

Elections

Type:	Operational	Created:	Pre-1995
Adopted by:	Board of Directors	Last Amended:	December 2020
Executive Responsibility:	Chairperson	Procedure:	N/A

PREAMBLE

The primary function of the Electoral Policy is to provide for an orderly and democratic process for the selection of members to serve on the Board of Directors. In conduct of elections, the Students' Union's process shall prioritize respect for the rules and democratic decision-making; respect for those participating in, and those conducting, the election process; and, fairness and consistency in the application of electoral rules and the adjudication of complaints and appeals.

STATEMENT:

1. DEFINITIONS

General Election: An election process for the full-term of a position as per Bylaw VII, subsection 2 – Schedule of Elections.

By-election: An election for a partial term of a position vacated prior to the term expiration.

Member: A member of the Students' Union as defined by Bylaw II.

Committee: The Electoral Committee as defined by Bylaw VII, subsection 1.

Nominee: A member who submits a nomination form seeking candidacy in a general or by-election.

Candidate: A nominee whose nomination form and candidacy has been declared valid by the Chief Returning Officer.

Students' Union Employee: Any individual who has been employed by the Students' Union in the four months preceding a general election or by-election.

Chief Returning Officer (CRO): Member of the Electoral Committee assigned by the Board to take primary responsibility for organizing and overseeing the electoral process.

Deputy Returning Officer (DRO): Member of the Electoral Committee assigned by the Board to take secondary responsibility for organizing and overseeing the electoral process.

University Governance Position: A student position on a university body (Senate, Board of Governors, Senate Committee, etc.) for which the Students' Union may conduct an election on behalf of the Secretary of Senate.

Approved Posting Location: A general bulletin board or other area approved for posting notices as per University policy.

Voting Area: The area within a 15-meter radius of a balloting station.

Communication “in writing”: for the purposes of the policy, email shall be considered written communication and time of receipt shall be the time a piece of electronic mail is received by the Students' Union.

2. ELECTION SCHEDULE

Through this policy the Board of Directors delegates its authority for the setting of election schedules to the Committee. Annually, the Committee shall set the schedule, and method of election delivery for the fall election by August 15, and for the spring election by December 15.

4. NOMINATIONS AND ELIGIBILITY

4.1 Eligibility

Eligibility requirements are established in Bylaw VII, 4. In addition to those requirements, the following provision applies:

- Students' Union Employees shall not be eligible for nomination to any position on the Board of Directors, but may seek election to a University Governance position.

4.2 Validation of Nomination Form

a. Students' Union Board Positions

Nomination forms shall be paper or electronic as set by the CRO and will contain space for the name, student number, and signature or verification declaration of not less than 15 members supporting the nomination. Nominees will also provide a verification that they have received a copy of the Students' Union's Election Policy and a copy of the Bylaws. Nominees are responsible for seeking their own nominations and may not delegate this to any other person or process. Nomination forms will be distributed, collected and verified by the Chief Returning Officer.

Incomplete or fraudulent nomination forms will result in the disqualification of the nominee from the election process.

b. University Governance Positions

Nomination forms for University Governance Positions will be prepared and provided by the CRO and collected and verified by the Office of the Registrar or its designate.

4.3 Nominee Orientation

All nominees shall attend one of two mandatory nominee orientation sessions held between the conclusion of the nomination period and commencement of the campaign period. The CRO may exempt individuals from attendance under extenuating circumstances, but only if the individual requesting an exemption does so prior to the close of nominations or informs the appropriate electoral official of an emergency for which no notice could be given. Failure to attend a nominee orientation session or make alternate arrangements to receive an orientation shall result in disqualification.

The following information shall be presented at nominee orientation sessions:

- A review of the election regulations and campaigning rules.
- Announcement of the times, locations, and method of polling.
- An overview of the discipline, disqualification and appeals process.
- An opportunity for questions and answers related to campaigning.

5. CONDUCT OF ELECTION PARTICIPANTS AND STUDENTS' UNION OFFICIALS

Each individual candidate is required to act reasonably, responsibly and in good faith; and shall be required to:

- Ensure that they, and any of their campaign volunteers, are aware of, and comply with, all rules, policies and bylaws of the Students' Union;
- Be responsible to the Electoral Committee for his/her actions as well as the actions of his/her campaign volunteers;
- Report any breaches of the electoral rules, policies or bylaws; and,
- Comply with the rules, policies and procedures of the University.

Members of the Board shall not participate in campaigning as part of their official duties and, while engaged in work for the Students' Union, shall not provide resources or counsel to candidates. Clubs, campus groups and internal organizations are prohibited from endorsing or providing resources to candidates.

Election Participants and Students' Union Officials shall refer to Section 7 regarding minor and major offences and possible discipline.

6. CAMPAIGNING

Campaigning shall begin no earlier than 9:00am on the day scheduled for the opening of the campaign period and shall end no later than the start of polling on the first day of voting.

6.1 Candidate Platform Publication

The Students' Union shall produce a document featuring platforms from each candidate and information about voting. The candidate publication shall be published on the Students' Union's website, a link to which shall be emailed to all members no later than 48 hours prior to the opening of polling. The following regulations shall apply to the production of the Candidate Platform Publication:

- The CRO shall establish a deadline for submission of platforms for inclusion in the Candidate Platform Publication. Platforms shall be submitted to the CRO or her designate directly by the candidate. Platforms not submitted directly or submitted following the deadline shall not be published.
- Each platform is limited to 200 words. Platforms longer than 200 words shall be shortened to 200 by deleting words from the end of the platform.
- Following the platform submission deadline, a candidate may not alter a submitted platform.
- The CRO will ensure that all candidates are treated equally and fairly in the layout of the

Election Bulletin.

6.2 Candidate Instigated Campaign Materials

To each candidate, the Students' Union shall provide colour printing to make posters and handbills to a maximum of 100 sheets of paper. Materials containing factual inaccuracies, defamatory statements or those considered to be in contravention of federal or provincial statute shall not be permitted.

- When engaging in campaigning, candidates may not:
- Distribute or erect campaign materials in the Students' Union Building or at Students' Union events.
- Deface, remove, vandalize or otherwise alter campaign materials of another candidate.
- Post or distribute materials in contravention of the University's policies. Distribute print materials outside of University property or advertise in off-campus media.
- Use copyrighted materials, slogans, logos or characters in any campaign materials.
- Campaign in unison with other candidates for other positions as part of a slate.
- Campaign in a classroom during a class period without the prior approval of the course instructor.
- Post campaign materials on walls or windows in any building on campus, aside from unfinished concrete walls.
- Post campaign materials outside.

6.3 Online Campaigning

Candidates are responsible for the content of their online campaign, including posts by others. All efforts must be made to ensure that the candidates' online presence fully adheres to the Electoral Policy.

When engaging in online campaigning, candidates who wish to campaign to online classrooms or educational spaces may only do so with the prior approval of their course instructor.

6.4 Financing

Material and printing costs shall be the responsibility of each individual candidate. No candidate may spend more than \$50 on their campaign and no candidate shall receive any campaign donations from other persons or organizations, including donations in-kind. These costs are exclusive of any materials provided per policy section 6.2 by VIUSU.

7. BALLOTING AND RESULTS

Polling will take place in person or online, as determined by the Electoral Committee prior to the notice of election. Changes to the method of polling may be revised where deemed necessary due to extenuating circumstances.

Ballot names will be presented by last name, first name and ordered randomly. Yes / No ballots will be presented with yes listed first on the ballot and no listed second.

7.1 In-Person Polling

Only members of the Committee, hired balloting clerks, or Office and Administrative staff members approved by the Electoral Committee shall staff balloting stations. Nanaimo campus balloting stations shall have two balloting clerks.

Proper ballot boxes shall be used. Prior to the opening of the polling, ballot boxes shall be sealed by the CRO or DRO and witnessed by a Poll Clerk. Ballot boxes shall be sealed throughout the polling process and the Electoral Committee shall be responsible for ensuring the security of the ballot boxes. The CRO or DRO will store ballot boxes in a locked office of the Students' Union Building when not in the custody of poll clerks.

For a general election, balloting shall occur for not less than three days on the Nanaimo campus and not less than one day on each regional campus. The Committee shall establish balloting times and locations as follows:

- Not less than 6 hours per day on the Nanaimo campus occurring between 9am and 6pm; and,
- Not less than 3 hours per day on regional campuses occurring between 9.30am and 3.30pm.

Except when casting a ballot, candidates must remain out of the voting area during polling. Candidates may encourage members to vote, but must not advertise their candidacy, the candidacy of others, nor walk members to the polling station.

7.2 Online Polling

If online voting is utilized, the Students' Union will use an industry standard software that is secure, maintains confidentiality of electors and can provide reporting to prove validity of election results. For a general election with online polling, balloting shall occur for not less than 60 hours over three days.

Only the CRO, or its designate will have access to the election software for the purposes of administering the election.

7.3 Counting of Ballots

In person ballots

Ballots shall be counted by members of the Committee, poll clerks and Students' Union staff under the direction of the CRO or DRO at a scheduled time following the closing of the voting period. For each position, the ballots shall be counted twice to ensure the accuracy of the result. Where the first and second counts do not match, the ballots will be counted a third time by the CRO or DRO. A third count will only occur if the difference in counts is greater than 5% of the overall ballots cast for the position, or if the difference in counts is great enough to alter the results of the vote.

Each candidate, or their designated scrutineer, may ballot count, unless prohibited due to campaign infractions. During ballot counting, candidates and scrutineers are not permitted to speak to ballot counters or to interfere in any way with the process. Questions regarding the ballot counting can be addressed to the CRO. Any candidate or scrutineer found in violation of these rules shall be removed from the counting room.

To appoint a scrutineer as per bylaw VII, 6. f., a candidate must provide written notice by email to the CRO prior to the conclusion of the campaign period.

Candidates may request a recount of the ballots cast as per bylaw VII, 7. a. Such recounts shall be undertaken where the request is in writing from a candidate for the position in question and the difference between the candidates for the position in question is less than ten percent (10%) of the total votes cast. Notwithstanding the above, the Committee shall have the right to recount ballots for any position as deemed necessary or advisable provided that the recount occurs within seventy-two (72) hours of the announcement of the results.

Online ballots

Each candidate, or their designated scrutineer, may review the automatically tabulated election results. Questions regarding the ballot counting can be addressed to the CRO. As online ballots are automatically counted, a recount is not possible.

To appoint a scrutineer as per bylaw VII, 6. f., a candidate must provide written notice by email to the CRO prior to the conclusion of the campaign period.

7.4 Announcement and Ratification of the Results

Following the counting of ballots, the unofficial results shall be communicated to the candidates participating in the election. Once all outstanding appeals and complaints have been dealt with and results adjusted accordingly, the Electoral Report will be communicated to the Board for ratification of the unofficial results.

The CRO shall produce an Electoral Report as per bylaw VII, 1. g. and the report shall contain:

- The list of positions being elected and the schedule of election;
- The official results, including numerical totals;
- A list of candidate breaches of the bylaws or policy recorded during the election period; and,
- Any recommendations from the Committee regarding improvements or alterations to electoral policy.

The Electoral Report shall be signed by the CRO and DRO on behalf of the Committee.

The Electoral Report shall be submitted to the Board of Directors not less than one week following the conclusion of the balloting period, or not less than one week prior to the beginning of the term for which candidates sought election, whichever comes first.

Official results shall be published on the Students' Union's website and provided via email to members. Additional notification of results may be provided at the Committee's discretion. Published results shall indicate those elected and shall not contain the numerical result. The numerical result shall not be published unless directed by a resolution of not less than two-thirds of voting members of the Board of Directors, or a simple resolution at a quorate general meeting.

7.5 Destruction of the Ballots

Ballots and associated voters lists shall be destroyed within one (1) week of the Board of Directors' receipt of the Election Report and their ratification of the results.

7. DISCIPLINE AND DISQUALIFICATION

7.1 Administration

Contravening any section of this policy or associated bylaws may result in Disciplinary Action. The CRO shall administer the discipline and disqualification process on behalf of the Committee except as may be otherwise noted in this policy or in Bylaw VII.

7.2 Complaints

Complaints may be made by nominees, candidates, or members, and may relate to the conduct of election participants or the implementation of the electoral process. Complaints that relate to decisions of the CRO shall be considered appeals and dealt with under section 7.5 of this Policy.

The following regulations shall apply to the consideration of complaints:

- All complaints must be in writing by email to the CRO and contain the name and student number of the complainant; a full description of the cause for complaint with appropriate references to the associated policy or bylaw; the specific individual responsible for the breach, where appropriate; and supporting facts and evidence.
- Incomplete complaints will not be considered.
- Complaints will be ruled on within two working days following the day of receipt.
- When a complaint relates to the actions of a third party, that party shall have the right to address the matter before a ruling is made on the validity of the complaint, extending the timeline for response to four working days following the day of receipt of the initial complaint
- Complaints may be filed up to two full working days following the closing of the balloting period. Complaints filed following this period shall not be considered.

7.3 Minor Offenses

Minor offenses shall be those breaches of electoral policy, bylaws or regulations not listed under section 7.3 of this policy.

Minor Offenses of Similar Nature

- In the case that a candidate commits a minor offense, said candidate shall be issued a written warning outlining the offense and the steps necessary, if any, to correct the situation.
- Should a candidate commit a second offense of similar nature to their first offense, said candidate shall be issued a final warning and disciplinary action as per 7.4. Should a candidate commit a third offense of similar nature to their first and second offense, said candidate shall be disqualified by the CRO.

Diverse Minor Offenses

- In the case that a candidate commits a second offense, but the second offense is of a different nature than the first, said candidate shall be issued a second letter of warning outlining the offense and steps necessary, if any, to correct the situation.
- In the case that a candidate commits a third offense that is different in nature to the first two offenses, the candidate shall be issued a third and final warning outlining the offense and the

steps necessary, if any, to correct the situation; and receive disciplinary action as per 7.4

- Upon a fourth offense of any kind, the candidate shall be disqualified.

7.4 Major Offenses

Major offenses will result in disqualification of a candidate. Major offenses include:

- Engaging in harassment of any kind against members, other candidates, members of the Board or University officials;
- Campaigning prior to, or after the campaign period;
- Removal or vandalism of another candidate's campaign materials;
- Campaigning via campus publications or other media, other than personal interviews;
- Campaigning door-to-door anywhere or campaigning off university property;
- Campaigning in or around residence buildings;
- Delegating the collection of nominations to a person or process other than yourself;
- Continued loitering in the voting area;
- Interfering in the electoral process;
- Submitting a fraudulent nomination form, as determined by the CRO;
- Making, joining, or participating in campaigning that defames other candidates, members of the Committee, or officials of the Students' Union and/or University; and,
- Campaigning or running in the election as a part of a slate, whether publicly declared or through implication.
- Any violation of the election policy, bylaws or regulations that is malicious and seeks to undermine the electoral process.

7.5 Disciplinary Action

The following shall apply to the application of disciplinary action:

- If disciplinary action involves campaign material, the candidate will be directed to remove the offending material.
- Materials allocation reduced by 50% and/or permission to campaign online suspended for 48 hours;
- All decisions regarding disciplinary action shall be communicated to the candidate in writing. Candidates may view a copy of a complaint filed against them.
- Candidates or members of the Committee may request a meeting to discuss the application of discipline prior to or following communication of a formal decision in writing.
- If the discipline applied is disqualification, the candidate being disqualified will be notified in writing and offered a formal meeting to discuss the reasons for disqualification.

7.6 Appeal

Appeals of disciplinary action or decisions of the CRO may be made to the Committee provided that they are delivered by email within two full working days of the issuance of the decision or disciplinary action. The decision of the Committee shall be communicated to the appellant no more than four working days following the receipt of the appeal. Consideration will be given for the time sensitivity of disciplinary action and the impact due to electoral timelines.

As per bylaw VII, decisions of the Committee may be appealed to a quorate general meeting.

END OF DOCUMENT