



ELECTION BY-LAWS OF USPSA

The 19th Federal Council Meeting amended these By-Laws in 2018, following amendments to the USPSA Constitution.

ARTICLE 1: THE GENERAL ELECTIONS

- 1) These By-Laws are the Election By-laws which is applicable to all branches affiliated to the USPSA Federal Council as stipulated in Schedule 1 of the Constitution of USPSA. These By-Laws shall recognize any prerequisite for candidates and nominations for any position set by the branch association where elections are to take place.
- 2) There shall be an election of the Branch Association, known as the General Elections, which shall be held annually. The General Election is to elect the Executive Committee and the Student Representatives in the Senate, and these elections are to be held annually in September or at any date properly appointed by the USPSA Federal Council¹.
- 3) All students enrolled in any program and have paid in full Association fee as prescribed by the Federal Council are eligible for nomination, election and re-election and voting provided they hold necessary prerequisites for the office to contest and vote in the elections of the Branch Association.
- 4) Any person applying to be a candidate in a General Election, must satisfy the following requirements:
 - a) Must not have a criminal record;
 - b) Must have proven ability, experience, and skill for the position nominated for;
 - c) Must not have any disciplinary record with USPSA or the University;
 - d) Must not be completing studies before the next General Elections next year in April; and
- 5) For procedures relating to the election of candidates onto the Student Senate, and being applicable only to Branch Associations that have Student Senate bodies:
 - a) The election is to elect members of the Student Senate which shall include non-residential students' and residential student representative and Undergraduate Students' representative and Post-graduate Students' representative and is to be held on the third week of the first semester.

¹ The Federal Office is fully responsible on behalf of the Federal Council for the conduct and oversight of the USPSA Branch General Elections, handover and induction.

- b) Nomination of candidates shall be made in writing to the returning officer on or before date to be fixed by and shall be posted on the association notice board seven (7) clear days before the date of elections.
- c) Each nomination paper shall bear the correct name, correct USP student identity number and the signature of the nominee to express his or her willingness in accepting such nomination.
- d) In the election of the non-residential student representative, the nomination paper shall bear the correct name, correct USP student identity number, the signature one non-residential student nominator and the correct names, correct USP identity numbers and signatures of 10 non-residential students as seconders.
- e) In the election of the residential student representative, the nomination paper shall bear the correct name, correct USP student identity number, the signature one residential student nominator and the correct names, correct USP identity numbers and signatures of 10 residential students as seconders.
- f) In the election of the Undergraduate student representative, the nomination paper shall bear the correct name, correct USP student identity number, the signature one Undergraduate student nominator and the correct names, correct USP identity numbers and signatures of 10 Undergraduate students as seconders of the same faculty.
- g) In the election of the Post graduate student representative, the nomination paper shall bear the correct name, correct USP student identity number, the signature one Post graduate student nominator and the correct names, correct USP identity numbers and signatures of 3 Postgraduate students as seconders of the same faculty.
- h) The term of office of all Student Senate representatives elected in the second election shall cease on the last day of the second semester.

ARTICLE 2: RETURNING OFFICER

- 1) Before beginning the process of elections (5 weeks before the date of election as set by the USPSA Federal Council), all branch Secretaries are to write to the Secretary General of the USPSA Federal Office to appoint a returning officer subject to subsections (2 &3) of this article.
- 2) If the branch Secretary fails to follow through the process in (1 above) and does not provide a notice to the Secretary General 5 weeks prior to the fixed date of elections, the Secretary General shall proceed with the appointment of the Returning Officer for the respective branch(es) in consultation with the USPSA Federal Council Chair. In this event, subsection (3) of this article shall not be applicable.
- 3) After receiving the request, the USPSA Secretary General shall appoint, in consultation with the Branch Senate/ Executive Committee, a Returning Officer for the purpose of conducting elections in the respective branches.
- 4) The Returning Officer will be responsible for the whole conduct of the elections.
- 5) The Returning Officer will immediately upon closing of the nominations, provide a list of names of the members duly nominated for each office to the branch Secretary and the Secretary General of USPSA Federal Office.

- 6) The Returning Officer will have the power to and will:
 - a) Appoint such deputies, poll clerks, scrutineers and other assistants and with such powers and duties as the returning officer sees fit.
 - b) Provide such materials and facilities in such form as the Returning Officer deems requisite and suitable for the method of voting.
 - c) Ensure that only members vote.
 - d) Provide for the due secrecy and peaceful nature of the ballot.
 - e) Give notice and inform such media as they see fit of the day or days on which the ballot is to be held specifying the hour during which the voting may take place and such a day and such hours will be the day or days and hours for polling.
 - f) Direct and regulate the manner of voting and recording votes.
 - g) Arrange and supervise the counting and recounting of the votes and disallow votes not submitted in the specific manner or not sufficiently clear.
 - h) Ensures that there is no form of electioneering on the day of polling, by or on behalf of any candidate.
 - i) Ensure that all candidates submit the name and if any, the logo of the party they represent which must be present next to the candidates' name on the ballot paper; and
 - j) Provide a report in a timely manner to USPSA Federal Office certifying that the elections have been conducted in accordance with these By-laws and any other rules specially designed by the Branch Association in relation to the elections in which the elections are held in a proper fair and democratic manner, or as the case maybe notifying any irregularities in the elections after the conclusion of the ballot.
- 7) The Returning Officer will comply with any regulations consistent with these by laws duly made by the USPSA Federal Team Secretariat amplifying or specifying more particularly the powers and duties of the Returning Officer.
- 8) All acts and things done by the Returning Officer for any such purpose will be deemed to be done under the authority of the USPSA Federal Office.

ARTICLE 3: NOMINATION FOR BRANCH EXECUTIVE & STUDENT SENATE

- 1) Any person who is a member of the Association may with his or her consent be nominated as a candidate for either the General Elections by other members in accordance with the rules in this by-law.
- 2) Every nomination shall be done via the official nomination forms provided by the branch associations to the Returning Officer on or before a date to be fixed by him or her and shall be

posted on the Associations Notice Board no less than seven (7) days before the date of the elections.

- 3) No member may nominate more than one candidate.
- 4) No member shall consent to more than one nomination as a candidate at any one election.
- 5) Every nomination form must bear the correct name, USP student identity number and the signature of the nominee to show his or her consent to being nominated.
- 6) The returning officer shall reject the nomination of any candidate if:
 - a) The nomination form is not lodged with him or her at the date and time fixed;
 - b) The nomination form or any of its parts are deemed incomplete and information provided is incorrect.
 - c) The nomination is not signed by the prerequisite persons (nominators and seconders) required for election as set out in the branch constitution or it's By laws; and
 - d) The nomination paper does not bear the correct name, ID number and signature in accordance with the USP Student ID card as required by Section (5) of this article.

ARTICLE 4: ELECTIONS

- 1) Voting may take place using any media, physical or electronic provided it is carried out in a manner consistent with these by-laws.
- 2) Postal and proxy voting is permitted and shall be allowed at the sole discretion of the Returning Officer whose decision shall be binding and final.
- 3) No form of campaigning shall take place on the day of elections. Any candidate or party found to be doing so shall be disqualified immediately from the elections.

ARTICLE 5: UNOPPOSED AND FRESH NOMINATIONS

- 1) All positions of a branch executive and Senate (if applicable) shall be elected through a democratic election.
- 2) If only one candidate is nominated for one position at the elections, the ballot paper should have an option of 'no confidence' along with the name of the unopposed candidate.
- 3) If there are more "no confidence in these candidates" votes than votes cast for the highest polling candidate, then no one will be declared elected and a casual vacancy will exist. For this casual vacancy, fresh nominations shall be called in accordance with these by-laws

ARTICLE 6: ELECTION RESULTS AND POST ELECTION RESULTS

- 1) The Returning Officer shall be primarily responsible for the counting of votes and shall, within three (3) days of the close of the elections, post the official results of the said election on the Associations notice board and circulate electronically via tukutuku.

- 2) The Returning Officer shall secure and retain all voting papers and voting records for 21 days after the official count to prevent any tampering while petitions or appeals (if any) are pending.
- 3) There shall be a general administrative handing over of offices of the Branch association from the outgoing officers to the newly elected officers. This must be carried at a time and date fixed by the Secretary General following the official announcement of results. Within the stipulated time period all documents and property of the association must be handed over to the newly elected officers.

ARTICLE 7: BY-ELECTIONS AND DISPUTED ELECTIONS

- 1) If a position becomes vacant, howsoever, occasioned, more than six (6) weeks before the first election, the returning officer shall proceed to hold a by-election to fill the vacancy.
- 2) If a position becomes vacant, howsoever, occasioned, less than six (6) weeks before the first election, the branch senate or executive committee shall appoint any senate member it sees fit on an interim basis to fill that vacancy until the next first election.
- 3) In the event that a vacancy occurs no more than three (3) weeks, before the end of the academic year the position should remain vacant until senate or executive committee resumes office in the following year if the senate or executive committee decides so.
- 4) Where a by-election is deemed necessary in accordance with section 1) of this article, the returning officer shall for with, by public notice on the associations' notice boards, appoint a day for that by-election no more than two weeks (2) after the occurrence of that vacancy.
- 5) Except as provided by this constitution the conduct of a by-election shall be same as in the case of a general election.

ARTICLE 8: ELECTION PETITIONS

- 1) Subject to section 2 of this article, where any student candidate is dissatisfied with any matter related to election procedures, including the eligibility of the candidate or voter, or with the result of any election in respect of which that candidate has been nominated, that candidate may, within 3 days after declaration of the result of the elections, by petition to the Chairperson and other officers of the USPSA Federal Office the appeal decision of the declaration of the returning officer.
- 2) Any petitions made under section 1) of this article can only be on one ground, that being that the petitioner (candidate) has been disadvantaged in the elections concerned for reasons that must be disclosed in the petition.
- 3) Where, in a petition, the petitioner claims that he or she has been disadvantaged by reason of questionable election procedures and such allegations shed doubt on the credibility of a certain election results, the Chairperson upon consultation with the Deputy Chairperson and the Co-opted Member (Legal) shall direct the Returning Officer to call a second ballot if the decision was decided yes but if no then the decision is final.

ARTICLE 9: ELECTORAL APPEALS

- 1) Where, in a petition, the petitioner claims that he or she has been disadvantaged by reasons to the eligibility of other candidates or voters or owing reasons other than those specified in section(3) of Article 6, the Secretary General shall appoint an Election Appeals Committee to hear appeals against the decision made by the Returning Officer. There shall be a maximum of 3 persons in this Committee and they are to be appointed in a similar manner to the Co-opted Members according to the Clause 9 of the Constitution of USPSA. The Terms of Reference is to be prepared to determine the tenure and composition. The cost is to be shared between the Federal Office and the Branch.
- 2) The Election Appeals Committee will have such powers but not limited to:
 - a) Calling for new election;
 - b) Removing votes from candidates;
 - c) Adding votes to candidates; and
 - d) Disqualifying a candidate.
- 3) The Election Appeals Committee shall sit to consider all appeals within seven (7) days after the deadline for all appeals has lapsed.
- 4) The Branch Associations funds shall be utilized to compensate members of the Election Appeals Committee by way of sitting allowances, the amount of which shall be set and approved by the Secretary General of USPSA Federal Office.
- 5) The decision of the Election Appeals Committee shall be final; within three (3) days after the appeals have been heard; the Secretary of the Branch Associations shall post the results of those appeals on all main student notice boards in the relevant Branch campuses.

ARTICLE 10: APPLICATION OF BY-LAWS

- 1) These By-Laws and all its sections shall be deemed superior to any laws of any branch association in regards to Branch Elections. However, these by-laws recognize any prerequisite for candidates and nominations for any position set by the branch association where elections are to take place.
- 2) Any clarification and interpretation shall be directed to the Chairperson of USPSA Federal Council.
- 3) The Election By-Laws are subject to the USPSA Federal Constitution and can be amended by the USPSA Federal Council.