

Penalties For Breaches Of The Electoral Regulations

The GSA Electoral Regulations prohibit various activities in an effort to make the elections fairer and less divisive. These are primarily described in **section 2.32**, although some aspects are covered elsewhere in the election regulations, particularly **3.3**. All candidates should read these sections prior to campaigning, as should anyone who wishes to actively support a candidate in the election. Please also note that the regulations have changed since 2024, so make sure you read the current version.

The most common breaches involve misleading and deceptive conduct - for example blaming opposing candidates for things they had no involvement in – or inappropriate methods of campaigning. The latter can include giving people inducements to vote, or pressuring people to vote against their will. In an online election such as GSA's observing voters while they cast their vote, therefore violating the secrecy of the ballot, is particularly problematic. This was recognized in 2024 with the addition of a rule **2.32 d (xii)** banning being within three meters of a member while they are voting. Note also the regulations added this year **2.32 d (xviii)** and **2.32 e** to ban mass emailing of students or other breaches of the University's IT Policy.

New breaches come up quite frequently, however, usually from people who have failed to read the relevant sections of the regulations.

Breaches of the regulations can be taken to the Electoral Tribunal and may lead to disqualification or the overturning of the entire election. Thankfully, however, most breaches are not serious enough to justify either of these measures. Neither the authors of the regulations, nor the Returning Officer team, want to disqualify candidates for what may be honest mistakes, particularly when they don't change the election outcome.

If the rules are to have any force, there need to be some penalties short of disqualification. Regulation **2.32 (f)** gives the Returning Officer the power to impose penalties not involving disqualification for breaches of the rules, but does not define what these are.

One penalty that can be applied is to ban campaigning by a candidate for a certain period. This works well for attendance elections, where it is usually possible for the Returning Officer and their staff to keep an eye on candidates and campaigners and see if they are abiding by the prohibition. It's less effective for an online election like GSA's, but can be used in some circumstances.

An option better suited to the nature of GSA's election is to suspend or remove the 200-word statements and/or the photographs and videos candidates submit. There is a link from the ballot to these statements and photographs, and all will be placed on the GSA website. Where a candidate has committed a breach, the Returning Officer can remove the link from the ballot either for a specified period of time, or for the rest of the election. The GSA website is administered by GSA staff, not the Returning Officer, but the Returning Officer can request the statements and photographs be removed there as well. Depending on the nature of the offence, it is also possible to include a short explanation of why the material has been removed, although sometimes we find the situation too difficult to summarize without being misleading.

The question of how long to remove statements from the website has to be made on a case-by-case basis, after assessing the seriousness of the breach and the context in which it was made. There is inevitable subjectivity in the decision.

However, there are two primary questions Above Quota Elections consider when making a judgement: How many voters we think were likely to be influenced by the breach, and whether we think the breach was deliberate, reckless or accidental.

Where our judgement is that the breach was an honest mistake, made through a misunderstanding of the rules, our primary concern is to offset any advantage a candidate may have gained by committing the breach. If this was small (for example publicity that only reached a handful of people) we consider the appropriate response to be a fairly short suspension of candidate statements. Even accidental breaches may reach a large number of people, however, which would call for a longer suspension of statements.

In cases where the Returning Officer team judge that the breach was deliberate – for example where a candidate has already been warned they were breaching the rules and continued to do so – heavier penalties will be imposed, even if the breach is likely to have only affected a small number of votes. Reckless behaviour, where candidates probably did not know they were breaching the rules, but appear to have not bothered to check, fall somewhere in between.

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