

**DURHAM COLLEGE STUDENTS INC.  
ELECTIONS AND REFERENDA POLICY**

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**Durham College Students Inc.  
(hereinafter the “Corporation”)  
ELECTIONS AND REFERENDA POLICY**

Effective Date: <b>January 30, 2018</b>	Last Review Date: <b>January 30, 2018</b>
Approved by: <b>Board of Directors</b>	Authority Responsible: <b>Elections Committee</b>

**ARTICLE I: POLICY STATEMENT**

1.1 The Corporation may, in the course of its operations, run elections to elect from its membership, Executive Officer and Directors, as defined in the By-Laws.

**ARTICLE II: PURPOSE**

2.1 The purpose of this Policy is to outline the rules and regulations for all electoral processes for the Director and Executive Officer position of the Corporation, as well as the referenda of the Corporation. This Policy also addresses the authority of the CRO in facilitating any electoral process.

**ARTICLE III: PROCESSES GOVERNED BY THIS POLICY**

3.1 This Policy shall govern the administration of the following electoral processes:

3.1.1 General Elections. The general elections of the Corporation are held in February of each year to elect the Executive Officers and the Directors of the Corporation.

3.1.3 By-Elections. The by-elections of the Corporation may be held in October of each year to elect positions left vacant by the February Elections.

3.1.3 Referenda. Referenda of the Corporation are votes on ballot questions in which a direct vote of the entire membership of the Corporation is asked to accept or reject a proposal. The results of referenda, the option selected by a simple majority of members casting ballots, are binding upon the Corporation and must be acted upon in a timely fashion.

## **ARTICLE IV: COMPLIANCE & AMENDMENTS**

4.1 Governing Statute. The *Canada Not-for-profit Corporations Act, 2009* (hereinafter the “Act”) shall be the governing law for this Policy.

4.2 Conflict of laws. To the extent there is a conflict between this Policy and the By-Laws, the By-Laws shall govern. Furthermore, to the extent there is a conflict between this Policy, the By-Laws and the Act, the Act shall govern.

4.3 Compliance with the By-laws. The elections shall be conducted in accordance with the By-Laws, policies, and resolutions of the Corporation.

4.4 Amendments to this Policy. This Policy cannot be amended within one month of an election or a referendum.

## **ARTICLE V: DEFINITIONS**

5.1 Any capitalized terms that are not defined herein shall have the same meaning as those defined in the By-Laws. The following definitions shall apply to this Policy:

“All-Candidates Meeting” means the meeting between the CRO and the candidates desirous to run in the elections, as defined in subsection 8.1.1.

“Board” means the Corporation’s Board of Directors, as defined in the By-Laws;

“By-Laws” means the Corporation’s By-Law No. 1 effective July 13, 2017 and any subsequent amendments.

“Campaign Period” means the period of time during which the candidates can campaign on the campuses of the College, as described in subsection 8.2.

“Candidate” means a Member that submits a nomination form and is accepted as a candidate by the CRO.

“Chair” mean the Chairperson of the Elections Committee;

“Chairperson” means the Chairperson of the Corporation, as defined in the By-Laws;

“College” means the Durham College of Applied Arts and Technology;

“CRO” means the Chief Returning Officer, as described in By-Laws.

“DRO” means the Deputy Returning Officer, as described at subsection 7.3.

“Director” means an elected director of the Corporation as outlined in the By-Laws.

“Elections” means any general election, by-election or special election.

“Elections Office” means the office made up of the Chief Returning Officer, as defined in By-Laws, as well as the administrative agent, poll clerks, or other employees.

“Executive” or executive member, means elected executive officers of the Corporation as outlined in By-Laws.

“February Elections” means the election in the month of February of each year to elect the Executive Officers and the Directors of the Corporation.

“Interim Period” means the initial year of the Corporation’s existence, constituting the period between September 1, 2017 to March 30, 2018.

“Member” means a Member, as described in By-Laws.

“Nomination” means the solicitation of support for a Members candidacy in the Corporation’s elections.

“Nomination Period” means the periods defined in subsections 8.1.2 and 8.4.2, respectively.

“October Election” means a By-election for any vacant positions left by the February Elections of the same year.

“Referendum” means a direct vote proposed to the entire membership of the Corporation in which it is asked to accept or reject a proposal, in compliance with the Durham College Compulsory Ancillary Fee Protocol dated August 2018.

“Start Date” means May 1 of each year.

“Voting Days” means the period of time during which voting takes place, as described in subsection 8.3.

5.2 Computation of Time. The time limits and other specified time that would otherwise land on a holiday or other day which the offices of the Corporation would be closed is extended to the time specified on the next business day which the offices of Corporation would be opened. For greater clarity, a reference to a number of days between two events excludes the day on which the first event happened, and includes the day on which the second event happened.

5.3 Amendments in the Course of Accommodations for Disabilities. Notwithstanding any relevant provisions in the By-Laws or accessibility related Policies, the CRO may at their discretion amend this Policy, as required from time to time, to accommodate the needs of electors and candidates with disabilities, as long as those adaptations are consistent with the principles and intent of this Policy and the By-Laws.

## **ARTICLE VI: ELECTIONS COMMITTEE**

6.1 Composition. The Elections Committee shall be comprised of:

6.1.1 One (1) Executive Officer, elected by the Board;

6.1.2 Two (2) Directors, elected by the Board;

6.1.3 The CRO (non-voting);

6.1.5 Two (2) Members-at-large, appointed by the Board OR Elections Committee in order to ensure balanced perspectives and expertise on the Elections Committee;

6.2 Responsibilities. The Election Committee, and its members, shall:

6.2.1 Act autonomously from any external or internal influences;

6.2.2 Oversee the planning, development and execution of the Corporation's elections in accordance with the provisions of this Policy;

6.2.3 Develop, maintain and make public a clear set of criteria and considerations to be used by the Elections Committee when making decisions relating to elections;

6.2.4 Make recommendations to the CRO on all matters, including By-Law amendments;

6.2.5 Act impartially during the election process. Failure to act impartially will result in removal and/or censure from the committee;

6.2.6 Not be eligible to run as a Candidate, or demonstrate support for a Candidate;

6.2.7 Be responsible for maintaining the committee's perception of impartiality, by refraining from publicly supporting or otherwise, any Candidate in the given election;

6.2.8 Familiarize themselves with the By-Laws, Election and Referenda Policy, and procedures;

6.2.9 Conduct the election in a fair manner;

6.2.10 Meet regularly during the academic year to plan and discuss the upcoming election;

6.2.11 Supervise, consult, assist, advise and caution the CRO as necessary; and

6.2.12 Make any recommendations for inclusion in the CRO's final report.

### 6.3 Meetings of the Election Committee.

6.3.1 The Election Committee will hold regular meetings during the academic year. The Elections Committee may meet in a private and closed session to address sensitive issues and/or confidential matters, including matters regarding identifiable individuals, disciplinary matters, or consultations with the Corporation's legal counsel; however, all decisions will be made public and recorded in the minutes;

6.3.2 The Elections Committee shall meet as often as the Chair of the Election Committee deems necessary in order to fulfill its obligations to the Board and according to this Policy; and

6.3.3 Quorum for the Election Committee's meetings shall be at least fifty percent (50%) of its voting members.

6.3.4 The Chair of the Election Committee shall be a Director, selected by the Board. In any event, a Director that runs in an election may not be the Chair of the Elections Committee for that year. If the Chair decides to run in any election that year, the Chair must resign as Chair of the Elections Committee.

6.3.5 The Chair of the Elections Committee shall not have a tie-breaking vote, and any tied vote shall be deemed returned in the negative.

## **ARTICLE VII: ELECTIONS OFFICE**

7.1 CRO. The Chief Returning Officer is responsible for managing the Elections Office and facilitating Elections.

7.1.1 The CRO shall have the following responsibilities during the course of their mandate:

7.1.1.1 Oversee any elections that take place in their contract term;

7.1.1.2 Be the principal officer and manager of the Election Office;

7.1.1.3 Hold regular office hours before and during the Election;

7.1.1.4 Review and approve all campaign materials produced by Candidates;

7.1.1.5 Recruit and train any volunteers/staff necessary to conduct the election;

7.1.1.6 Adjudicate any complaints made during the process of an election (with the exception of any complaints regarding the CRO's conduct). In adjudicating such complaints, the CRO shall act fairly, honestly, and dispassionately in seeking the facts of such complaint. In resolving such complaint the CRO must act to promote a just and fair election and take such action to get a just result for the electoral system;

7.1.1.7 Schedule and oversee:

7.1.1.8 The All-Candidates' Meetings;

7.1.1.9 At least one candidate forum for Candidates at each campus; and

7.1.1.10 Any other events not already scheduled by the Election Committee;

7.1.1.8 Act impartially in all matters relating to the administration of the Election;

7.1.1.9 Liaise with the Election Committee on all matters relating to the election process and those matters of concern that are directed to the CRO by resolution of the Election Committee;

7.1.1.10 Ensure that this Policy and all relevant By-Laws related to Elections are enforced;

7.1.1.11 Authorize all Election notices, publicity, and campaign materials regulated by this Policy; and

7.1.1.12 Present a final report of the Elections to the Election Committee and the Board following the election results.

7.1.1.13 When in the opinion of the CRO, by reason of mistake, miscalculation, emergency, unusual, or unforeseen circumstances, a situation arises where there is no provision made under this Policy, and the CRO is satisfied that if adaptations are not made a substantial numbers of voters would not be able to vote, or for those votes to be counted, the Chief Returning Officer with the advice and consent of the Elections Committee, shall give such directions as the Chief Returning Officer considers proper and necessary, for the sole purpose of enabling elections to exercise their right to vote, or for the enabling of counting those votes. Such directions include, but are not limited to changing the dates for the elections, the

timeframe of the elections, the method of voting, or the place where voting is taking place. The Chief Returning Officer shall immediately give notice of such direction to all the candidates, all members of the Board, and post it in such a way that is visible for all electors.

7.1.2 The CRO shall not in any event:

7.1.2.1 Be a current Executive Officer or Director of the Corporation; and

7.1.2.2 Run as a Candidate, or demonstrate support for a Candidate, in any election while under contract with the Corporation. If the CRO wishes to do so, they must immediately resign from the CRO position.

7.2 Hiring and Salary of the CRO and the DRO.

7.2.1 The CRO position shall be:

7.2.1.1 Hired prior to an election being called and begin their employment term at least sixty (60) days prior to the first day of Elections or as otherwise determined by the Elections Committee, from time to time;

7.2.1.2 Hired by a hiring panel composed of the General Manager, and members of the Elections Committee or members appointed by the Elections Committee;

7.2.1.3 Paid a salary of \$42,000 per annum, proportional to the length of their term of office or as otherwise determined by the Board, from time to time; and

7.2.1.4 Have a term length in their employment agreement that is reflective of the needs of the Corporation, at the discretion of the hiring panel in subsection 7.2.1.3 of this Policy.

7.2.2 The DRO position shall be:

7.2.2.1 Hired prior to an election being called and begin their employment term at least forty-five (45) days prior to the first day of elections or otherwise as the Elections Committee may determine, from time to time;

7.2.2.2 Hired by a hiring panel composed of the CRO, General Manager, members of the Elections Committee or members appointed by the Elections Committee;

7.2.2.3 Paid a salary of \$16 per hour, for a maximum of 20 hours a week or as otherwise determined by the CRO and the Elections Committee, from time to time; and



7.2.2.4 Have a term length in their employment agreement that is reflective of the needs of the Corporation, at the discretion of the hiring panel in subsection 7.2.2.2 of this Policy.

7.3 The Deputy Returning Officer shall be hired to assist the CRO with the election process.

7.3.1 The DRO shall have the following responsibilities during the course of their mandate:

7.3.1.1 Fulfill the duties of the CRO whenever they are not available;

7.3.1.2 Perform all other duties as described in the job description;

7.3.1.3 Assist with any ad-hoc projects of the CRO in facilitating the Elections; and

7.3.1.4 Manage the administrative tasks, generally, of the Elections Office.

7.3.2 The restrictions at subsection 7.1.2 of this Policy apply to the DRO.

7.4 The Poll Clerks shall:

7.4.1 Be hired and managed by the CRO;

7.4.2 Oversee a designated polling station during the voting period;

7.4.3 Act impartially in all matters involved in the election process;

7.4.4 Not influence the vote of persons casting their vote at the polling stations;

7.4.5 Not run as a Candidate, or demonstrate support for a Candidate, in the election while under contract with the Corporation. If he/she wishes to do so, he/she must resign immediately;

7.4.6 Not be a current Executive Officer or Director of a Corporation; and

7.4.7 Be paid \$15 dollars an hour, with hours determined by the CRO.

## **ARTICLE VIII: ANNUAL ELECTIONS TIMETABLE**

8.1 February Elections. The elections for the Executive Officers and Directors of the Corporation shall be held during the month of February each year.

8.1.1 Nomination Period. The dates for the Nomination Period in the February Elections shall be as follows:

8.1.1.1 The first day of the Nomination Period for the February Elections shall be on the first day of classes for the College in the month of January; and

8.1.1.2 The closing day of the Nomination Period for the February Elections shall be the first Friday of the month of February.

8.1.1 All-Candidates Meeting. A mandatory All-Candidates' Meeting must take place with the CRO and the Candidates present. The date of the All-Candidates Meeting shall be on the closing day of the Nomination Period and the opening date of the campaign period.

8.1.3 Information Session for Executive Officer Candidates. Within five (5) business days following the closing day of the Nomination Period, each Executive Officer currently in office must hold an information session with all of the candidates seeking that position, individually; and the Chairperson of the Board must hold an information session with all of the candidates seeking a director position, as a group.

8.1.4 Information Session for Director Candidates. Within five (5) business days following the closing day of the February Nomination Period, the CRO shall hold an information session on the Director positions for all the candidates running for election in a Director position to attend.

8.2 Campaign Period. The Elections Committee, under the advisement of the CRO, shall determine the length and days of the Campaign Period for the February and October Elections. In any event, the Campaign Period shall begin after the closing day of the Nomination Period.

8.3 Voting Days. The Elections Committee, under the advisement of the CRO, shall determine the Voting Days of the February and October Elections. In any event, the Corporation shall not have voting days during any reading week, any holiday or weekend.

8.4 October Election. A By-Election may take place in the month of October each year, to ensure the vacant position left by the February Elections of the same year are filled, if required.

8.4.1 Nomination Period. The dates for the Nomination Period in the October Elections shall be as follows:

8.4.1.1 The first day of the Nomination Period for the October Elections shall be on the first day of classes for the College in the month of October; and

8.4.1.2 The closing day of the Nomination Period for the October Elections shall be five (5) days from the first day of the Nomination Period.

8.4.2 All-Candidates Meeting. A mandatory All-Candidates' Meeting must take place with the CRO and the Candidates present. The date of the All-Candidates Meeting shall be on the closing day of the Nomination Period and the opening date of the campaign period.

8.4.3 Information Session for Executive Officer Candidates. Within five (5) business days following the closing day of the February Nomination Period, each Executive Officer currently in office must hold an information session with all of the candidates seeking that position; and the Chairperson of the Board must hold an information session with all of the candidates seeking a director position.

8.4.4 Information Session for Director Candidates. Within five (5) business days following the closing day of the October Nomination Period, the CRO shall hold an information session on the Director positions for all the candidates running for election in a Director position to attend.

8.5 Vacancies Filled by Appointment. If a vacancy occurs in any of the Director or Executive Officer positions, or if such office is not filled in the general election, the Board shall:

8.5.1 fill the vacancy by appointing a Member who has consented to the accept the office and the resulting appointment; or

8.5.2 hold a By-Election to fill the vacancy in accordance with 8.6.

8.6 Vacancies Filled by by-elections.

8.6.1 No by-election shall be held after October 31<sup>st</sup> of each year.

8.6.2 When a by-election is held in accordance with this section, the by-election shall be held as much as possible in the same way as the general election.

8.6.3 The Elections Committee presiding over any given by-elections shall set the timeline for the said by-elections, but, in any event, the said by-elections shall be concluded within sixty (60) days of being called by the Board.

8.6.4 No by-election shall be held between April 15<sup>th</sup> and September 15<sup>th</sup> of each year.

8.7 Procedure for Filling Vacancies by Appointment. If the vacancy is filled by appointment, the appointment shall be made as follows:

8.7.1 Candidates shall apply by submitting a cover letter and a resume addressed to the Chairperson of the Board;

8.7.2 The Board shall meet to fill the vacancy, at a time determined in accordance with the By-Laws, and each candidate shall be given the opportunity to address the Board for up to three (3) minutes, and then answer any questions from the Board.

8.7.3 The Board shall then proceed to a vote by secret ballot. Balloting shall continue:

8.7.3.1 For vacant Executive Officers positions, until one candidate receives a two-thirds majority of the total votes cast. The candidate with the lowest number of votes shall be removed after each ballot which does not produce a winner until there are two candidates left on the ballot. If there are two candidates left, and no candidate receives the required two-thirds majority after three successive ballots, then a simple majority of fifty percent (50%) plus one (1) shall be used to determine the winner.

8.7.3.2 For Directors, until one candidate receives a majority of the total votes cast. The candidate with the lowest number of votes shall be removed after each ballot until there are only two candidates left on the ballot. If after three successive tied ballots with only two candidates left, the winner shall be decided by drawing lots from amongst the remaining candidates.

## **ARTICLE IX: ELECTIONS PROCEDURES AND GUIDELINES**

### 9.1 Voting.

9.1.1 Voting Rights. The voting rights accorded to each Member shall be those described in the Articles of Incorporation.

#### 9.1.2 Method of Voting.

9.1.2.1 The method of voting shall be voting by secret ballot.

9.1.2.2 The elections are conducted according to a First Past the Post system. Therefore, a voter may select only one candidate for each position available. A voter may only vote once in each race for which the voter is eligible.

9.1.2.3 Voting must be conducted in person, at a polling station, during polling hours, as determined by the CRO.

9.1.2.4 In the event that there is only one candidate in the case of Executive positions, or there is, within a given Member Class, one Director, there shall be a ratification vote with a Yes/No ballot.

9.1.2.5 Notwithstanding any of the provisions under this subsection 9.1.2, the Elections Committee may decide, from time to time, to adopt an electronic polling system instead of or addition to the provisions in subsection 9.1.2.3.

9.1.3 Location. The location of the elections shall be on the campuses of the College. In any event, there shall be election polling stations at:

9.1.3.1 The North Oshawa Campus

9.1.3.2 The Whitby Campus

9.1.3.3 The Pickering Campus

9.2 Notice of Elections. The general elections of the Corporation must have the following notice periods:

9.2.1 The February Election must be held no later than the last business day in the month of February.

9.2.2 For the February Election, establish a minimum of ten (10) working days for the filling of nominations; nominations will close at least ten (10) working days before the first voting day of the elections.

9.2.3 Polling days, campaign days or voting days will not be held during any reading week, any holiday or weekend.

9.2.4 A notice must be sent by email to all Members of the Corporation at least once, seven (7) calendar days before the opening of the nominations period and at least once more before the last day of nominations.

9.3 Nominations. Nomination forms must be made available by the Elections Office at the beginning of the nomination period. In addition:

9.3.1 Nomination forms must conform to the deadlines as prescribed.

9.3.2 Nomination forms must be signed by candidates indicating acceptance of the nomination and attesting to adherence to all eligibility criteria for the position being sought.

9.3.3 Nomination forms for the position of Directors must be signed by at least twenty-five (25) Members of the Corporation enrolled in the Member Class in which the candidate is seeking election.

9.3.4 Nomination forms for the Executive Officer positions must be signed by at least forty (40) Members of the Corporation.

9.3.5 Nomination forms shall be submitted to the Elections Office before the closing of the Nomination Period.

9.4 Campaign Period. In accordance with subsection 8.2, the dates for the Campaign Period shall be determined by the CRO.

9.5 Eligibility. Following the deadlines for nominations, the Elections Office must verify that each candidate meets the eligibility requirements for the position being sought in accordance with the relevant subsections in the By- Laws. In addition, the following eligibility requirements apply:

9.5.1 No Member may be a candidate for more than one (1) Director position in the same elections.

9.5.2 No Member may be a candidate for more than one (1) Executive Officer position in the same elections.

9.5.3 A Member deemed ineligible by the Elections Office may appeal the decision to the Elections Committee within two (2) business days of being deemed ineligible as a candidate.

9.6 Affiliations. Candidates may have affiliations between Members. The rules around affiliations are as follows:

9.6.1 Candidates must appear on the ballot individually followed by the name of their affiliation in parentheses when applicable.

9.6.2 Endorsement Candidates must declare any affiliation with other candidates prior to the start of the campaign by submitting a list of names and signatures of any candidates they are affiliating with to the CRO.

9.6.3 Resources. All campaign expenses must be filed individually by all candidates. Financial resources may not be shared by candidates.

9.6.4 No Slates. Candidates may have an affiliation but shall not run on a slate with shared platforms.

9.7 Debates. The Corporation shall make every effort to hold at least one debate on the North Oshawa Campus during the Campaign Period.

9.8 Tied Elections. In case of a tie between any of the candidates, the tied candidates shall draw lots to determine the winner of the tied elections.

9.9 Recount. The rules regarding a recount of the votes cast in any given election shall be:

9.9.1 Any candidate may request a recount by notifying the CRO no later than two (2) business days after the day of the vote count. In this case, the CRO must notify all other candidates for the disputed position of the request for a recount before the recount takes place.

9.9.2 In any race for an Executive Officer position, a recount must take place if ten (10) votes or less separate the leading candidate from the candidate with the next greatest number of votes. Such recount shall take place within three (3) days of the initial count.

9.9.3 In any race for Director positions, a recount must take place if ten (10) votes or less separate the leading candidate from the candidate with the next greatest number of votes. Such recount shall take place within three (3) days of the initial count.

## **ARTICLE X - CAMPAIGNS & EXPENDITURES**

10.1 General Principles and Practices.

10.1.1 All forms of campaign advertising, the distribution and/or posting of any materials designed and/or likely to influence voters, speeches and public forums shall not take place prior to the Campaign Period.

10.1.2 Current members of the Board, staff, volunteers, and committee members of the Corporation who run for an elected position shall disassociate themselves from their current responsibilities, and they must refrain from campaigning in any spaces associated with the Corporation prior to the Campaign Period.

10.1.2.1 For 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 Corporation. These essential tasks may include, but are not limited to: signing cheques, agreements, and other essential documents; meeting with the general manager and other staff on important and essential matters; and anything else incidental to the continued operations of the Corporation).

10.1.3 Those paid by the Corporation will be on a paid leave beginning on the first day of the Campaign Period and ending on the last day of voting, in accordance with subsection 8.3, provided that they run an active election campaign. It will be up to the discretion of the employee's immediate Manager with advisement from the CRO as to whether the nominee ran an active campaign or not.

10.1.4 Current Executive Officers running for a position in the Corporation elections will be asked to turn in their keys and other job related and/or Corporation issued materiel,

including but not limited to computers and other electronic computing devices, mobile phones, passwords for email accounts and websites, parking passes, business cards, and credits cards for the duration of the election.

10.1.5 Candidates are not entitled to use in their campaign any service or resource conferred on them by virtue of holding any position in a campus organization, unless such services or resources would still be available to them otherwise. This includes, but is not limited to, the use of office supplies, equipment, advertising space and staff.

10.1.6 It is the responsibility of all Candidates to ensure that their campaign, tactics, and material and/or advertisements conform to all Corporation policies and procedures.

10.1.7 Candidates are expected to abide by all municipal, provincial, and federal laws.

10.1.8 Candidates should be aware of public and private by-laws and rules. Any complaints received regarding off-campus promotion may result in penalties at the discretion or disqualification of the CRO.

10.1.9 Candidates shall campaign with proper consideration for fairness, ethics, respect, and a sense of fellowship with other Candidates.

10.1.10 It is the responsibility of each Candidate to understand all information provided at the All-Candidates' Meeting.

10.1.11 Harassment. Harassment amongst Candidates shall not be permitted in any circumstances.

10.1.11.1 if it is proven to the Elections Committee that a Candidate has harassed another Candidate, that Candidate's accused of harassment shall be disqualified.

10.1.11.2 the Elections Committee shall abide by the Corporation's Violence and Sexual Harassment Policy when making a determination regarding any harassment complaint described at subsection 10.1.11.1.

## 10.2 Platforms.

10.2.1 Candidates must adhere to all municipal, provincial and federal laws, and must not infringe upon the individual rights and freedoms of other candidates as guaranteed under the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights*, and the *Ontario Human Rights Code* in their platforms.

## 10.3 Campaigning.

10.3.1 The CRO shall, at their discretion, be responsible for determining whether any specific action or medium is deemed to be campaigning.

10.3.2 The CRO, in collaboration with the Corporation, shall arrange for the creation of an election page on the Corporation's main website where each Candidate will be listed.



10.3.3 On Voting Days, Candidates are not allowed within five (5) metres of a designated polling station that the candidate knows about, or ought reasonably to have known about, except to vote, or when legitimately passing through the area en route to another destination. The designation of polling stations is at the discretion of the CRO and the Election Committee.

10.3.4 No Candidate, Campaign Team, or Non-Arm's-Length Party may use a personal computer or other personal electronic device as a voting station when electronic ballots are used.

10.3.5 Campaigning may take place on Riot Radio, under the following stipulations:

10.3.5.1 Each candidate will be given equal opportunity and access to campaigning on Riot Radio in an appropriate manner as determined by Riot Radio. These rules will be announced each year at the All-Candidates' Meeting.

10.3.7 No campaigning shall take place in the following areas:

10.3.7.1 anywhere in the Student Centre, and on Corporation Bulletin Boards; and

10.3.7.4 other areas as defined in the Election Nomination and Candidate Packages, or as defined by the CRO and/or the Election Committee.

10.3.8 A Candidate using a website or online network as a campaign tool is responsible for the moderation of all materials so that they are in accordance with the rules of fair play. Violations of campaigning rules on websites and/or online networks by candidates and/or non-arm's-length parties are also subject to the penalties detailed in Article 12.

10.3.9 The following people shall not be permitted to campaign for, or make any public statements regarding, the candidate(s):

10.3.10.1 Any Full-Time Staff member of the Corporation;

10.3.10.2 An Election Committee member;

10.3.10.3 Any Executive Officer or Director not running for election.

10.3.11 The decisions made by the CRO regarding campaigning may be appealed to the Election Committee by contacting its Chair.

#### 10.4 Materials.

10.4.1 All campaign materials and/or advertisements require approval by the CRO in advance of distribution. All printed materials must be printed in full quantities and then submitted to the CRO and shall only be stamped with the Corporation

logo upon approval. It is recommended that candidates submit one hard copy or a digital proof of their material for approval prior to printing full quantities in the case of non-approval.

10.4.2 The CRO shall determine deadlines for approval of campaign materials.

10.4.3 Candidates are limited to 500 handbills. Handbills must not be bigger than 4x6 inches.

10.4.4 Candidates are encouraged to use recyclable materials wherever possible.

10.4.5 Candidates are permitted to use laminated materials.

10.4.6 Posters up to a size of 11x17 inches are permitted; however, candidates are encouraged to find alternative methods of campaigning.

10.4.7 All printed materials should contain the sentence, "Please Recycle after the Election".

10.4.8 No posters shall be distributed or posted off campus unless otherwise approved by the CRO.

10.4.9 Any posters must be more than 4 inches apart. No Candidate's campaign materials can overlap those of another Candidate.

10.4.10 Posters can only be affixed to surfaces by using wall putty such as fun tack, sticky tack or otherwise as may be determined by the CRO in consultation with the College.

10.4.11 Candidates may have the following poster quantities and are encouraged to display them on the College campus:

10.4.11.1 Candidates for President may have up to 150 posters;

10.4.11.2 Candidates for VP Internal Affairs and VP External Affairs may have up to 150 posters;

10.4.11.3 Candidates for the Board may have up to fifty (50) posters;

10.4.11.4 Extra posters can be used to replenish those that have fallen, as long as it can be shown that a Candidate's poster was previously present. These will require stamped approval.

10.4.12 All materials may only contain information that is relevant to the election, as determined by the CRO.

10.4.13 All text in other languages on campaign materials must have an accurate English translation.

10.4.14 No Campaign materials shall be placed within five (5) metres of or clearly visible to an assigned polling station during voting days. The designation of Campaign material visibility is at the discretion of the CRO. Any extant materials that have been posted prior to the opening of a Polling Station will be removed by order of the CRO, and no penalties will be imposed.

10.4.16 Campaign materials shall not be removed from any location, except by order of the CRO, or by the action of a Candidate (or someone authorized by a Candidate) to remove his/her own materials.

10.4.17 All materials must be removed within twenty-four (24) hours of the close of the voting period.

10.4.18 Social Media Platforms.

10.4.18.1 The candidates may campaign on social media platforms as determined by the CRO. The CRO has the right to remove, or ask to remove, all posts on social media by the candidates. The accounts for the candidates on social media shall be separate accounts made for that purpose of the Elections and shall not be their personal account. The accounts made for purposes of the Elections shall be deleted after the election or at the demand of the CRO.

10.4.18.2 The CRO shall, as their discretion, choose a form of social media to promote the elections of the Corporation and the CRO may choose to invite the candidates to campaign on the said social media platform.

10.4.18.3 The CRO shall regulate the social media platform contemplated at section 10.4.18.2.

10.5 Expenditures.

10.5.1 To receive reimbursement for campaign expenses, Candidates must submit a campaign expense form to the CRO, with original receipts attached, within three (3) business days after the last voting day. The CRO may, at their discretion, decide not to reimburse a candidate if the campaign expense form is received after the deadline. Specific dates will be given at the All-Candidates Meeting.

10.5.2 All Candidates, regardless of the election outcome, must keep all original receipts. Candidates will be reimbursed up to a maximum of their allocated expenditure amounts.

10.5.3 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. Any work, service, or product provided free of charge by a non-Campaign Team member is considered a donation. Donated materials, including work, services, or products 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.

10.5.4 Candidates running for President may only spend and be reimbursed for up to a maximum of \$350.

10.5.5 Candidates running for the Vice-President Internal and Vice-President External positions may only spend and be reimbursed for up to a maximum of \$350.

10.5.6 Candidates running for a Director position may only spend and be reimbursed for up to a maximum of \$150.

10.5.8 The CRO may at any time request from any of the Candidate's original receipts for the expenditures prior to the close of voting.

10.5.9 Alcoholic beverages will not be considered a legitimate campaign expense.

10.5.10 Notwithstanding the foregoing, the CRO may enter into an agreement with a direct billing service provider for the use of the candidate at a discount. If such an agreement is entered into, all candidates shall use the provider so listed.

## **ARTICLE XI - VOTING PROCEDURES & BALLOT COUNTING**

11.1 The Corporation's elections are conducted according to a First Past the Post system. Therefore, a voter may select only one candidate for each position available. A voter may only vote once in each race for which the voter is eligible.

11.2 All votes shall be cast as secret ballots at designated polling stations.

11.2.1 A double envelope system, or similar system, will be utilized in the voting system in cases where a member is not immediately found on the voters list.

11.3 Eligible voters have the right to vote for their representatives, as set out in the Corporation's By-Laws. Every Member of the Corporation shall be entitled to:

11.3.1 Cast one (1) vote for the President;

11.3.2 Cast one (1) vote for the Vice-President of Internal Affairs;

11.3.3 Cast one (1) vote for the Vice-President of External Affairs;

11.3.4 Cast vote for one (1) Director Candidate according to their Membership class in accordance with the Corporation's By-laws.

Those with special needs will be instructed to contact the CRO who will ensure the appropriate voting accommodations are made.

11.4 Ballot Format:

11.4.1 Ballots will be ordered by position, in order of precedence (i.e. President, Vice Presidents, Director), and under each position the name of each Candidate will be in alphabetical order by last name, or in the case of identical surnames, by their forenames followed by team names. If the names of two or more Candidates for an office are identical or, in the CRO's opinion, so similar as to cause possible confusion, every Candidate's program and year shall appear beside his/her name.

11.4.2 Only the legal names of Candidates, those listed in student records or reasonable derivations thereof shall appear on the ballot, as approved by the CRO.

11.5. The following voting procedures shall be followed:

11.5.1 Numbered ballots shall be distributed to all Members voting by secret ballot in such a manner so that no ballot number is associated with any particular Member;

11.5.2 After completing the ballot, Members shall deposit the ballots into a receptor which ensures the vote remains confidential;

11.5.3 The ballots deposited in the receptor shall be tallied; and

11.5.4 The ballot number for each ballot tallied will be reconciled with the ballot numbers distributed to ensure no duplication of ballots.

11.5 Election Results:

11.6.1 A Candidate will be deemed the winner of the position if they have received the highest number of votes for that position from Members that voted at the elections, and with the condition that there is no outstanding appeal involving the Candidate.

11.6.2 In the event of a tie, a winner will be decided through the method described at section 9.8.1.

11.6.4 Candidates may request a recount of ballots within forty-eight hours (48) of the of the results being announced in the event of a twenty-five (25) vote difference between the winner and the runner up. A one-time recount will occur. Requests must be received in writing.

11.6.5 Directors-Elect and Executive Officers-Elect are required to provide a Police Criminal Record/Background Check prior to taking office.

11.6 Effect of disqualification or withdrawal of Candidates on the ballot question:

11.7.1 In the event that a candidate withdraws or is disqualified prior to the production of the ballots, the ballots will be amended to reflect the change.

11.7.2 In the event that an Executive Officer candidate withdraws or is disqualified:

11.7.2.1 Prior to the production of the ballots, and the withdrawal or disqualification results in a sole remaining candidate for the same position, the sole remaining

Candidate is required to stand for a Yes/No ratification vote for which purpose the ballots will be so amended;

11.7.2.2 After production of the ballot and/or the Voting Days have commenced, and more than one candidate for the same position remains, notice of said disqualification will be posted at all polling stations and any votes cast for the disqualified candidate shall be counted as rejected ballots.

11.7.3 In the event that a Director Candidate withdraws or is disqualified:

11.7.3.1 Prior to the production of the ballots, and the withdrawal or disqualification results in a sole remaining candidate for the same position, the sole remaining Candidate is required to stand for a Yes/No ratification vote for which purpose the ballots will be so amended; and

11.7.3.2 After production of the ballot and/or the Voting Days have commenced, notice of said disqualification will be posted at all polling stations and any votes cast for the disqualified Candidate will be counted as rejected ballots.

## **ARTICLE XII - DISQUALIFICATIONS AND APPEALS**

12.1 Enforcement. Only the Election Committee and the CRO shall have the authority to enforce the provisions of this Policy. The Election Committee may enforce this Policy when there has been no ruling given by the CRO, or in the case of an appeal of a CRO decision, the Election Committee will render a decision.

12.1.1 For greater certainty, the CRO has the following disciplinary powers:

12.1.1.1 Disqualification. Disqualifications shall occur as described in this section.

12.1.1.2 Strikes and warnings. Strikes shall be issued by the CRO for offences against the election code which are not serious enough to warrant disqualification at that time, but should a pattern of violation of this Policy persist, disqualification may occur. Three (3) such violation may warrant disqualification. If there is an egregious pattern violation of this Policy, a second violation may trigger a disqualification.

12.1.1.2.2 Warning shall be given for behaviour that is concerning to the CRO regarding violations of this Policy. If the behaviour or violations, as described in the warning, does not cease then other disciplinary measures shall occur, at the discretion of the Elections Committee.

12.1.1.3 Campaign Suspension or Restriction. The CRO may prohibit a candidate from campaigning in a certain way, at a certain place, for a period of time, or at all if the candidate has violated this Policy .

12.2 Disqualifying events. Violations of the following nature will result in automatic disqualification of a Candidate:

12.2.1 Anyone improperly declared an eligible candidate.

12.2.2 Failure to attend the All-Candidates Meeting without giving the CRO an adequate reason and arranging to meet with the CRO within twenty-four (24) hours.

12.2.3 Any Candidate spending over the maximum spending limit as set by this Policy or failing to submit a campaign expense report.

12.2.4 Intentional misrepresentation of campaign expenditures.

12.2.5 At the CRO's discretion, a finding of misconduct so egregious that the CRO believes it is right in the circumstances to disqualify the candidate.

12.2.6 Solicitation of any outside entities or individuals to interfere in the election process. Solicitation of Interference includes, but is not limited to, actions that encourage such entities or individuals to apply pressure on the CRO or Elections Committee to make or change specific decisions, interference in the voting or ballot counting process, withholding vital election documents such as voters' list and ballot boxes, and withholding Corporation funds.

12.2.7 Subsection 12.2.6 does not apply to any relevant government authority in the case of fraud or criminal activities.

12.2.8 In the event a winning Candidate in any election is disqualified, the runner-up with the next highest number of the votes for that position will take the place of the disqualified winner.

12.3 Disqualified Candidates will be:

12.3.1 Deemed to have not completed the Election:

12.3.2 Ineligible for expense reimbursement;

12.3.3 Ineligible to seek election for any Corporation position for the remainder of the election cycle in that year; and

12.3.4 Ineligible to participate as a member of a campaign team for the remainder of the election cycle in that year.

12.4 Allegations of Violation of the Election Policy:

12.4.1 Only Members, with some exceptions as determined by the CRO, can allege violations of the Election and Referenda Policy.

12.4.2 Allegations of violations of this policy shall be submitted to the CRO (directly to the CRO or office of the CRO) in person or by email;

12.4.3 Allegations of violations must be made within one (1) business day of the alleged infraction being known to the complainant; and

12.4.3 The CRO shall keep confidential the identity of any complainants.

12.5 Resignations. The elected candidate may resign at any time before officially taking office.

12.5.1 A resignation is considered valid by any one of the following procedures:

12.5.1.1 by advising the Chairperson of the Corporation;

12.5.1.2 by orally advising the Chairperson of the Corporation, in person, with three (3) witnesses to certify the elected candidate's intention to resign;

12.5.1.3 by a public announcement via press conference; or

12.5.1.4 by a public announcement published in any campus newspaper or on riot radio.

12.5.2 Should a candidate who has been elected be not able to resign in person, then a barrister and solicitor acting on direction may resign on their behalf.

12.5.3 Should a candidate for a Director position who has been elected not:

12.5.2.1 attend all training sessions organized for the new Board members; and

12.5.2.2 be absent from the first Board Meeting after the Board has been duly composed; or

12.5.2.3 attend two board meetings after the Board has been duly composed, if there has not been any Board training sessions,

then the Director shall be deemed to have resigned and never have taken office.

12.5.4 A Member who is elected or appointed to hold office as a Director is not a Director, and is deemed not to have been elected or appointed to hold office as a Director, unless they have consented to hold office as a Director in writing ten (10) days after the day on which the election or appointment took place.

12.5.5 In the event that a Member has accepted the role of Director in accordance with 12.5.4, the Board or the Executive Committee shall hold a Meeting of the Members and propose an Ordinary Resolution to remove the Director elect in question as a Director of the Corporation for violating any of the provisions at 12.5.3.



12.5.6 In the event that a Member has not accepted the role of Director in accordance with subsection 12.5.4, the Board may remove the Director elect in question for violating any of the provisions in 12.5.3.

12.5.7 Notwithstanding any of the provisions at 12.5.3, the Board may extend the timeframe thirty days if there is a valid reason to do so.

12.5.8 Should a candidate for an Executive Officer position who has been elected not:

12.5.8.1 attend training sessions for an Executive Officer position; and

12.5.8.2 be absent from the first Board or Executive Committee Meeting, or

12.5.8.3 attend two Board meetings after the Board has been duly composed, if there has not been a training session for the Executive Officers,

then the Executive Officer shall be deemed to have resigned and never have taken office.

## 12.6 Decisions of the CRO:

12.6.1 Once a complaint is filed, the CRO may order the suspension of the activity in question until a ruling is given.

12.6.2 The CRO may use any and all resources necessary and available to reach a decision.

12.6.3 Prior to rendering a decision, the CRO shall allow the accused candidates the opportunity to hear any accusations brought against them, and to offer their defence in a fashion determined by the CRO, at the CRO's discretion.

12.6.4 The CRO shall render a written decision via institutional email within one (1) business day of receiving the complaint. This timeframe may be extended if there is sufficient cause to do so. The CRO shall look at all the circumstances regarding the complaint and the actions of the candidate when determining what actions are necessary.

12.6.5 It is the responsibility of all candidates to be aware of, and be compliant with, the decisions of the CRO.

12.6.6 Regardless of the outcome of a decision of the CRO or Election Committee, rulings shall be posted in a space designated for this purpose, and the parties involved will be notified by email once all appeals have been exhausted.

12.6.7 Disciplinary matters will not be publicly posted in any online format.

12.6.8 The CRO may dismiss any complaint which is frivolous, vexatious or otherwise devoid of merit.

## 12.7 Appeals of CRO Decisions

12.7.1 Appeals of decisions of the CRO must be done within forty eight (48) hours from the decision issued. Appeals beyond this timeframe will be denied. Notice shall be given by email or in writing.

12.7.2 Only the candidate in question may appeal the decision of the CRO.

12.8.3 Only parties to the appeal, as determined by the Election Committee, may attend the Committee hearing at which the appeal will be considered.

12.8.4 Parties to the appeal are eligible to make brief oral statements and/or deliver written submissions, in a format determined by the Elections Committee.

12.8.5 The Election Committee shall render a written decision by email within one (1) business day of receiving the appeal.

12.9.6 Written decisions shall be communicated publicly on the Corporation's website and to all affected parties, including the complainant(s) and the accused by email.

12.9.7 Once the Election Committee has made a decision, it shall be final and not open to be appealed again.

12.9.8 It is the responsibility of all candidates to be aware of, and compliant with, the decisions of the Elections Committee.

## **ARTICLE XIII - CONFLICTS OF INTEREST**

13.1 The provisions provided in this Articles are considered conflicts of interest and shall be respected by very candidate, incumbent, Executive Officer and Director.

13.2 An Executive Officer or Director currently in office cannot be employed by the Elections Office in any role, paid or otherwise.

13.3 The Corporation's resources, financial, promotional, or other, cannot be used in favour of any candidate.

## **ARTICLE XIV - STATUS OF ELECTED CANDIDATES**

14.1 Between the date of publication of the results and Start Date, or in the case of By-Elections at a start date determined by the CRO, the elected candidate has no privileges or powers and continues to be considered a Member of the Corporation.

14.2 The successful candidate in any elections becomes an Executive Officer or a Director, as the case may be, at the Start Date, or in the case of By-Elections at a start date determined by the CRO.

14.3 For the 2018-2019 elections, the start date for the Executive Officer and Directors shall be May 1, 2018.

14.4 Notwithstanding the provisions in subsection 14.1 to 14.3, the elected candidates may be invited to attend training or other events during the transition period.