

JADS/db Council Election Regulations as part of the JADS/db Participation Regulations

September, 2022

CHAPTER 1 GENERAL PROVISIONS

Article 1.1 Definitions

1. The terms used in these Regulations, if those terms also appear in the Act, have the meaning given to them by the Act.
2. For the purposes of these Regulations, the following definitions also apply:
 - a. Board: the person(s) charged by the Executive Boards of the Parties with the day-to-day management of JADS/db ,who will act as the person responsible for the implementation of these Regulations and as the interlocutor of JADS/db Council.
 - b. days: working days and, as applicable, from 9:00 a.m. to 5:00 p.m.;
 - c. reference date: the date on which it is determined who will be eligible to vote on the first day of candidacy according to the data known at that time;
 - d. place of inspection: the (electronic) place where the records relating to the election are made available for inspection;
 - e. University Council: the University Council as defined in Article 9.31 of the Act;
 - f. Electoral community: the JADS/db community formed by:
 - those who belong to the staff and perform work for JADS/db for at least 50% of the scope of their employment (staff section); and
 - those who are enrolled as students in a program provided by JADS/db (student section);
 - g. Parties: the Eindhoven University of Technology and Tilburg University;
 - h. At: the Higher Education and Research Act.

Article 1.2 Direct elections

The members of the JADS/db Council are directly elected by and from the body to which they belong, whereby for the staff section there are two electoral groups, namely the electoral group of the scientific staff and the electoral group of the support and management staff.

Article 1.3 Distribution of elective seats

The distribution of the elective seats among the sections, shall be as provided in Article 3.2 of the JADS/db Council Regulations.

CHAPTER 2 RIGHT TO VOTE

Article 2.1 Right to vote and stand for election

1. Subject to the relevant provisions of the Act and of these Regulations, all persons belonging to (a section of) the electorate on the reference date have the right to vote as well as to stand for election. Each elector casts one vote.
2. A member of the electoral community may belong to only one section.
3. In order to belong to the electoral community, staff members must actually perform work for JADS/db for at least 50% of the employment(s) they hold with either Party or both Parties jointly.
4. A student-assistant is only entitled to vote and stand for election in and from the student section, unless he/she wishes to exercise the right to vote in and from the staff section and notifies the Election Committee of this in writing no later than the third day before the reference date referred to in Article 2.2. In the latter case, he/she shall only have the right to vote in the staff section.
5. A member of staff who is (also) enrolled as a student at the university only has the right to vote in the staff section, unless he/she wishes to exercise the right to vote in and from the student section and notifies the Election Committee of this in writing no later than the third day before the reference date referred to in Article 2.2. In that case, he/she only has the right to vote in the student section.
6. The choice referred to in paragraphs 4 and 5 remain in force during the following year or years if elections are held only for the student section.

Article 2.2 Reference Date

The reference date is October 1.

Article 2.3 Loss of the right to vote

1. A member of the electoral community who leaves that community after the reference date thereby loses his/her right to vote.
2. Persons whose right to vote has lapsed are removed from the relevant electoral register.

CHAPTER 3 ELECTION COMMITTEE

Article 3.1 Composition of the Election Committee

1. An Election Committee will be established, composed of up to two members. The members, and if necessary, up to two substitute members, are appointed by the Board for a period of two years. The Election Committee may be assisted by an official secretary who is appointed by the Board.
2. A chair is appointed by the Board from among the members of the Election Committee.

Article 3.2 Duties of the Election Committee

1. The Election Committee is responsible for preparing and conducting the election of the members of the Council. In doing so, it shall have at least the following duties:
 - a. establishing the electoral register on the basis of information provided by the Board or by the Parties;
 - b. deciding on requests to correct the electoral register;
 - c. deciding on the validity of the nomination;
 - d. making all arrangements to ensure the orderly conduct of the election;
 - e. determining the results of the election;
 - f. filling vacancies in the JADS/db Council.
2. In doing so, the Election Committee uses the various (digital) forms to be used in the election, the models of which are determined by the Election Committee, such as: the nomination form, the notice of call, the voting forms, as well as the records mentioned in these Regulations.
3. The Election Committee ensures that, in the adoption of the form for the nomination of candidates and the voting form, provides for the method of designation of the section to which the candidate belongs and, in the case of a student, not more than one study program for which the candidate is enrolled, to be specified by the candidate.

Article 3.3 Working method of the polling station

1. The Election Committee is located and holds its meeting in a premises of JADS/db in Den Bosch.
2. The Election Committee decides in unison. If a decision cannot be reached jointly, the vote of the chair shall be decisive.

Article 3.4 Objection

1. Decisions of the Election Committee may be appealed.
2. The objection is submitted in writing to the Election Committee within five working days from the day of notification or disclosure.
3. Before deciding on the objection, the Election Committee gives the petitioner an opportunity to be heard. This may be waived if the objection is manifestly inadmissible or manifestly unfounded.
4. The Election Committee decides within five working days. If reconsideration of the contested decision so warrants, the Election Committee revokes that decision, and to the extent necessary, will make a new decision in its place.
5. The Election Committee immediately notifies the decision to the person(s) directly affected. Copies of decisions are made available for inspection at the inspection site.

Article 4.1 Drawing up the electoral register

1. The Election Committee ensures that the electoral register is drawn up in good time for each section on the basis of data provided by the Board or by the Parties. A copy of the electoral register is held by the Election Committee.
2. At least the surname and initials or first names and the administration number of each elector are entered in the electoral register.
3. All changes concerning the members of the electoral community after the reference date that result in amendments to the electoral register are notified to the Election Committee by the Board or by the Parties immediately after they become known. With the exception of those referred to in Article 2.3, changes after the reference date do not lead to amendment of the electoral register.

Article 4.2 Making the electoral register available for inspection

The Election Committee announces, in a timely manner, the date as of which a copy of the electoral register prepared for each section and electoral group are available for inspection. The Election Committee may choose to make such announcement and making available for inspection by electronic means only.

Article 4.3 Petition for correction

1. Any member of the electoral community may, within a period to be determined by the Election Committee following the date referred to in the preceding Article, apply in writing to the Election Committee for the correction of the electoral register if he believes that he/she him/herself or another person has not been included, or has not been included properly, or has been included unjustly, in violation of the Election Regulations. The Election Committee may, without prejudice to the provisions of Article 3.4, also correct the electoral register of its own motion.
2. If the petition for correction of the electoral register concerns a person other than the petitioner, the Election Committee gives written notice thereof to such other person not later than the day after receipt of the petition.
3. If, as a result of an *ex officio* correction of the electoral register, a person is deleted from it, other than for the reason referred to in Article 2.3 paragraph 2, the person concerned is notified.

Article 4.4 Decision on petition for correction

1. The Election Committee decides on the petition for correction by a reasoned decision on a day to be determined by the Election Committee and announced in advance and, if necessary, amends the electoral register.
2. The Election Committee forthwith transmits a copy of the decision to the person who made the petition for correction and, if the petition concerns a person other than that person, also to that other person.

3. A copy of the decision is made available for inspection at the inspection site.

CHAPTER 5 CANDIDACY

Article 5.1 Date of nomination

1. The deadline for nominations is set by the Election Committee.
2. At least four weeks in advance, the Election Committee announces the days and place of the nominations.
3. The nomination of candidates is made by means of a form, the form and layout of which are determined by the Election Committee pursuant to Article 3.2(2). The relevant forms are made available free of charge. The Election Committee may choose to do this only by electronic means.
4. On the days of the nomination of candidates, the nomination forms can be handed in to the Election Committee. The Election Committee may choose to do this by electronic means only.
5. The Election Committee provides a receipt indicating the day and time to the person who returns the candidacy form.

Article 5.2 Candidate designation

1. A candidate is listed on the nomination form with the family name as referred to in Article 5 of Book 1 of the Dutch Civil Code, the initials, and the administration number. To the initials, the first name or first name by which one is known may be added in brackets if desired.

Article 5.3 Examination and omission of nomination forms

1. As soon as possible after the expiration of the time in which the nomination forms can be returned, the Election Committee examines the nomination forms.
2. If one or more omissions are found, the Election Committee notifies the person who submitted the nomination form as soon as possible.
3. In the event that the Election Committee finds one or more omissions, the person who submitted the nomination form may, within a period to be determined by the Election Committee and announced in advance, correct the omission or omissions to the Election Committee.
4. In the event that the omission concerns Article 2.1 paragraph 5, the person in question is given the opportunity within the period referred to in the first paragraph to still put forward his/her candidacy within the section to which he/she belongs.
5. In the event that the omission concerns Article 2.1 paragraph 6, the Election Committee gives the person concerned the opportunity within the period referred to in the first paragraph to decide for which section or electoral list he/she wishes to maintain his/her candidacy.

Article 5.4 Decision on the validity of nomination forms

The Election Committee announces the decision on the validity of the nomination forms as soon as possible but in any case one month before the election date. The Election Committee may choose to do so by electronic means only.

Article 5.5 Compiled list

1. Immediately after the nomination of candidates has become unassailable (final), the Election Committee, for each section and each electoral group separately, establishes an alphabetical compiled list of all candidates from that section or electoral group.
2. The Election Committee publishes the compiled list without delay. It is also sent to the candidates concerned. The Election Committee may choose to do so by electronic means only.

CHAPTER 6 METHOD OF ELECTRONIC VOTING

Article 6.1 Voting

1. Voting for a section takes place only if the number of declared candidates of a section or electoral group exceeds the number of seats available for that section or electoral group.
2. Voting is conducted by electronically completing and submitting the voting form in the voting application on the JADS/db internet page.

Article 6.2 Compiled lists as a starting point

Voting is conducted in each section only on the candidates whose names appear on the compiled list established for that section pursuant to Article 5.5.

Article 6.3 Date of voting

The Election Committee determines the time period during which the voting application will be open. This period is up to 5 working days during the week in which December 1 falls.

Article 6.4 Call notice

1. No later than one business week prior to the time period in which the voting application will be open, the Election Committee shall electronically send to each voter a call notice containing a call to vote.
2. At a minimum, this call notice includes:
 - a. the JADS/db Council and the number of seats for which the election takes place;
 - b. the electronic address of the voting application;
 - c. the manner in which and last the day on which voting may take place.

3. The form and layout of the call notice is determined by the Election Committee pursuant to Article 3.2(2).
4. A register is maintained of the call notice sent by each section and electoral group.

Article 6.7 Structure of voting form

The voting form states:

- a. the section, and if applicable, the electoral group;
- b. the candidates, in the same manner as was done on the compiled list;
- c. voting boxes in front of the names of candidates.

Article 6.8 Voting

1. The voter casts his/her vote by filling out the voting box placed before the name of the candidate of his/her choice for one of the candidates. He/she may not fill out more than one voting box.
2. The voter submits the voting form according to the instructions in the voting application.

Article 6.10 Irregularities

1. If irregularities have occurred in the voting, the Election Committee declares the election invalid to the extent that such irregularities may affect the outcome of the election. In this case, the Election Committee immediately calls a new election for the benefit of the voters concerned.
2. The Election Committee publishes the decision referred to in the previous paragraph without delay. The Election Committee may choose to do so by electronic means only.

CHAPTER 7 DETERMINATION OF RESULTS OF ELECTRONIC ELECTIONS

Article 7.1 Opening the voting application

1. After voting has been completed, the Election Committee opens the voting application at a public meeting, the day and hour of which have been announced by the Election Committee.
2. The Election Committee, in the public session referred to in the previous article, verifies and records the automatically generated results of the voting application.

Article 7.2 Results

1. The results of the election are determined at a public meeting on a day to be determined by the Election Committee.
2. The Election Committee gives public notice in writing of the day, hour, and place of the meeting at least one working week in advance.

Article 7.6 Blank votes

1. A voting form is considered to contain a blank vote if the corresponding voting box is filled out.
2. A blank vote as referred to in the preceding paragraph is considered to be a valid vote for the purpose of determining the turnout percentage.

Article 7.7 Total number of votes cast

For each section and electoral group, the Election Committee determines:

- a. the number of votes cast for each candidate appearing on that list;
- b. the sum of the numbers of votes referred to in point a (the total number of votes cast).

Article 7.8 Order of candidates and allocation of seats

1. The Election Committee ranks the candidates appearing thereon for each compiled list of the relevant section or electoral group in order of the number of votes obtained by each.
2. To the extent that candidates have obtained an equal number of votes, lot decides on the order of ranking.
3. Immediately after the ranking of the candidates referred to in the previous Article has taken place, the Election Committee proceeds to allocate the seats to be filled, taking into account the same ranking, with the seat, therefore, being allocated to the candidate with the highest number of votes obtained.

Article 7.9 Record

1. Immediately after the result of the election has been determined, the Election Committee draws up the record of all proceedings relating to the determination of the result. The record is signed by all members of the Election Committee.
2. The Election Committee promptly publishes a copy of the record of the determination of the results. The Election Committee may choose to do so by electronic means only.
3. The Election Committee sends a copy of the record to the Executive Board, the Deans of the Schools concerned, and the Heads of the Departments concerned.

Article 7.10 Announcement of results

1. The Election Committee notifies each candidate in writing whether he/she has been elected or not.
2. If the candidate does not accept his/her election, he/she notifies the Election Committee in writing within two working weeks of receiving the results.

CHAPTER 8 FILLING VACANCIES

Article 8.1 Vacancies

The Election Committee fills a vacancy on the Council by assigning the vacant seat to the candidate who is first in line on the compiled list of the relevant section and declaring that candidate elected, in a similar manner as stipulated in Article 7.8.

CHAPTER 9 TRANSITIONAL AND FINAL PROVISIONS

Article 9.1 Entry into force

These Regulations shall take effect the day after these Regulation have been adopted by the Board.

Article 9.2 Provision

In cases not provided for in these Regulations, the Election Committee makes regulations, the content and purport of which are in accordance with the Act and in which the corresponding Regulations of the Elections Act shall be followed as far as possible.

Signature and date