

THE OXFORD UNION SOCIETY

**POLL OF IMPEACHMENT
TO TAKE PLACE ON WEDNESDAY
13TH FEBRUARY**

POLL REGULATIONS

Liam Frahm
Returning Officer
Extraordinary Returning Officer
Jesus College
Monday 11th February 2019

The Motion of Impeachment

The Motion of Impeachment is as follows:

“We the undersigned hereby wish to impeach the Officer, Brendan McGrath (Librarian, Oriel College) on the following grounds: abuse of office, and the deliberate subversion of the expressed will of the Membership and the Rules of the Society, for his own electoral benefit and contrary to the fundamental principles of democracy upon which the Oxford Union was founded.”

POLL REGULATION 1: CONDUCT OF THE POLL

(a) The Poll shall take place on Wednesday 13th February 2019 from 9.30am to 8.30pm, in the Goodman Library

(b) The Ballot Paper

- (i) Per Rule 71(p)(iv)(2), the ballot papers shall ask the following question, with the options of “Yes” or “No”: “Should the Officer, Brendan McGrath (Librarian, Oriel College), be impeached on the following grounds: abuse of office, and the deliberate subversion of the expressed will of the Membership and the Rules of the Society, for his own electoral benefit and contrary to the fundamental principles of democracy upon which the Oxford Union was founded?”
- (ii) A further clarificatory note will be added to the Ballot Paper, reading “The above grounds are alleged by the proposers of this impeachment, and are required to be included on this ballot by the Rules. They have not been subject to any vetting procedures.”

(c) Publicity for the Poll

The Extraordinary Returning Officer shall ensure that the details of the Poll, along with these Poll Regulations, are sent to the Bursar for distribution on the Society’s mailing list no later than Monday of 5th Week.

(d) Nothing in these Poll Regulations shall be held to restrict the free and open debate to occur about the Motion of Impeachment as assured by Rule 71(p)(iii)(3).

(e) As in Rule 71(p)(iii)(4), any Member who is barred from speaking to the press on account of the Rules or Standing Orders shall not be so barred for the purposes of contributing freely to debate about this Motion of Impeachment.

(f) As in Rule 71(p)(iv)(3) the Officer shall only be Impeached if at least two-thirds of all those who cast a valid vote voted in the affirmative to the Motion of Impeachment, and if the number of those who voted in the affirmative is at least 150.

(g) Complaints of breaches of these Poll Regulations should be submitted as under Rule 71(a)(i). Any Complaint submitted more than 48 hours after the Close of Poll shall be deemed to be a breach of these Poll Regulations. This deadline may be extended by the Extraordinary Returning Officer, though the reason for extension and the limitation on any such extension must be posted on the noticeboard before the expiration of the original 48 hour deadline.

(h) Should the Extraordinary Returning Officer be implicated in any breach of these Poll Regulations, save if the Disciplinary Committee called to hear that Complaint believe that the Extraordinary Returning Officer did not act in good faith, then the Extraordinary Returning Officer shall not be convicted.

(i) Any Disciplinary Committee called to hear any Complaint of a breach of these Poll Regulations shall have the power to order a re-Poll, and to make such provisions for that re-Poll as they see fit.

(j) The Extraordinary Returning Officer for the Poll on Impeachment shall be Liam Frahm, Returning Officer, Jesus College.

POLL REGULATION 2: POLL MALPRACTICE

(a) Poll Malpractice

(i) A person shall have committed Poll Malpractice if they perform any of the following actions:

(1) Communicating any illicit factual statement as described in (ii)(1) below which forms part of a public statement and which is for the immediate purpose of soliciting votes for or against any side of the Poll. This shall not preclude the press from legitimately reporting on the Poll.

(2) Representing or attempting to represent any side of the Poll to be endorsed, supported or opposed, as described in (ii)(2) below, by, any political party, group or faction or any University Society, or any national, racial, or religious party, group or faction, or element of the press, or persuading or attempting to persuade any other person to do so.

(3) Procuring or attempting to procure any vehicle or conveyance for the purpose of systematically conveying Members to the Poll, unless authorised to do so by the Extraordinary Returning Officer, where the Extraordinary Returning Officer is satisfied on the balance of probabilities that neither the intention nor the effect of such conveyance would be to unduly benefit or to hinder any specific side of the Poll.

(4) Bribery or buying Memberships in order to influence or attempt to influence the result of the Poll; or making, or promising to make, some payment or financial inducement, either directly or indirectly, to any person in order to encourage, discourage, facilitate or hinder a side of the Poll in any way, either directly or indirectly, or attempting to do any of the above.

(5) Extortion, blackmail, intimidation or harassment in connection with the Poll, or attempting to engage in such.

(6) Organised treating by or on behalf of any side of the Poll before the Close of Poll, or so as to draw attention or attempt to draw attention to any side of the Poll.

(7) Interfering with, obscuring, defacing or removing, any photograph,, notice, poster, mailing or other material issued or distributed by the Extraordinary Returning Officer either physically or digitally, unless specifically authorised to do so by the Returning Officer, including through the removal, obscuring or defacing of materials from the noticeboard, or attempting to do any of the above.

(8) Soliciting votes for or against any side of the Poll in the Society's Buildings before the Close of Poll.

(9) Misusing or abusing or attempting to misuse or abuse one's official position in the Society, or promising to misuse or abuse one's prospective official position in the Society, so as to unfairly promote or hinder any side of the Poll.

(10) Any deliberate breach of the Rules or Standing Orders regarding the conduct of the Poll.

(11) Unreasonable behaviour in front of a Senior Disciplinary Committee or Disciplinary Appeals Committee.

(12) Breaching Rule 5, or otherwise using the Society's records of Membership, with the intention of promoting or hindering any side of the Poll or otherwise influencing the result of the Poll.

(13) Deliberately hindering or attempting to hinder the Extraordinary Returning Officer, or any Deputy Returning Officer or Returning Officer's Assistant in the discharge of their duties.

(14) Persistently loitering in or outside the Poll Room during the Poll in such a way as to influence or attempt to influence the Poll.

(15) Producing for distribution or distributing physical campaign materials or videos, making websites or webpages, excluding those on free social media platforms, or spending money on, advertising or publicising the Poll or any side of the Poll; this provision shall not apply to day-to-day expenses, such as the costs of Internet usage and telephone usage.

(16) Impersonating another Member in order to hinder or promote any side of the Poll or attempt to hinder or promote any side of the Poll; pretending to be from a College or institution not one's own when soliciting votes; or trying to impersonate another voter when voting in the Poll Room.

(17) Making use of any University email system for the purposes of soliciting votes for or against any side of the Poll, or for drawing attention to the Poll, or attempting to do so.

(18) Abusing or misusing the Forms of the House or persistently seeking to obstruct debate in the House, in order to promote or hinder any side of the Poll, or attempt to promote or hinder any side of the Poll (including, but not exclusively: the Chair systematically and persistently showing bias in the selection of Members being called to speak; the Chair persistently and systematically ignoring the time restrictions for speakers; the misuse or abuse of Procedural Motions, but excluding the legitimate usage of Rule 47(e)).

(19) Maliciously or recklessly causing the Extraordinary Returning Officer to suspend the Count under these Regulations, with the intention of breaching the secrecy of the Count, or attempting to do so. Any Complaint brought or action taken as a consequence of this sub-clause may be in addition to any normal and legitimate action against any Member who has set off an alarm or otherwise prejudiced the good order of the Society's Buildings, whether with intent to breach the secrecy of the Count or not.

(20) Breaching the secrecy of the Count by disclosing any result, or pretended result, either directly or indirectly, before the Count is finished after the announcement of the results in the Bar, whether or not the Count has been suspended for any reason, without the sanction of the Regulations, or attempting to do so.

(21) Aiding or abetting any of the above, or attempting to commit any of the above.

(22) Conspiracy to commit any of the above, though the specific Poll Malpractice the conspiracy assembled to commit must be named.

(ii)

(1) A statement shall be deemed illicit for the purposes of (i)(1) above if all of the following conditions apply:

(A) The statement is untrue or misleading.

(B) The person communicating the statement intends, in whole or in part, to influence the course of the Poll.

(C) At the time of communication, the person communicating the statement could not reasonably believe it to be true and non-misleading.

(D) A statement shall be deemed untrue if evidence cannot be adduced to satisfy a reasonable belief in its truth. This shall not apply in the case of those repeating the grounds for Impeachment given in the Motion of Impeachment.

(E) A statement shall be deemed factual if it cannot reasonably be interpreted as a statement of opinion.

(F) A statement shall be deemed public if, in form or substance, it is intended to be encountered, or is encountered, by more than 25 people.

(2) An act, including statements and publications in any medium or form, shall be viewed as amounting to a representation of:

(A) Endorsement of any side of the Poll where, in the view of a reasonable person, it would demonstrate a declaration of public approval of the side of the Poll.

(B) Support for any side of the Poll where, in the view of a reasonable person, it would demonstrate an active interest in and, to some extent, campaigning for the success of any side of the Poll.

(C) Opposition to any side of the Poll where, in the view of a reasonable person, it would demonstrate a clear expression of sentiment against the success of any side of the Poll.

(3) No member of Staff, Senior Officer, OUS Trustee, OLDUT Trustee, nor the Extraordinary Returning Officer, any Deputy Returning Officer, or any Returning Officer's Assistant, may solicit votes for or against any side of the Poll. Such solicitation shall be deemed Poll Malpractice under (a)(i)(9) above.

(iii) This Rule shall be interpreted in accordance with the following:

(1) The intention of these Poll Regulations is to ensure that Members are not persistently harassed into voting for any particular side of the Poll, and that Members campaigning for or against any one side of the Poll do not behave in a manner liable to bring the Society into disrepute.

(2) It is not the intention of these Poll Regulations to stifle legitimate discussion of the merits or demerits of any side of the Poll, to prevent Members campaigning for or against any one side of the Poll from leading normal social lives involving as it may the sort of private discussion of their interests and pursuits that is common between close personal friends, nor to prevent Members campaigning for or against any one side of the Poll from standing in other elections, nor is it the intention to alter traditional practices the legitimacy of which has been generally agreed.

(3) The purpose of the Poll is not to enable some abstract exercise in statutory construction, rather it is to enable the Membership as a whole to determine the course of the Society's governance. These Poll Regulations have been written to ensure this takes place in a fair and just way. Any interpretation of these Regulations that contradicts the above guidance is wrong and subject to reversal by a superior body under Rule 67(e).

POLL REGULATION 3: CONDUCT OF THE COUNT

(a) Conduct in the Poll Room shall be governed, *mutatis mutandis*, by the same procedures as for an Election.

(b) The location of the Count shall be posted on the noticeboard by 4pm on the day of the Poll. The Count shall take place immediately after the Close of Poll.

(c) The Count shall be governed, *mutatis mutandis*, by the same procedures as for an Election Count, save as follows:

(i) The electoral system of 'First Past The Post' is to be used for the Poll.

(ii) The Mover of the Motion of Impeachment and the Officer subject to the Motion of Impeachment may each send two Members to be the Representatives of their side of the Poll at the Count. No person excluded by the provisions of Rule 32(n) shall be the Representative of any side in the Poll. The Proposer of the Motion of Impeachment and the Officer that the Motion of Impeachment refers to shall also be ineligible as to serve as a Representative for any side of the Poll.

(iii) The sealed ballot papers shall be preserved until Hilary Term 2020. They shall not be opened save by order of the courts or a disciplinary body duly constituted under Rule 71, and only then in the presence of the agent of those bodies.