

MDXSU Election Regulations 2018

The following outlines the rules that MDXSU Elections will be governed by including processes in which complaints and appeals can be made.

This document will be by a Candidate Guidance & Support Document that will go into detail the support in place for candidates and will further explain the regulations as stated below.

The Returning Officer can disqualify candidates for breaches of election rules so it is hugely important that candidates check first before they take any action that may result in a complaint or that may breach any of these regulations. If in doubt, always check before completing any activity.

Key Election Individuals

Returning Officer (RO)	"The Returning Officer should be a reputable person, external to the Union and independent of any election candidate." [Bye Law Regulation 10 – Elections Regulations]	National Union of Students
Deputy Returning Officer (DRO)	"The Executive shall also request that the University nominates a member of staff to serve as the deputy returning officer." [Bye Law Regulation 10 – Elections Regulations]	Edel Mahony Academic Registrar Middlesex University
Assistant Returning Officer (ARO)	The Assistant Returning Officer will be an appointed MDXSU staff member responsible for the overall operational running of the elections. They will receive and conduct initial investigations to all complaints received.	Jordan Lewis Advocacy and Policy Manager MDXSU

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.
 - 1.1 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.
 - 1.2 University Rules: For example, the bullying and harassment code, damage to University property and buildings, the policy on acceptable use of computers, e-mails and printing etc. This is all outlined in the University Calendar. Breaking University rules can result in a University disciplinary.
 - 1.3 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 Returning Officer as election rules.

Behaviours

3. 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 Returning Officer's ruling will be final.

4. Candidates and their Campaigners may only alter, move or remove their own campaign materials. If you have a concern about other candidate's materials, please submit a complaint.
5. Candidates and campaigners must not bully or intimidate 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.

Expenditure

6. 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. The following points cover maximum spend and acceptable use of expenditure. MDXSU will provide campaign packs and materials for all full time positions.
7. There will be a maximum spend by candidates on election related activities which will be published in the candidates election guide. Spending in excess of the stipulated amount may result in disqualification. All election expenses must have corresponding receipts and all receipts must be submitted 1 hour prior to the close of polls.
8. To ensure Equality of Opportunity, Candidates should ensure any materials used follow the following two guidelines:
 - 8.1 No materials that are given as 'freebies' can be used in campaigns, you should only use materials that are acquired fairly, and which are accessible to all other students. Any materials used of this nature will be given a nominal 'cost price' which will be costed to the candidate's campaign budgets.
 - 8.2 No candidates are able to pool resources together for the purpose of either joint promotion or for gaining bulk discounts.
9. Student Groups are not permitted to spend any group money on any candidate. This includes any resources accumulated through running of events or activities.

Campaigning

10. Candidates can seek endorsement from others, including Students Groups and Sports Teams. Permission to endorse a candidate should be given in writing before any endorsement takes place. The use of email mailing lists is not permitted to endorse a candidate; however the use of social media and messaging (including whatsapp) is permitted.

Candidates are reminded that University and MDXSU rules relating to bully, harassment and secret ballot and all election regulations still apply to online campaigning.

11. Posters, stickers and promotional materials are only to be put up on approved spaces and walls. Candidates will be informed of approved spaces for publicity prior to the election.

The university operate a no poster policy on any internal walls. If you breach it then any fine the University imposes will be against you as an individual, not against MDXSU. Candidates are reminded of laws regarding fly-posting on public and private property and any fly-posting will not be tolerated and will be deemed a breach of this behavioural rule.

12. No campaigning in the library or religious spaces. Absolutely no campaigning in the library or the religious spaces on campus is allowed. This is so that the key purpose and freedom to religious practice is maintained.
13. Candidates may not use purple coloured t-shirts or clothing in their campaigning. In order to ensure fairness in the election, MDXSU staff must be clearly visible as impartial election agents. MDXSU staff will be wearing MDXSU branded purple t-shirts and sweatshirts throughout the election, to ensure no confusion to the voters, no candidate can use this colour as part of the campaign.
14. Candidates may not campaign near ballot stations. Ballot station locations will be communicated to candidates once polls have opened, MDXSU will determine reasonable distance away from stations which must be adhered to.
15. No use of your own mobile phone, tablet, laptop or any electronic device to take votes, or any other forms of coercion. Candidates should direct voters to designated voting booths or to the use of their own devices. Use of your own devices or your campaigners devices, to canvas for votes is an abuse of the voting system and an abuse of the democratic process. Doing so constitutes a gross breach of fairness and will be a disqualifiable offence. It can also be seen as coercion, i.e. putting pressure on a candidate to vote for you, which is not allowed under any circumstances.

Complaints

Complaints about the conduct of Candidates and their Campaigners must be sent to the Assistant Returning Officer detailing the allegation(s), the rules broken and any evidence. A complaints form will be made available to all candidates, complaints should be emailed to studentvoice@mdx.ac.uk.

All complaints regarding the conduct of Candidates and their Campaigners should be raised in a timely manner and no later than within an hour of the close of polling. Complaints received after this time will not be considered unless they call into question the integrity of the election.

All complaints must be resolved to the satisfaction of the Returning Officer before the count can commence.

Penalties for Breaching Rules:

On receiving a complaint the ARO will investigate and report to the RO for a ruling. The following penalties may be given as a result of breaching certain rules and are not open for appeal:

- a) That promotional materials (including but not limited to posters, flyers and online materials) contravening the regulations be removed;
- b) Temporary suspension from campaigning for a stated amount of time;
- c) Order the non-payment of a campaign expenses claim.

In cases where the RO believes a serious breach of election regulations that may result in one of the following penalties being given, the RO will instruct the Deputy Returning Officer to first investigate and make a ruling.

- d) order a re-election, starting the election process at any stage;
- e) Order a re-vote, which shall mean all the election stages which follow completion of nominations, and shall not include the reopening of nominations;
- f) The disqualification of a candidate or candidates from the election;

A candidate may appeal the above rulings, and will have 24 hours from the time of notification of the ruling to submit an appeal. Appeals received after this time will be only be considered at the discretion of the RO.

Candidates under investigation for breach of election regulations shall remain in the election whilst complaints and appeals are being ruled on. Other University and MDXSU policies and sanctions will still apply.

Results

Election Results shall be declared by the Returning Officer or their nominee when the count has been successfully completed.

The results will be announced both in person and electronically. The Returning Officer reserves the right to delay the announcement of the result.