

Ruling (3) – eligibility of a candidate

Background

1. James Duncan nominated for the position of Activities Officer. As with all nominations, it was checked against the list of terminated students (as well as various other checks). The Returning Officer accepted his nomination, placing it on the provisional list of nominations, the day after nominations closed.
2. Although the Returning Officer was not at the time aware, Duncan had been appointed to the Environment Committee a short time prior to its meeting on 29 June. He did not attend this meeting or the meeting of 22 July. Subsequent to the close of nominations, another meeting was held on 24 August, which Duncan also did not attend. It is understood that these facts, and that valid notice was given for those meetings, are not contested.
3. Rule 6.9(a)(vii) provides that a committee member who has failed to attend three consecutive meetings ceases to be a member of that committee. This is reflected in the minutes of the 24 August meeting.
4. Electoral Regulation 6.5 (which mirrors Rule 14.7[f] of the Constitution) provides that such a person cannot “stand for election to any position”.

Ruling

5. Accordingly, the Returning Officer rules that James Duncan is ineligible to stand for Activities Officer. There is no effect on his co-candidate for that office.
6. Rule 18.8 of the National Union of Students (NUS) Electoral Regulations says, “Rules of the member organisation regarding the eligibility of candidates shall not apply.” Accordingly, Duncan’s nomination for NUS Delegate is unaffected.

Consideration

7. Duncan’s nomination was correctly accepted by the Returning Officer at close of nominations—at that point Regulation 6.5 did not apply. Similarly, if Duncan had been elected and only later terminated from the Committee, it does not seem that the Regulation should act to “unelect” him. The question then is: at what date should eligibility be tested?
8. Electoral Regulation 23 requires the Returning Officer to “verify [...] each person [...] is eligible to stand” by 5pm three days after nominations close. The Returning Officer views this as a (mandatory) administrative timeframe: the Returning Officer must check each nomination according to his standard procedure by that time. It does not stop someone later objecting to the acceptance of a nomination, particularly when (as in this case) it is an objection grounded in information the Returning Officer could not possibly have had at close of nominations. Although the following Regulation 24.1 requires the Returning Officer to put the list of names of accepted candidates on the website, it cannot be that this list cannot be subsequently amended (an interpretation that would prevent withdrawals or corrections).
9. The best interpretation is to take Regulation 6.5 as a continuing obligation: a person who is terminated cannot “stand for election to any position”. Therefore, Duncan cannot stand for election. (After the election is complete, of course, a person is not “standing” for election—they are elected—and so Regulation 6.5 would no longer have any application.)

10. Moreover, although we do not have access to the motivation for creating this regulation, it would seem likely that it was to a) encourage attendance of members at meetings or out of concern that someone who would miss three meetings without obtaining leave would be of doubtful reliability in the same or another role the following year. It does not matter for this purpose whether the last (or indeed any) meetings were before or after the close of nominations.

Stephen Luntz
Returning Officer
Above Quota Elections

3/9/2026

A stylized, handwritten signature in black ink, appearing to be 'SL' or similar, located to the right of the text block.