

## APPENDIX 5 ERASMUS SCHOOL OF ECONOMICS REGULATIONS 2017

### ELECTION REGULATIONS FOR ELECTING THE SCHOOL'S COUNCIL OF ESE

*This appendix sets out how Elections for the members of the School's Council will be held, implementing the provisions of Article 29 of the School's Regulations.*

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## CHAPTER I                      GENERAL PROVISIONS

### Article 1                      -                      Definitions

The terms appearing in these regulations have the meaning as given in the School's Regulations. In these Election Regulations, the terms below are understood to mean the following:

the Council	the School's Council of the Erasmus School of Economics;
BBR-EUR	Management and Administrative Regulations EUR (Bestuur- en beheersreglement EUR);
School	Erasmus School of Economics (ESE);
School's Community	staff with an employment contract with ESE and students registered at the School within the meaning of the law;
Section(s)	the Section(s) of the School's personnel (Personnel Section) and/or students (Students Section);
Central Electoral Committee for the University Council;	the Central Electoral Committee as laid down in the regulations
School's Electoral Committee	the electoral committee that is responsible at the School for preparing and holding Elections for the Council;
Election	the Election of the members of the Council;
Right to Vote	active and passive Right to Vote  <i>Active</i> Right to Vote: the Right to Vote on one of the candidates for the Council;  <i>Passive</i> Right to Vote: the right to be elected as a representative for the Council;
Electoral System	the computerized electoral programme, linked to the EUR Election website
Study/examination number	the number assigned as such to a student upon initial registration at the university by the central admissions office;
Ballot	the ballot in electronic form, as shown in the Electoral System on the EUR website, or printed on paper;
In writing	laid down in writing on paper, or 'by electronic means' as referred to in Book 6 Section 227a of the Dutch Civil code
Student(s)	the person(s) who is/are undergoing tertiary education other than external candidates;
WHW	the Higher Education and Research Act (wet hoger onderwijs en wetenschappelijk onderzoek)

The remaining terms appearing in these regulations have the meaning as given to them by law.

## **Article 2                      The Right to Vote**

1. With due regard for that stated under or pursuant to the Higher Education and Research Act, the BBR-EUR and the School's Regulations, all persons who are members of the School's Community have an active and passive Right to Vote in Elections for members of the Council.
2. A member of the School's Community loses the Right to Vote in this community at the point that he/she leaves this community.
3. In accordance with article 28 of the School Regulations, the term of office for members of the Personnel Section is two (2) years and those of the Student Section is (1) year.
4. A member of the School's Community has the Right to Vote only in one Section.
5. A member of staff who is registered as a Student has the right to vote in the Personnel Section, unless he/she has informed the School's Electoral Committee in writing prior to the first day of voting that he/she would like to have the right to vote in the Students Section, in which case the right to vote will be transferred to the Students Section.
6. For the election for the Members of the Council, the transferral as referred to in the 5th paragraph of this article will remain in force in the following year if an election is only held in the Students Section in that year.
7. Students who are also student assistants, have Voting Rights in the Students Section.

## **Article 3                      The Electoral System**

1. The members of the School' Council will be elected directly according to an individual candidate system by and from the persons eligible to vote in the separate Section.
2. Candidates for the Election of those members of the School's Council who are elected from and by the staff, may be nominated by staff members and by the staff organisations referred to in Article 8, paragraph 4.
3. The Election of members of the School's Council will take place by secret Ballot. Voting for a Section or electoral district of the School's Council will only take place if the number of candidate members is greater than the number of seats for that Section.

## **Article 4                      The School's Electoral Committee**

1. There is a School's Electoral Committee, comprising three members. These members are appointed by the dean for a term of two years and may be reappointed immediately.
2. The dean will appoint from the members a chairman and a deputy chairman.
3. If a member puts himself forward as a candidate in the Election of members of the School's Council, his membership of the electoral committee will be cancelled by operation of law.
4. The School's Electoral Committee will be assisted by a secretary, who will be appointed to this capacity by the dean.
5. The School's Electoral Committee is responsible for preparing and holding the Election of the members of the School's Council in accordance with these regulations. Its tasks include:
  - a. Determining and announcing the time schedule for the Elections;
  - b. Determining the electoral register based on the information provided by or on behalf of the Board, and with due regard for the guidelines laid down by the Central Electoral Committee;
  - c. Deciding on requests to correct the electoral register;
  - d. Deciding on questions in relation to active and passive voting rights and the manner in which they are exercised;
  - e. Deciding on the validity of the nomination of a candidate;
  - f. Taking all measures to promote the orderly progress of the Elections;
  - g. In the event that the vote is declared invalid, calling a new vote;
  - h. Announcing the opinion that there were voting irregularities among a Section, from which it may be assumed that they affected the allocation of seats;
  - i. Determining the result of the Elections;
  - j. Filling vacancies on the Council;
  - k. Providing the Central Electoral Committee with information.

6. In fulfilling its work, the School's Electoral Committee will use forms, the models of which will be supplied by the Central Electoral Committee with the School's Electoral Committee's approval.
7. The decisions and official reports drafted by the School's Electoral Committee will be signed by the chairman and the secretary.
8. The School's Electoral Committee will decide by majority vote. If the votes are equally divided, the chairman will decide.
9. The School's Electoral Committee will convene at a location to be announced at a later date, and will be available at this location on weekdays as referred to in these regulations.
10. The meetings of the School's Electoral Committee are open to the public.
11. The dean will provide the School's Electoral Committee with the information it requires in order to carry out its work.

#### **Article 5                      The time of the Elections**

1. Except in exceptional circumstances, Elections of Council members will not take place earlier than five (5) months prior to the start of the (new) term of office of Council members. The aim will be to hold these Elections as far as possible before or no later than in the first half or the month of May in that year.
2. With due regard for a period of at least twelve weeks before the last date of the Elections to be held, the dean will decide on which days the voting for the Elections referred to in paragraph 1 will take place.
3. The School's Electoral Committee will announce the time schedule that applies to the Elections as soon as possible, with due regard for the provisions of this chapter.

### **CHAPTER II                      ELECTORAL REGISTER AND NOMINATION OF CANDIDATES**

#### **Article 6-                      The electoral registers**

1. The School's Electoral Committee will ensure that the electoral registers are drawn up and determined in good time before each Election, based on the registers of members of staff and students, for which the Executive Board will provide the information.
2. The electoral registers will be drawn up and determined for each Section, and will state as a minimum for each person eligible to vote his name and initials, and for Students the study/examination number as well. For the remainder, the form the lists of voters will take will be decided by the School's Electoral Committee.
3. All changes with regard to members of the voting community that result in changes to the electoral register will be notified by or on behalf of the dean to the School's Electoral Committee as soon as they have become known.
4. At least eight weeks before the first day of voting, the final electoral registers will be made available for inspection, at a location to be decided on by the School's Electoral Committee and announced at least one week before they are made available for inspection.

#### **Article 7                      Corrections to the electoral register**

1. Each person eligible to vote may submit a written request to the School's Electoral Committee to make corrections to the electoral register up to four (4) weeks prior to the first date of voting, if he/she is of the opinion that he/she or another person has not been or has been incorrectly or wrongly included in the register.
2. The School's Electoral Committee will interview the person making the request or the person eligible to vote if this is a different person to the person making the request, and will reach a decision on the request within one week and will correct the electoral register concerned as necessary.
3. The School's Electoral Committee will make its decision as referred to in the preceding paragraph known in writing to the person eligible to vote who has asked for the correction to be made to the electoral register, and to the person eligible to vote if this is a different person

to the person submitting the request. A copy of the decision will be made available for inspection by interested persons or publicly announced.

4. The School's Electoral Committee is authorised to correct the electoral registers in its official capacity, until the final day of voting. Such official corrections will be notified to the persons concerned as soon as possible in writing. A copy of the official correction will be made available for inspection by interested parties or publicly announced.
5. The information about a member of the School's community who leaves the School community as referred to in Article 2, paragraph 5, after the electoral registers have been drawn up, will therefore be deleted by the School's Electoral Committee in its official capacity.
6. Three (3) weeks before the first day of voting, the School's Electoral Committee agrees upon the election register; this does not affect the provisions of Article 7, paragraph 4.

#### **Article 8                      The nomination of candidates**

1. Nominations for the Election of members of the School's Council will be made no later than in the seventh week before the first day of voting.
2. The School's Electoral Committee will announce no later than eight weeks before the first day of voting the date and time before which the nominations for candidates must have been submitted to the School's Electoral Committee.
3. Each member of staff and each student of ESE may put himself forward as a candidate representing either the Personnel Section or the Students' Section..
4. Furthermore, a nomination paper for the Personnel Section may be submitted by an association of personnel, including a confederation of associations of officials whose representatives form part of the *EUROPA*, or an association affiliated to these confederations, if the confederation concerned has given that association written authority to do so.

#### **Article 9                      Nomination papers**

1. The candidate must belong to the Section for which the nomination paper is to be submitted.
2. The name of the same candidate must not appear on more than one nomination paper.
3. The nomination paper will state as a minimum for each candidate and the person submitting the nomination paper the name, initials and (work) address. The nomination paper for a candidate belonging to the group of students will also state the study/examination number.
4. The nomination paper for each candidate must include a statement signed by the candidate that he is willing to accept his nomination. This acceptance may only be withdrawn if the provisions of paragraph 2 of this article have not been met.

#### **Article 10                     Supporters of nomination**

1. The nomination paper as referred to in Article 9 must be supported in writing, with at least 10% of the persons eligible to vote in the Section concerned signing the nomination paper on which the candidate concerned is stated, with the proviso that no more than five signatures are required.
2. The supporters as referred to in paragraph 1 may not support more than one nomination paper.
3. A nomination paper may not be supported by candidates.
4. The nomination paper must state as a minimum the name and initials of the supporters, as well as their signatures. For supporters belonging to the group of students, the study/examination number will also be stated.
5. Support may only be withdrawn if the provisions of paragraph 2 of this Article are not met.

#### **Article 11                     Submitting candidate lists**

1. The names and initials of the candidate as referred to in Article 9 and the names, initials and signatures of the supporters as referred to in Article 10 must be given on a single sheet.
2. The nomination paper will be submitted in person to the School's Electoral Committee by a

voter who is eligible to take part in the Election. This voter will be required to provide proof of identity if so requested.

3. The School's Electoral Committee will provide the person submitting the nomination paper with a signed receipt, stating the date and time.

#### **Article 12 Examination of nominations**

1. As soon as possible after the deadline for nominations to be submitted, the School's Electoral Committee will examine the nomination papers to ensure they comply with the requirements as referred to in Articles 8 to 11 of these regulations.
2. If the School's Electoral Committee does not find any irregularities in the nomination paper, it will declare this nomination paper valid.
3. If the School's Electoral Committee finds in respect of a nomination paper that it has not been submitted in time, it will declare this nomination paper invalid.
4. As soon as possible after the examination of the nomination papers submitted, the School's Electoral Committee will publicise the nomination papers, together with its findings. The School's Electoral Committee will send a copy of this publication to those persons submitting the nomination papers and to the candidates placed on the nomination paper.

#### **Article 13 Rectification of nomination paper**

1. If the School's Electoral Committee has found an irregularity in a nomination paper other than that referred to in Article 12, paragraph 3, it will inform the person who submitted the nomination paper or, in his absence, the candidates themselves, of the irregularity in writing.
2. Within 5 working days of the announcement referred to in Article 12, paragraph 4, the irregularity may be rectified by the person submitting the nomination paper or, if this person is not eligible to vote or is absent, the candidate or supporters referred to on this nomination paper. The provisions of Article 12 are applicable mutatis mutandis to the amended nomination paper.

#### **Article 14 Validity of nomination papers**

1. As soon as possible after rectifying the irregularities found, or upon the lapsing of the period of time referred to in Article 13, the electoral committee will decide on the validity of the nomination papers concerned and continued inclusion of the candidates stated therein.
2. The School's Electoral Committee will declare a nomination paper invalid, if:
  - a. With regard to the nomination paper the provisions of Articles 8 to 10 have not been met;
  - b. No candidates have been included through the application of paragraph 3 of this article.
3. The School's Electoral Committee will remove from a nomination paper any supporters who do not comply with the provisions of Article 10, paragraphs 2 to 4.
4. The School' Electoral Committee will announce its decision referred to in paragraph 1 of this article as soon as possible and will send a copy of this announcement to those submitting the nomination papers and to the candidates.

#### **Article 15 Modification of the time periods for nominating candidates**

1. If at the end of the time period designated for nominating candidates, as defined in this chapter, there are fewer candidates than the number of seats, the School's Electoral Committee may announce an extension period for nominating candidates for the remaining seat or seats. The extension period should be set as close as possible to the original period.
2. The candidates that had already applied within the time period for nominating candidate, in the meaning of paragraph 1 of this article, are declared as selected candidates in accordance with article 16, on the condition that their nomination is found to be valid.
3. In special circumstances (force majeure) and with due observance to paragraph 2, the School's Electoral Committee may extend the term for candidate nominations by a maximum of five (5) days. The extension applies to both groups of members. The extension of the term for candidate appointments does not have consequences for the electoral calendar as a whole. The School's

Electoral Committee will announce this extension to the School Community as soon as possible.

## **CHAPTER III                    VOTING**

### **Article 16                    Filling seats without a vote**

If fewer candidates have been nominated than the number of seats that a Section is required to fill, the candidates concerned will be deemed to have been elected without holding a vote.

### **Article 17                    The voting system**

1. Once the nomination papers have been irrevocably confirmed and there are more nominations than available seats for the Section concerned, the School's Electoral Committee will create a page in the available voting system for each Section.
2. The candidates will be stated in alphabetical and lexicographical order on this page in the voting system, giving their name and initials. Candidates will also be offered the opportunity to submit to the School's Electoral Committee more personal information for this page in the voting system, such as name by which the candidate is known, title, a short text and/or photo.
3. During the Election, the candidates should adhere to the Code of Conduct for EUR Elections.

### **Article 18                    Voting**

1. The School's Electoral Committee ensures that voters receive notice of the Election at least one (1) week prior to the first day of voting. This notice of Election should include an instruction regarding how the voting system should be used.
2. The voter votes electronically. He/she selects the candidate of his/her choice by selecting this candidate on the relevant page in the voting system.

## **CHAPTER IV                    COUNTING THE VOTES AND DETERMINING AND ANNOUNCING THE RESULT**

### **Article 19                    Counting the votes**

As soon as possible after the last day of voting, the School's Electoral Committee will give instructions to the Central Electoral Committee for the votes to be counted for each candidate by means of functions in the Electoral System that can only be accessed by the Central Electoral Committee. Any blank votes will be counted at the same time.

### **Article 20                    Declaring the Ballot invalid**

1. The School's Electoral Committee will declare the Ballot within a Section invalid if it is discovered that irregularities have occurred in the voting in that Section such that the outcome has been substantially affected.
2. If the School's Electoral Committee thus declares the Ballot invalid, it will call for a new Ballot for that Section and it may make arrangements for this Ballot.
3. The School's Electoral Committee will announce as soon as possible In Writing to the School's Community, the Chair of the Council and the dean, the decision upon which the Ballot was declared invalid, the grounds upon which this rests and the arrangements of Article 19 section 2.

### **Article 21                    Determining the result**

1. The School's Electoral Committee will determine the result of the Election for members of the Council based on the provisions of the following paragraphs.



2. The valid votes will be added together and counted.
3. The School's Electoral Committee will then divide the number of votes thus obtained by the number of seats to be allocated. When calculating this number, a fraction of half or more will be rounded up and a fraction of less than half will be rounded down to the nearest whole number. The number thus obtained will be referred to as the electoral quota.
4. If at least one candidate has received a number of votes that is equal to or greater than the electoral quota, the provisions of paragraph 5 of this article will be applicable; if none of the candidates has achieved the electoral quota, the provisions of paragraph 6 of this article will be applicable.
5. The candidate or candidates who have each obtained a number of votes greater or equal to the electoral quota will be declared elected and each will be assigned one seat.
6. If after the application of the provisions of paragraph 5 of this article it is evident that not all the seats have been allocated, these seats will be regarded as remaining seats and allocated in accordance with the following principle:
  - a. Of the candidates who have not achieved the electoral quota, the candidate with the most number of votes will then be declared elected;
  - b. The result will be determined by repeating that stated above. Candidates already elected will be ignored.
  - c. This process will be repeated until the number of candidates declared elected is equal to the number of seats to be allocated.
  - d. If necessary, lots will be drawn to decide which candidate will be declared elected.

#### **Article 22                      Announcing the result**

1. As soon as possible after the result of the Election has been confirmed, the School's Electoral Committee will draw up an official report of the results of the Election, making this available for perusal for everyone and publishing the report on the Election website.
2. The School's Electoral Committee will send a copy of the official report to the selected candidates, the not selected candidates, the chairman of the Council, the chairmen of the Sections and the Dean.

### **CHAPTER V                      FILLING VACANCIES**

#### **Article 23                      Filling vacancies**

1. In the event that a candidate does not accept his Election, or that an interim vacancy has arisen in the Council, the School's Electoral Committee will fill this vacancy by once again determining the result in the Section of the Council concerned. Candidates who are not willing at that moment to accept membership of the Council will not be included in this procedure.
2. The candidate who would have been the first of the non-elected candidates to have been elected when once again determining the result, will be declared elected to fill the vacancy. A candidate who has in the meantime joined another Section or who no longer belongs to the School's community will no longer be included in this procedure.
3. Re-determining the result as referred to in the preceding paragraph does not have any consequences for the sitting members of the Council.
4. If a vacancy cannot be filled by appointing a candidate, the result of the Election was determined more than two (2) months ago and the remaining term of office is more than six (6) months, an interim Election will be held among the Section concerned.
5. The School's Electoral Committee will announce its decision on filling the vacancy and make a copy of the official report of filling the vacancy available for general inspection.

#### **Article 24                      Longer term of office in the event of vacant seats**

1. If there is a vacancy on the Council and the period of time as referred to in Article 24, paragraph 4 is shorter than nine months, the School's Electoral Committee may ask candidates who have been declared elected for the following term of office to take up their posts in the current

term of office, and in this way to fill the vacancy.

2. The School's Electoral Committee will first make a request as referred to in the preceding paragraph of this article to the candidate who, in accordance with the procedure as stated in Article 22, has obtained the most votes. The procedure will be repeated as necessary in accordance with the procedure as outlined in Article 22, paragraphs 5 and 6.
3. If none of the elected candidates as referred to in the preceding paragraph of this article have responded to the request, the School's Electoral Committee will ask candidates who have not been declared elected for the following term of office, to take up a seat in the current term of office. This request will be made in order of the most votes obtained. The term of office of the candidate who agrees to the request as referred to in this article, will end on 31 August of the current term of office.
4. The School's Electoral Committee will announce the decision on filling the vacancy as referred to in this article and will make a copy of the official report of filling the vacancy available for inspection.

## **CHAPTER VI            OBJECTIONS**

### **Article 25            Objections**

1. Each member of the voting community may submit a substantiated and written notice of objection to the dean against the decisions of the School's Electoral Committee within seven (7) working days of the result being announced and if he/she is an interested party in the contested decision.
2. A decision as stated in the first paragraph of this article is equivalent to not taking such a decision within a reasonable time.
3. The procedure as described in the standing orders of the Advisory Committee for Appeals and Objection Letters (ACB) will be applicable to the notice of objection.
4. The dean will reach and announce his decision on the notice of objection within seven days of receiving the recommendations from the Committee referred to in the preceding paragraph.

## **CHAPTER VII        CONCLUDING PROVISIONS**

### **Article 26            Extension of period of time**

If a period of time referred to in these regulations ends on a Saturday, Sunday or a day on which the university buildings are closed, this period of time will be deemed to have been extended until 12.00 noon on the following working day.

### **Article 27            Circumstances not provided for by these regulations**

In circumstances not provided for by these regulations, the School's Electoral Committee will draw up regulations in accordance with the content and purport of the Higher Education and Research Act, duly observing the regulations of the Elections Act and the scope of these electoral regulations.

### **Article 28            Adoption**

1. These electoral regulations, after consent by the School's Council, were adopted by the dean on 29 June 2017 and approved by the Executive Board, on 12 July 2017.
2. Earlier versions of these Election Regulations are repealed with the entry into force of these Election Regulations.