)</td>
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<tr>
<td>(Essential)</td>
<td>Lecture Theatre 3</td>
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<tr>
<td>Candidate training</td>
<td>Thursday 7(^{th}) March 2019 (1-2pm or 5:30</td>
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<tr>
<td>(optional)</td>
<td>– 6:30pm)</td>
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<td></td>
<td>Union House Bookable room 6</td>
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<tr>
<td>Hustings (format to be decided</td>
<td>Friday 8(^{th}) March 2019</td>
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<td>by candidates for each post)</td>
<td></td>
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<tr>
<td>Campaigning starts</td>
<td>Monday 11(^{th}) March 2019</td>
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<tr>
<td>Voting opens</td>
<td>Tuesday 12(^{th}) March 2019 10:00</td>
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<tr>
<td>Voting closes</td>
<td>Tuesday 19(^{th}) March 2019 12:00</td>
</tr>
<tr>
<td>Results</td>
<td>Afternoon of Tuesday 19(^{th}) March 2019</td>
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</tbody>
</table>

**Candidate Meeting**
Candidates will be briefed on the rules and regulations of the election. They will also receive detailed plans for the election week and be asked to make decision about hustings for the position they are running for. We are asking all candidates to attend this meeting but if there are legitimate reasons why an individual candidate cannot attend then we can make alternative arrangements. Candidates will also be asked to sign a form confirming that they have the legal right to become a trustee. (This is due to new charity commission law) The purpose of this meeting will be to give candidates all the information they must have to run in the election.

**Candidates Training**
There will be two candidate training sessions (see above for when and where) that are optional for candidates to attend. These sessions will cover campaigning skills, some examples of good campaigning and will look more in depth at how to maintain energy and avoiding burnout.
Candidate briefings/Cool down for the election week
There will be two Candidate briefing/Cool Downs sessions each day of election week (with the exception of Saturday and Sunday). Where and when these sessions take place will be communicated to candidates directly. These sessions will be attended by the DRO and the Election candidate support coordinator. There will be up to date election briefings from the DRO and food and drink for candidates. These sessions are optional for candidates but we strongly recommend attendance to at least one session per day.

Self-definition and the Data Gap
As we currently do not receive all the relevant data from the University, we will be asking all voters to complete self-definition survey on our website. They will need to do this in order to participate in relevant elections. We assess that this may be a risk to our overall numbers but we are looking to manage this through an interactive website interface, the candidates' briefing and training, email and social media communications and at relevant SU meetings. Where relevant data has been supplied this year it is being used – this is the case for EU/Non-EU international student fee data.

Campaigning Rules
These are appended at Appendix A. They have been simplified and take into account feedback from candidates and staff involved in last year’s process as well as best practice advice from NUS.

Hustings
The rules require that an “opportunity ... be provided to members to ask question to the candidates standing in the election”. I am proposing that candidates for each post will collectively decide in what way they want to fulfil this requirement to members. This decision will be taken at the candidate meeting on Tuesday 5th March.

Michael Wigg
uea(su) Returning Officer
APPENDIX A: UEA|SU Election Rules 2017

From the Bye Laws:

1. The Returning Officer and the Deputy Returning Officer will publish election campaigning rules ... in advance of the close of nominations for an election.
2. It is the role of the Returning Officer, and Deputy Returning Officer, to ensure these principles and the subsequently adopted rules are upheld.
3. Where it is felt that these adopted rules are not being upheld by a candidate the Returning Officer, on advice from their Deputy, make take the following action:
   - the disqualification of a candidate or candidates from the election;
   - that promotional materials (including but not limited to posters, flyers and online materials) contravening the regulations be removed;
   - that publicity be displayed at any fixed Union polling stations and online giving details of an infringement;
   - order a re-election, starting the election process at any stage;
   - order a re-vote, which shall mean all the election stages which follow completion of nominations, and shall not include the reopening of nominations;
   - order the non-payment of a campaign expenses claim.
4. The Deputy Returning Officer has the power, devolved from the Returning Officer, to issue warnings to candidates and should set out in these warnings the action which shall follow if they are not heeded which could be any of the above.
5. The Deputy Returning Officer has the power, devolved from the Returning Officer, to suspend a candidate from the election pending the outcome of an investigation into an alleged breach of rules. During this period, the candidate is not permitted to actively campaign or discuss publicly the reasons for their suspension.

Rules: Context

1. It is important to remember that during the election campaign you continue to be bound by sets of rules that, whilst not strictly election rules, still have a bearing on your conduct.
   - **Union Rules/Policies:** This includes abiding by the Equal Opportunities Policy and Union Code of Conduct. Candidates should be aware that breaking Union rules may result in disciplinary action.
   - **University Rules:** For example, the bullying and harassment code, damage to University property and buildings, the policy on acceptable use of computers and e-mail etc. This is all outlined in the University Calendar. Breaking University rules can result in a University disciplinary.
   - **The Law:** For instance laws protecting the defacement of property and the Data Protection Act. Breaking the Law can result in a civil action or criminal prosecution.
2. Any of these outcomes may put a candidacy in jeopardy and all of the above rules are enforceable by the Deputy and Returning Officer as election rules.

Rules: Conduct

1. Campaigners must take reasonable steps to ensure that their supporter’s actions comply with the campaign rules at all times and must be able to demonstrate this in the event of a complaint against them. In the event of a dispute as to whether an individual was under the control of a candidate the Deputy Returning Officer’s ruling will be final.
2. Candidates and their Campaigners may only alter, move or remove their own campaign materials.
3. Candidates and their Campaigners may use email lists but only where lawful to do so. In most cases this will require the consent of the members on the list to use their details in line with GDPR law.
4. Candidates and their Campaigners may seek endorsements and support from anyone but Candidates may not include endorsements or support for any other candidate in their or any other election material.
5. The bylaws outlaw bullying or intimidating a member into voting for a particular candidate or preference. As a result Candidates and their Campaigners must allow voters to cast their ballot freely and must not communicate with voters in any way once they have begun to complete their ballot. If Candidates and their Campaigners can see how a voter is expressing preferences and voting, they are in breach of this rule.

Campaigning & Expenditure

1. Campaign expenditure is defined as expenditure in pursuit of promoting a candidature and can be further defined from time to time by the returning officer.
2. Candidates in all elections have a maximum amount (£50) they can spend on their campaigns once the nomination has been confirmed, which can be reimbursed by the Union upon production of receipts. All expenditure must be accounted for on a form we will provide. Candidates are required to produce receipts of their expenditure by the relevant deadline (12pm, Tuesday 19 March).
3. Any expenditure must be both that which all candidates have had the opportunity to carry out, and that which is replicable by all other candidates in a given election.
4. “Labour Costs” are not counted. Hire, materials production and materials or distribution of consumables is counted.
5. Where there is a question as to the extent to which it is reasonable to believe that the use of a tactic or resource was open to all, the deputy returning officer’s decision is final and so advice should be sought first.
6. Whereas candidates may well adopt similar policy stances and use similar publicity materials to other candidates, no candidate shall use publicity to promote another candidate, in the same or other election.
7. In order to ensure adherence to the principles outlined in by-law 5.9: - No elected Officer of the Union of UEA Students (UUEAS) may endorse a specific candidate in any union election in any verbal or written fashion. - Elected Officers remain permitted to encourage other students to run in the leadership elections. - No electoral candidate may accept and subsequently publish an endorsement by an individual who is not a member of UUEAS. - No elected Union Officer may offer a specific electoral candidate advice on an individual level on any matters regarding manifesto realisation or manifesto construction, which goes beyond providing general, universal guidance.
**Campaigning & Expenditure Principle 1- Reasonable:** In determining whether the use of a resource needs to be charged to campaign expenditure, the RO will use the “reasonable” test. For example- it is reasonable to assume all candidates own shoes. Thus the wearing of shoes does not need to be accounted for. It is not reasonable to assume all students own a tiger costume. Thus anyone using one as a feature of their campaign should account for costume hire. If in doubt candidates should consult first.

**Campaigning & Expenditure Principle 2- Replicable:** Actions must be replicable by anyone else in the election. For example- if you tell jokes to students outside the union shop, anyone else could do the same. But If you won a blimp in an eBay auction for 25p it is not likely that someone else could buy a blimp for 25p.

**Some Examples:**

1. Your father owns a printing firm and gives you 500 swizzles sweets for free. You would have to declare a cost equivalent to 500 swizzles sweets at a commercial rate within your expenditure.
2. You and 3 other candidates share purchasing of lollipops and therefore get a bulk buy discount for 2,000. Your cost declared would be the cost of 500 lollies without the bulk buy discount rather than a quarter cost of 2,000 lollies.
3. You own a pen and write “vote Jimmy” on existing posters. The pen does not count as expenditure as it is reasonable to assume that all students can access a pen.
4. You borrow a blimp and paint on it “vote Jimster”. This is not allowed as it is not reasonable to assume that all students can access a blimp.

**Complaints**

1. Complaints about the conduct of Candidates and their Campaigners must be sent to the Deputy Returning Officer detailing the allegation(s), the rules broken and any evidence.
2. All complaints regarding the conduct of Candidates and their Campaigners must be received within an hour of the close of polling (12pm close – 1pm deadline for complaints).
3. All complaints must be resolved to the satisfaction of the Returning Officer before the count can commence.