

Returning Officer's Report

Hilary Term 2004

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1. Introduction

- 1.1 As required by Standing Order D1(f) the Returning Officer must present a report to the Standing Committee on his term in office; this document constitutes such a report for Hilary Term 2004.

2. RO World

- 2.1 I should like to thank all my assistants, whose support has been invaluable not only to me but also to the Society during the course of what has been a challenging term:

- Robert Dougans, *ex-RO, Senior DRO*
- Will Samengo-Turner, *ex-RO, DRO*
- Chris Hallebro, *DRO*
- Daniel Hayward, *DRO*
- Sarah Reardon, *DRO*
- Sinead Mandlik, *DRO*
- Francis Murphy, *DRO*
- Ellie Cumbo, *DRO*
- Sarah Coates, *DRO*
- Tim Buckley, *ex-CCC, ex-RO, ex-ERO, ROA*
- Chris Howarth, *ROA*
- Scott Crawford, *ROA*
- Ashley Halewood, *ROA*
- Avi Patchava, *ROA*

Particular thanks must go to those whose commitment went far above what I or the Society expected, and willingly volunteered for thankless tasks such as Clerking to election tribunals / SDCs.

- 2.2 One caveat must I feel be made, which is that those applying to be DROs should be aware of the level of commitment that is required and, if they feel

unable to make that commitment for whatever reason, should not apply. Indeed, I would recommend that every DRO application letter should include a declaration that the candidate is, illness or emergency excepted, guaranteed to be available on certain key dates, such as opening and closing of Nominations, and election weekend. Those who are keen to help but are unsure as to what level of commitment they can provide would be better served applying to be ROAs.

- 2.3 The issue of rewards is a very relevant one. Being a DRO is surely one of the most thankless roles within the Society, yet an essential role which the Society can ill-afford to do without. I recommend to the President and the Standing Committee that a review is made of the perks available to all the Society's Appointed Officials, but especially the Deputy Returning Officers, so that the service they provide to the Society might better be recognised.

3. Disciplinary Issues

- 3.1 **Fines.** I have instituted an (albeit rudimentary) record system in the General Office to facilitate the fines collection process, and I hope that this will be of some use to the Office Staff and to my successors.

- 3.1.1 I think that Standing Committee has got the balance, between clemency and leniency, spot on in the overwhelming majority of disciplinary cases this term. I would merely encourage it to consider very carefully before imposing fines above £50, and to reserve such amounts only for the most serious disciplinary infractions. Likewise, I would suggest that if the Committee is in two minds about whether an offence deserves a fine, it is always better to impose a token amount, than no amount at all.

- 3.2 **SDC.** Regrettably, my first task as Returning Officer was to organise a Senior Disciplinary Committee, which met on Sunday 15th February, and comprised Daniel Moylan (*ex-President*), Matt Guy (*ex-President*) and Simon Bowmer (*ex-Returning Officer*). The Society is most grateful for their assistance, and I hope that it will be some time before we see a Senior Disciplinary Committee again.

- 3.2.1. Rule 71(g) requires the Disciplinary Committee Shortlist to be updated at least every three years (the last update having been made in 2002). I would recommend to the Standing Committee and my successors that such a review be undertaken within the next two terms.

- 3.2.2. The cost of hosting the Senior Disciplinary Committee is detailed in my Account. I feel that it is only logical that, as the Returning Officer's Account has to bear this cost, it should receive any income arising from fines imposed by a Senior Disciplinary Committee, and I ask that the Bursar, the Standing Committee and the Finance Committee consider this as a recommendation.

4. Elections

4.1 Elections for Wines and Spirits Committee were successfully held, as was an election for the Chairman of Consultative Committee.

4.2 The Society's Main Elections were held on Friday of 7th Week. The results of the Main Elections are available for inspection in the Rough Minute Book.

4.3 An impressive number of candidates stood in the Main Elections this term, and the higher-than-normal revenue from nomination fees went some way to defraying the cost of holding the Election (see Account). However, expenditure still considerably outweighs income, and I recommend to the Standing Committee that consideration be given to how this can be redressed:

4.3.1 Nomination fees could be raised to the following amounts:

- Secretary's Committee: £14.00
- Standing Committee: £20.00
- Any Office save that of President-Elect: £33.50
- President-Elect: £45.00

Such an increase would bring in a small amount of extra revenue, whilst not making running for election prohibitively expensive.

4.3.2 As the Manifesto Booklet goes out to roughly 8,500 Members, it might be worth the RO and Treasurer co-operating to investigate whether the Booklet could be sponsored. Even a tiny amount, such as £100-£200, would be worthwhile.

4.3.3 Revenue from fines levied for non-attendance at Candidates' Meetings [SO D2(c)(iv)] should, I feel, go directly to the Returning Officer's Account. Such revenue comes as a direct consequence of the Election, so it is only logical that it should be used to help to pay for the Election.

4.3.4 For the same reason as laid down in Paragraph 3.2.2 (re SDCs), revenue arising from fines levied by an Election Tribunal should go to the Returning Officer's Account.

4.4 An Election Tribunal was held in 8th Week, consisting of Lachlan Wilson (*ex-Standing Committee*), Sarah Hannan (*ex-Librarian*) and Simon Hoare (*ex-Deputy Returning Officer*). I must again extend the Society's thanks to these Members for their time and patience during what was an extremely tedious and trying process. Several issues arising from the Tribunal deserve inclusion in this report:

4.4.1 On the first night of the Tribunal it was necessary for me forcibly to enter the Back Office, because I was unable to contact any of the staff members who hold keys. Having already explained the circumstances of this incident to the Standing Committee I would only like to reiterate that the Useful Numbers List needs to be updated, for a state of affairs where

some staff members are, for whatever reason, not-contactable is unacceptable. Furthermore, and in reply to HAC's righteous indignation, I find it disturbing that the Back Office could so easily be broken into.

- 4.4.2 The cost of this Election Tribunal has been, to put it mildly, obscene. One of the Tribunal members suggested to me that, whilst being accommodated in a luxury hotel was very pleasant, a B&B would have sufficed. On the third morning of the Tribunal there was an adjournment at roughly 7.15 in the morning, and the Tribunal reconvened at 9.30 the same morning, meaning that the Society had spent hundreds of pounds for three rooms at one of Oxford's top hotels, only for our guests to stay in those rooms for under two hours. Thankfully Tribunals do not usually last as long as this one did, but nevertheless I feel some thought should be given to how we might accommodate Tribunals / SDCs more cost-effectively in the future.
- 4.4.3 The Election Tribunal Shortlist needs thoroughly reviewing, and I would recommend to my successor that this be undertaken at first opportunity. To avoid any possible confusion to those compiling future shortlists, the status (ex-officio, ex-RO, ex-CCC, ex-Standing) of members should always be included on the shortlist, to ensure that all those listed are eligible to serve.
- 4.4.4 The first action of the Election Tribunal should be thoroughly to check that it is validly constituted, and to make a declaration to that effect.
- 4.4.5 Although this will doubtless come as a disappointment to certain individuals, the only correct forum for airing concerns about the validity of an Election Tribunal is with an Appellate Board, not with the Standing Committee. No such concerns may be entertained after the deadline for Appeals has passed. See Paragraph 6.1.2.

5. Rules Infractions – *ut nulla excusatio de ignorantia fiat*

- 5.1 Standing Order D1(a) requires that reports be submitted by all officials except the President-Elect and the Returning Officer, five days before the Ordinary Private Business Meeting. The purpose of this is so that the Ordinary Membership can satisfy itself that the people entrusted to the running of this Society are doing what is expected of them. These reports are deemed to be of such importance to the Membership during the electoral period that it is Electoral Malpractice to remove or deface them [ROI 13]. Therefore it is utterly unacceptable that some Reports were not submitted. I recommend to the Standing Committee that SO D1(a) be altered to increase the fine for failure to produce a Report, from the current paltry £10 to the maximum of £100. I feel that this is the only way to convey to all concerned that production of these reports is not an option, but a requirement.
- 5.2 Likewise, I cannot stress enough the need for Vacation Reports to be filed in accordance with the provisions of Standing Order A1. Such reports must

contain detailed reports of financial liabilities undertaken by members of the Standing Committee.

- 5.3 I have not received a single Report as required Rule 23(h). This is an important requirement designed to preserve an archive of the Society's proceedings for posterity, and to prevent embittered failed electoral candidates from destroying what might be useful to their vanquishers. The Rules prescribe no mechanism for the Returning Officer to enforce this requirement, other than through a Senior Disciplinary Committee, which would (unless there was evidence of wilful destruction of records) be to use a sledgehammer to crack a nut. I hope that, rather than make rules changes to introduce penalties for non-compliance, a simple reminder to the relevant officials will ensure future fulfilment of this rule.
- 5.4 It came to light during Hilary Term that a number of serious rules infractions, too numerous to discuss at length in this Report, were committed during Michaelmas Term which may have harmed the financial well-being of the Society. I cannot stress enough that those officials to whom fiscal responsibility is entrusted must read, understand and obey the relevant rules, and I draw the Standing Committee's particular attention to Rules 62, 63 and Standing Order A, breaches of which potentially constitute numerous offences under Rule 71.
- 5.5 I was disgusted at the negative press publicity that the Union received at the end of Hilary Term. Alas, it is not my place to point the finger at individuals. However, it is obvious that members of the Standing Committee have broken Rule 54, Standing Order B1(a) and Rules 71(a)(i)(7),(8),(21) and (22), and in doing so may have done considerable, lasting harm to the Oxford Union. I cannot comprehend what these people thought they stood to gain from so savagely, and so unfoundedly, attacking the Society which they profess to love in this shameful way.
- 5.6 To conclude this section I think the words of Charlemagne, in a capitulary to his officials, are as valid in 2004 as they were in 802: "Let them in all respects observe this: that they are in no way to depart from the codes of the Rule. And if they presume to act otherwise, they are to suffer punishment by the Rule; and if they refuse to mend their ways, they are to be removed from their office...and worthy men chosen in their place."

6. Rules Interpretations

- 6.1 I have had cause to issue the following Rules Interpretations during the course of Hilary Term:

30: Eligibility to Stand as Chairman of the Consultative Committee

Rule 11(a) states that, "only Life Members may be candidates in the Society's elections." However, Rule 36(d)(i) states that, "Any member, who has attended four of the last eight meetings of the Consultative Committee...may stand for the post of Chairman...", and Rule 26(a) states that, "The [Consultative] Committee shall consist of all members of the Society."

Hence: all members, including temporary and long-term members, are members of the Consultative Committee, and all members of the Consultative Committee (except members of Standing and Secretaries Committees) are eligible to stand for the post of Chairman of Consultative Committee. Rule 11(a) refers to the Society's main elections, i.e. non-Life members are ineligible to stand for any Office, or to serve on Standing or Secretary's Committee. However, nothing in Rule 11(a) can be used to prevent a non-Life member from nominating for CCC.

29: Discussion of Validity of Election Tribunals

Even if an Election Tribunal is, for whatever reason, invalidly constituted, it remains, for the purposes of the Rules, an "Election Tribunal."

If it is discovered after the conclusion of the Tribunal's proceedings that its constitution may have been invalid, no steps should be taken save those laid down in Rule 33(d). The Tribunal remains legally constituted unless its constitution is legally challenged according to proper Appeal procedure.

As per Rule 33(c)(x), no discussion of, or question relating to, the setting-up, composition or validity of the Election Tribunal should be undertaken by any body other than an Appellate Board.

31: Speeches that May Not Count as Electoral Qualification Speeches

Neither speeches on Private Business matters made at Public Business Meetings, nor points of order nor points of information, nor speeches made debating any procedural motion brought, during an informal debate, emergency debate or Public Business Meeting, may count towards electoral qualification under Rule 34(c)(viii).

7. Conclusion

I have very much enjoyed my time as Returning Officer and will be pleased to remain as a DRO to provide my successor with every possible assistance. Conclave will meet sometime in 2nd Week of Trinity Term to elect a new Returning Officer, and I wish him every success.

Alex Young
Oriel
Returning Officer

Appendix: Returning Officer's Account – Hilary Term 2004**EXPENSE***SDC Expenses*

▪ Travel	169.38
▪ Stationery	17.36
▪ Food	52.36

Tribunal Expenses

▪ Accommodation	516.00
▪ Food	91.29

Election Expenses

▪ Food (count + breakfast)	90.00
▪ Food (bar) – 7 th + 8 th Weeks	87.10
▪ Expenses (equipment)	39.59
▪ Posters	120.00
▪ Ballot papers	221.00
▪ Manifesto booklets	988.00

TOTAL: £2,404.08

INCOME

Nomination Fees	815.00 (exc. VAT)
	693.62 (inc. VAT)

GRAND TOTAL (expenditure – income): £1710.46

INCOME NOT INCLUDED ON THE ACCOUNT

Fines (SDC + Tribunal)	£150
Fines (non-attendance at Candidates Meetings)	£130

Alex Young
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