

## SECTION A. – What You Must Know Before You Become a Candidate

### 1. Your Personal Responsibility as a Candidate

- 1.1. By nominating yourself as a candidate in ENSA's elections you **agree to:**
  - 1.1.1. **take personal responsibility** for ensuring that you **understand and abide by ENSA's rules, regulations and policies** for these elections.
  - 1.1.2. **be held responsible** for your **own actions** and for **those of others** acting in support of your campaign.
  - 1.1.3. be **personally liable**, including for any cost of repair or recompense, **for any damage or injury** caused during your campaign.
- 1.2. **ENSA shall** make every reasonable effort to **answer any questions** you may have about the election process; however, **it remains your personal responsibility** to ensure that you **do not breach any rules or regulations**.
- 1.3. **Ignorance of the rules shall not be a valid excuse.** "I didn't know" or "we weren't told..." will not be accepted. If you want to do something and you're not sure whether it is permitted, **seek advice from the Election Officials first.**

### 2. Becoming a Candidate

- 2.1. To become an official candidate there are a few things you need to do:
  - 2.1.1. **Make sure you are eligible to run for a position.**  
Check [www.napierstudents.com/elections/eligibilitycriteria/](http://www.napierstudents.com/elections/eligibilitycriteria/) for the criteria.
  - 2.1.2. **Make sure you have read these Election Rules in full.** It is essential that you read and understand all of the rules, regulations and definitions before running for office.
  - 2.1.3. Make sure you complete the [Online Election Candidate Application Form](#) by no later than **12pm on 02/03/2022. Late submissions shall not be accepted.**
  - 2.1.4. **Submit a 'passport' style photograph to be used in ENSA publicity.** You will be asked to upload this as part of the online application form. This photo should be as large/high definition as possible, ideally showing your full head and shoulders, against a plain background - similar to a passport style photograph, however, you are allowed to smile!  
*(Remember this photo will be used in official publicity so think about the kind of 'professional' image you want to give)*
  - 2.1.5. **Submit a manifesto as part of the online Election Candidate Application Form.** Your manifesto **must not exceed 1500 characters** (~300 words) and should tell students what you would like to achieve if you win.  
If it is more than 1500 characters, any **excess will be cut off the end** before it goes live on the ENSA website. We recommend writing this in Word first, checking the word count, and then copy and pasting it into your online application form. ([Guidance for writing your manifesto can be found on the ENSA Website](#))
  - 2.1.6. **Attend one of the Candidate Briefing sessions.**  
Only 2 briefing sessions will be held - **6pm on 02/03/2022** and **3pm on 04/03/2022**. If you are unable to attend, please contact [a.roache@napier.ac.uk](mailto:a.roache@napier.ac.uk).
  - 2.1.7. **Complete the Trustee Eligibility form.** You must declare that you are eligible to be a Trustee and declare any 'conflict of interest' you may have. *(Don't worry, we'll help you fill in this form at the Candidate Briefing Session)*

### 3. Basic Principals and Core Regulations

#### 3.1. You and your supporters **MUST**:

- 3.1.1. **abide by the Election Rules, ENSA Policy and UK Law** throughout the elections process. This includes Data Protection law and policy ([www.legislation.gov.uk/ukpga/2018/12/contents/enacted](http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted)).
- 3.1.2. **follow all Covid restrictions in line with both Government and University guidance** when campaigning face to face, such as face coverings, social distancing and good hygiene precautions. Failure to follow any Covid guidelines **will lead to sanctions**.  
Any candidate, or their supporters, who are **exempt from wearing face coverings** should **make themselves known to [a.roache@napier.ac.uk](mailto:a.roache@napier.ac.uk)** prior to campaigning.
- 3.1.3. **act in the interests of a fair election** and treat other candidates, voters and election officials with **civility and respect**.
- 3.1.4. **be respectful of students' rights not to vote** and to go about their business **without harassment, including on campus and online**.
- 3.1.5. **observe the deadlines, timetables and rulings** set by the Election Officials.

#### 3.2. You and your supporters **MUST NOT**:

- 3.2.1. do anything to put **yourselves or others in danger**. This **includes continuing to campaign in-person** when required to **self-isolate** due to Covid.
- 3.2.2. make any attempt to **influence students** who are **in the process of voting**. Every member of the Association has the **right to vote freely and in private**.
- 3.2.3. campaign in any **computer or library areas** of the University campuses.
- 3.2.4. **pass electronic devices, such as phones, tablets or laptops, to students** with which to vote. Any appearance of these actions (or photo evidence of it) will lead to sanctions.
- 3.2.5. act to further your campaign by **employing unfair advantage** (e.g. using resources not available to others).
- 3.2.6. **spend any of your own money** or allow **supporters to spend** any of **their own money** on your campaign.
- 3.2.7. **make criticisms of a personal or unsupported nature** about other candidates.  
*(It is, however, legitimate to criticise any policy for which a candidate is standing, or to criticise a current office holder's record in office.)*
- 3.2.8. **criticise ENSA staff, NUS staff or University staff** in your campaign.
- 3.2.9. **deliberately mislead or make false declarations** to Elections Officials.

### 4. Corrupt Practices

- 4.1. Corrupt practices will not be tolerated by ENSA and will **lead to your disqualification** from the election.
- 4.2. **Corrupt practices include:**
  - 4.2.1. **Giving, or making a promise of, any gift or inducement** to, or for, any voter in order **to procure their vote** (e.g. alcohol, money, items of value or promises of positions or favours).
  - 4.2.2. **Giving or paying for**, wholly or in part, any food, drink or entertainment for any voter in order **to secure their vote**.
  - 4.2.3. Directly or indirectly **making use of**, or threatening to make use of, **any force, violence, or restraint towards any voter or candidate**, to induce or compel that person to vote or not vote, **or towards any candidate and their supporters**, in order to induce or compel them to refrain from campaigning.

## SECTION B. – Definitions and timeline

### 5. Definitions

- 5.1. **Election Period** – This is the period which covers all election activities, from the opening of applications until the results declaration. Election rules will be in force throughout this entire period.
- 5.2. **Restriction Period** – This is the period when the public activity of current Elected Officers is restricted (see 19.6). This period runs from the close of applications until the results declaration.
- 5.3. **Voting Week** – This is the period from opening of the polls until the results declaration. During this period students will be able to vote online, between 8am – 6pm Monday – Thursday and 8am – 3pm on Friday.
- 5.4. **Campaigning** – This is considered to be any activity which promotes an election campaign and asks, or implies, that students vote for a particular candidate.
- 5.5. **Sanctions** – This refers to the actions that the Election Committee can take against a candidate as a result of breaching the election rules. You could think of this as the punishments for breaking the rules (see 22.10).
- 5.6. **Campaign Budget** – The amount of money, provided by ENSA, that each candidate is allowed to spend in relation to their campaign. There are strict rules about spending money and breaking these rules is a very serious offence (see 7).
- 5.7. **Legitimate Campaign Expenses** – There are strict rules around what you can, and can't, spend your Campaign Budget on (see 7.10). Any expenses must directly relate to promoting your campaign only and must not be used to 'pay' your campaign team or supporters, whether in cash or with other items such as food, drinks or entertainment.
- 5.8. **A 'Ticket' or 'Slate'** – This refers to 2 or more candidates, running for different positions, teaming up and promoting each other's campaigns, as permitted within these rules. There are, however, some additional rules about working together (see 16), especially if any of the candidates are already Elected Officers with ENSA (see 19).
- 5.9. **Elections Officials** – These are the people who 'run' the elections, writing the rules, enforcing them and making decisions about what to do if the rules are broken. The Elections Officials can be University Staff, ENSA Staff and students (see Section F).

### 6. Timeline

TIME	DATE	EVENT
09:00	Tuesday 1 <sup>st</sup> February	Applications Open
12:00	Wednesday 2 <sup>nd</sup> March	Applications Close
12:00	Wednesday 2 <sup>nd</sup> March	Elected Officer Restriction Period begins
18:00	Wednesday 2 <sup>nd</sup> March	Candidate Briefing Session 1
15:00	Friday 4 <sup>th</sup> March	Candidate Briefing Session 2
08:00	Monday 14 <sup>th</sup> March	Voting Begins (Mon – Thurs 8am – 6pm / Fri 8am – 3pm)
15:00	Thursday 17 <sup>th</sup> March	Budget Form Submission Deadline
15:00	Friday 18 <sup>th</sup> March	Voting Closes
16:00	Friday 18 <sup>th</sup> March	Appeals Deadline
18:00	Friday 18 <sup>th</sup> March	Results Declaration

## SECTION C. – Campaign Finances

To prevent any unfair advantage between candidates each candidate running for the same position will be allocated an equal 'Campaign Budget'.

### 7. Campaign Budgets

- 7.1. You **must not spend your own money** on your campaign or **allow your supporters to do so**.
- 7.2. You will be **allocated a Campaign Budget of £80** specifically, and only, to be spent on your election campaign.
- 7.3. **It is solely your responsibility to ensure that you do not exceed** the spending limit and that you only spend on **legitimate items** (see 7.10) to support your campaign.
- 7.4. **Exceeding the spending limit or buying disallowed items** is equivalent to spending your own money, which is a **breach of these rules**. Spending limits will be strictly enforced.
- 7.5. You **must submit** a list of all of your spending on a **Budget Form, with receipts attached**, to [a.roache@napier.ac.uk](mailto:a.roache@napier.ac.uk) **at least 24 hours before close of polls**.  
Budget Forms can be downloaded at: [www.napierstudents.com/elections/electionbudgetform/](http://www.napierstudents.com/elections/electionbudgetform/)
- 7.6. **Even if you have not spent any of your allowance**, you will still be required to **complete a budget form** and submit it by the deadline for public scrutiny.
- 7.7. All candidate's budget forms will be **published on the ENSA website for public scrutiny and challenge** before the results declaration.
- 7.8. **Failure to submit a budget form** at least 24 hours before the close of polls; or **exceeding the spending limit**; or evidence of a candidate or supporters **spending their own money** on the campaign, **will result in disqualification of the candidate**.
- 7.9. Expenses will only be **reimbursed by ENSA** on **production of receipts**, up to the limit of your allocation.
- 7.10. **Campaign Budgets may only be spent on legitimate campaign expenses** directly related to your campaign.  
*(The list is for guidance only and is NOT exhaustive. If you have any questions about campaign expenses, please contact the Deputy Returning Officer.)*

Allowed Expenses	Disallowed Expenses
Facebook/Instagram paid posts and boosts	Lunch/ Coffee (for you or other people)
Flyers or Banners	Posters
Graphic design/Video production and editing	Alcohol (for you or other people)
Costumes/Props	Snacks/Sweets (for you or other people)
	Event tickets (for you or other people)
	Branded promotional giveaway items (eg pens, notepads, stress balls, key rings)

Table 1. – Examples of allowed and disallowed campaign expenses.

## SECTION D. – CAMPAIGN PUBLICITY & MATERIALS

### 8. Publicity

- 8.1. To avoid any unfair advantage, **any campaign materials** used or procured by any means **must be** deemed to be **reasonably available to any ordinary student** at Edinburgh Napier.
- 8.2. Your publicity **must not** contain **registered trademarks, any infringement of copyright, or other content that could be legally actionable**, for example, it shall not personally defame anyone.  
*(Under UK and EU law, use of copyrighted material for the purpose of 'parody' and 'pastiche' does not infringe copyright.)*
- 8.3. Your publicity **must not** contain images of a **sexual nature, weaponry, be abusive, or use derogatory or discriminatory language**.
- 8.4. The University prohibits the use of **stickers** of any kind, on or around its property.

### 9. Posters & Flyers

- 9.1. You **must not distribute or display any posters** on campus or in University accommodation. **ENSA will arrange the design, printing and distribution of all Election posters.**
- 9.2. **Use of flyers is permitted**, however, candidates **must arrange** the design, printing, delivery and distribution of **their own flyers**. The cost of any flyers produced must be **included in the candidate's campaign budget** and declared **on the Candidate Budget Form** (see 7).
  - 9.2.1. Candidates are **encouraged to minimise their use of flyers**, in line with ENSA's Sustainability Charter. Candidates are also **encouraged to collect and reuse discarded flyers**, rather than producing more.
  - 9.2.2. Candidates are **solely responsible for ensuring flyers are cleared away and do not cause any health & safety risks** (such as becoming a slip hazard on floors).

### 10. Digital & Online Campaigning

- 10.1. Students will **cast their votes using an electronic voting system**, so campaigning digitally, online and using social media can be very important, however some regulation of these methods is required to avoid students being 'spammed'.
- 10.2. It is also important for **candidates to follow the University's guidelines, as well as UK Law**, relating to computers use and digital, and online, communications (such as the **Data Protection Act and the Privacy and Electronic Communications Regulations**).

### 11. Computers and the Web

- 11.1. Any computer usage must be in line with all **Edinburgh Napier Information Security policies**.  
(see <https://my.napier.ac.uk/it-support/staying-safe-online/information-security-policies>)
- 11.2. **Malicious uses of Information Technology will be treated as gross misconduct** and disciplinary action will be taken. This includes, but is not limited to, unauthorised access to accounts or systems; creation of fake profiles; impersonation or identity theft; cyber-bullying or harassment.
- 11.3. You, or your supporters, **must not create any websites** to further your campaign. Your manifesto, campaign poster and a short 'Candidate Profile' will be made available on ENSA's website.
- 11.4. You **must not collect or utilise any personal information** from students, such as names, email addresses or telephone numbers, whether online or in hardcopy, for the purposes of furthering your campaign, to avoid any **Data Protection legislation** implications.
- 11.5. Any ENSA, Team Napier, The Union Bar and Edinburgh Napier University **webpages, mailing lists, email groups or official social media pages must not be used** to further your campaign. This includes member lists for clubs and societies.

## 12. Electronic Communication

- 12.1. You, or your supporters, **must not send any or excessively frequent unwanted communications** by any electronic medium (i.e. **no spamming**).
- 12.2. You, or your supporters, **must not use emails** to further your campaign, such as sending campaign materials, soliciting votes or 'electioneering', but **may respond to questions** asked about your manifesto and campaign, provided you did **not initiate the communication**.

## 13. Social Media

- 13.1. You **must adhere to the terms and conditions of the platform**, when posting to social media. **Inappropriate materials must not be used** (see 8.2 and 8.3).
- 13.2. **Candidates are required to inform the Election Officials of any 'admin rights'** for any ENSA, Edinburgh Napier University or Team Napier accounts, pages, groups or lists (including individual sports clubs and societies) and must **give up such 'admin rights' prior to beginning your campaign** and until the results declaration.  
The ENSA Communications Team can act as impartial 'care-takers' of any pages or groups during the election period, where required.
- 13.3. You **may create appropriate social media accounts** to publicise your campaign, however you **must provide details** of all campaign accounts **to the Depute Returning Officer**, or their appointee.
- 13.4. You, or your supporters, **must not add people to Facebook Groups unsolicited or in bulk**. Group members must personally request to be added to the group individually.
- 13.5. You, or your supporters, **must not 'tag' people unsolicited or in bulk**, including Team Napier Sports Clubs and Societies (except those that have given express consent to appear in the photo) – **evidence of permission given should be retained** – a failure to be able to provide this evidence upon request will be deemed a breach of election rules.
- 13.6. To maintain impartiality, the following social media accounts are **off limits and must not be used** to further your campaigns, **nor endorse or give preferential treatment** to, any specific candidate(s). ENSA has direct responsibility for these groups and pages, no matter who set them up.
- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• ENSA Facebook page</li><li>• ENSA Twitter account</li><li>• ENSA Instagram account</li><li>• ENSA Tik Tok account</li><li>• ENSA LinkedIn account</li><li>• Team Napier Facebook page</li><li>• Team Napier Twitter account</li><li>• Team Napier Instagram account</li></ul> | <ul style="list-style-type: none"><li>• Napier Freshers Facebook account</li><li>• Napier Freshers Twitter account</li><li>• Napier Freshers Instagram account</li><li>• The Union Bar Facebook page</li><li>• The Union Bar Twitter account</li><li>• The Union Bar Instagram account</li><li>• Any Edinburgh Napier University Facebook page</li></ul> |
|---|--|
- 13.7. You, your supporters or any campaign related social media accounts, **must not post** on any of the pages listed above.
- 13.8. You, your supporters or any campaign related social media accounts, **are permitted to post to certain ENSA moderated groups** on Facebook, including:
- Sports Committee Facebook group - <https://www.facebook.com/groups/ensasportscommittee21>
  - Societies Committee Facebook group - [www.facebook.com/groups/ensasocietiescommittee21](http://www.facebook.com/groups/ensasocietiescommittee21)
  - Team Napier Shout-Out Group - [www.facebook.com/groups/640716549407079/](http://www.facebook.com/groups/640716549407079/)
  - ENU Students Only Facebook Group - [www.facebook.com/groups/EdinburghNapierStudentsOnly](http://www.facebook.com/groups/EdinburghNapierStudentsOnly)
  - Find Your Room/Classmates Group – [www.facebook.com/groups/findyourmatesnapier21](http://www.facebook.com/groups/findyourmatesnapier21)
  - ENSA Programme Reps Facebook group – [www.facebook.com/groups/ensaprogrammereps21](http://www.facebook.com/groups/ensaprogrammereps21)
- 13.9. **Paying for boosted posts and adverts** on social media, such as Facebook and Instagram, **is allowed**, however you must remember to submit evidence of any expenditure, such as a screenshot, with your Campaign Budget Form.

## 14. Campaign Videos

- 14.1. **You can submit a single campaign video for inclusion on your 'Candidate Profile' on the ENSA website.** Videos should be sent to [c.reid@napier.ac.uk](mailto:c.reid@napier.ac.uk).  
Where video files are too large for email, we suggest using [wetransfer.com](https://www.wetransfer.com).
- 14.2. **You are also free to create and share any other video content on social media**, provided it does not breach any of these rules (see 8.2 and 8.3), however, ENSA will not share or post videos to social media on your behalf.

## 15. Campaigning at University Accommodation

- 15.1. You, or your supporters, are permitted to have a presence on-site at University Accommodation any time **between 10am and 10pm during Voting Week**. However, access to any individual properties must be **provided by residents** following a full disclosure of the purposes for which you are requesting access.
- 15.1.1. **No additional posters should be placed in University Accommodation sites** and doing so will immediately lead to sanctions.
- 15.1.2. **Flyers** may only be **distributed in person, directly to students**, and **must not** be left in piles, put into mailboxes or 'posted' under doors.
- 15.2. Any **unauthorised distribution of posters or flyers at University Accommodation is prohibited** and any such **material shall be destroyed**.
- 15.3. Remember, University Accommodation buildings are **residents' homes** and **any issues with conduct** of campaigners on these premises, shall be addressed promptly and **may lead to sanctions**.
- 15.4. **Any candidate(s) asked to leave a University Accommodation property by a resident must do so immediately.**

## SECTION E. – Support and Endorsements

### 16. Supporting Other Candidates (Running On a 'Ticket' or 'Slate' With Others)

- 16.1. You **can choose to support** other candidates running for elections. This can be known as running on a 'Ticket' or 'Slate'.
- 16.2. You **can endorse other candidate(s)** by sharing their materials on personal or campaign social media accounts, verbally when speaking to students, or by campaigning together.
- 16.3. You **must not pool your financial allowances** to increase your spending power (e.g. bulk discounts, special offers).

### 17. Endorsements

- 17.1. You **cannot be publicly endorsed or supported at any time** by any member of:
  - 17.1.1. The ENSA Board of Trustees (except Sabbatical Officers, see 19)
  - 17.1.2. ENSA Staff (except Sabbatical Officers, see 19)
  - 17.1.3. Any company or business
  - 17.1.4. Any commercial or political organisation
- 17.2. You **cannot be publicly endorsed or supported** by any member Edinburgh Napier University Staff whilst they carry out the duties for which they are employed, or where their position is explicit or implied. This includes directly campaigning for, or wearing or displaying the publicity of, any candidate.

### 18. Team Napier Clubs & Societies

- 18.1. **Candidates are permitted to seek endorsement from Team Napier Sports Clubs and Societies, however:**
  - 18.1.1. candidates, campaign teams or supporters **may request to attend in person or online sports clubs and society meetings, club training sessions or any other event, to promote their campaign.** However **permission must be sought in advance** from the Sports Club or Society committee. **Evidence of permission should be retained** – a failure to be able to provide this evidence upon request will be deemed a breach of election rules.
  - 18.1.2. **If any candidates, campaign teams or supporters are asked to leave a sports club or society event by the members or committee, they must do so immediately.**
  - 18.1.3. candidates, campaign teams or supporters **must not use official campaign social media accounts to tag Sports Clubs or Societies**, unless prior consent has been expressly given by the Sports Club or Society. **Evidence of permission given should be retained** – a failure to be able to provide this evidence upon request will be deemed a breach of election rules.
  - 18.1.4. **social media posts** from candidates, campaign teams or supporters **may be subject to removal** at the discretion of the Sports Club or Society.
- 18.2. **ENSA has no responsibility** for any campaign materials posted, shared or deleted by **any Sports Club or Society** on any social media channels.
- 18.3. Team Napier Sports Clubs and Societies are **free to endorse any candidate that they wish**, provided that no candidate has 'admin rights' for their social media accounts during the campaign.



## 19. Restrictions that apply to current Elected Officers

By virtue of their position, **current Elected Officers** may have specific advantages during the election process which need to be mitigated to **prevent any abuse of the power of their office** and to 'level the playing field' between candidates.

This includes the actions of a current Elected Officers **to further their own campaign, support another candidate or to act to the detriment of any other campaign.**

- 19.1. Elected Officers **must not use e-mail addresses, mailing lists or any other listings, or accounts, which are used in connection with an ENSA role** (i.e. anything that carries their title or is used to communicate with constituents/members) for election purposes. This applies to all Elected Officers, **whether they are a candidate, personally, or supporting another candidate.**
- 19.2. Elected Officers **shall not use ENSA resources** to support any campaign (e.g. office equipment, stationery, all-student e-mails, or use ENSA offices as a campaign base).
- 19.3. Elected Officers shall **not use any photographs or videos created by ENSA** as part of their campaign or in support of another candidate.
- 19.4. **Elected Officers shall not use ENSA branded clothing**, acquired by virtue of their role or which specifically identifies them as Elected Officers, **when supporting or opposing any candidate or campaign.**  
For the avoidance of doubt, Sports Club 'kit' is permitted to be used, provided it does not identify a committee role of the candidate.
- 19.5. If Elected Officers are **engaged in ENSA campaigns or activities**, during the campaign period, they **must not use these opportunities to engage in election campaigning** either for themselves or to support another candidate.
- 19.6. **Elected Officers will be subject to a period of restricted public activity**, between the close of applications and the close of polling, where **their ability to take part in public campaigns or events will be restricted and monitored.**
- 19.7. **If a Full-Time Elected Officer is standing as a candidate, they must not campaign during working hours.** Arrangements to take annual leave, if required, must be made in advance with the CEO. Leave will not be granted in retrospect without penalty. If Elected Officers **campaign during the working day without taking leave, this will result in disqualification.**
- 19.8. For the avoidance of doubt, current Full-Time Elected Officers **are allowed** to support other candidates or **run on a 'ticket' or 'slate'**, however this **must be outside of working hours and use of ENSA resources, in any form, is strictly prohibited.**

## SECTION F. – Election Officials

### 20. Responsibilities of the Elections Officials:

- 20.1. All Election Officials **shall maintain strict neutrality** between candidates and provide a free and fair election process, aiming to ensure a 'level playing field' for candidates and preventing, or addressing, any unfair advantage by:
  - 20.1.1. **publicising** the electoral positions and **receiving applications**.
  - 20.1.2. **creating a fair applications process and checking the status of nominees** to ensure that they meet eligibility criteria.
  - 20.1.3. **creating, disseminating and explaining the rules** of campaign to all election candidates.
  - 20.1.4. **setting up a voting process** that permits students to cast their electoral votes securely and in private, using an electronic voting system administered by the University over a number of days (usually a working week Monday-Friday).
  - 20.1.5. **publicising election week** to the student body.
  - 20.1.6. **dealing with complaints and queries** about the rules of campaign from candidates, and other students, and referring these to the Returning Officer, where appropriate.
  - 20.1.7. **adjudicating any disputes** that may arise over elections, **enforcing the rules and applying any penalties** against candidates who breach the rules.
  - 20.1.8. **validating the count** and **organising the declaration** of the results.

### 21. Who are the Election Officials for this Election?

- 21.1. **Returning Officer** – This person **interprets the rules of campaign** and is referred to for the adjudication of major disputes and/or serious acts of misconduct. In the event of a misconduct claim being upheld, **the Returning Officer will decide the appropriate penalty** for the candidate(s).
  - 21.1.1. **If the Returning Officer is absent** or otherwise unable to fulfil their duties, **an interim Returning Officer will be appointed**, by the current Returning Officer.
- 21.2. **Depute Returning Officer** – this is normally an ENSA staff member who deals with the organisation of the election on-site and handles queries and ongoing complaints.
- 21.3. **Assistant Returning Officers** – these are normally ENSA staff members, who assist the Depute Returning Officer with the organisation of the election on-site and handle queries and ongoing complaints.
- 21.4. The **Depute Returning Officer**, and **Assistant Returning Officers**, have the **authority to impose an interim sanction** based on the available evidence and severity of the rule breach, pending referral to the Returning Officer for a formal decision.
- 21.5. **ENSA staff**, acting as Assistant Returning Officers, **may investigate, and report**, any potential breaches of the rules observed during their normal duties. You, and your supporters, **must comply** with any requests made by ENSA Staff members.
- 21.6. **ENSA staff may be assigned to University sites during the campaign period** to respond to any queries and to ensure conduct is in accordance with the election rules.

## SECTION G. – Enforcement, penalties and queries

### 22. Breach of the Rules

- 22.1. If you, or your supporters, **wish to complain about an alleged breach of the rules, you must do so to the Depute Returning Officer**, or Assistant Returning Officers.
- 22.2. To be considered valid, your complaint **must be in writing**, on an **official ENSA Complaint Form**, citing the **specific rule broken** and providing **specific evidence** of the breach (i.e. a screenshot or print out of a Facebook post/tweet, photographs or videos). Complaint Forms can be downloaded from: <https://www.napierstudents.com/elections/electioncomplaintform/>
- 22.3. **Verbal complaints will not be considered.** Only complaints **submitted using an official ENSA Complaint Form** will be considered.
- 22.4. You **must not** take steps to **personally “remedy”** an alleged breach or any other situation.
- 22.5. Multiple complaints **must not be grouped together** on a single form and each complaint **must be submitted individually** on a **separate complaint form** for **every alleged breach** of the rules.
- 22.6. Complaints must be **submitted as soon after the breach as possible**. Any delay in submission may negatively impact the consideration of the case by Election Officials.
- 22.7. Submission of a complaint **will not** normally **cause a campaign to be suspended** while complaints are investigated or decided.
- 22.8. Any complaints deemed to **have been filed maliciously or vexatiously to damage another candidate's campaign, rather than to pursue a genuine grievance**, may **incur penalty** to the candidate who submitted such a complaint.
- 22.9. The **Elections Officials may punish any breach of rules** and do **anything considered necessary** to ensure electoral fairness (i.e. 'to level the playing field' and 'address an unfair advantage' between competing candidates.), **including disqualification of a candidate(s)**.
- 22.10. Election Officials may issue **a warning for minor misconduct and/or take appropriate action to mitigate any 'unfair advantage' gained through a breach of the rules**, however it is also possible for **any breach of the rules**, that has been deemed to have impacted the outcome of the election, **to result in disqualification**.

### 23. Right of Appeal

- 23.1. Candidates have the **right of appeal** against any decision by the Elections Officials.
- 23.2. Any **appeal must be in writing**, addressed to the Returning Officer, and **submitted** to either the Depute Returning Officer or the designated Assistant Returning Officer on campus, **within 24 hours of the decision or sanction** being sent to the candidate, **or up to 1 hours after the close of polls, whichever is sooner**.
- 23.3. **The campaign will not normally be suspended** while complaints are investigated or decided, so there is no advantage in delaying submission.
- 23.4. Any **post-declaration appeal**, against an election ruling **must be lodged with the Chair of the Board of the Corporate Trustee**, no later than **three working days after** the declaration of the result.
- 23.5. **Post-declaration appeals** will be dealt with in line with the [ENSA Constitution \(Schedule 4\)](#). During consideration of appeals, the declared results shall continue to be valid.
- 23.6. **The Board's decision on an appeal shall be final.**

### 24. Declaration of Results

- 24.1. The results of the election **shall not be declared** until all outstanding complaints and appeals have **been resolved**. This may lead to a **delay in announcing** the results for **individual, or all, positions**.