

Elections Policy

Part 1: Authority

1.1 This Policy primarily derives its authority from By-law 80 (Elections).

Part 2: Purpose

2.1 The purpose of this Policy is to set forth, in greater detail, the rules and procedures for General Elections and By-Elections.

Part 3: Maintenance and Execution

3.1 The Officers responsible for the maintenance of this Policy are the VPA and CRO.

3.2 The EMC is to assist the CRO in executing this Policy.

3.3 The CRO must post the position(s) of Deputy Returning Officer(s) (“DRO”) and hold interviews. The interviews will be conducted by an appointment search committee (ASC) of council, consisting of at least two (2) councillors, the VPA and CRO.

3.3.1 The DRO is not an Officer as defined in the Constitution and By-laws.

3.3.2 The DRO and other agents must meet the criteria of a member of the EMC even if the DRO or agents are not on the EMC.

Part 4: Schedule of Election Procedures – Approval of Election

4.1 The sequence of elections must follow the pattern set forth in By-law 80 Sections 1.2 and 4.1.

4.2 On the recommendation of ASC of Council, Council should appoint the CRO for the following year at a meeting held prior to May 1.

4.2.1 Where there is no suitable candidate for CRO, Council may charge the Executive Committee with the duty of recruiting and appointing a CRO during the summer semester.

4.2.2 Until a CRO is appointed, the VPA is responsible for preparing for the fall semester By-Election and any other duties charged to the CRO.

4.2.3 Where there is no CRO following the Fall Semester By-Election, the VPA is responsible for preparing for the General Election or any By-Election held prior to the General Election.

4.3 The CRO shall take office effective May 1 or as otherwise specified by Council and serve until the following April 30 or earlier if dismissed by Council according to Bylaw 40 Section 3.6.

4.4 The CRO must bring the following schedule to Council at the first Council meeting held after August 1st for the purpose of the Fall Semester By-Election; at the first Council meeting held after December 1st for the purpose of the General Election, and as soon as practicable for the purpose of any other By-Election:

a) The dates of the nomination period, which must begin at least 4 weeks prior to the first day of voting and which must end at least two (2) weeks prior to the first day of voting;

b) The dates of the campaign period, which must begin after the nominations close and at least nine (9) days from the first day of voting and which must end before the first day of voting; and,

c) The date(s) of voting, which must be at least five (5) weeks after the CRO brings this information to Council.

4.5 At this same Council meeting, the CRO must also present:

a) The list of positions to be contested in the election;

b) The relevant parts of the Constitution and By-laws;

c) This Policy; and,

d) Any additional rules that will apply to the election.

4.6 Items b, c, and d shall constitute the Election Rules.

4.7 Council must pass a resolution to accept everything in 4.4 and 4.5 before an election can be held.

Part 5: Schedule of Election Procedures – Nomination Period

5.1 Once 4.7 has occurred, the CRO and any DRO or agents are to begin publicizing the election using posters, on-campus media, the UWSA website, and any other appropriate mechanisms available.

5.2 Also after 4.7 has occurred, the CRO is to make available, in the UWSA Head Office, copies

of the Nomination Form which are provided in the Appendix and the Election Rules.

5.3 Nomination Forms must be returned in sealed envelopes to the UWSA Head Office and be marked by the Officer or employee who receives it with the date, time and their signature.

5.4 A member may only be a Nominee for one (1) position in each election. However, a Member may only be a duplicate Nominee in a Society election and a UWSA election.

5.4.1 No Member shall hold a voting seat on the UWSA Board or Council who holds a voting seat on any board that has editorial or financial oversight over any campus media outlet.

5.5 Nomination Forms may only be opened by the CRO.

5.6 The CRO is to store the Nomination Forms along with any other confidential election material in a secure location to which only the CRO and EMC have access.

5.7 The CRO will review each Nomination Form to ensure it is filled out clearly and is valid within 24 hours of 5.3.

5.7.1 A valid Nomination Form will:

- a) Have all required sections accurately filled in;
- b) Be signed by the appropriate individuals;
- c) Show that the nominee meets the criteria for an elected member; and,
- d) Be marked according to 5.3.
- e) A candidate must use their registered name at the University of Windsor on the nomination form. This will be the name that appears on the ballot. Abbreviations or alterations must be approved by the CRO.

5.7.2 A Nomination Form will not be invalid as a result of a failure by any Officer or employee of the UWSA.

5.8 The CRO will notify any member with an invalid form and provide a 24 hour period to submit a valid nomination form.

5.9 A decision under 5.7 may be appealed to the EMC.

5.10 On the same day that nominations close, and after the time at which nominations close, the CRO will conduct an All Candidates Meeting.

5.10.1 All individuals nominated must attend the All Candidates Meeting or send a representative who must make known to the CRO his or her status as a candidate's representative during this meeting.

5.10.2 Nominees who attend the All Candidates Meeting or send a representative under 5.9.1 become Candidates once the CRO deems their Nomination Form valid.

5.10.3 A list of all Candidates will be posted at the Head Office by the CRO within 24 hours of the All Candidates Meeting.

5.11 During the Nomination Period there is to be no campaigning.

5.11.1 The EMC may issue a penalty to any individual who engages in campaigning during the Nomination Period by deeming that that individual cannot be a Candidate in the election.

5.11.2 The EMC may issue any other penalty in place of 5.11.1 that the EMC decides is appropriate.

5.11.3 The decision to penalize an individual may be appealed to Council, but the decision as to the type or magnitude of penalty may not be appealed.

Part 6: Schedule of Election Procedures – Campaign Period

6.1 Once the campaign date from 4.4 arrives, the Campaign Period begins.

6.2 Only candidates and their authorized representatives may engage in campaigning.

6.3 No candidate may be directly affiliated with any on-campus media

6.3.1 Where any media employs a candidate, the candidate must be suspended from that media (with or without pay at the discretion of the media organization) and this suspension must be verified by a signed letter from the Editor-in-Chief or other most senior official of the media organization.

6.3.2 Any active involvement with a media employer may result in a penalty.

6.3.3 Any submission made to a media outlet by a Candidate, not authorized by the CRO, constitutes grounds for a penalty.

6.3.4 Any media coverage of a candidate that exceeds the media coverage of another candidate may be counted as a campaign expenditure by the CRO and, in addition, may subject the candidate to a penalty.

6.4 The CRO may act to eliminate campaigning or issue a penalty where in the discretion of the CRO such campaigning leads to confusion of the members or threatens the integrity of the election or the UWSA.

6.5 Campaign materials is the subset of campaigning that includes materials on campus pertaining to a candidate or a group of candidates that are:

- a) Hung or posted (such as posters, stickers and banners);
- b) Passed out on campus (such as flyers, food, beverages, or other goods);
- c) Found on a website;
- d) Broadcast;
- e) Delivered as a service; or,
- f) Given as a speech or as a means of drawing attention.

6.6 All Campaign Materials must be:

- a) Personally approved by the CRO or DRO;
- b) Approved by the professor or teaching aid where the campaign material is used in a class setting.
- c) Free from any direct reference to an opposing Candidate; and,
- d) Free from any content that denigrates the spirit of a fair, peaceful and well intentioned democratic election.

6.7 Drugs and alcohol may not be used as campaign materials and no campaigning may take place where drugs or alcohol are being used or served within the confines of a licensed establishment whether off or on campus.

6.7.1 Where a candidate violates this restriction, the penalty will be disqualification. A violation of this restriction occurs where, on a balance of probabilities, a reasonable person would have known that drugs or alcohol were being used or served.

6.7.2 This disqualification imposed by the CRO may be appealed and the appellate bodies shall only overturn the decision if, on a balance of probabilities, the body believes a reasonable person would not have known drugs or alcohol were being used.

6.8 The approval of the CRO (which may be given by the CRO or DRO) will be in the form of:

- a) The official stamp of the UWSA;
- b) The signature or initials of the CRO, or the DRO, or;
- c) A letter signed or stamped granting authorization of a campaign material that cannot be stamped or signed.

6.9 All campaign materials require a receipt demonstrating proof of payment. Any campaign material that does not have a receipt shall be provided an expense amount that will apply to each of the expenses of each candidate regardless of the actual expense amount incurred by the candidate.

6.9.1 To assess the expense amount, where no receipt is provided, the CRO will first refer to the Expense Allocation Form provided in the Appendix, a copy of which shall be provided to every candidate. All materials without receipts which do not appear on the Expense Allocation Form, will be assigned a competitive value at the discretion of the

CRO.

6.9.2 Any material submitted with an unreasonable price, as determined by the CRO, will be assigned a competitive value at the discretion of the CRO.

6.9.2.1 Following the election, the CRO should recommend Council amend the Expense Allocation Form to include any additional campaign materials or to adjust for price changes.

6.10 The candidate must use a Campaign Expenditure Form for all Campaign Material and that updated Campaign Expenditure Form must be provided to the CRO or DRO at the time of the approval of each specific Campaign Material.

6.10.1 The CRO shall make a copy of the Campaign Expenditure Form after each approval and return the Campaign Expenditure Form to the Candidate along with the approved Campaign Material.

6.10.2 Where any Campaign Material is used that is not accounted for on the Campaign Expenditure Form, the CRO may issue a penalty to the Candidate in breach of this rule.

6.11 Campaigning in the Head Office of the UWSA will be penalized.

6.11.1 For this section, campaigning includes, but is not restricted to, the:

- a) The temporary or long-term storage of Campaign Materials;
- b) The use of Campaign Materials;
- c) Discussing the candidacy of any Candidate; or
- d) Any other act or omission that is deemed campaigning in the discretion of the CRO or DRO.

6.12 A campaign that uses assets of the UWSA or any advantage given to any individual by the UWSA will be penalized.

6.13 Any campaigning that occurs outside the Campaign Period is still subject to the penalties set out in 6.15.

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6.14 The acts or omissions of the representatives of any Candidate are to be considered acts or omissions of the Candidate.

6.15 Penalties are to be issued by the CRO.

6.15.1 Penalties may include:

- a) Restrictions on future campaigning;
- b) Restrictions on future campaign expenditures;
- c) Loss of part or entire refund for campaign expenditures;
- d) Disqualification;
- e) Any combination of these penalties.

6.15.2 Penalties may additionally include, where the offending individual is a Councillor, Director, Officer, employee or volunteer with the UWSA:

- a) Loss of privileges pertaining to use of the Head Office;
- b) Loss of privileges pertaining to use of assets of the UWSA; or,
- c) Suspension of duties.

6.15.3 Members wishing to appeal a penalty must follow By-law 80 Section 5.

Part 7: Schedule of Election Procedures – Voting Period

7.1 The voting day(s) set out in 4.4 must be free of campaigning and any campaigning is subject to the penalties in 6.15.1

7.1.1 All campaign materials must be removed prior to voting days.

7.2 At least one day before the first day of voting an email must be sent out to all undergraduate students, outlining the electronic link to vote and voting days.

7.2.1. A minimum of 50 posters must be visibly distributed evenly across campus.

7.3 The acts or omissions of the representatives of any Candidate continue to be considered acts or omissions of the Candidate.

7.4 The CRO will set polling stations and advertise the location of those polling stations

beginning the first day of the campaigning period.

7.4.1. A minimum of 50 posters must be visibly distributed evenly across campus.

7.5 The polls must:

- a) Open no later than 9:30am;
- b) Close no earlier than 6:00pm;
- c) Be constructed to allow privacy for the voter in casting his or her vote;
- d) Be staffed by no less than 1 individuals at all times;
- e) Only be staffed by the CRO, DRO, or agents of the CRO;
- f) Include a computer with internet access; and,
- g) Be located in prominent areas around campus.
- h) Each ballot will contain two additional options: "None of the Above" and "Decline", to represent the voter's rejection of the candidate pool or the election process respectively.
- i) In the event that there is only a single candidate in a contest, the ballot shall only list "yes", "no" and "decline"
- j) In the event that the successful candidate receives fewer votes than either the "None of the Above" or "Decline" options, the successful candidate shall still be deemed to have won the election.
- k) The position of each name on the ballots (or each option in the case of referenda) will be randomized through the full ballot population. However, the "None of the Above" and/or "Decline" options will always be listed as the last items on a ballot.

7.6 Voters will:

- a) Approach the poll with the purpose of voting;
- b) Not engage in discussions regarding the Candidates or any act of campaigning within 30 feet of the poll;
- c) Promptly leave the poll after voting.

7.7 Candidates will:

- a) Approach the poll only when they are voting;
- b) When not voting, remain at least 30 feet away from all polls, unless it is necessary to come within 30 feet to contact the CRO or DRO;
- c) Promptly leave the 30 feet range after contacting the CRO or DRO and before engaging in the conversation that necessitated the contact; and,
- d) Ensure all representatives of their Candidacy abide by the rules applicable to them.

7.8 The CRO and DRO will:

- a) Supervise the conduct of the Candidates and their representatives;
- b) Supervise the conduct of the agents of the CRO; and,
- c) Make any rulings necessary to preserve or restore the integrity and proper conduct of the election.

7.9 Poll Clerks will:

- (a) Attend mandatory training sessions as set by the CRO;
- (b) Sign a contract stating the terms of employment as well as responsibilities and ethical forms of conduct that must be carried out on voting days;
- (c) Be responsible for removing campaign material within 30 feet of any poll on voting days while ensuring that these materials are promptly received by the CRO;
- (d) Adhere to By-law 80 and the Elections Policy as provided by the CRO.

7.10 At the end of the voting period, scrutineers will be provided the opportunity to review an hourly breakdown of the voting period.

7.10.1 Any candidate can be a scrutineer and can appoint a scrutineer.

Part 8: Schedule of Election Procedures – Election Report

8.1 The CRO must prepare the Election Report.

8.2 The Election Report must include:

- a) The name and signature of the CRO;
- b) The dates of the voting day(s);
- c) The results of any appeals brought to the EMC;
- d) A synopsis of any outstanding election issues;
- e) Any recommendations for modifications to this Policy or By-law 80;
- f) The list of Candidates elected by vote or acclamation; and,
- g) The full results of the election, including the votes cast in each position for all candidates, as well as the “none of the above” and “decline” options
- h) A recommendation to destroy the ballots
- i) An administrative access log report in accordance with 10.3.34

8.3 The Election Report must be brought to the Council meeting set out in By-law 80 Section 4.1.8.

8.4 Any appeals to Council must be concluded before Council can accept the Election Report.

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8.5 In accordance with By-law 80 section 5.1.1.3, in the event that a re-vote is called, the CRO will follow the procedures outlined in Section 4.7 of the Elections Policy in addressing the appeal directly.

8.6 Once Council accepts the Election Report, the election is deemed completed.

8.7 The VPA will archive the Election Report in the Official Record of the UWSA.

Part 9: Campaign Limits

9.1 It is the duty of the CRO to enforce campaign limits.

9.2 The Expense Amount for a Candidate :

- a) Where the position sought is one of an Executive for the UWSA, the campaign limit shall be \$300.
- b) Where the position sought has a constituency of all the members (Campus-wide position), the campaign limit shall be \$200 and,
- c) Where the position sought has a constituency of less than all the members (Segment Position), the campaign limit shall be \$100

9.3 The campaign materials used for an executive position are limited such that:

- a) No more than 100 hung or posted materials are permitted;
- b) No more than 5 hung or posted materials that are larger than 50cm in any direction are permitted up to forty square feet; and,
- c) No more than 200 flyers are permitted and,
- d) No more than 500 non-paper items are permitted.

9.4 The campaign materials used for a campus-wide position, excluding executive positions, are limited such that:

- a) No more than 75 hung or posted materials are permitted and,
- b) No more than 3 hung or posted material that are larger than 50cm in any direction are permitted up to forty square feet; and,
- c) No more than 200 flyers are permitted and,
- d) No more than 250 non-paper items are permitted.

9.5 The campaign materials used for a segment position are limited such that:

- a) No more than 50 hung or posted materials are permitted and,
- b) No more than 2 hung or posted material that is larger than 50 cm in any direction

- is permitted up to forty square feet; and,
c) No more than 200 flyers are permitted and,
d) No more than 100 items of non-paper are permitted.

9.6 Breach of Campaign Limits may result in a penalty according to 6.15.

Part 10: Election Supervision & Authority

10.1 For greater specificity and clearer articulation, during the General Election and By-Elections, the role of Council is to:

- a) Ensure the election requirements set out in 4.4 and 4.5 are met;
- b) Dispose of appeals brought forward in accordance to the applicable By-law and Policies;
- c) Receive the Election Report;
- d) Approve the destruction of the ballots; and,
- e) With the leadership of the VPA, ensure the By-laws and Policies pertaining to elections are reviewed regularly.

10.2 For greater specificity and clearer articulation, during the General Election and By-Elections, the role of the EMC is to:

10.2.1 Be knowledgeable of By-law 10 Section 6.1.2, By-law 40 Section 3, and By-law 80 and

meet criteria as set out in those By-laws before any provision in this Policy;

10.2.2 Dispose of appeals brought forward in accordance to the applicable By-law and Policies;

10.2.3 Assist the CRO; and,

10.2.4 Impose penalties on Nominees who campaign during the Nomination Period.

10.3 For greater specificity and clearer articulation, during the General Election and By-Elections, the role of the CRO is to:

10.3.1 Be knowledgeable of By-law 10 Section 6.1.2, By-law 40 Section 3, By-law 80 and meet criteria in those By-laws before any provision in this Policy;

10.3.2 Be responsible for, and empowered, to establish and preserve the integrity of the General Election and By-Elections and the duties set out in this Policy are therefore an articulation of particular duties, but not a restriction on additional duties or powers that might be necessary to fulfill those larger responsibilities and powers;

10.3.3 Personally appoint any DRO or agent to assist the CRO in fulfilling his or her duties;

10.3.4 Bring the information to Council set out in 4.4 and 4.5;

10.3.5 Publicize the elections;

10.3.6 Make available all necessary forms to all the potential and approved Candidates including the:

- a) Nomination Forms;
- b) Campaign Expenditure Form;
- c) Expense Allocation Form; and,
- d) Scrutineer Form.

10.3.7 Open, verify and store all returned forms;

10.3.8 Make available the Election Rules to every Candidate prior to the Campaign Period;

10.3.9 Hold an All Candidates Meeting after the close of Nominations and any other All Candidates Meetings as deemed necessary or prudent by the CRO;

10.3.10 Post the names of all Candidates at the UWSA Head Office;

10.3.11 Make all rulings on what constitutes campaigning as set out in the By-laws and Policies;

10.3.12 Eliminate campaigning or impose other penalties during the Campaign Period

- or following the Campaign Period;
- 10.3.13 Approve every Campaign Material used by a Candidate;
 - 10.3.14 Apply an Expense Amount to each Campaign Material used by a Candidate;
 - 10.3.15 Update the Candidates' Campaign Expenditure Form following each Campaign Material approval;
 - 10.3.16 Ensure Candidates adhere to Campaign Limits;
 - 10.3.17 Obtain the voters list from the Registrar or the Registrar's designate;
 - 10.3.18 Design and create the ballots in accordance with the relevant policies;
 - 10.3.19 Decide the location of polls and advertise those locations to the members;
 - 10.3.20 Ensure the polls are properly staffed and supervised;
 - 10.3.21 Give the proper ballot(s) to valid voters;
 - 10.3.22 Ensure the poll is closed properly
 - 10.3.23 Make Election Day authorizations as set out in 7.2;
 - 10.3.24 Ensure each poll is properly closed;
 - 10.3.25 Supervise the Counting Location and make such rulings as to ensure the integrity of the vote is maintained;
 - 10.3.26 Report the results of the vote in accordance with Bylaw 80, Part: 4.1.7;
 - 10.3.27 Destroy the ballots with the authorization of Council;
 - 10.3.28 Prepare the Election Report and bring that report to Council;
 - 10.3.29 Only vote in the event of a tie using a process agreeable to all concerned Candidates and preferably agreed to in advance of the counting of votes;
 - 10.3.30 Recommend changes of By-laws and Policies to Council following the Election;
- and,
- 10.3.31 Fulfill any other duties assigned by resolution of Council.
 - 10.3.32 An administrative access log be provided to the council, detailing the access activity over the days of voting.

Part 11: Campaign Expenditure Refunds

- 11.1 Each candidate may receive a refund for campaign expenditures unless such a refund or a portion of that refund has been suspended or eliminated in a penalty.
- 11.2 Further, to be eligible for a refund, a candidate must also have a completed and approved Campaign Expenditure Form and submit that form within 48 hours of the last day of voting.
- 11.3 Subject to any penalties, a refund for candidates who run for an executive position which have campaign expenditures of up to \$150 shall be refunded the full amount of the campaign expenditure.
- 11.4 Subject to any penalties, a refund for candidates who run for an executive position which have campaign expenditures of more than \$150 shall be refunded \$150 plus half of the remaining amount of expenditures.
- 11.5 Subject to any penalties, a refund for candidates who run for a campus-wide position which includes a Board of Governors position, a Student Senator position or a Board of Directors Position and have campaign expenditures of up to \$100 shall be refunded the full amount of the campaign expenditure.
- 11.6 Subject to any penalties, a refund for candidates who run for a campus-wide position which includes a Board of Governors position, a Student Senator position or a Board of Directors Position and have campaign expenditures of more than \$100 shall be refunded \$100 plus half of the remaining campaign expenditures.
- 11.7 Subject to any penalties, a refund for candidates who run for a segment position and have campaign expenditures of up to \$50 shall be refunded the full amount of the

campaign expenditure.

11.8 Subject to any penalties, a refund for candidates who run for a segment position and have campaign expenditures of more than \$50 shall be refunded \$50 plus half of the remaining campaign expenditure.

11.7 Any candidate wishing to appeal a campaign expenditure refund may do so to the EMC, within a 48 hour time period of the refund being issued.

Part 12: Emergency Clause

12.1 In the event of an online system failure, for the duration of two (2) consecutive hours, or four (4) hours in total, the election results will become invalid.

12.2 In the event that a system failure occurs for the duration of less than two (2) consecutive hours or four (4) hours in total, an alteration of voting times shall be at the discretion of the CRO and EMC with adherence to the Elections Policy.

12.3 In the event of a security breach of the voting system, an emergency meeting of the CRO and EMC shall immediately review the issue and a unanimous vote must be obtained for the election to proceed.