

## **Byelaw B: Referenda**

### **1. Purpose**

This Byelaw has been established to ensure the conduct of free and fair referenda, under Article 7 of the Constitution.

It sets out key principles and major requirements, but it also gives Board and the Returning Officer the power to develop local rules and regulations as they deem appropriate.

### **2. The Returning Officer & Deputy Returning Officer**

The Returning Officer and Deputy Returning Officer are outlined in Article 6 of the Constitution.

For the purpose of this byelaw, reference to the Returning Officer may also include the Deputy Returning Officer, where duties have been delegated.

### **3. General Regulations**

A referenda involves a cross campus poll of all student members. It may involve more than one option for students to consider (known as a preferendum), and may be called to:

- i. Agree, amend or reject Policy of the Union
- ii. Agree or reject a Contemporary Resolution of the Union
- iii. Agree or reject an affiliation by the Union to an external organisation
- iv. Amend this constitution
- v. Censure or remove an Office Holder or Trustee of the Union
- vi. Wind up or dissolve the Union

A referendum may be called by:

- i. A simple majority of a Student Executive
- ii. A simple majority of the Officer Group
- iii. The President, on receipt of a verified petition of 500 student members
- iv. A resolution of the Board

The following criteria must be met for any decision to pass.

Decisions made by simple referendum (i.e. two options) on all matters of Policy and Contemporary Resolutions are valid irrespective of turnout, and shall take place under 'First past the Post' system.

Decisions made by preferendum (i.e. more than two options) on all matters of Policy and Contemporary Resolutions are valid irrespective of turnout, and shall take place under the 'Alternative Vote' system.

Decision made to amend the Constitution or to reject an affiliation of the Union require a quorum of 5% of registered student members to vote. It may take place under First Past the Post (where a simple majority is required), or where more than two options are under consideration, the Alternative Vote System.

Decision made to censure or remove an Office Holder or Trustee of the Union require a quorum of 5% of registered student members to vote, and must pass with a two thirds majority including abstentions under the First Past the Post system.

The Students' Union may conduct a referendum by electronic means, provided that:

- i. An email notice is sent to student members, explaining the purpose of the vote, detailing the resolution to be put to vote with accompanying text or documents, and the voting procedure.
- ii. The email notice is sent at least 14 days before the deadline for the submission of votes.
- iii. A person independent to the Union can attest to the security and independence of the electronic method to be used.

#### 4. The Question

The Officer Group shall have responsibility for developing the exact wording of the question for consideration at referendum, with approval from the Returning Officer to ensure it is fair, balanced and lawful.

The Union may conduct referenda at any time or place that it considers will encourage the highest level of participation.

The Returning Officer may determine that the issue proposed to be put to referendum has already been decided by referendum in the current academic year, in which case they have discretion to decline to put the question to referendum. Student members who wish to contest this ruling may do so, in the form of an appeal to the Board.

#### 5. Campaigning

This Byelaw does not create specific rules for the conduct of referenda campaign teams, as the Union wishes to support innovative campaigning, and does not wish to attempt create a list which could prove limiting in future.

The Union does expect all campaign teams to behave in a way that upholds the Union's good reputation, reflects our values, and champions our equality and diversity policies.

The Referenda Rules will make clear any specific requirements that arise from time to time, and the Returning Officer has the power to enforce these through the Referenda Complaints Procedure.

#### 6. Voting

All cross campus referenda will use either 'First Past to the Post' for decisions where there are only two options to be considered, or 'Alternative Vote' in the case of a preferenda.

#### 7. Referenda Complaints

This Byelaw requires the Returning Officer to publish a Referendum Complaints Procedure for each referendum, which should make clear how:

- i. Students will submit complaints
- ii. The complaint will be investigated
- iii. Appeals may be submitted
- iv. Appeals will be heard

The Returning Officer has power to determine that a referendum should:

- i. Be paused, until such time as the Returning Officer is satisfied that it may continue
- ii. Declared null and void before the result has been declared
- iii. Have its result set aside
- iv. Continue without hindrance

The Returning Officer will make no determination that a referendum should be run again from the beginning; this power rests with the body that called the referendum, which will need to initiate proceedings for another referendum.

After the appeal process has concluded, there is no further opportunity to contest a decision of the Returning Officer. The main Statutory Complaints Procedure (Byelaw K) will only be appropriate if there is probable cause to investigate a complaint that no confidence can be placed in the entire elections process.