

Chapter 6: Elections

1. Scope

1.1. The regulations in this chapter apply to the following elected positions:

- 1.1.1. Sabbatical Officers
- 1.1.2. Members of the SRC
- 1.1.3. School Presidents
- 1.1.4. Modern Languages Convenors
- 1.1.5. Postgraduate Representatives
- 1.1.6. Class Representatives
- 1.1.7. Student Trustees (Students' Association Board)

2. Returning Officer

2.1. The SAB GNS Subcommittee shall appoint a Returning Officer and Deputy Returning Officer(s).

2.2. The Returning Officer shall not be:

- 2.2.1. An ordinary, honorary, or life member of the Association.
- 2.2.2. A member of Association or University staff.

2.3. The Deputy Returning Officer(s) shall be non-student members of Association or University staff.

2.4. The Returning Officer shall have overall responsibility for the administration and conduct of the elections and shall have sole responsibility for the interpretation of this chapter.

2.5. The Returning Officer and the Deputy Returning Officer(s) shall be supported in the administration of the election by Association staff.

3. General Principles

3.1. Elections should be open to all ordinary members of the Association on an equal basis.

3.2. Elections should be fair. No candidate should gain a significant advantage unfairly (through their own actions or those of others).

3.3. Information available to voters should be full, transparent, and accurate.

3.4. Voting should be free from interference.

3.5. Elections' activity and campaigning should enable informative debate and deliberation, and without bullying, harassment, attacks on an individual's character, or intimidation.

3.6. Elections' activity and campaigning should be conducted with respect towards other students, staff, and the local community and should not cause a nuisance to any of these groups.

3.7. Elections' activity and campaigning should be conducted in line with the Association's Constitution, Laws of the Association, any other relevant University or Association Policy, and the law.

4. Eligibility

4.1. Only Ordinary Members of the Association shall be eligible as candidates and voters.

4.2. For Faculty President, School President, and Modern Languages Convenor positions, candidates and voters must be members of the relevant Faculty, School, or Department.

4.2.1. Students are considered a member of a School or Department if they take modules in that School or Department in the current academic year.

4.2.2. Students are considered a member of a Faculty if their degree is within that Faculty.

- 4.2.3. Candidates must be honours students within the relevant Faculty, School, or Department.
- 4.3. For Postgraduate positions, candidates and voters must be postgraduate students.
- 4.4. For Sabbatical positions and Student Trustee positions, candidates must be eligible to be a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005.
- 4.5. For non-sabbatical positions, candidates must be fully matriculated students for the full upcoming term of office.
- 4.6. No person is eligible to be a candidate if they:
 - 4.6.1. Are not in good standing with the Association and the University.
 - 4.6.2. Have been disqualified from any previous Association election.
 - 4.6.3. Are deemed unfit to serve by a Basic Disclosure Scotland background check.
- 4.7. No person shall stand for election for more than one position in the same election.
 - 4.7.1. Candidates for the position of Student Trustee may stand for another non-Sabbatical position during the same election.
- 4.8. No person may hold any sabbatical office for more than two years in total.
- 4.9. No person may hold any single elected position on the SRC for more than two consecutive years.
- 5. Notice of Election**
 - 5.1. The dates, nominations, voting process, and any additional guidance of an election must be publicised with at least fourteen days' notice.
 - 5.2. Dates for the elections process will be confirmed by the Returning Officer (or their designee).
- 6. Nominations**
 - 6.1. Candidates shall self-nominate for any election online in a process determined by the Returning Officer or their designee.
 - 6.2. Candidates may withdraw their nomination by writing to SAElect@st-andrews.ac.uk at any time before 5pm the day preceding voting opening.
 - 6.3. Nominations must be true representations of the candidate's character.
 - 6.4. The Returning Officer (or their designee) will have responsibility for declaring nominations valid. This decision shall be final.
- 7. Campaigning**
 - 7.1. Candidates' campaigning must not violate the general principles or the rules outlined in these bylaws.
 - 7.2. Candidates may not campaign prior to the start of the campaigning period, as defined by the Returning Officer (or their designee).
 - 7.3. Candidates may only campaign using methods and resources which are reasonably accessible to all candidates.
 - 7.4. Candidates are responsible for all campaigning activities conducted on their behalf unless they can prove that they attempted to prevent such activities or had no knowledge of such activities.
 - 7.5. Candidates may not receive endorsements from University or Association staff, trustees, committees, societies, sports clubs, officers, or departments.
 - 7.5.1. Students in these positions may campaign for candidates when off-duty, so long as they do not do so in their capacity as an officer, member of staff, or a trustee.
 - 7.6. Candidates may not exceed the spending limit as set by the Returning Officer (or their designee).
 - 7.6.1. Candidates should provide evidence of all expenditure. Failure to provide evidence may result in disciplinary action.

- 7.6.2. Reimbursements for approved elections expenditures will be made for up to two calendar months after the announcement of elections results.
- 7.6.3. Candidates must expense any item they use in their campaign that cannot reasonably be accessed for free by all candidates.
- 7.6.4. Candidates may not use their budget to provide bribes or incentives in return for voting,
- 7.6.5. Candidates may not supply discounted or free alcohol, or any illegal substances to promote their campaign.
- 7.6.6. All expenses must be approved by the Returning Officer (or their delegate).
- 7.7. Candidates may not campaign under a single banner or slate.

8. **Complaints and Discipline**

8.1. Election Complaints:

- 8.1.1. Any member of the Association may submit an election complaint if they have reason to believe that any of the General Principles or additional rules have been breached.
- 8.1.2. The deadline for submitting a complaint is 24 hours after the close of voting.
- 8.1.3. Complaints will be considered by the Deputy Returning Officer(s).
- 8.1.4. If the complaint is about the actions of the Deputy Returning Officer(s), then this will be referred to the Returning Officer.
- 8.1.5. Complaints may be submitted to SAElect@st-andrews.ac.uk.

8.2. Deputy Returning Officer(s) Investigation:

- 8.2.1. Upon receiving a complaint, the Deputy Returning Officer(s) will conduct an investigation, making contact with relevant individuals, groups, and organisations to determine whether a principle has been breached.
- 8.2.2. Anyone who does not engage with the Deputy Returning Officer(s) within the timeframe requested will be deemed to have nothing further to add.
- 8.2.3. Following an investigation, the Deputy Returning Officer(s) may:
 - 8.2.3.1. Reject the complaint.
 - 8.2.3.2. Uphold the complaint and issue a sanction.
 - 8.2.3.3. Refer to a relevant Association or University process.
- 8.2.4. The candidate, complainant(s), and any other affected candidates will be notified of a decision.

8.3. Appeal:

- 8.3.1. A candidate may appeal the decision of the Deputy Returning Officer(s).
- 8.3.2. An appeal must be submitted within 24 hours of the decision being received.
- 8.3.3. Appeals are to remedy any failings in the process rather than repeat the investigation. The grounds for appeal are:
 - 8.3.3.1. Procedural irregularities
 - 8.3.3.2. An outcome that is wholly unreasonable
 - 8.3.3.3. New evidence that for valid reasons wasn't provided before
 - 8.3.3.4. Extenuating circumstances
- 8.3.4. Appeals will be considered by the Returning Officer.
- 8.3.5. Following an appeal, the Returning Officer may:
 - 8.3.5.1. Reject the appeal
 - 8.3.5.2. Uphold the appeal and amend or remove the sanction
 - 8.3.5.3. Ask the Deputy Returning Officer(s) to re-open the investigation.
- 8.3.6. The candidate making the appeal will be notified of the decision.

8.4. Sanctions:

- 8.4.1. A sanction aims to:
 - 8.4.1.1. Redress where an advantage, inadvertently or deliberate, has been gained.

- 8.4.1.2. Hold to account where a general principle has been breached.
- 8.4.2. All sanctions will be published but anonymised.
- 8.5. The Returning Officer and Deputy Returning Officer(s) will be supported by nominated Association staff to process the administration of complaints, investigations, appeals, and sanctions.

9. Voting and Count

- 9.1. Voting shall be conducted online via instant-runoff voting.
- 9.2. Each eligible voter shall have a single vote for every election they are eligible to vote in.
- 9.3. The count shall be overseen by the Returning Officer or their nominee.
- 9.4. Results will be announced no later than 48 hours after the conclusion of the count.
 - 9.4.1. The Returning Officer may, in the case of extenuating circumstances, delay the announcement of results.

10. Vacancies

- 10.1. This section applies to elected and voting members only. The appointments process for non-elected and non-voting members is outlined elsewhere in the Laws of the Association.
- 10.2. A vacancy arises if:
 - 10.2.1. A member vacates their office.
 - 10.2.2. Insufficient nominations are received in the previous relevant election.
 - 10.2.3. Re-open nominations is the successful candidate in the previous relevant election.
- 10.3. In the event of a sabbatical or Student Trustee vacancy, the SAB GNS Subcommittee shall determine whether to:
 - 10.3.1. Leave the position vacant until the next scheduled election.
 - 10.3.2. Fill the position via an extraordinary by-election.
 - 10.3.3. In the event such a vacancy arises before the beginning of the second semester, it is expected that the position be filled at the earliest opportunity via by-election, except in exceptional circumstances.
- 10.4. In the event of a School President or class representative vacancy (including postgraduate school representatives), the Education Committee shall determine how to proceed. In the event of any other vacancy, the SRC shall determine how to proceed. They can:
 - 10.4.1. Leave the position vacant until the next scheduled election.
 - 10.4.2. Co-opt the position in the relevant Council or Committee.
 - 10.4.2.1. In the case of SRC positions, this is the SRC respectively.
 - 10.4.2.2. In the case of the Association Chair, this is Joint Council.
 - 10.4.2.3. In the case of School Presidents and Modern Languages Convenors, this is the Education Committee.
 - 10.4.2.4. In the case of class representatives, this is the class representative forum in a given school.
 - 10.4.2.5. In the event of multiple positions being co-opted at one meeting, successful candidates may not vote in the subsequent co-options but are voting members thereafter.
 - 10.4.3. Fill the position via an extraordinary by-election.
 - 10.4.4. In the event such a vacancy arises before the beginning of second semester, it is expected that the position is filled at the earliest opportunity, except in exceptional circumstances.

11. Student Officers and Trustees

11.1. Elected student officers and student trustees shall not be involved in any decision making regarding the elections and this section of the laws. Final responsibility for elections lies with the Students' Association Board.