

*Faculty of Behavioural, Management and
Social sciences (BMS)*

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Election Regulations

for the elections
of the Faculty Council of the Faculty of
***Behavioural, Management
and Social sciences***

Adopted by Dean, Prof.dr. T.A.J. Toonen,
Enschede, the Netherlands, 03-05-2021

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Chapter 1 **General provisions**

These Regulations contain the points of departure for and the rules applicable to the election of members of the Faculty Council of the Faculty BMS of the University of Twente.

Article 1. Definitions

1. In these Regulations, the following definitions will apply:

- a. *the Act*: WHW (the Dutch Higher Education and Research Act);
 - b. *the University*: the University of Twente;
 - c. *the Faculty*: the University's BMS Faculty;
 - d. *the Dean*: the head of the Faculty referred to in Article 9.12 of the Act;
 - e. *Faculty Council*: the faculty participation body referred to in Article 9.37 of the Act;
 - f. *voting community*: the faculty community;
 - g. *Council members*: the Faculty Council's members;
 - h. *(Interim) elections*: elections held to fill vacant seats as referred to in art. 41.5 of these Regulations;
 - i. *section*: the staff or the students;
 - j. *staff*: the staff working at the Faculty subject to a permanent or temporary appointment, regardless of the scope of the employment, the professors occupying endowed chairs at the Faculty and the staff employed by the NWO (Dutch Organization for Scientific Research) or similar organizations designated by the Executive Board who regularly work in the Faculty;
 - k. *students*: persons enrolled as students in one of the Faculty's programmes in accordance with the provisions of the Act;
 - l. *the Electoral Committee*: the faculty electoral committee referred to in Article 7 of these Regulations;
 - m. *days*: business days, and, specifically, insofar as applicable, from 9.00 a.m. to 12.30 p.m. and from 1.30 p.m. to 5.00 p.m.;
 - n. *reference date*: the date referred to in Article 6.1 of these Regulations;
 - o. *inspection site*: the location referred to in Article 10 of these Regulations;
 - p. *voter*: a person who, in accordance with the provisions under the Act or these Regulations, has the right to vote and to stand for election;
 - q. *voting programme*: the electronic voting programme which may be accessed through the University of Twente's website;
 - r. *VUUR*: the University Council Election Result Programme (*VerkiezingsUitslagprogramma UniversiteitsRaad*), the programme determining the distribution of seats based on the voting results.
2. The other terms used in these Regulations will, if they also appear in the Act, have the meaning given to them by the Act.

Article 2. Date of elections

Unless the Dean decides otherwise, the election of the Faculty Council's members will occur on dates to be determined by the Electoral Committee.

Article 3. Manner of election; initial distribution of seats

1. The election of the Faculty Council's members will be held separately for each section and will occur in accordance with a list system with simple preferential voting.
2. Subject to the provisions in Article 9.37(3) of the Act, the Faculty Council's members will be directly elected by and from the section of which they are a part.
3. The Faculty Council will have 10 seats. Five seats will be held by persons who are part of the Faculty's staff section, and five seats will be held by students from the Faculty's student section.

Article 4. Membership period

1. The members from the staff will be elected for two years, and the students for one year.
2. After the term of office expires, the Faculty Council's members will simultaneously step down by section and will immediately be eligible for re-election.
3. Besides through resignation at regular intervals, membership will end upon:
 - a. written notice directed to the Council's President;
 - b. a move to another section than the one from which the member concerned was elected;
 - c. loss of membership in the voting community;
 - d. termination of enrolment as a student pursuant to the provisions in Article 7.42 of the Act;
 - e. death.

A member elected to fill a vacancy will step down when the term of office of the person the member replaces would have ended.

Chapter 2 Faculty Electoral Committee

Article 5. Composition

1. There will be a faculty Electoral Committee, consisting of four members including one student. The members and, if necessary, at most four deputy members will be appointed by the Dean.
2. The Electoral Committee will be assisted by an official secretary, who will be designated by the Dean.
3. The Dean will appoint the chair and deputy chair from among the Electoral Committee's members.
4. The Electoral Committee's meetings will be open to the public.

Article 6. Duties

1. The Electoral Committee will be responsible for preparing and carrying out the election of the Faculty Council's members. Its duties will in any event include:
 - a. determining and announcing the time schedule for the elections;
 - b. setting the business day on which the electronic voting must have been carried out by 12.00 p.m.;
 - c. determining the electoral register based on the information furnished by the organisation;
 - d. deciding requests to correct the electoral register;
 - e. deciding the validity of the nomination of candidates;
 - f. taking any measures to ensure that the elections proceed in an orderly manner;
 - g. ensuring a proper set-up for the voting programme and for VUUR;
 - h. determining and announcing the result of the elections;
 - i. filling vacancies in the Faculty Council.
2. The Electoral Committee will utilize the various forms to be used for the elections, the models for which will be determined by the Electoral Committee, such as the form for nominating candidates and for the official records referred to in these Regulations. The official records will be signed by the Electoral Committee's chair and secretary. In addition, an electronic voting programme will be applied for the vote, and the Electoral Committee will use the programme VUUR to calculate the distribution of seats.
3. The Dean will give the Electoral Committee the information which it needs to perform its work.
4. Notwithstanding the provisions in the AWB (Dutch General Administrative Law Act), an interested party of the voting community may file an objection with the Dean to a decision by the Electoral Committee within five days after the decision is announced.

Chapter 3 Voting rights

Article 7. Voting rights

1. Persons who were part of the voting community on the reference date will, as regards the election of the Faculty Council's members, have both the right to vote and the right to stand for election, on the understanding that those working for the NWO (Dutch Organization for Scientific Research) or similar organizations designated by the Executive Board must, to be eligible to be elected, obtain written permission from their employer.
2. A voter may only exercise the voting rights in a single section.
3. A student who is also registered as a staff member of the Faculty will only have voting rights in the student section, unless he/she wishes to exercise the voting rights in the voting community's staff section and also provides written notice of this to the Electoral Committee by a date to be set by the Electoral Committee. In the latter case, the person concerned will only have voting rights in the staff section.
4. A choice referred to in the previous paragraph may not be revoked before a new election is held for the section in which the person concerned was grouped in accordance with the choice or *ex officio*.
5. Student assistants will only have voting rights in the student section.
6. Persons serving on the Electoral Committee may not also be Council members.

Article 8. Reference date

1. At least 10 weeks before the business day referred to in Article 8, the Electoral Committee will determine the date on which the requirements for obtaining voting rights must be satisfied; this date will be called 'the reference date'.

2. A member of the voting community who leaves this community after the reference date will lose his/her voting rights.
3. Effective the date on which the Electoral Committee receives notice that a student has terminated his/her enrolment for the current academic year pursuant to the provisions in Article 7.42 of the Act, the voting rights of the person concerned will be deemed to have been extinguished.
4. Persons whose voting rights have been extinguished will be deleted officially from the electoral register by the Electoral Committee.

Chapter 4 Electoral register

Article 9. Electoral register

1. The Electoral Committee will ensure that the relevant electoral register is timely drawn up for each voting community section.
2. For each voter, the electoral register will indicate:
 - a. the 'M' or 'S' number (only the first seven numbers should be mentioned);
 - b. the surname;
 - c. the initials;
 - d. the section in which the voter has been grouped
 - e. the programme in which the student is registered.
3. Any changes regarding the voting community's members which result in a change in the electoral register will be communicated to the Electoral Committee by or on behalf of the Board immediately after they become known. The Electoral Committee will ensure that the necessary activities in this regard are carried out. Changes after the reference date, except for those referred to in Articles 6.2 and 6.3 of these Regulations, will not result in a change in the electoral register.

Article 10. Making the electoral register available for inspection

1. The Electoral Committee will make the electoral register available for inspection for five days after adoption.
2. The Electoral Committee will notify the faculty community beforehand regarding the period during which and how the electoral register will be available for inspection.

Article 11. Correction of the electoral register

1. If a person is deleted from the electoral register as a result of an official correction, other than for the reasons referred to in Articles 6.2 and 6.3, the person concerned will be given written notice.
2. Any member of the voting community may inspect his/her own information in the electoral register. Before allowing inspection, the Electoral Committee may ask to see identification.
3. Any member of the voting community who believes that he/she has not been properly included in the electoral register may ask the Electoral Committee in writing, stating reasons, for a correction up to the last day of the period referred to in Article 10.2.
4. Notwithstanding the provisions in Articles 6.2 and 6.3, the Electoral Committee may also on its own initiative correct the electoral register up to this same day.

Article 12. Decisions on correcting the electoral register

1. The Electoral Committee will decide a correction request no later than a date and time to be determined and announced beforehand by the Electoral Committee and will, if necessary, modify the electoral register.
2. The Electoral Committee will immediately send a copy of this decision to the person who submitted the correction request.
3. The Electoral Committee will immediately make a copy of the decision available for inspection by the interested parties.

Chapter 5 Nomination of candidates

Article 13. Period for nominating candidates

1. The date for nominating candidates will be determined by the Electoral Committee.
2. The Electoral Committee will announce the date and location for nominating candidates at least two weeks before the nomination date.
3. Candidates will be nominated through lists whose design and format will be determined by the Electoral Committee. These forms may be obtained from the Electoral Committee.
4. Candidate lists may be presented to the Electoral Committee on the date for nominating candidates.

Article 14. Candidate lists

1. A candidate will be indicated on the candidate list by surname, m- or s- number, initials. First names may be substituted in whole or in part for initials.
2. The name or designation of a grouping may not include more than 40 letters.
3. A candidate list may not include more than 15 candidates. If a candidate list includes more than one name, these candidates' names will be placed in the order in which the signatories give preference to them.
4. The same candidate's name may not appear on more than one candidate list.
5. A candidate must be part of the same section for which the candidate list has been submitted.

Article 15. Signing candidate lists

1. A candidate list will be signed, with mention of the signatories' names, by at least five voters who are part of the same section.
2. A voter may not sign more than one candidate list.
3. A candidate list may not be signed by candidates appearing on it.

Article 16. Declaration of consent to nomination as candidate

A written statement by each candidate that he/she consents to being nominated as a candidate will be submitted with the candidate list.

Article 17. Presentation of candidate lists

1. The candidate lists will be presented personally by a voter who is entitled to participate in the election. Upon request, this voter must provide proof of his/her identity.
2. The Electoral Committee will provide an acknowledgment of receipt, indicating the date and time, to the person presenting the candidate list.

Article 18. Examination of candidate lists

The Electoral Committee will examine the candidate lists as soon as possible after the period within which the lists may be presented expires.

Article 19. Omissions

1. If it turns out during the examination referred to in Article 18 that one or more of the requirements in Articles 13 to 17 have not been satisfied, the Electoral Committee will provide written notice as soon as possible to the person who presented the candidate list.
2. For a period to be announced beforehand, the persons concerned will be able to rectify the omissions found.

Article 20. Validity of candidate lists

1. Within two days after the period referred to in Article 19.2 expires, the Electoral Committee will decide on the validity of the candidate lists and on maintaining the candidates appearing on it.
2. The Electoral Committee will announce the date, time and location of the hearing at least one week in advance.

Article 21. Elimination of candidates

The Electoral Committee will eliminate a candidate from the candidate list:

1. who does not satisfy the provisions in Article 14.5;
2. who was not indicated on the candidate list as stated in Article 14.1;
3. for whom there is no declaration of consent;
4. whose nomination as a candidate still cannot be deemed valid after application of the provisions in Article 19.2;
5. who appears on the candidate list after the maximum permissible number of candidates;
6. who is part of the Electoral Committee.

Article 22. Invalid candidate lists

1. A candidate list will be invalid if:
 - a. it has not been presented to the Electoral Committee on the date for nominating candidates referred to in Article 13.1;
 - b. it has not been personally presented by a voter entitled to participate in the election;
 - c. it has not been signed by the required number of voters, even after, if appropriate, application of the provisions in Article 19.2;
 - d. it does not satisfy the provisions in Article 13.3;
 - e. all of the candidates on it have been eliminated pursuant to the provisions in Article 21.
2. The Electoral Committee will immediately make available for inspection its decision on the validity of the candidate lists and on maintaining the candidates appearing on it.

Article 23. Adoption of composite list

1. Immediately after the nomination of candidates has become irreversible, the Electoral Committee will, for each section separately, adopt a composite list of all the candidate lists for that section.
2. The candidate lists will be placed on the composite list in the order determined by drawing lots.
3. The Electoral Committee will immediately publish the composite lists.
4. After the nomination of candidates has become irreversible, the Electoral Committee will provide written notice of the election procedure to the candidates.
5. After the nomination of candidates has become irreversible, the Electoral Committee will enable the candidates to introduce themselves to the voters. This will occur through a written document not exceeding 200 words in which the candidate presents himself/herself. The Candidate must submit the document concerned to the Electoral Committee three business days after the nomination of candidates has become irreversible. In turn, the Electoral Committee will call the candidates' attention to this option no later than one business day after the nomination of candidates has become irreversible.

Chapter 6 Voting documents

Article 24. Sending the information

1. At least 10 days before the business day referred to in Article 8.1(b), the Electoral Committee will send each voter an email indicating the website on which at least the following information is stated:
 - the section for which the election is occurring;
 - the names of the candidates for this election, listed in the order indicated in the relevant composite list;
 - the period for voting electronically;
 - the electronic address for the voting programme;
 - the manner in which the voter can obtain access to the voting programme.
2. A voter who has not received the email mentioned in paragraph 1 or for whom the email has been mislaid may, up to the business day before the business day referred to in Article 8.1(b), ask the Electoral Committee to yet send him/her the email.
3. In the mails sent to the voting community the closing date and time should be mentioned..

Chapter 7 The vote

Article 25. Electronic voting

1. The vote will occur through the electronic voting programme which is accessible through the University's website.
2. The distribution of seats will be determined through the programme VUUR, based on the voting results

Article 26. No vote

If the number of candidates in a section is less than or equal to the number of seats to be filled, there will not be a vote in that section and the candidates concerned will be declared to have been elected.

Article 27. Manner of voting

1. The voter will indicate the candidate of his/her choice on the electronic ballot by filling in the box in front of the name of the candidate which he/she prefers.
2. By filling in the box designated for this, the voter can indicate that he/she is abstaining from voting.

Article 28. Irregularities, new elections

1. The electronic voting referred to in the previous articles will be declared invalid by the Electoral Committee once it has been established that irregularities occurred with this vote, as a result of which it must be assumed that they might affect the determination of the election result. In that instance, the Electoral Committee will immediately call a new election.
2. The Electoral Committee will immediately make a copy of this decision available for inspection in both buildings of the faculty BMS.

Chapter 8 Determination of the distribution of seats through the programme VUUR

Article 29. Total vote

For each section, the following will be determined for each candidate list:

- a. the number of votes cast for each candidate appearing on that list;
- b. the sum of the numbers of votes referred to under (a). This sum will be referred to as the 'total vote'.

Article 30. The section electoral quotient

For each section, the sum of the total votes for all candidate lists will be determined and then divided by the number of seats to be filled. This quotient will be referred to as the 'section electoral quotient'.

Article 31. Ranking of candidates

1. With regard to each candidate list, the candidates appearing on it will be ranked as follows. The candidates which received a number of votes equal to or greater than half of the section electoral quotient will be placed at the top, in order of the number of votes received by each of them. The remaining candidates will then follow in the order of the candidate list.
2. Insofar as candidates have received an equal number of votes, the order in the candidate list will decide.

Article 32. Allocation of seats

Immediately after the candidate lists have been ranked as referred to in the previous article, the seats to be filled for the section concerned will be allocated.

Article 33. Rules for seat allocation

The candidate lists ranked in accordance with the provisions in Article 31 will be used in allocating the seats as referred to in the previous article. The allocation itself will occur subject to the provisions in Articles 34 to 37.

Article 34. Votes cast and the electoral quotient

Candidates who received a number of votes equal to or greater than the section electoral quotient will immediately be declared to have been elected. For each of these candidates, the candidate list on which the candidate appears will be deemed to have been allocated a seat.

Article 35. Residual seats

Article 35. Residual seats

1. The allocation of the seats will continue as follows. Each list is allocated a number of seats equal to the number of complete section electoral quotients included in the number of votes validly cast for that list. Remaining votes and the votes cast on lists that did not attain a section electoral quotient will be considered surplus votes. Remaining seats will be successively allocated as residual seats to the candidate lists with the largest surpluses of votes. Lists without any surplus votes will be deemed to be lists with the smallest surplus. If two or more candidate lists have the same surplus of votes, lots will be drawn to decide which candidate list gets a residual seat first.
2. If a seat cannot or can no longer be filled by candidates appearing on the relevant candidate list, the seat will be regarded as a residual seat and will be allocated in accordance with the provisions in the first paragraph. Candidate lists which no longer include any candidates not elected yet will be ignored.

Article 36. Termination of seat allocation

If ignoring candidate lists pursuant to the provisions in Article 35.2 results in there being no candidate lists left over, the process will be stopped and no more seats will be allocated.

Article 37. Candidates filling residual seats

If, under the provisions in Article 35.1, a candidate list has been allocated a seat, then the next candidate in the order on the candidate list ranked in accordance with the provisions of Article 31 who has not been elected yet will be declared to have been elected.

Chapter 9 Determining and announcing the result

Article 38. Determination of election result

The election result will be determined by the Electoral Committee, with the date, time and location being announced by the Electoral Committee at least one week beforehand. The result will in any event include an overview of the number of votes cast per section and the distribution thereof among the candidates.

Article 39. Official record

1. Immediately after the election result is determined using VUUR, the Electoral Committee will adopt the official record setting forth all of the activities concerning this determination of the result.
2. The Electoral Committee will publish the election result as soon as possible.
3. The Electoral Committee will immediately make a copy of the official record of the result determination available for inspection in both buildings of the faculty BMS.

Article 40. Notice to candidates

1. The Electoral Committee will inform each candidate in writing whether he/she has been declared to have been elected or not.
2. If a decision by the Faculty Board on an objection leads to a change in the election result, the Electoral Committee will provide written notice to the persons directly affected as soon as possible after receiving this decision.
3. Written notice will be given to candidates who have been determined to have been elected after the Faculty Board's decision on an objection.
4. If the candidate declared to have been elected does not provide notice to the Electoral Committee within one month after receiving this declaration that he/she accepts his/her election, he/she will be deemed to have not accepted his/her election.
5. The Electoral Committee will send a copy of the documents referred to in the first and third paragraphs to the Council's President.

Chapter 10 Vacancies for seats

Article 41. Filling seats

1. If a candidate does not accept his/her election or if a vacancy in the Faculty Council arises pursuant to the provisions in Article 4.3, the Electoral Committee will fill the vacancy by declaring to have been elected, from the candidate list on which the person who must be succeeded was elected, the highest placed, non-serving candidate then in the order on the list ranked in accordance with the provisions in Article 31. Consideration will not be given to a candidate:
 - a. whose vacancy is being filled;
 - b. who has gone to another section than the one for which the candidate concerned was nominated;
 - c. who has ceased to be a member of the voting community;
 - d. who is not prepared to accept being elected at that time;
 - e. who, as a student, has terminated enrolment pursuant to the provisions in Article 7.42 of the Act;
 - f. who has died.
2. If, after application of the provisions in the first paragraph, a vacancy cannot be filled within the same candidate list, then, pursuant to the provisions in Article 35, which candidate list the seat will be allocated to will be decided.
3. The candidate from this list who, in accordance with the order determined with due observance of the provisions in Article 31, is eligible for appointment will be declared to have been elected. If the vacancy cannot be filled in this way, the seat will be allocated to another candidate through further application of the provisions in this article.

4. If a vacancy cannot be filled in the manner referred to in the first and second paragraphs because there are not enough candidates, the seat will remain vacant.
5. As soon as at least one-third of the number of available seats in a section are vacant, the vacancies will be filled by holding an (interim) election, unless a general election for this section will occur within six months.
6. The provisions in the preceding paragraph may be deviated from, if the Faculty Council and the Dean agree so.

Article 42. (interim) elections

1. In the event of (interim) elections, the electoral committee will decide whether the elections will be organized using a new reference date or whether the reference date of the previous elections will be used, as referred to in Article 6.1. Interim elections will be organized as if they were normal elections, on the understanding that:
 - a. the elections will only pertain to the vacant seats;
 - b. persons who have lost their voting rights under Articles 6.2 and 6.3 will be deleted from the electoral register.

Chapter 11 Final provision

Article 43. Unforeseen circumstances

In cases not provided for by these Regulations, the Electoral Committee will decide the case as much as possible in accordance with the effect of the provisions of the Kieswet (Act and the Dutch Elections Act, Bulletin of Acts and Decrees 1989, No. 423).

Article 44. Adoption and citation

1. These Election Regulations were adopted by the Dean on 03-05-2021. They replace the Regulations dated 05-03-2018, reference: BFD-GW/2004-311/pz.
2. These Regulations may be cited as the 'Election Regulations for the elections for the Faculty Council of the Faculty of Behavioural, Management and Social sciences'.

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