



Report of the Chief Returning Officer regarding the 2017 Fall By-Election for the Student Association of George Brown College which was held October 30th to November 30, 2017

Part II – Retrospective Report

Building on the foundation:  
A more perfect Electoral System



## **Introduction to the Retrospective Report**

This portion of the report contains recommendations how to build further on the electoral system in order to ensure greater accountability and fairness in the election cycle.

In my last report, I stressed the need to reform the electoral system at the Student Association of George Brown College. I am grateful that this call has not been ignored. The use of online voting brought more issues and the possibility of more unfair campaign practices. The strike brought issues relating to the timing of the elections.

In making these recommendations I am grateful for the support of my Deputy Returning Officer, Clara Pasiaka. Together, I feel we are able to breath new life into the electoral system at George Brown College, and her energy and passion for democratic institutions is worth emulating in future election official. Together we were a strong electoral team and it is my hope that future electoral team will have the same and similar passion for ensuring the democratic will of the population be respected in the electoral process.

## ***Recommendation #1: timing for spring elections***

It is recommended that the following be the timeline for the 2017 spring elections:

January 22, 2018	CRO begins
January 29, 2018	DRO begins
February 5, 2018	Dialog Student Association Info Issue.
February 8, 2018	Nominations open
February 21, 2018	Nominations close
February 22, 2018	All Candidates Meeting
February 23, 2018	Extended nominations open
March 1, 2018	Campaigning Opens
March 2, 2018	Extended nominations close
March 3, 2018	Extended All Candidates Meeting
March 15, 2018	Online voting begins
March 19-22, 2018	in person voting
March 23, 2018	Count day

This calendar allows sufficient time for a new executive and board to be properly trained and ensure that should a second spring election be held, there is sufficient time to do so.

A two week nominations period is recommended in order to allow for more flexibility in when nominations can be received, and to allow for more time for potential candidates to consider running, and become informed about the positions available. At this time it is also recommended that during this period that a focus on SA social media be explicitly focused on distribution of general information about the positions and the voting process.

## ***Recommendation #2: method of voting for spring elections***

It is recommended that the spring election be held by a combination of on-line and in person voting. It is my recommendation that voting take place at various polling stations.

## ***Recommendation #3: The Office of the Chief Returning Officer and the Elections Services division***

It is my recommended that the Chief Returning Officer's and the Deputy Returning Officer's role be revised in terms of office, compensation, and structure. More especially that for the 2018 General Election the following be staffing levels:

Chief Returning Officer – Part time (20-30 hours/week) in pre-election period up to the week before nominations open, and full-time thereafter.

Deputy Returning Officer – Part-time (15-30 hours/week) in the pre-election period up to the week which campaigning starts, and full-time thereafter.

Campus Poll Supervisor – Part-time for the training period of poll clerks (10-15 hours/week) and full time for voting days.

Marketing team – a team for the marketing of the elections at events and during election days.

Poll Officials and Count Officials – standard two per poll team.

It is recommended that the compensation of the Chief Returning Officer and Deputy Returning Officer be reviewed in order to better reflect the responsibilities of the position.

It is recommended that the Chief Returning Officer and Deputy Returning Officer both be given Metropasses for the course of their full time employment.

It is recommended that the St. James Campus continues to be used as the main campus of the Elections Services, the Casa Loma Campus continue to be a storage facility and operations control, and the Waterfront Campus be used when discussions of sensitive matters occurs.

Finally, it is recommended that the CRO be given explicit powers to change the election in case of unforeseen circumstances.

### ***Recommendation #4: Election Discipline***

It is recommended that the current election discipline system be further reviewed in order to ensure fairness in process.

Further, it is recommended that each demerit point be assigned a value in terms of the candidate's budget, and that the budget decreases an amount for each point issued (for example if a value of five dollars per point is assigned, and five points are issued to a candidate, the budget for that candidate be decreased by twenty-five dollars).

Further, it is recommended that the disqualification point for all positions be set at 20 points.

Finally, it is recommended that the Chief Returning Officer may state the number of votes which were impacted by an offence in the Chief Returning Officer's ruling, and should the election results be within the range of the votes in dispute, the candidate either be disqualified or the election be declared null and void (for example a candidate violated the online voting rules and it is determined that 20 students were impacted by the violation of the rule, if the election results are within 20 votes, the candidate be disqualified). This option should be reserved for only the most egregious breaches of campaign rules.

### ***Recommendation #5 – The Board of Governors Election***

It is recommended that a formal agreement with the College be made, that in the event of a contested Board of Governors election, the costs of candidate campaigns and other election expenses be reimbursed by the college.

### ***Recommendation #6 – Marketing Team***

It is recommended that a marketing team be put together for future elections. This marketing team will be composed of students who can talk about the election and the role of the Student Association and the positions up for election. During voting days, they can encourage students to vote and direct them to the polling station. This team will also be responsible for the running of events.

### ***Recommendation #7 – Partnership with the George Residence***

This is the first year where a relationship with the George residence occurred. The relationship took the form of one event and a day of in person voting. The partnership was successful, and it is recommended that this partnership continue and be expanded to include more days and times for in person voting.

### ***Recommendation #8 – Partnership with the Dialog***

It is recommended that the Dialog be involved in encouraging student engagement with the elections in a fun way. For example, a contest/call for submissions where any student can "ask a question of the director of operations" on one day or the "black student rep" on another. A question is chosen, ideally in video form, and the candidates could write a reply.

### ***Recommendation #9 –Video***

It is recommended that candidate statements are also presented in video form, in addition to the written statements. This will help achieve SA values of accessibility/inclusion and reaching more students with more interesting content. It is recommended that these are uniform. Perhaps each candidate gets 1 or 2 minutes in total and it is videoed by a single individual for

the elections. Candidates could each have 15 minutes in case they mess up their first or second time round.

### ***Recommendation #10 – SA Awareness***

It is recommended that the role of the SA and what all of these positions do is very clear to students. An SA Awareness week before nominations open will encourage nominations AND alert students to what they would be voting on and why it matters. A video about the positions and the SA in 2 minutes is also recommended.

### ***Recommendation #11 – Poll Official engagement training***

It is recommended that the training of the poll officials places a greater emphasis on how to engage fellow students to vote than on academic values or ideas. Following procedure should be balanced with member engagement.

### ***Recommendation #12 – Classroom talk***

It is recommended that staff or board members not seeking re-election give talks to students in classrooms prior to the polls opening.

### ***Recommendation #13 – Campus Groups***

It is recommended that clubs and other existing student groups be more formally and strategically encouraged to engage in SA elections. It is recommended that current board members and staff make efforts to speak to or through these groups in a non-partisan manner to increase nominations and voter turnout.

### ***Recommendation #14 – Pre-Election Engagement event***

It is recommended that an event be created prior to nominations to increase democratic engagement at George Brown on the whole featuring a keynote speaker and utilizing existing student groups and classes to increase turnout. It is recommended discussions with faculty of classes that may be relevant take place so they are encouraging students to attend

### ***Recommendation #15 – staff and executive members***

Full-time staff and executive members shall remain impartial during the elections process, by adding the following clause to by-law 1:

**1.4 Members of the Executive, the General Manager, Full time staff members, and part time staff members while on official duty, may not engage in partisan activity and**

shall remain impartial and non-partisan regarding the student association election or a member's meeting.

**1.5 Section 1.4 does not preclude members of the executive or part time staff members from running an student association election or voting in a member's meeting, as long as the provisions of the elections by-law is satisfied.**

**1.6 The General Manager shall remind all persons effected under section 1.4 of their professional obligation prior to the opening of nominations.**

## ***Recommendation #16 – By-law changes***

It is recommended that the amendments to by-law 13 be considered by the board (appendix 1).

### ***Appendix I***

#### **Article 13: Elections**

##### **13.1 Administration of Elections**

The Student Association of George Brown College is committed to an elected leadership, chosen from and by its student membership. The Student Association, by way of these By-laws, seeks to ensure that the election process is conducted in a fair, consistent and accessible manner. The students of George Brown College are entitled to full representation at all levels of the Student Association. The Student Association is strongly committed to the ideals of safety, equity and accessibility and encourages students of diverse backgrounds and from traditionally underrepresented groups to run in elections.

The Student Association shall govern all the elections of the Student Association. Procedures for elections shall be found in the By-Laws of the Student Association. ~~An Operations Manual for the Elections Committee (OMEC) will be maintained by the elections committee to ensure consistency in annual elections and codify practices that enhance the transparency and strength of the Elections Process. In circumstances where there is no contradiction between the By Laws and the OMEC, the By laws shall supersede the OMEC. A fact sheet, based upon the OMEC, will be drafted in accessible language to assist students' understanding of the Elections Processes.~~

**The Elections Committee shall be responsible for setting elections policy for all matters not specifically found in the by-laws or within the exclusive jurisdiction of the Chief Returning Officer. These policies shall be fair, and shall be transparent. This policy shall be remain in force throughout all elections, and shall be prepared in an Election Policy document.**

**Election dates shall be set by the board with the advice and consent of the Elections Committee, once the dates have been set, the Elections Committee may change the dates under section 13.2(c(o)) of this by-law or by majority of the board prior to the start of nominations.**



**The rules set forth in these by-laws and the regulations under these by-laws shall be interpreted in such a way which is consistent with an organization which values the democratic voice of its membership, and are subject so such reasonable limits and adaptations as are demonstrably justified in a free and democratic organization.**

Explanatory note to changes to section 13.1

This removes the mandate for an Operations Manual for the Elections Committee and replaces an operations manual with a policy.

It further add a statement of interpretation for the by-law, so that the by-law is not interpreted to aid not impair the democratic voice of the members.

### **13.2 Election Committee and the Chief Returning Officer**

a. The Elections Committee will be as follows:

--General Manager (or designated manager)

-Two Members of the Board, as determined through a nomination and vote taken by the Board of Directors, requiring a two-thirds majority vote.

-Chief Returning Officer (CRO) ~~of the Elections.~~

**-Deputy Returning Officer (DRO) as a nonvoting member.**

i. The General Manager shall be the Chair of the committee until a Chief Returning Officer is appointed.

ii. Upon the appointment of a Chief Returning Officer, the Chief Returning Officer shall be the chair of the committee; and

iii. The General Manager shall ensure that administrative practices and procedures of the student association is carried out by the Chief Returning Officer, and shall be the principal contact and supervisor of the Chief Returning Officer.

b. The Elections Committee will be empowered to:

a. Hire the Chief Returning Officer (CRO).

b. Recommend election dates to the Board.

c. Publicise important election dates and information.

d. Oversee logistics of the elections.

e. Solicit feedback from members regarding the Elections Process in each year.

f. To 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.

g. Maintaining and updating the **BPM elections policies**;

h. Secure office space for the CRO to work.

i. Members of the Elections Committee are not permitted to seek office with the **Federation Association** and must remain neutral during the election process. *(this is an error in names and does not need to go to the AGM)*

c. The CRO is responsible for the overall administration of the Student Association Elections. The CRO's responsibilities will include the following:

- a. The hiring and training of Deputy Returning Officers (DROs).
- b. The hiring and training of polling clerks.
- c. Obtaining a voters list from the George Brown College Administration in order to verify a voter's identity as well as the voter's Faculty and College.
- d. Securing voting spaces on campus to set up polling stations as well as obtain tables and chairs.
- e. Prepare and maintain the voter registration database.
- f. Obtain all materials for the elections.
- g. Promoting the elections.
- h. Organize and run the All Candidates Meeting(s).
- i. Approval of all campaigning material
- j. Adjudicate and provide rulings on complaints filed **by candidates** during the electoral process.
- k. Overseeing the ballot counting process.
- l. Publishing voting results.
- i. Prepare the CRO's report to be presented to the Board of Directors for ratification.
- m. All other elections materials and communications.

**n. Where in the opinion of the Chief Returning Officer, by reason of mistake, miscalculation, emergency, or unusual or unforeseen circumstances, a situation for which there is no provision made under this by-law, election policy or other regulation exists and the Chief Returning Officer is satisfied that if adaptations is not made a substantial number of voters would not be able to vote or for those who have voted would not have their votes counted. Then the Chief Returning Officer with the advice and consent of the Elections Committee chaired by the General Manager, shall give such directions as he or she considers proper, for the sole purpose of enabling electors to exercise their right to vote or enabling the counting of votes. Such directions includes but are not limited to changing the dates of voting, timeframes of the election, the method of voting, or the place where voting may take place. The Chief Returning Officer shall immediately give notice of any such direction to all candidates and post such directions on the doors of the student association. Such direction shall not be subject to appeals to the Elections Appeals Committee.**

Explanatory note

This gives extraordinary powers to the Chief Returning Officer in case of unforeseen circumstances.

**o. The Chief Returning Officer shall designate the exercise of his or her authority to the Deputy Returning Officer on such conditions and limitations as deemed appropriate by the Chief Returning Officer with the advice and consent of the elections committee.**

Explanatory note

The allows flexibility in the roles of the Chief Returning Officer and the Deputy Returning Officer based on the skillset of both.

### 13.3 Eligibility of Candidates

All members who meet the qualifications as outlined in By-law 1.1. shall be eligible to run.

An individual member may hold a position on the executive for a maximum of two terms within a five-year period to commence upon the last day of their second term.

No candidate shall run for more than one position during the same election.

Voting Positions on the Board shall be filled as follows:

- a. Five (5) Executive Members who shall be elected by the members.
- b. Each of the four (4) Campus Directors shall be elected by the members registered in an academic program in their respective campuses.
- c. Each of the seven (7) Educational Centre Representatives shall be elected by the members registered in an academic program in their respective educational centres.
- d. Each of the six (6) Constituency Representatives shall be elected by the members of the constituency from among all campuses.

~~f. The sole Non-voting Position on the Board shall be filled as follows the Board of Governor's position shall be elected by the members among all campuses. The Student Association shall run the elections for the Board of Governors Position, should the college invite the Student Association to do so. The costs of the election in regards to reimbursement of candidates expenses shall be subject to reimbursement by the college. The rules for this position shall be determined by the Chief Returning Officer in consultation with the college.~~

#### Explanatory note

The language surrounding the board of governors position has been changed to reflect that the position is not an SA position and that the nomination procedures must be made in conjunction with the college.

#### 13.4 Nomination of Directors

Candidates for the Executives, Campus Directors, Educational Centre Representatives, Constituency Representatives, and Board of Governor's Student Representative positions shall be nominated pursuant to a nomination form ~~found in the BPM as determined by the Chief Returning Officer and approved by the Elections Committee~~, and submitted to the CRO.

¶

Candidates for the Campus Directors and Educational Centre Representatives must obtain signatures from individuals in their faculty, from their campus or their constituency respectively, who are also members of the corporation (e.g. Waterfront Campus Director Candidates can only be nominated by Waterfront Campus students, Business Representative Candidates can only be nominated by Business students, etc.).

¶

The Executives, Constituency Representatives and Board of Governor's Student Representative positions may obtain signatures from any of the members of the corporation.

¶

~~To the extent possible, Should nominations forms be submitted twenty-four hours of the close of nominations, and if the form is deficient or incomplete, candidates will be notified if their nomination form is deficient or incomplete to so notified and be~~ permit re-submission before the nominations deadline. It is the responsibility of the candidates to submit a bona fide nomination ~~or application~~ form.



Candidates are required to obtain the following valid signatures:

- a. Executive Members – 100 valid signatures
- b. Campus Directors – forty (40) valid signatures
- c. Educational Centre Representatives – Thirty (30) valid signatures
- d. Constituency Representatives – Three (3) valid signatures
- e. ~~Board of Governor's Representative – One (1) valid signature~~

### 13.5 Withdrawals of Candidates

A candidate may withdraw from the Student Association elections so long as their withdrawal is in writing via a completed withdrawal form, which can be obtained from any Student Association office front desk, and is submitted to and accepted by the Chief Returning Officer at any time before 2:00 p.m. local time on the ~~the~~ business day following the All Candidates Meeting. ~~Any campaign expenses incurred by the candidate will not be reimbursed upon withdrawal.~~ Upon withdrawal, if the candidate's name cannot be removed from the ballot, the CRO must post a notice around the polling station to inform voters of the candidate's withdrawal. The Poll Clerks must also verbally inform the voters of the withdrawal.

### 13.6 Slates

1. ~~Candidates may apply to form slates. By forming slates, they agree to campaign under a common slate name, and with a common platform.~~
2. ~~An application form to become part of a slate shall state:~~
  - a) ~~The slate name;~~
  - b) ~~The members of the slate; and~~
  - c) ~~A slate agreement.~~
3. ~~Slates cannot have the same name as a federal, provincial, municipal political party or an existing organization. Further the name cannot be offensive, vulgar, or inappropriate. The name cannot suggest any connection with the college or the student association. The Chief Returning Officer has the sole discretion as to whether a name is in violation of this section or not.~~
4. ~~Each slate shall identify an official representative who shall be the main contact for the slate.~~
5. ~~Any candidate who enters a slate shall have the slate's name appear on the ballot.~~
6. ~~The elections policy shall include explicit references to slates.~~

### 13.6-7 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. A candidate's eligibility is not official until the CRO has verified the entire set of applicable nomination forms and posted an "Official Candidates List" on which the potential candidate's name appears. The Official Candidates List must, at a minimum, be posted on the doors of all Student Association offices.

e. The topics at the all-candidates meeting shall include, but not limited to:

- I. The elections process ~~established in By-law 4~~;
- II. The Election schedule;
- III. The duties and functions of the Election officials.
- IV. Anti-oppressive campaigning.**

f. Each candidate, or authorized representative, will sign a statement before leaving the meeting that indicates s/he understands the rules and regulations governing the Election.

g. It is the responsibility of each candidate to understand all information provided at the All-Candidates meeting. **Further, the Chief Returning Officer shall ensure each candidate understands the rules of the election by administering a test regarding the rules of the election to each candidate after the meeting. A candidate is not allowed to campaign in the election until they have passed the test with an eighty percent correct rate. A candidate with a disability will be given accommodations during the test. Acclaimed candidates do not have take or pass the test.**

Explanatory note

This is a point for further discussion, it is simply suggested that in order to show that the candidates are paying attention during the all candidates meeting a test regarding the rules of the election be administered.

**h. At the All Candidate meeting each and every candidate must understand especially that they by virtue of being candidates in the election are subject to expectation of behaviour as set forth in the Voting Directors Accountability Manual. This includes a prohibition on actions and words which are racist, sexist, ableist, libel or slanderous, or contrary to basic human rights. The Student Association will have no tolerance for these matters during the election campaign.**

Explanatory note

This adds the respectful workplace and learning environment explicitly to the candidates training at the all candidates meeting,

### 13.7 Nomination Period

The nomination period will be at least five (5) business days **and a maximum of ten business days** and will be advertised on all Student Association bulletin boards and in the campus newspaper.

There shall be no campaigning during the nomination period. Candidates may only tell individual students that they intend to run in the election for the purpose of being nominated.

**If the number of nominated candidates certified for an office is less than the total number of persons to be elected to that office, the Chief Returning Officer may extend the nomination period for those**

**offices only for a period of five days, or otherwise as approved by the Elections Committee. The additional nominations shall be received and treated as if they were part of the original nomination period and a second all candidates meeting, or in depth briefing shall be held at the close of the extended nominations period for those candidates who were nominated during the extension period.**

Explanatory note

This simply codifies the practice in this election of allowing a one week extension for additional nominations.

### **13.8 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. Those acting on behalf of candidates are subject to all elections rules as the candidate. Before anyone is working on behalf of a candidate, the CRO shall be notified **and this permission may be revoked at any time by the candidate in writing to the CRO. The actions of those working on behalf of a candidate would only be the responsibility of the candidate up to the time which the CRO was so notified. Any actions before the withdraw of such notification is still the responsibility of the candidate.**

Campaigning is any action designed to influence the elector, this includes verbal and non verbal ways designed to get the elector to vote in a certain way. The definition of campaigning includes:

- Verbally soliciting a students' vote
- Handing out materials soliciting a student's vote
- Making announcements concerning an individual's candidacy in an election, including in hallways, classrooms **or online.**

**Candidates must respect the right of electors who do not want to talk to those running for office.**

The CRO shall have the authority to determine the rules of the election and in doing so the CRO shall consult with the Elections Committee.

- a. No campaigning shall take place before the nomination period and before the start of the campaigning period.
- b. The campaign period shall last for a period of a minimum of ten (10) business days including a five (5) business day overlap with the voting period.
- c. Any members of the board, staff, volunteers, or committee members shall take a leave of absence from the day designated as the start of campaigning period until the end of voting should they decided to run for a position in the elections. For the greater certainty, members may perform duties of their office during the campaign period, if those duties are essential for the continued operations and governance of the student association (including: signing cheques, promissory notes, contracts, and other documents; meeting with the general manger and other staff on important and essential matters; and anything else incidental to the continued operations of the student association). Should the candidate be acclaimed, then the leave shall end on the day which the Chief Returning Officer certifies the acclamation.

d. All campaign material and/or advertisement need 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.

e. 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 Student Association offices, or any area that can be perceived to be under the jurisdiction of the Student Association 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 not allowed within Student Residence, except for any area agreed upon by the Chief Returning Officer and the College.

IV. Campaigning is not allowed within the Library except for any area agreed upon by the Chief Returning Officer and the College.

V. Campaigning is not allowed within computer labs.

f. 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.

g. Campaigning during voting period will be permitted.

**h. Candidates are subject to expectation of behavior as set forth in the Voting Directors Accountability Manual. This includes a prohibition on actions and words which are racist, sexist, libel or slanderous, or contrary to basic human rights. The Student Association will have no tolerance for these matters during the election campaign. These behaviors will be dealt with by significant demerits points or disqualification depending on the severity of the action.**

**i. Members of the board, staff, volunteers, and committee members who are candidates in the election and on leave of absence are subject to the same expectation and penalties for their behaviour during the elections period as they would be had the leave of absence not taken place. The Chief Returning Officer has a responsibility to inform the appropriate authorities of this behavior with as much details as possible. Further, the Chief Returning Officer has the responsibility to inform the College of any incident during the election which could be in violation of the student code of conduct.**

**Explanatory note**

This section just adds explicated language regarding the expectation campaign will be conducted according to expectations surrounding a respectful workplace and learning environment.

### 13.9 Campaign Expenses and Campaign Financing

a. The spending limit for all positions shall be as follows:

Executive positions	\$300.00
All other positions	\$100.00

The spending limits shall increase by the CPI index annual with a base calculation for CPI increases being January 1, 2017. The spending limits shall be rounded to the nearest increment of ~~twenty-five~~ **ten** dollars, as determined by the Chief Returning Officer.

b. 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.

c. All campaign donations must be brought to the attention of the CRO and 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 but will not be considered in the calculation of a refund against election campaign expenditures.

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. Funds for the purpose of elections shall be provided for in the operating budget of the Student Association.

f. 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 as per By-Law 10.22(e).

g. Each candidate, except those who are declared ineligible for refund or disqualified by the CRO, shall receive a full refund from the Student Association against election campaign expenditures as prescribed herein.

h. A sample budget form shall be provided ~~in the BPM~~ for all candidates to review.

i. Any candidate who does not submit the required documents by the deadline imposed or misrepresent campaign expense is disqualified and the said election is null and void.

### 13.10 Violation of Campaign Rules

a. CRO shall have the sole authority to administer the provisions of these By-laws and the elections regulations made under this by-law by the CRO, Board, or Elections Committee. The CRO may for violations of these by-laws:



- i) assign demerit points, including assign multiple demit points for where violations encompasses more than one offence;
- ii) disqualify the candidate from running in the election;
- iii) declare the election of a candidate null and void;
- iv) reduce the budget for a candidate by increments of five dollars for executive offices and increments of two dollars for all other offices;**
- v) set a number of votes, effected by the violation, and should the number of votes effected be the same or greater than the margin of victory for the candidate, the candidate shall be disqualified; and**
- vi) restrict the ability of the candidate to campaign in person for the period of 24 hours, should the offence involve gross violation of campaign rules involving an clear advantage attained by illegal campaigning.**

~~When a candidate for executive office is assigned more than 35 demerit points the candidate shall be disqualified.~~

~~When a candidate for any officer other than executive office is assigned more than 20 demerit points the candidate shall be disqualified.~~

**When a candidate is assigned more than 20 demerit points the candidate shall be disqualified.**

#### Explanatory note

This section implements recommendation #4.

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.

c. Allegations of violations of these By-laws **and the elections policy** shall be submitted to the CRO in writing. ~~Such allegations must be made within 48 hours after the incident occurred.~~

#### Explanatory note

This section just allows further time for investigation if new facts becomes known.

d. The CRO may lay charges of violations of campaign rules at her/his 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 are ongoing. All rulings of CRO shall be done in a fair and consistent manner.~~ within a reasonable time, this is usually within 48 hours, but may be longer should there be additional information needed from candidate, witnesses, or legal counsel.

#### Explanatory note

This section allows for further time should the investigation requires it.

f. Where the CRO finds there has been a violation of these By-laws **and elections policies**, the CRO must publish the details of the violation in a designated elections space in the Student Association office. Published notification of violations will only take place once all appeals have been exhausted.

g. In the event a winning candidate in any election is disqualified, the runner-up will take the place of the disqualified winner.

**h. The computation of time is subject to the rule as set forth in *the Interpretation Act (R.S.C. 1985, c.1-21)*. Further, should because of causes beyond the control of the parties involved the time limits cannot be followed, the Chief Returning Officer shall have the authority to modify the time limits in this section, as long in the opinion of the Chief Returning Officer and having regard to all the facts of the matter doing so would not bring the electoral process into disrepute.**

Explanatory note

This section first states that the rules regarding computation of time is found in the interpretation act (i.e. excludes weekends and holidays and hours where the office is closed).

This section further states that if there are circumstances beyond the control of the election officials which prevents the investigation from being completed, then the time limits can be modified.

**g. All rulings regarding matters surrounding candidate discipline are to be made with the burden of proof being beyond a reasonable doubt. All other rulings of the Chief Returning Officer shall be made using the balance of probabilities.**

Explanatory note

This section codifies current practice regarding the burden of proof used for discipline cases.

### 13.11 Voting, Counting, and the elections of Candidates

a. The Board shall determine the method of election.

b. The Chief Returning Officer shall determine places for polling stations and limits on campaigning near those polling station.

c. The Chief Returning Officer shall appoint, train, and oversee poll officials.

d. Each candidate shall have the right to appoint a candidates representative at the polls to witness the operations of the polls and to ensure compliance with the standards as established by the Chief Returning Officer.

e. The counting of the ballots shall occur in such ways as the Chief Returning Officer shall direct, with the consent of the Elections Committee.

f. Candidates may appoint a representative to witness the count.

g. An official validation shall take place the next business day after counting. The Chief Returning Officer may delay the validation for sufficient cause.

h. The Chief Returning Officer shall publish invalidated results at the earliest opportunity but until the results have been validated the results are considered invalidated official. **The Chief**

**Returning Officer may delay the publication of invalidated results for up to seventy-two hours, if in the opinion of the Chief Returning Officer there are outstanding issues under review or investigation, or concern over the standing of a candidate.**

Explanatory note

This section allows for the CRO to delay the publication of the invalidated or “election night” results if there are any issues outstanding which needs to be addressed.

- i. When validation has taken place the Chief Returning Officer shall forthwith certify the results and forward the results to the board.
- j. Once the board has accepted the results, the Chief Returning Officer shall swear an affidavit of Election before a Commissioner of Affidavit, duly licensed in the province of Ontario. The Chair of the Elections Committee shall keep a copy of the Affidavit for the official records of the corporation.
- k. If by the close of nominations, the number of certified candidates for an office is the same as or less than the number to be elected, the Chief Returning Officer shall immediately declare the candidate or candidates elected by acclamation.
- l. The Chief Returning Officer shall, as soon as possible after the counting of the ballots, declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.

**13.12** Equality of Votes

In the event of a tie, the winner will be decided in a run-off election **between those so tied** held two-weeks (14 days) after the closing of the voting period. **If after a run-off election is held, the candidates are still so tied, then the election shall be awarded to the candidate with the least demerit points, if both candidates have the same amount of demerit points, then the Chief Returning Officer shall choose the successful candidate or candidates by drawing of lot. The campaign budget for those so tied shall be half of the normal campaign budget for their position.**

Explanatory note

This section just clarifies the rules surrounding a tie and gives further direction in case of a second tied election.

**13.13** Elections Appeals Committee

The Elections Appeals Committee will be as follows

- The chair of the Board (or designate)
- Two (2) general members not elected to the Student Association or ~~hired~~ employed by the Student Association.

**13.14** Methodology for appointing the Elections Appeals Committee

The request for applications for the Elections Appeals Committee will be publicized on the Student Association website. The request will include the Elections Appeals committee duties and the necessary

qualifications. The Elections Committee will review applications appoint members of the committee without the CRO present.

**Should there not be sufficient qualified applicants to sit on the elections appeals committee, the elections committee shall appoint such person as they feel fit to sit on that committee. Those person may not necessarily be students and may be students which are employed by the Student Association.**

Explanatory note

This section simply allows the appointment of members of the appeals committee of additional person should the hiring process fail.

**13.15 Appeals ~~of Election Results~~**

- a. **The Elections Appeals Committee has jurisdiction to review all discipline decision made by the Chief Returning Officer, and shall automatically review any discipline decision that resulted in the disqualification of a Candidate. The notice of such appeal shall be given to the Chair of the Committee within 48 hours of the decision being given by the Chief Returning Officer.**
- b. Any candidate may challenge the validity of the his/her election result in a written submission containing his/her reasons to the Elections Appeals Committee no later than 72 hours after the close of the voting period.
- c. The Elections Appeals Committee shall investigate any appeal and make a recommendation to the Board on the appropriate action.
- d. 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.

Explanatory note

This section just specifically the already existing provisions surrounding election appeals which were removed in the spring 2017 by-law amendments.

**13.16 Recounting Ballots**

If there is a difference of 5 per cent or less between candidates an automatic recount shall take place. The CRO at their discretion reserves the right to call a recount. **Such recount shall take place within four business days of the election count.**

Explanatory note

This section simply specifies the time in which a recount should take place.

**13.17 Ratification**

- a. Candidates shall not be deemed elected until they have:
  - i. Been ratified by the Student Association's Board at the subsequent meeting following the election results with the condition that there are no outstanding appeals involving a candidate.
  - ii. Attained the age of majority of eighteen (18) years of age.

- b. Upon ratification by the Board all ballots will be destroyed.