

# Report of Oliver Linch, Lincoln College, Returning Officer

## Michaelmas Term MMVIII – Hilary Term MMVIX

This report will detail the major events at the Union during my time as Returning Officer. I will start with a brief description of the circumstances of the event, then an account of my actions, followed by my recommendations for future practice. I have not included everything, especially where it has been comprehensively dealt with elsewhere, such as in Standing Committee or the Chamber, but I am happy to discuss my performance as Returning Officer with any member at any time.

### **Rule Change**

A Private Business motion was moved by Mr Roche, acting in his capacity as a private member, to substantially change some of the rules.

#### *RO's actions*

Having been recently elected as RO, I acquainted myself with the rules on Private Business Motions and advised the relevant parties accordingly.

I arranged for a notice to be placed in The Times and The Oxford Mail with the details of the meeting and the subsequent Poll.

I advised on procedure during the debate, particularly on the requirements following the demand for a poll.

#### *RO's recommendations*

While it is necessary for Private Business motions to take place in as full a chamber as possible, in order to achieve the greatest amount of legitimacy, sufficient notice must be taken of the impact this has on the evening's proceedings, especially as concerns guest speakers. Standing Committee might want to investigate the feasibility of a Rule Change which would place Private Business before Officers' Reports and, therefore, before the guest speakers arrive in the Chamber. Even if this means slightly delaying the guests, this would have a greater impression than subjecting them to procedural private business.

### **Rule Change Poll**

Following the failure of part of the Private Business Motion above, Miss Koolmann, New College, demanded a Poll.

### RO's actions

I verified that the procedures for calling a Poll, including collecting the requisite amount of signatures, were followed. I called the Poll. I advised Standing Committee on appropriate Poll Regulations, which were subsequently passed. The Poll itself ran smoothly, albeit with relatively low turnout. The motion failed.

### RO's recommendations

Standing Committee is reminded that Polls are expensive (and boring). They should be avoided wherever possible.

## **SDC**

The matter of Browncross v Roche is sufficiently dealt with in its Report which is attached to this report.

### RO's actions

I convened and organised the SDC, collecting in evidence and clerking on the day.

### RO's recommendations

Standing Committee should implement all the relevant recommendations of the SDC panel. Standing Committee is reminded that SDCs are expensive. Every effort should be made to respond to members' concerns either in CC, SC or questions at a Public Business Meeting.

More generally, I believe that the disciplinary procedure at the Union needs drastic and urgent change. The gap between a JDC and SDC is ridiculous. Given the above concerns about the SDC procedure (cost, negative publicity etc) and the fact that members of Secretary's and Standing Committee automatically get SDCd, there is effectively no method of redressing relatively minor infractions. I strongly recommend that a working party be set up to investigate disciplinary procedure in the Union generally.

## **OPBM**

The OPBM was called for Thursday of 6<sup>th</sup> Week in the President's Office. All Officers were required to attend and all relevant members were required to submit a report by Sunday of 6<sup>th</sup> Week. Two Officers attended the meeting and only two people (not the same two) submitted a report on time.

### RO's actions

I called the OPBM, giving appropriate notice and I informed Standing Committee well in advance of their duties. I also sent emails to the Officers reminding them of their obligation to attend and read out their report. I fined every relevant member who failed to submit a report, and increased the fine by 10%, in accordance with the Rules, after one week. Everyone paid their fine before it was necessary to remove them from the list of members, to my delight.

### RO's recommendations

The OPBM is an important method of scrutinizing Officers and members of Standing Committee. Michaelmas term's OPBM was shocking, both in terms of reports submitted on time and attendance at the meeting itself. It is my recommendation that:

1. Greater importance be placed on the OPBM, for example by mentioning it in the Chamber at the Public Business Meeting beforehand and including it in the Termcard
2. All members of Standing Committee should be required to attend the OPBM (though not read out their report) in order to answer questions from members
3. The OPBM should be held in a Public Room, rather than the President's Office, so as to maximize membership awareness of the meeting
4. The penalty for failing to submit an OPBM report by the deadline should be reconsidered, with a deemed resignation being my personal preference. This will reinforce the OPBM as the primary method of scrutiny for Officers and Standing Committee, and prevent a £10 fine being seen as a mere pricing mechanism.

### **Society's Main Elections**

Nominations for the Society's Main Elections ran smoothly, albeit with some Candidates stretching the deadline to its limits. All members are reminded the deadlines are fixed, and nominations have been rejected in the past for being out of time. I was particularly amused at the amount of people who were confused by the word "putative" on their sign, and recommend that the Librarian include more dictionaries in his next purchase.

Election day itself ran smoothly, with a high turnout. The only problem to manifest itself was members forgetting cards. While the G.O. was open, there was a system in place for a certificate of membership to be issued, however, once the G.O. had closed, there was no such system. I decided to allow Bodleian library cards to be used as identification for members whose names appeared on the list of members. I decided not to allow any member whose name did not appear on the list (as they joined before the list started) and did not have a membership card to vote. Thankfully this did not, in fact, occur.

Despite the large number of candidates, the count went relatively smoothly. I decided to let DROs and ROAs enter the count late, but nobody could leave the count once they had entered without specific permission from me.

We did, however, suffer a power cut half way through the count. It was impossible to count votes for committees under these conditions, but we were able to count officer votes under an unaffected light in the kitchen. The count was not, therefore, substantially delayed. In light of the situation we faced, I issue the following formal interpretation:

#### Concerning Rule 35(i)(iv)

The inability to continue counting votes due to external factors (for example a power cut) shall constitute a "genuine emergency" under Rule 35(i)(iv), despite being of a continuing nature.

And I suggest the following rule change:

#### Concerning Suspensions of the Count

In the case of a suspension of the count under Rule 35(i)(iv), the Returning Officer, if he believe it will not be possible to recommence until 9 hours after the beginning of the count, may adjourn the count to a time stated at the time of the adjournment. In the case of such an adjournment the Returning Officer shall, and shall only, announce such results as have been definitely decided at the time of the adjournment. If there be an adjournment under this section, the ballot papers shall, when the count is adjourned, be sealed up as prescribed in Standing Order D5(g).

I am grateful to the House Manager and especially to the Bursar, who came to the Union from home, for helping to sort out the problem and get the lights back as quickly as possible.

The results were announced in front of relatively few people, in an extremely cold and relatively dark bar. Many candidates were not present. I therefore suggest that Standing Committee discuss a proposal, with the support of the Bursar and the House Manager to provide that that the buildings (specifically the Bar) be open to all Candidates, Members of Committees, Ex-Members of Committee and appointed members during the count to allow them to bring their own food and alcohol to enjoy for the duration of the count. Although the bar will not be serving alcohol due to licensing laws, the physical space will be open to those people. Standing Committee will, of course, have to arrange logistics, including security for the night. I believe that this would create a vibrant atmosphere on election night and allow EMs to enjoy the Union on this occasion, and make the announcement of the results an exciting event.

I am extraordinarily grateful to every DRO and ROA who assisted me in this election. It would not have been possible to run as smooth and effectively election and count were it not for their willingness to give up their time and share their expertise.

## Election Tribunal

Krishna Omkar

### RO's Actions

The Complaint was made by email. In response to this, I issued the following formal interpretation.

**For the purposes of Rule 33(b)(ii) the submission of a complaint by email to ro@oxford-union.org shall constitute “bring[ing an allegation] before the Returning Officer”.**

The hacks weren't happy.

There was a question as to the eligibility of Suspended Members to bring allegations. In response, I issue the following formal interpretation, expecting that it be quashed and replaced by a finding as to eligibility by the Tribunal.

**The submission of a complaint under Rule 33 by any member (of any status) creates a rebuttable presumption that the Returning Officer is bound to call an Election Tribunal to hear the complaint. If a complaint is submitted which, for any reason, is of a doubtful status, the Returning Officer shall convene a Tribunal Panel *in absentia* to consider electronic submissions from all the named parties in the Complaint. Once they have ruled on the legitimacy of the complaint, the panel shall, if necessary, proceed to hear the complaint in person. If the panel rules the complaint inadmissible, it shall produce a report outlining its reasons for so doing.**

The hacks really weren't happy.

I convened the Tribunal. As I could not find three Members willing to serve from the Tribunal Shortlist passed through Standing Committee, I convened an Emergency Standing Committee to pass the Ex-RO, Ex-CCC Brasenose & St Cross onto the tribunal shortlist.

The hacks weren't happy.

The Tribunal found all named Defendants not guilty. This made the hacks somewhat happier. The Tribunal found that all allegations were neither frivolous nor malicious, except in respect of the allegations made against the Ex-President, Magdalen College, for which the Ex-Treasurer, Merton College was suspended for three terms.

During the course of the Tribunal, the Panel gave Kanishka Narayan (candidate for Secretary's Committee) the rights of a Defendant. He pleaded guilty an offence under Rule 33. He was disqualified from the election.

### RO's Recommendations

Tribunals are expensive and generate a lot of bad publicity. The general concerns about disciplinary procedures made in respect of the SDC are repeated here. All recommendations of the Tribunal Report, which is attached as Appendix 2 here should be adopted.

The role of RO with regards to electoral malpractice also needs to be clarified. As I understand the role, the RO is not the “police” of the society, and it is not his job to tribunalise people for breaking the rules (as evidenced by the fact that bringing such a tribunal requires his immediate resignation as RO). However, although the RO's role is not one of prosecutor, I see the role as encompassing a responsibility to take reasonable steps to prevent breaches of the (electoral) rules. I appointed 18 ROAs, part of whose job it was to stand in college lodges to dissuade candidates from breaking the rules. Their presence was preventative, rather than punitive, and they were not expected to report any breaches to me. RO strategy, and the RO's role are two very different things, and, while the former should remain the province of the incumbent, Standing Committee should attempt to make clearer the latter.

### **Time as Acting as President**

Under rule 33(d)(x)(2), no member shall take office or their place on committee until forty-eight hours have elapsed since the publication of the Report of any Tribunal in connection with the Election for the Office or Committee concerned, the Tribunal, without any persuasion or gimpery whatsoever, decided to exercise their power under Rule 13(b)(ii) to delegate all Presidential powers and duties, but not the office itself, to the Returning Officer. This took place only because the incoming president was himself being tribunalised.

### RO's Actions

I immediately delegated all responsibility for the day-to-day running of the Society to the President-pending-tribunal. I made the following appointments:

Charlie Holt, LMH – De Facto President  
Tom Hartley, Worcester – Acting Librarian  
James Langman, University – Acting Treasurer  
Anna Williams, SEH – Acting Secretary  
Corey Dixon, Oriel – Acting President-Elect  
Nouri Verghese, Pembroke – Acting Treasurer-Elect

Under SO D (16)(b) it was not necessary to make any changes to the incoming standing committee membership.

48 hours after the publication of the report, no appeal having been lodged, all members of all committees acceded to their committees, and all Officers took Office.

### **Vacation Reports**

This was generally fine, I received prompt, if often rather short, reports from all Officers and Members of Standing Committee except the Librarian and the Members of Standing Committee, Christ Church and Keble College, all of whom produced their reports a week later.

Many of my concerns concerning OPBM reports are repeated here. This is particularly true because there is not even a fine for late or non-submission of reports (something which, at the very least, should be corrected)

### **General**

The rules need

- 1) to be typeset properly, because they are currently all over the place
- 2) a full-scale re-write by a lawyer or someone with legal training

They are, in my opinion, totally unfit for purpose – nobody knows what to do, the rules, even with a host of Ex-ROs around, are often totally impenetrable. I recommend a substantial revision, to move towards a constitution/by-laws system seen in many private members' clubs. Under this system, they would be a short, core, constitution, which regulates the institution and constitutional make-up of the society, and then specific handbooks for each type of committee detailing procedure etc.

At the moment, in order to find a rule, one has to look at the main rules, then see if that is qualified by an SO, then look whether there is a relevant interpretation by an RO, President, SDC, DAC, Tribunal or Appellate board. This means even the simplest things are often difficult to find. This is all the more so because some interpretations still on the books refer to provisions which have since been removed or altered, and it is often difficult to understand how the new provisions are affected by the old interpretations, if at all.

Accountability needs to be dramatically increased. Apart from the two main methods of accountability (vac reports and OPBM reports) detailed above, vac days are a good indicator of work. The requirement that vac days be published on the noticeboard for the first two weeks of term is good, but it should not be taken as sufficient that they be published within the minutes. Instead, there should be a dedicated notice detailed how many days people worked.

People should be encouraged to come, as observers, to meetings of the Society. Standing Committee, as the governing body of the society, is arguably the most important, and should be the most accountable. Holding the weekly meetings in the President's Office is

contrary to this principle. It augments the impression that the Union is run in a closed manner by people sitting around in an Office, effectively unaccountable. I believe that Standing Committee should be held in a public room, such as the Morris room, so as to encourage people to attend.

It has been a privilege and an honour to serve the Society as Returning Officer. I have performed the task to the best of my abilities, always having the Society's best interests in mind. Where I have been of use, I am glad to have helped, and where I have fallen short of expectations, I can only apologise.

Oliver Linch

*Lincoln College*

**Returning Officer**

**Former Acting President**

**Ex-Extraordinary Returning Officer**