
Scarborough Campus Students' Union Policy Manual

OPERATIONAL POLICY – Elections Procedures Code

Date: July 27, 2016 – BOD

Motion: Elections Procedures Code

Administration of Elections

The Union shall govern all the elections of the Union. No candidate shall run for more than one position during the same election. In circumstances where there is a contradiction between the By-Laws and the Elections Procedures Code, the By-laws shall supersede the Elections Procedures Code.

Elections and Referenda Committee

The Elections and Referenda Committee will be as follows:

- A designate from the Executive Committee (Chair)
- Two Directors of the Board
- Chief Returning Officer (CRO) of the Elections

The Elections and Referenda Committee will be empowered to:

- Hire a CRO.
- Recommend election dates to the Board.
- Publicize important election dates and information.
- Oversee logistics of the elections.
- Attend the all-candidates meeting
- Study the recommendations of the CRO and ensure they are fully considered; review good practices from previous elections and be responsible for implementing any recommendations approved by the Board.
- Members of the Elections and Referenda Committee are not permitted to seek office with the Union and must remain neutral during the election process.

Roles and Responsibilities of the Chief Returning Officer (CRO)

The CRO is responsible for the overall logistical administration of SCSU elections. The CRO's responsibilities will include the following:

- The hiring and training of Deputy Returning Officers (DROs).
- The hiring and training of polling clerks.
- Obtaining a voters list from the UTSC Administration.
- Securing voting spaces on campus to set up polling stations as well as obtain tables and chairs.
- Prepare and maintain the voter registration database.
- Obtain ballot boxes, seals, and voter screens from Elections Canada.
- Organize and run the All Candidates Meeting(s).
- Approval of all campaigning material.
- Adjudicate and provide rulings on complaints filed by candidates during the electoral process.
- Prepare the CRO's report to be presented to the Board of Directors for ratification.
- Organize an elections forum during the Campaign Period.

Methodology for Hiring of the CRO

The job posting for the CRO will be publicized on the SCSU website. The job posting will include the CRO job description and the necessary qualifications. The Elections and Referenda Committee will review applications, conduct interviews and hire the most qualified candidate.

Election Periods

Spring Elections

An election shall be held in the Spring term for the election of Directors and elected Executives. The date of the nominations and election shall be approved by the Board based on the recommendation of the Elections and Referenda Committee, provided that elections must occur between February 1 and March 15 of each year. Notice of the date of the election and the

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nomination procedures shall be given to members by publication in a Student Publication at least fourteen (14) days prior to the start of the nomination period.

Fall Elections

An election shall be held in the Fall term for the positions of First Year Representatives and any vacancies that occur among the Board or Executives before September 1. The dates of the nominations and election shall be approved by the Board, based on the recommendation of the Elections and Referenda Committee, provided that it must occur between September 20 and October 30 of each year. Notice of the date of the election and the nomination procedures shall be given to members by publication in a Student Publication at least fourteen (14) days prior to the start of nomination period. If no member is nominated to fill a vacancy from among the members of the Constituency to which the vacancy applies the Board of Directors shall appoint a Member of the Constituency to the vacant position.

Eligibility of Candidates

All members who meet the qualifications as outlined in Bylaw II shall be eligible to run.

Withdrawals of Candidates

A candidate may withdraw from the SCSU elections so long as their withdrawal is in writing and is submitted to and accepted by the Elections and Referenda Committee seventy-two (72) hours before the voting period commences.

All-Candidates meeting

- a. All nominees, or an authorized representative of each nominee, must attend the All-Candidates Meeting in its entirety or arrange to meet with the CRO in person within twenty-four (24) hours of the meeting.
- b. For an authorized representative to be valid, they must possess a signed statement from the nominee that the representative has the authority to act on their behalf for the duration of the meeting.
- c. Any candidate who fails to attend or send an authorized representative to the All-Candidates meeting, or fails to meet with the CRO, shall be disqualified from the election.
- d. The topics at the All-Candidates meeting shall include, but not be limited to:
 - i. The elections process established in the Elections Procedures Code;
 - ii. The Election schedule;
 - iii. The duties and functions of the Election officials.
- e. Each candidate or authorized representative will sign a statement before leaving the meeting that indicates they understand the rules and regulations governing the Election.
- f. It is the responsibility of each candidate to understand all information provided at the All-Candidates meeting.

Campaigning

All candidates must abide by the following rules relating to conduct and behavior of candidates during campaigning and assume responsibility for those campaigning on behalf of candidates. Campaigners are bound by the same rules as candidates.

- a. No campaigning shall take place before the nomination period and before the start of the campaigning period.
- b. Candidates shall campaign in accordance with the rules of fair play. Breaking the rules of fair play shall include, but are not limited to: breaching generally accepted community standards, libel, slander, general sabotage of the campaigns of other candidates, malicious and/or intentional breach of elections policy, any attempt to undermine the electoral process and misrepresentation of fact.
- c. It is the responsibility of the Candidates that all campaign materials and/or advertisements conform to all policies and regulations of the Union, as well as with all municipal, provincial, federal laws, and individual campus residences.

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- d.** All campaign materials and/or advertisements needs approval by the CRO in advance of posting or distribution. All submissions made to the CRO shall be returned with or without approval within two (2) business days. Campaign material shall include, but are not limited to: posters, leaflets, banners, websites, new media (e.g. Facebook, Twitter, and MySpace), clothing, buttons, stickers, logos, audio & video recordings, and publications created and/or provided by a candidate or campaign volunteer. Tactics for the distribution of campaign materials are not subject to approval and are permitted.
- e.** All campaign materials, where feasible, must contain the following phrase somewhere in plain sight on the material: "Please recycle after the election."
- f.** A limit on the quantity of posters shall be the following:

 - i. Executive Candidates 100
 - ii. Director Candidates 50
- g.** The following shall also apply to candidate posters and relevant campaign materials:

 - i. Poster size shall not exceed 8.5"x14"
 - ii. No more than 2 banners are allowed, and are not to exceed 8'x 3'.
 - iii. No laminated posters are allowed.
 - iv. Each candidate's poster may not overlap another candidate's poster.
 - v. Each candidate may not post one of their posters within one (1) foot of another one of their own posters.
 - vi. All posters may only contain information that is relevant to the election.
 - vii. All posters must be removed within 72 hours after the close of the voting period.
 - viii. The only adhesive allowed for affixed campaign material shall be masking tape.
- h.** Campaign materials shall not:
- i.** Overlap or be attached to a campaign material already affixed to something.

 - ii. Be posted in classrooms or seminar rooms.
 - iii. Be removed from any posted location, legally or illegally, without the authorization of the CRO or designate, except a candidate's own materials removed by that candidate or person(s) authorized by that candidate to remove such materials.
- i.** Restrictions regulating campaigning, that are unique to the following, shall be followed. It is the responsibility of the candidates to familiarize themselves with the different rules that govern each of the aforementioned entities such as:

 - i. No campaigning of any form is permitted in the Union offices, or any area that can be perceived to be under the jurisdiction of the Union unless otherwise stated by the CRO.
 - ii. Campaigning within a classroom is forbidden without the expressed permission of its presiding faculty member(s). To campaign in a classroom, a candidate must obtain consent from the professor/lecturer before the start of class.
 - iii. Campaigning is allowed within the Student Centre.
- j.** Restrictions concerning Union polling stations include:

 - i. Campaigning shall not take place within ten (10) metres of a designated polling station during the election voting days.
 - ii. Any and all campaign materials found within ten (10) metres of a designated polling station shall be removed during the election voting days.
 - iii. Designation of polling station is at the discretion of the CRO.
- k.** Candidates are not entitled to use in their campaign, any service or monies, conferred onto them by virtue of holding any position in any campus organization unless such services would still be available to them otherwise. This includes, but is not limited to, office supplies, equipment, advertising space and staff.

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- l.** Cross campaigning is allowed between consenting candidates for both executive and director positions in the elections governed by this Code.
- m.** The CRO must be made aware of external volunteers campaigning on behalf of executive or director candidates, by means of an initial external volunteer list as well as updates of any additions or removals to the list within 24 hours of receiving support.
- n.** Candidates running on a team must notify the CRO in writing no later than seventy-two (72) hours after the All-Candidates meeting.
- o.** Cross campaigning is allowed between candidates being elected through other organizations and candidates in the election governed by this Code.
- p.** Campaigning during Voting Period will be permitted.

Campaign Expenses and Campaign Financing

- a.** All candidates shall submit to the CRO original receipts of all campaign expenditures within seventy-two (72) hours of the close of voting. The CRO may at any time request from any of the candidates original receipts for expenditures prior to the close of voting.
- b.** All campaign donations must be brought to the attention of the CRO and be included in the campaign expense report to be submitted by each candidate. Donated materials shall be assigned a dollar value based on Fair Market Value by the CRO and shall be calculated as campaign expenses.
- c.** Fair Market Value of a product or service shall be the lowest price, without special concessions or discounts that is available in Toronto, Ontario for that product or service, to all persons who approach a person or company that sells, or deals in, that product or service.
 - i.** The CRO shall contact three (3) major suppliers in the Toronto area and shall adopt the lowest price as the Fair Market Value. The candidate may rebut such Fair Market Value if the candidate is able to produce/submit receipts from the Toronto area merchants which evidence a lower Fair Market Value than that obtained by the Committee.
 - ii.** Where a candidate purchases goods or services at a discounted price, or receives them as a donation, the Fair Market Value of the purchase will be used to determine a candidate's campaign expenditure.
 - iii.** In determining a candidate's total campaign expenditure, the CRO reserves the right to include the Fair Market Value of any materials that endorse or support a candidate. This may at the discretion of the CRO, include situations whereby a party producing the material or advertising does so without the consent of the candidate, but where the candidate knows, or reasonably ought to know, about such material or endorsement.
- d.** Candidates are not entitled to use in their campaign, any service or monies, conferred onto them by virtue of holding any position in any campus organization unless such services would still be available to them otherwise. This includes, but is not limited to, office supplies, equipment, advertising space and staff.
- e.** Student Clubs and Departmental Student Associations may endorse but not financially support a candidate.
- f.** Campaign expenses shall not exceed \$150 for each Presidential and Vice-Presidential candidate.
- g.** Campaign expenses shall not exceed \$75 for each Director candidate.
- h.** Campaign expenses subjected to reimbursement are as follows:
 - i.** Tape
 - ii.** Banners
 - iii.** Postcards
 - iv.** Zip-ties
 - v.** Flyers
 - vi.** Domain names
 - i.** All other expenses may only be approved after having consulted with the CRO

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- i. Failure by a candidate to submit a campaign expense form and original receipts by the deadline may result in disqualification upon decision of the CRO. Any candidate who exceeds the campaign limit shall be disqualified by the CRO. Disqualification may be appealed only to the Election Appeals Committee whose decision shall be considered final and binding.
- j. A sample budget form shall be provided for all candidates to review.

Campaign Reimbursement

a. Reimbursements of Campaign Expenditures – Executive Candidates

The Union shall reimburse Executive Candidates for campaign expenses incurred on the condition that they submit legitimate proof of expenses. Such reimbursements shall not be unreasonably withheld. Reimbursements may be made available upon request to CRO, should there be financial needs that warrant reimbursement. Deductions to reimbursements shall be based on the following schedules:

Demerit Points	Maximum Reimbursement
0 – 39% - 4 or less points deducted	\$150.00 or 100% reimbursed
40% - between 5-14 points deducted	\$112.50 or 75% reimbursed
60% - between 15-24 points deducted	\$75.00 or 50% reimbursed
80% - between 25-34 points deducted	\$37.50 or 25% reimbursed
100% - 35 points deducted	\$0.00 or no reimbursed

b. Reimbursement of Campaign Expenditures – Director Candidates

The Union shall reimburse Director Candidates for campaign expenses incurred on the condition that they submit legitimate proof of expenses. Such reimbursements shall not be unreasonably withheld. Reimbursements may be made available upon request to CRO, should there be financial needs that warrant reimbursement. Deductions to reimbursements shall be based on the following schedules:

Demerit Points	Maximum Reimbursement
0 – 39% - 7 or less points deducted	\$75.00 or 100% reimbursed
40% - between 8-11 points deducted	\$56.25 or 75% reimbursed
60% - between 12-15 points deducted	\$37.50 or 50% reimbursed
80% - between 16-19 points deducted	\$18.75 or 25% reimbursed
100% - 20 points deducted	\$0.00 or no reimbursed

Violation of Campaign Rules

- a. CRO shall have the sole authority to administer the provisions of the Elections Procedures Code.
- b. The CRO reserves the right to make rulings on issues and events not otherwise covered in this code, or to add in such rulings to supplement existing sections.

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- c. Allegations of violations of the Elections Procedures Code shall be submitted to the CRO in writing. Such allegations must be made within 48 hours after the incident occurred.
- d. The CRO may lay charges of violations of campaign rules at their own initiative.
- e. The CRO shall render a decision within 48 hours in writing to the candidates in questions and the complainant, unless the complaint is time sensitive, in which case the CRO shall render a decision within one business day. A complaint shall be deemed time-sensitive when the activity outlined in the complaint is ongoing. All rulings of the CRO shall be done in a fair and consistent manner.
- f. It is the responsibility of the candidate to ascertain their position with respect to decisions made by the CRO regarding alleged violations committed by the candidate. This shall be done on a regular basis by consulting the CRO, a published list, or minutes posted on the designated elections space in the Union office.
- g. Where the CRO finds there has been a violation of the Elections Procedures Code, the CRO must publish the details of the violation in a designated elections space in the Union office. Published notification of violations will only take place once all appeals have been exhausted.
- h. Regarding penalties for violations the CRO may:
 - i. Assign a demerit point penalty.
 - ii. Assign multiple penalties where the violation encompasses more than one offence.
 - iii. Declare a candidate disqualified.

Demerit points as outlined in the above section is assessed on, but not limited to, the following basis. The values listed below are a **guide** for issuing demerit points.

- a. Campaign Material
 - Unintentional Misrepresentation of Facts 3
 - Multiple violation in the same location/building 4
 - Unapproved material 5
 - Displayed in an unauthorized area..... 5
 - Pre campaign materials 6
 - Intentional misrepresentation of facts..... 10
- b. Campaigning
 - Unintentional Misrepresentation of Facts 3
 - Improper distribution of campaign materials 8
 - Multiple violations within ten (10) metres 8
 - Intentional misrepresentation of facts..... 10
 - Distribution of campaign material within 10 metres of a polling station.10
 - Pre-campaigning..... 10
 - Campaigning in an unauthorized area..... 12
- c. Fair Play
 - Candidates enforcing this Code.....5
 - Unsanctioned use of Union resources15
 - Abuse of position or status.....15
 - Gross misrepresentation of facts20
 - Malicious or intentional violation of this Code.....25
- d. Violations of the following nature will result in an automatic disqualification of a candidate:
 - i. Anyone improperly declared an eligible candidate.
 - ii. Failure to attend the All-Candidates meeting.
 - iii. Any candidate spending over the maximum spending limit as set by the Elections Procedures Code or failing to submit a campaign expense report.
 - iv. Intentional misrepresentation of campaign expenditures.

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- v. A candidate accruing greater than one-hundred (100%) per cent of their allowable demerit point limit, as follows is disqualified:
 - a. Executive Candidates35
 - b. Director Candidates20
- vi. Solicitation of UTSC Administration to interfere in the Election Process. Solicitation of interference includes, but is not limited to, actions that encourage the UTSC Administration to apply pressure on the CRO or Elections Officials to make or change specific decisions, interference in the voting or ballot counting process, withholding vital election document such as voters' list and ballot boxes, and withholding SCSU funds.
- e. In the event a winning candidate in any election is disqualified, the runner-up will take the place of the disqualified winner.

Polling Stations

- a. Campaigning is strictly prohibited within the polling station vicinity of at least 10 metres.
- b. Polling clerks will be trained to assist students in the voting process.
- c. Polling clerks will be responsible for checking each polling station after a voter leaves the station to ensure that any campaign material left behind by a voter is removed.
- d. Each polling station will be equipped with written instructions on how to vote and how to bring forward concerns regarding inconsistencies in the voting procedures.
- e. Where possible it will be regular practice to obtain ballot boxes, seals and voter shields from Elections Canada.
- f. Scrutineers will be given the opportunity to examine the construction of the ballot box at the opening of the polling station and the closure of the ballot boxes at the closing of the polling station. Failure to send a scrutineer will not invalidate the opening and closing of the polling stations.

Voting Process

- a. The method for voting in the Election Process shall be through a paper ballot voting process; valid identification from members is required for voting.
- b. Each ballot will be numbered.
- c. The names of candidates for each Executive and Director candidate will appear alphabetically.
- d. The Team names where applicable will appear under each candidate's name.
- e. All sealed and empty ballot boxes shall be stored in a location to which no other individual student, administrator or Elections and Referenda Committee official other than the CRO would have access to. Locations may include but not be limited to the Ombudspersons Office or campus security. The ballots will be removed by the CRO when the vote is to be counted.
- f. If the University Administration fails to provide the Elections and Referenda Committee with an up-to-date voters list to verify the identity of a voter, a double envelope system will be used.
- g. Those with accessibility needs shall be instructed to contact the CRO who will ensure the appropriate voting accommodations are made.
- h. Ballots for each election year shall have a different design.

Ballot Counting Process

- a. The ballot counting process will commence no later than 24 hours after the polls officially close.
- b. An independent candidate non-affiliated with a team may select one scrutineer.
- c. Each team will be permitted one scrutineer per counting table.
- d. The results of the ballot counting process will be announced within 24-48 hours.
- e. Failure to send a scrutineer(s) will not invalidate the ballot counting process.

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Election of Candidates

- a. In the event that the candidates nominated for a Director or Executive position are contested, the winner(s) shall be elected by a plurality of the votes cast.
- b. In the event that the candidates nominated for an Executive position is uncontested, the winner(s) shall be elected by a plurality of the votes cast.
- c. In the event that the candidates nominated for any Director position is uncontested, the candidate shall be declared as winner by acclamation.

Equality of Votes

In the event of a tie, the winner(s) will be decided in a run-off elections held no earlier than fourteen (14) days after the closing of the voting period.

Elections Appeals Committee

- a. The Elections Appeals Committee will hear appeals made by candidates regarding the decisions of the Elections and Referenda Committee. The Appeals Committee may not hear appeals of the CRO rulings not yet ruled by the Elections and Referenda Committee. All appeals of Elections and Referenda Committee decisions shall be made to the Chair of the Elections and Referenda Committee within forty-eight (48) hours of said Elections and Referenda Committee decisions.
- b. The Elections Appeals Committee will be as follows:
 - One (1) non-Officer Director of the SCSU Board of Directors
 - One (1) Member not elected to the Union or hired by the Union.
 - One (1) staff or executive member of a students' union in the Greater Toronto Area.
 - The Chair of the Elections and Referenda Committee serves as a non-voting member (Chair).
- c. The Elections Appeals Committee will convene a meeting within 72 hours of a receipt of an appeal. At said meeting the appellant will have the opportunity to address the committee; the committee may at its discretion invite other individuals to the meeting.
- d. Following the meeting, the Elections Appeals Committee shall render a decision within 24 hours.
- e. There will be an automatic meeting of the Elections Appeals Committee if a candidate is disqualified.
- f. Once the Elections Appeals Committee makes a decision, it will be final and not open to be appealed again; the Elections Appeals Committee will ensure detailed reasons are given when decisions are made

Methodology for Appointing the Elections Appeals Committee

- a. The request for applications for the Elections Appeals Committee will be publicized on the SCSU website.
- b. The request will include the Elections Appeals Committee duties and the necessary qualifications.
- c. The Elections and Referenda Committee will review applications and recommend the top three candidates—where possible—to the Board of Directors
- d. The Board shall select the successful candidate by secret ballot.

Appeals of Election Results

- a. Any candidate may challenge the validity of their election result in a written submission containing their reasons to the Elections Appeals Committee no later than 72 hours after the close of the voting period.
- b. The Elections Appeals Committee shall investigate any appeal and make a recommendation to the Board on the appropriate action.
- c. The Board, at its discretion, may refuse to ratify any singular Director or Executive office election, upon the recommendation of the Elections Appeals Committee. The Board may not amend rulings of the CRO or Elections Appeals Committee.

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Recounting Ballots

If there is a difference of five (5%) per cent or less between candidates an automatic recount shall take place. The CRO at her/his discretion reserves the right to call a recount.

Ratification

Candidates shall not be deemed elected until they have:

- a. Been ratified by the Union's Board at the subsequent meeting following the election results with the condition that there is no outstanding appeal involving the candidate.
- b. Attained the age of majority of eighteen (18) years of age.
- c. Upon ratification by the Board all ballots will be destroyed

