



DURHAM COLLEGE STUDENTS INCORPORATED

ELECTIONS POLICY

OFFICIAL CONSOLIDATION

Current as of

September 24, 2020

NOTES ON OFFICIAL CONSOLIDATION

This consolidation is current as of September 25, 2020. The policy was originally passed on November 18, 2020. It has been amended twice on January 23, 2020 and September 24, 2020. The last amendment came into force on September 24, 2020.

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

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

Effective Date: September 24, 2020	Last Review Date:
Approved by: Board of Directors	Executive Responsible: Secretary of the Board

DIVISION 1: INTERPRETATION AND DEFINITIONS

Short Title

1. This policy may be cited as the Durham College Students Incorporated Elections Policy.

Definitions

2. 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**” means 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.

“**DCRO**” means the Deputy Chief Returning Officer, as described at subsection 7.3.

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

“**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.

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

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

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

“General Elections” means the election in the winter of the year to elect the Executive Officers and the Directors of the Corporation.

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

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

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

“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.

Computation of Time

2 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.

Amendments in the Course of Accommodations for Disabilities

3. 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.

Authority in unproven cases

4. In all contingencies not provided for in the Elections Policy, or by resolution of the Elections Committee shall be decided by the Chief Returning Officer and, in making the ruling the Chief Returning Officer shall base the decision on the democratic rights of members. In doing so the Chief Returning Officer shall have regard to any applicable usages and precedents of as contained in the *Canada Elections Act, Elections Act (Ontario), and the Municipal Elections Act*.

Authority of the By-laws and the Acts

5. The *Canada Not For Profit Corporations Act and the By-laws of Durham College Students Incorporated* have supremacy over this policy, and any provision of this policy that is inconsistent with the provisions of the *Canada Not For Profit Corporations Act or the By-laws of Durham College Students Incorporated* is, to the extent of the inconsistency, of no force or effect

Authority of the Membership

5.1 Nothing in this policy affects the power of a duly called Membership Meeting to appoint directors of the Corporation under the Canada Not For Profit Corporations Act.

DIVISION 2: THE AUTHORITY TO ADMINISTER THE ELECTION

Authority of the Elections Committee

6. The Elections Committee is authorised, empowered, and commanded under this policy to administer the elections in accordance with this policy.

Elections Committee - Composition

7. The Elections Committee shall, unless otherwise determined by the Board, be comprised of:

- a) Two (2) Directors, elected by the Board;
- b) The CRO (non-voting) and the General Manager or designate as a non voting member.

Responsibilities

8. The Election Committee, and its members, shall:

- a) Act autonomously from any external or internal influences;
- b) Oversee the planning, development and execution of the Corporation's elections in accordance with the provisions of this Policy;
- c) 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;
- d) Act impartially during the election process;
- e) Conduct the election in a fair manner;
- f) Meet regularly during the academic year to plan and discuss the upcoming election; and
- g) Supervise, consult, assist, advise and caution the CRO as necessary.

Meetings of the Election Committee

9. The Election Committee will hold regular meetings at the call of the Chair 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;

Quorum

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

Chair of the Elections Committee

11. The Chair of the Election Committee selected by the committee.

Votes at the Elections Committee

12. The Chair of the Elections Committee shall in all cases have a vote, and when a vote is tied the questions shall be deemed returned in the negative.

Chief Returning Officer -Term of Office

13. The Chief Returning Officer shall be appointed by the Elections Committee, and shall hold office during an electoral period on good behaviour. The Chief Returning Officer shall not be an Officer or Director of the Corporation. The Chief Returning Officer may only be removed with cause by the Board of Directors, on the recommendations of the Elections Committee.

Chief Returning Officer Duties

14. The Chief Returning Officer shall act impartially in all matters relating to the administration of the Election and is responsible for managing the Elections Office and facilitating Elections. Further the Chief Returning Officer shall:

- a) Oversee any elections that take place in their contract term;
- b) Be the principal officer and manager of the Election Office;
- c) Hold regular office hours before and during the Election;
- d) Review and approve all campaign materials produced by Candidates;
- e) Recruit and train any volunteers/staff necessary to conduct the election;
- f) be the primary adjudicator of any complaints made during the process of an election unless such complaint shall be regarding the conduct of the CRO. 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;
- g) Schedule and oversee: (i) the All-Candidates' Meetings; (ii) at least one candidate forum for Candidates at each campus; and (iii) other events as necessary;
- h) Ensure that this Policy and all relevant By-Laws related to Elections are enforced;
- i) Authorize all Election notices, publicity, and campaign materials regulated by this Policy; and
- j) Present a final report of the Elections to the Election Committee and the Board following the election results.

Special powers of the CRO

15. 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 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.

Deputy Chief Returning Officer

16. The Elections Committee may appoint a Deputy Chief Returning Officer and shall hold office during an electoral period on good behaviour. The Deputy Chief Returning Officer shall not be an Officer or Director of the Corporation. The Deputy Chief Returning Officer may only be removed with caused by the Board of Directors, on the recommendations of the Elections Committee.

Deputy Chief Returning Officer - Duties

17. The Elections Committee shall set forth in the appointment letter the duties and powers of the Deputy Chief Returning Officer.

Poll Officials

18. The Chief Returning Officer shall have the authority to appoint poll officials as is necessary and proper to facilitate the election.

Elections Compliance Oversight Committee

19. The Election Compliance Oversight Committee shall be composed of the voting members of the Elections Committee, one student who is not a board member, and two other members of the Durham College Community, appointed by the Board of Directors based on a list of names provided by Durham College of Applied Arts and Technology. The committee shall appoint the Chair from among its members. The Secretary of the Board is the Clerk of the Committee.

DIVISION 3 – THE CONDUCT OF AN ELECTION

Calling of a General Election

20. General Elections shall be held the second Tuesday, Wednesday, and Thursday in March, unless otherwise set by two-thirds of the Board of Directors. Should the Elections Committee believe that the day prescribed for an election is not suitable for that purpose, including because of its being in conflict with a day of cultural or religious significance or a federal, provincial or municipal election, the Elections Committee may choose other days within 14 days before or after the dates prescribed.

Calling of a by-election

21. A by-election shall be called by the Board of Directors within 45 days of a vacancy of a member of the Board of Directors, provided that no election shall be held between April 1st and September 15th of each year.

Notice of Election

22. The Chief Returning Officer shall give notice at least 25 and not more than 37 days before the first day of voting of an election.

Nominations period

23. Upon notice being given of an election and until 1:00 p.m. on the 20th day before the last day of voting for the general election, the Chief Returning Officer shall receive nominations in the prescribed form.

Prescribed form – Nominations

24. A nomination paper shall contain the following information:

- a) the Candidates name, date of birth, student number, email address, phone number, and mailing address

- b) Any other name by which the candidate is commonly known by which the candidate wishes to be known on the ballot paper;

- c) A statement that the candidate consents to the nomination and agrees to be bound by this policy.

- d) A consent that the candidate agrees to the disclose of eligibility information to determine eligibility in accordance with the by-laws.

- e) For Executive Officers, endorsements baring the name, student number, and signatures of at least 20 and not more than 50 qualified electors.

- f) For Directors, endorsement baring the name, student number, and signatures of at least 10 and not more than 30 qualified electors within the class of membership the candidate wish to represent.

- g) For the signatures under subsection (e) and (f) the declaration of the witness of those signatures that the signatures were original and for the person to who the name was written.

Withdraw of Nominations

25. A candidate may withdraw at any time before 4:00 p.m. on the closing day for nominations by filing, in person, with the Chief Returning Officer a statement in writing to that effect signed by the candidate and witnessed by two electors who are entitled to vote in the electoral district in which the candidate's nomination was confirmed.

Second nomination

26. If a person who has been nominated for an office is nominated for another office to which this policy applies, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed.

Information Session

27. Before the 23rd day before the last day of voting in the election, the Elections Committee shall hold an information session regarding an overview of the roles, responsibilities, and operations of the Board of Director and their role in DCSI.

Close of Nominations

28. Upon the close of nominations, the Chief Returning Officer shall certify every nomination received which is in the complete and have the valid endorsements of at least 20 qualified electors for Executive Officers and at least 10 qualified electors for Directors. The Chief Returning Officer shall therein send to each candidate a conditional approval of their nominations subject to them attending the all candidates meeting as described in section 25.

All Candidate Meeting

29. At 5:00 p.m. on the 16th day last the first day of voting, the Chief Returning Officer shall hold an All Candidates Meeting. The All Candidates Meeting shall review the obligation of the candidate under this policy and other important information as deemed necessary by the Chief Returning Officer or the Elections Committee.

DIVISION 4 – CAMPAIGNING

Campaigning – commencing

30. The Chief Returning Officer may review and approve campaign materials from 9:00 a.m. on the 18th day before the last day of voting in the election, but no campaigning shall occur until 11:00 a.m. on the 16th day before the last of voting in the election.

Campaigning – prohibition

31. 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

Staff of the DCSI

32. A volunteer or employee of Durham College Students Inc. is eligible to be a candidate for and to be elected as a member of the board if he or she takes an unpaid leave of absence beginning as of the day that campaign begins and ending on voting day.

Board members and Executive members

- 33.
- a) The Board of Directors shall not meet between the 14th day before the last day of voting, if the number persons running in the election is more than one-third of the total current board members.
 - b) Executive Officers and the Managing Director shall be restricted to signing cheques, agreements, and other essential documents; meeting with the general manger and other staff on important and essential matters; and anything else incidental to the continued operations of the Corporation) after the 14th day before the last day of voting, should that Executive Officer be running for re-election.
 - c) Board Members and Executive Officer shall continue to be paid their remunerations should subsection (1) or (2) apply.

Prohibition on use of resources

34. 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, this includes, but is not limited to, the use of office supplies, equipment, advertising space and staff.

Determination of Campaigning

35. The Chief Returning Officer shall, at their discretion, be responsible for determining whether any specific action or medium is deemed to be campaigning.

Budget for campaigning

36. The spending limits for candidates shall be a maximum of \$0.05 per elector, as long as the spending limit is at least \$50.00 and at most \$200.00.

Appropriation of funds

37. Durham College Students Incorporated will reimburse all campaign expenses incurred by a candidate, subject to the following conditions:

- a) 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.
- b) 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.
- 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. 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.
- d) 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
- e) A candidate may not purchase items of substantial personal benefit with campaign funds. Further, a candidate may not purchase thank you gifts for campaign volunteers or others with campaign funds. A candidate may not purchase anything of any value to give out for students, which does not relate directly to the campaign, this includes candy, baked goods or other similar items.

Approval of campaign material

38. All campaign materials, advertisements, and/or expenses require approval by the CRO in advance of distribution or the cost being incurred. 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 before printing full quantities in the case of non-approval.

Prohibition on alcohol or cannabis

39. Any Candidate who uses alcohol, cannabis, or other intoxicating substance to induce an election to vote for or against a candidate shall be disqualified.

Areas where campaigning is prohibited

40. (a) Any candidate who campaigns on the second floor of the Student Centre, within 5 meters of the DCSI office, at a DCSI sanctioned event, at a Club, Society, or Indigenous Student Circle event, or in an area prohibited by the Chief Returning Officer is liable for a deduction of up to ten dollars from the spending limit for their campaign.

(b) Any candidate who campaigns in such a manner that would disturb or obstruct the operations of DCSI, or Durham College, including through the use of audio/visual communications technology, is liable for a deduction of up to ten dollars from the spending limit for their campaign.

Candidates Materials - posters

41. Candidates may campaign by posters subject to limitations under this section:

a) No posters shall be larger than 11 inches by 17 inches;

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

c) No candidate shall post more than 20 posters at the Oshawa North Campus, 10 at the Whitby Campus, and 5 at the Pickering Learning Site.

d) 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.

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

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

g) Campaign materials shall not be removed from any location, except by order of the CRO, or by the Candidate.

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

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

Posters not conforming – offence

42. Any candidate who has posters not conforming to section 37 is liable to a deduction of ten dollars from their campaign spending limit.

Pamphlets and handout

43. Any candidate which prints more than 400 pamphlet or handouts is liable to a deduction of ten dollars from their campaign spending limit.

Harassment or discrimination

44. Any candidate who violates the harassment or discrimination policy of Durham College Students Inc. or Durham College of Applied Arts and Technology shall be disqualified.

Social Media Campaigning

45. 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.

Slates – Prohibition

46. a) Candidates shall not campaign together, affiliate, or run as a slate. Candidates shall take all reasonable steps to ensure that their campaign material is unique for their positions.
- b) Candidates shall not cross endorse.
- c) Candidates shall not share resources.
- d) Any candidate which violates subsection (a), (b), or (c) shall be disqualified.

Publication of Statements

47. The Chief Returning Officer shall provide a space for all candidates to publish a statement of up to 500 words on the website of the Corporation.

Riot Radio

48. 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.

DIVISION 5 – VOTING

Voting Rights

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

Electoral System

50. a) The method of voting shall either an online ballot or a paper ballot, as directed by the Board of Directors.
- b) Should the membership approve the Single Transferable Vote System then the election shall be conducted in accordance with section --- of this policy.

Publication of notice

51. On the 14th day before the final day of voting, the Chief Returning Officer shall publish on the Corporation's Website, and in a notice posted at the DCSI Office both in the Student Centre and at Whitby a list of the certified candidates.

Declaration of winner

52. On the 20th day before the final day of voting, the Chief Returning Officer shall declare a candidate elected if the number of certified nominations is the same or lesser of the total number of positions to be elected to that position.

Notice of election

53. On the 20th day before the final day of voting, the Chief Returning Officer shall give notice of a poll being granted for any race where the number of certified candidates which is greater than the total numbers of positions to be elected to that position.

Special Ballot – application

54. An elector who wishes to vote by special ballot may make an application in any of the following ways:

- a) In person, at the Chief Returning Officer's office.
- b) By mail, courier or similar delivery method, fax or e-mail, Chief Returning Officer.

Special Ballot kit - contents

55. A special ballot kit shall contain the following:

- a) a declaration that the elector wishes to vote by special ballot and in no other way during the election campaign;
- b) a secrecy (inner) envelope, which shall not be signed or have any identifiable marks on it by the elector and an outer envelope which shall have a tracking number on it;
- c) the ballot;
- d) a self-address envelope for DCSI; and
- e) instructions.

Special Ballot process

56. An elector who wishes to vote by means of a special ballot kit shall,

- (a) write on the ballot the given name and surname, or initials and surname, of the candidate for whom the elector is voting;
- (b) place the ballot in the inner envelope and seal the inner envelope;
- (c) place the sealed inner envelope in the outer envelope and seal the outer envelope;
- (d) complete and sign the declaration;

(e) place the sealed outer envelope in the mailing envelope; and

(f) mail or deliver the mailing envelope to the Chief Returning Officer ,

Special Ballot – delivery

57. It is the responsibility of the Elector to ensure that a special ballot is returned to the Chief Returning Officer by 4:00 p.m. on the last day of voting on the general election.

Special Ballot count

58. Special ballots shall be counted in the same manner the rest of the votes.

Special ballot limitation

59. A special ballot may only occur, should the election be held by paper ballot.

Place of Polls – In person balloting

60. When a paper ballot is used in accordance with section 46(a), there shall be polling stations at the following locations:

- a) The North Oshawa Campus;
- b) The Whitby Campus; and
- c) The Pickering Campus

Proceeding at the polls

61. a) The only persons who may be present at a polling station on polling day are
- i) the Chief Returning Officer, the Deputy Chief Returning Officer, Members of the Elections Committee;
 - ii) any election officer whom the returning officer authorizes to be present;
 - iii) representatives of each candidate, who shall be observing the vote and shall not interfere in any way with the voting process;
 - iv) any observer from Durham College of Applied Arts and Technology, the Public Accountant or other observers as permitted by the Chief Returning Officer.
- b) Candidates or their representatives who are in attendance at least 15 minutes before a polling station opens are entitled to have the ballots intended to be used at the polling station carefully counted in their presence and to inspect the ballots and all other documents relating to the vote.
- c) When the polling station opens, an election officer who is assigned to the polling station shall, in full view of the candidates or their representatives who are present, open the ballot box and ascertain that it is empty, and shall
- (i) seal the ballot box with the seals provided by the Chief Returning Officer; and
 - (ii) place the ballot box on a table in full view of all present and ensure that the box remains there until the polling station closes.
- d) Immediately after the ballot box is sealed, an election officer who is assigned to the polling station shall call on the electors to vote.
- e) An election officer who is assigned to the polling station shall ensure that every elector is admitted into the polling station and that the electors are not disturbed when they are in or near the polling station.

f) Each elector, in order to receive a ballot, shall a valid student card to an election officer who is assigned to the polling station.

g) If the election officer is satisfied that an elector's identity has been proven, the elector's name shall be crossed off the list and the Elections Official shall initial the back of the ballot and the elector shall be immediately allowed to vote.

h) Once an elector has been given a ballot, no person shall require the elector to prove his or her identity.

i) If a person asks for a ballot at a polling station after someone else has voted under that person's name, the person shall not be allowed to vote.

j) An elector shall, after receiving a ballot,

(i) proceed directly to the voting compartment;

(ii) mark the ballot with a cross or other mark in the circular space opposite the name of the candidate of his or her choice;

(iii) fold the ballot as instructed by the election officer; and

(iv) return the ballot to the election officer who provided it.

k) The election officer shall, on receiving the ballot from the elector,

(i) without unfolding the ballot, verify that it is the same one that was handed to the elector by examining its serial number and the initials on it;

(ii) remove the counterfoil in full view of the elector and all other persons present; and

(iii) return the ballot to the elector to deposit in the ballot box or, at the elector's request, deposit it in the ballot box.

l) If the ballot is incapable of being used, the elector shall return it to the election officer, who shall mark it as a spoiled ballot, place it in the envelope supplied for the purpose and give the elector another ballot.

i) Every elector shall vote without delay and leave the polling station as soon as his or her ballot has been put into the ballot box.

m) An elector who is entitled to vote at a polling station and who is in the polling station or in line at the door at the close of voting hours shall be allowed to vote.

n) On request by an elector who is unable to read or because of a disability is unable to vote in the manner described by this Act, an election officer who is assigned to the polling station shall assist the elector in the presence of another election officer who is assigned to the polling station.

o) An election officer who is assigned to the polling station shall, on request, provide a template to an elector who has a visual impairment to assist him or her in marking his or her ballot.

p) An election officer who is assigned to a polling station may appoint a language or sign language interpreter to assist election officers at the polling station in communicating to an elector any information that is necessary to enable him or her to vote.

q) upon the close of voting, the elections official shall

- i) count the number of electors who voted, make an entry at the end of the list of electors that states "The number of electors who voted at this election is (stating the number).", sign the list and place the list in the envelope supplied for that purpose;
- ii) count the spoiled ballots, place them in the envelope supplied for the purpose, indicate on the envelope the number of spoiled ballots, and seal it;
- iii) count the unused ballots that are not detached from the books of ballots, place them with the stubs of the used ballots in the envelope supplied for the purpose, indicate on the envelope the number of unused ballots, and seal it;

r) upon the close of voting, the items as described in subsection q shall place in an envelope and the ballot box shall be sealed and kept in the custody of the elections official until it is delivered to the Chief Returning Officer for storage.

Prohibited actives near polling station

62. Any candidate who campaign near a polling station shall be disqualified.

Counting of the Ballots

63. a) At the appointed time, an election officer who is assigned to count the votes shall count the votes in the presence of
- i) another election officer who is assigned to the polling station; and
 - ii) any candidates or their representatives who are present or, if no candidates or representatives are present, at least two electors.
- b) One of those election officers shall supply all the persons who are present and who request one with a tally sheet to keep their own score of the voting.
- c) The election officer who counts the votes shall, in the following order,
- i) receive the ballot box, and the other poll items from the Chief Returning Officer
 - ii) open the ballot box and empty its contents onto a table; and
 - iii) examine each ballot, show the ballot to each person who is present, and ask the other election officer referred to in paragraph to make a note on the tally sheet beside the name of the candidate for whom the vote was cast for the purpose of arriving at the total number of votes cast for each candidate.
- d) in examining the ballots, the election officer who counts the votes shall reject one
- i) that has not been supplied by the Elections Official;
 - ii) that has not been marked in a circle at the right of the candidates' names;
 - iii) that has been marked in more than one circle at the right of the candidates' names; or
 - iv) on which there is any writing or mark by which the elector could be identified.

- v) No ballot shall be rejected by reason only that an election officer placed on it any writing, number or mark, or failed to remove the counterfoil or to write the elector's polling division number on the back of the ballot.
- vi) If a ballot is found with the counterfoil attached, the election officer who counts the votes shall, while concealing the number on it from all persons present and without examining it, remove and destroy the counterfoil.
- vii) the election officer who counts the votes determines that a ballot has not been initialed by an election officer, he or she shall, in the presence of the election officer and witnesses, initial and count the ballot if satisfied that all ballots that were provided by the Chief Returning Officer have been accounted for.

e) One of the election officers shall make a record, in the prescribed form, of every objection to a ballot made by a candidate or candidate's representative, give a number to the objection, write that number on the ballot and initial it. Every question that is raised by the objection shall be decided by the election officer who counts the votes, and the decision is subject to reversal only on a recount

f) The election officer who counts the votes shall prepare a statement of the vote, in the prescribed form, that sets out the number of votes in favour of each candidate and the number of rejected ballots and shall place the original statement and a copy of it in the separate envelopes supplied for the purpose. The election officer shall give a copy of the statement of the vote to each of the candidates' representatives present at the count.

g) The election officers who counted the ballot shall place all marked ballots an envelope, the rejected ballots into another envelope, and the list of electors into an envelope and seal it. The election officers shall sign the seal on each envelope, and the witnesses may also sign them.

h) One of the election officers shall seal in a large envelope supplied for the purpose

- i) the envelopes that contain the marked ballots for the candidates, any spoiled ballots, unused ballots or rejected ballots, and the official list of electors; and
- ii) any other election documents, except for the envelopes that contain the statements of the vote.

i) The large envelope described in subsection (i) and the envelope that contains the copy of the statement of the vote shall be placed in the ballot box.

j) The ballot box shall be sealed with the seals provided by the Chief Returning Officer and shall be delivered to the Chief Returning Officer.

Online voting procedures

64. When an online voting takes place, a company with experience in performing elections shall be retained, and the procedures on the vote shall be as follows:

a) upon the start of balloting each elector shall be issued unique credentials to their email address on record with Durham College and a direct link to the voting website;

- b) the elector shall enter their credentials and if the system is satisfied that their credentials are those provided by the online voting system, the system shall issue a ballot;
- c) upon the casting of a ballot the elector cannot change their vote, nor shall their vote be invalidated by the system;
- d) upon the close of voting, the Chief Returning Officer shall cause the results as tabulated by the system to be published, and shall preserve an audit trail of the votes casted; and
- e) when an online vote is being conducted, no special ballots shall be issued.

Prohibition re candidates

65. a) No candidate shall be present or within 30 feet of an elector during the casting of a vote using an online system.
- b) No candidate shall use a personal electronic device for the purpose of allowing or inducing electors from casting ballots during the course of the election.
- c) No candidate shall use a system to amplify their voice or speak loudly to induce an elector to vote or not vote for a candidate.
- d) A candidate who violates subsections (a), (b), or (c) is liable for a campaign expense deduction of at least 30 dollars or disqualification.

Ballot format

66. a) The ballot shall combine all positions on a single ballot. The Executive Officers shall be on the left half the ballot and the Director position shall be on the right of the ballot.
- b) Candidates shall be listed by surname in English alphabetical order. Should a candidate have a mononym, then the ballot shall list the mononym as the surname.
- c) Should a candidate have a common name by which they are known publicly known by and by which they wish to appear on the ballot, then the candidate shall be known by that name on the ballot. The Chief Returning Officer shall reject any name which the candidate cannot prove they are known by, or which is designed to mislead the voters.
- d) Should two candidates have the same name, an initial or other distinguishing mark shall be added to ballot to differentiate the candidates.

Casting of Ballots

67. a) An elector shall be eligible to cast one vote for the Executive Position and one vote for the director of the class of membership to which they belong.
- b) The elector shall place a distinguishing mark in the circle to the right of the candidate which they desire to vote for.
- c) Should the membership approve a ranked ballot, the elector shall rank the candidates in numerical order.

Declaration of Winners

68. a) The Chief Returning Officer shall declare a Candidate 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.
- b) Should the membership adopt a ranked ballot, the following rules will be used to determine the count:
- i) If no candidate receives 50 percent plus one of the votes, then the candidate who received the least number of votes is eliminated from the race.
 - ii) The votes earned by the remaining candidates are carried forward to the next round of counting. The eliminated candidate's ballots are redistributed to the remaining candidates, this time using the next choice indicated on those ballots. All of the votes are then counted again.
 - iii) If any of the remaining candidates received 50 percent plus one of the votes, they are elected. If not, the process of elimination is repeated until a winner is declared.
 - iv) The threshold for winning shall be a majority of the votes casted.
 - v) In the event of a tie for the candidate with the fewest votes in the first round of voting, the Chief Returning Officer shall select by lot the candidate progressing to the next round of voting.

DIVISION 6 – ELECTION DISCIPLINE

Authority of the CRO

69. The Chief Returning Officer shall have the following primary authority regarding elections discipline:
- a) issue written warning;
 - b) campaign restriction and suspension;
 - c) issue a deduction from the total campaign expenses a candidate; and
 - c) disqualification.

Powers of the CRO upon investigation

70. a) Once a complaint is filed, the CRO may order the suspension of the activity in question until a ruling is given.
- b) The CRO may use any and all resources necessary and available to reach a decision.
- c) 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.
- d) 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.
- e) It is the responsibility of all candidates to be aware of, and be compliant with, the decisions of the CRO.

f) Regardless of the outcome of a decision of the CRO, 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.

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

Warning

71. The Chief Returning Officer shall issue a warning 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.

Campaign restriction and suspension

72. The Chief Returning Officer 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.

Deduction of total campaign expenses

73. The Chief Returning Officer may issue a deduction of the campaign budget of a candidate; such expenses shall be counted as an expense and should the candidates total expense exceed the limit then the candidate shall be disqualified.

Disqualification

74. The Chief Returning Officer may disqualify candidates. When a candidate is disqualified, the candidate shall be deemed to have not completed the Election and shall be ineligible to seek election for any Corporation position for the remainder of the election cycle in that year and participate as a member of a campaign team for the remainder of the election cycle in that year.

Disqualifying events

75. Violations of the following nature will result in automatic disqualification of a Candidate:

a) Anyone improperly declared an eligible candidate;

b) 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.

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

d) Intentional misrepresentation of campaign expenditures.

e) 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.

f) 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.

Initial Authority of the CRO

76. The Chief Returning Officer shall have initial authority to determine if a violation has occurred and the appropriate punishment for it.

Appeal by leave to the Elections Compliance Oversight Committee

77. A candidate which has determined to have violated this policy and the punishment is less than disqualification, a candidate may file a leave of appeal to the Elections Compliance Oversight Committee. The application of the leave of appeal shall be heard by the Chair and another member of the Committee, and shall be granted if there are reasonable grounds that an error in law was made.

Appeal by right

78. A candidate which has been disqualified has the right to appeal to the Elections Compliance Oversight Committee.

Quorum for Appeals Hearing

79. The Elections Compliance Oversight Committee shall have a quorum of half of the appointed members when hearing an appeal.

Powers on Appeal

80. The Elections Compliance Oversight Committee shall have the power to:

- a) revise the decision of the Chief Returning Officer; or
- b) deny the appeal.

Decision on appeal

81. The Committee shall issue a written decision with reasons on appeal. That decision is final and binding

DIVISION 7 – RECOUNT

Recount - automatic

82. The Chief Returning Officer shall hold a recount if the votes for two or more candidates who receive the same number of votes and cannot both or all be declared elected to the office.

Recount – on application

83. The Chief Returning Officer shall hold a recount upon application of an elector that an administrative mistake was made which is likely to affect the election, or it appears advantageous that a recount be needed.

Appeal to the Elections Compliance Oversight Committee

84. A candidate may appeal the decision of the Chief Returning Officer not to hold a recount to the Elections Compliance Oversight Committee.

Time for recount

85. The recount shall be held within 15 days after the Chief Returning Officer's declaration of the results of the election.

Method of recount

86. a) The Chief Returning Officer shall conduct the recount by adding the number of votes reported in the statements of the vote or by counting the valid ballots or all of the ballots returned by election officers.

b) If a recount of all of the ballots returned is required, the Chief Returning Officer may open the sealed envelopes that contain the used and counted, unused, rejected and spoiled ballots. The Chief Returning Officer shall seal the ballots in a separate envelope for each polling station and without delay prepare a certificate in the prescribed form that sets out the number of votes cast for each candidate

c) For the purpose of arriving at the facts with respect to a missing ballot box or statement of the vote, the Chief Returning Officer has the powers to require the attendance and examination of witnesses and poll officials.

d) For the purpose of conducting a recount, the Chief Returning Officer has the powers to require elections officials her to give evidence on oath before a person duly authorised to administer oaths.

e) The Chief Returning Officer may at any time terminate a recount on request in writing by the person who applied for the recount.

Results on recount

87. Upon a recount being completed, the results of the recount will be published by the Chief Returning Officer.

Tie vote

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

DIVISION 8 – ELECTIONS MATERIAL AND VOTERS LIST

Ballot form

89. Schedule I shall set forth the manner of various elections material and notices. The Chief Returning Officer is authorised to alter the form and contents of the elections materials and notices as required.

Voters list

90. The voters list shall be provided by the Associate Vice President Student Affairs and Registrar. The voters list shall be kept under the protection of the Chief Returning Officer, and shall not be used for any other purpose whatsoever.

Request of candidates for access to the voters list

91. Should a candidate request access to the voters list, then the candidate shall be given the access members list in accordance with section 23(7) of the Canada Not for Profit Corporations Act, S.C. 2009, c. 23, then the member shall swear a statutory declaration before someone a person who is legally eligible to make oaths in the province of Ontario that they require access to the list in accordance with the provision of the act, and will not use the list for any other purpose whatsoever.

Breaches of privacy regarding the voters list

92. Breaches of privacy regarding the voters list is a violation of privacy policy of the corporation and the college, and will be dealt with in accordance with those policies.

DIVISION 10 – CONCLUDING PROCEEDINGS

Certificate of Elections

93. Upon the first count of votes, the Chief Returning Officer shall officially validate the results of the election by adding all statement of votes together and thereupon declaring the candidate elected to be the winners of the election. The Chief Returning Officer shall provide notice of this to the Board, and to be posted on the Corporation's website.

Report of the Chief Returning Officer

94. The Chief Returning Officer shall thereupon issue a report to the Board of Directors on the conduct of election under this policy and make recommendations as is appropriate.

Status of Candidates

95. 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.

Taking Office

96. 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 the 10th day after voting.

DIVISION 9 - CONFLICTS OF INTEREST

Executive Officers and Directors

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

Prohibition of use of resources

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

Prohibition re statements

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

- a) Any Full-Time Staff member of the Corporation;
- b) An Election Committee member;
- c) Any Executive Officer or Director not running for election.

SCHEDULE I

Form 1 – Notice of Election

NOTICE OF ELECTION

of which all members of the Durham College Students Inc. are required to take notice hereof and to govern themselves accordingly that there shall be a General Election in accordance with the by-laws to elected the directors and executives.

Nominations are due at 1:00 p.m. on –

An All Candidates Meeting will be held at --- on ----.

Campaigning will begin at 9:00 a.m. on ---

Voting will be held on ---- and until.

Given under my hand, this --- day of ---, 20---.

Chief Returning Officer

Form 2 – Nominations paper



NOMINATION PAPER
OF A CANDIDATE FOR GENERAL ELECTION
OF DURHAM COLLEGE STUDENTS INC.

MUST BE RETURNED TO THE DURHAM COLLEGE STUDENTS INC. OFFICE
ROOM 212, SECOND FLOOR, STUDENT CENTRE, NORTH CAMPUS, 2000 SIMCOE ST. NORTH
BY _____ AT 1:00 P.M.

Part I – Candidate's Information

The name appearing in the boxes below must be exactly as the candidate wishes their name to appear on the ballot paper. One or more of the given names of the candidate may be replaced by the nickname by a normal aberration of one or more of the candidates given name (i.e. Meg, Andy, Bill). Mononyms are not accepted on the ballot, unless that the mononym is the legal name of the nominee.

Surname	Given name

If your name by which you are registered at Durham College is different than the name which you wish to have appear on the ballot paper please give your legal name here:

Surname	Given name

This name will not appear on the ballot paper but will be used to verify your status as a student with the college.

Student Number:

--

Position sought:

Please check the box to the left of the position you wish to seek.

- | | |
|---|--|
| <input type="checkbox"/> President | |
| <input type="checkbox"/> Vice President of Internal Affairs | <input type="checkbox"/> Vice President of External Affairs |
| <input type="checkbox"/> Director for the School of Health and Community Services | <input type="checkbox"/> Director for the School of Justice and Emergency Services |

- Director for the School of Media, Art and Design
- Director for the School of Science and Engineering Technology
- Director for the School of Business, IT and Management

- Director for the School of Skilled Trades, Apprenticeship and Renewable Technology
- Director for the Center for Food
- Director for the School of Interdisciplinary Studies

Part II – Contact Information

This information is collected for the use of the election services department. It is not used by third parties.

Telephone number:

Cell	Other

Email address:

Durham College	Preferred (if different than the college)
@dcmail.ca	

Part III – Candidate’s Consent to Nominations

I, the above named candidate, the nominee in this nomination paper, do affirm that:

- I consent to the nomination
- I am a qualified elector and I am eligible to be a candidate for the position which I seek;
- I am aware of the obligations imposed on me as a candidate in the by-laws and Elections and Referendum Policy; and
- My name as recorded in Part I, is exactly how I wish my name to be spelled on the ballots.

I, the above named candidate, further agree to the disclosure of personal information regarding my academic standing held by the Office of Strategic Enrolment Services of Durham College of Applied Arts and Technology to the Chief Returning Officer for the purpose of determining my eligibility to run for an position. I consent to disclosure of my academic information in accordance with section 42(1)(b) of the *Freedom of Information and Protection of Privacy Act* (RSO 1990, C. F-31).

Dated _____, 2018,

Candidate’s signature

Part IV – Appointment of an Official Agent (optional)

You do not have to appoint an official agent. If you do appoint an official agent, then the official agent will be authorised to act on your behalf during the campaign. Acting on your behalf during the campaign can include doing such tasks as attending meetings, communicating with elections officials, and submitting campaign materials for approval.

If you wish to have someone else perform any of these tasks, but not all of them please contact the CRO with specifics of what you wish this person to do.

I wish to appoint the follow person to act as my official agent:

Name	Email

With the following powers to act on my behalf (please check all that apply)

Attend meetings

Communicate with elections officials

Submit campaign material for approval and pick up campaign materials from elections officials

I do not wish to appoint an official agent.

Signature of candidate

I, the official agent for the candidate, do agree:

- to act as the official agent for the candidate named in these nominations papers;
- to act on behalf of and in the best interest of the candidate;
- that I understand the duties and responsibilities imposed on me as the official agent; and
- that I am eligible to act as an official agent for a candidate.

Dated _____, 2018,

Official Agent's signature

Part V – Signatures of nominators (Must be full time students)


I nominate _____ for the position of _____ in the Durham College Students Inc. General Election. I am qualified as an elector (i.e. full time student) and I consent to the nomination.

	Student name	Student number	School/faculty	Signature
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Director nominations need not submit more than 10 signatures, however it is recommended that they do as a precaution to ensure accuracy.				
11				
12				
13				
14				
15				
15				
16				
17				
18				
19				
20				
Executive nominations need not submit more than 20 signatures, however it is recommended that they do as a precaution to ensure accuracy.				

21				
22				
23				
24				
25				
26				
27				
28				
29				
30				

Form 3 – ballot paper

EXECUTIVE CHAIR AND CHIEF ELECTED OFFICER		DIRECTOR, CLASS [CLASS LETTER]	
CANDIDATE A	<input type="radio"/>	CANDIDATE A	<input type="radio"/>
CANDIDATE B	<input type="radio"/>	CANDIDATE B	<input type="radio"/>
CANDIDATE C	<input type="radio"/>	CANDIDATE C	<input type="radio"/>
CANDIDATE D	<input type="radio"/>	CANDIDATE D	<input type="radio"/>

 OFFICIAL BALLOT PAPER DURHAM COLLEGE STUDENTS INC [DATE OF ELECTION] PRINTED AT: [LOCATION OF PRINTING]	<input type="text" value="POLL NUMBER"/> <input type="text" value="INITIALS OF POLLING OFFICIAL"/>
---	---

Form 4 Special Ballot Paper

SPECIAL BALLOT PAPER

EXECUTIVE CHAIRPERSON AND CHIEF ELECTED OFFICER

DIRECTOR FOR YOUR CLASS

SPECIAL BALLOT PAPER

DURHAM COLLEGE STUDENTS INCORPORATED

SUPPLIED BY THE CHIEF RETURNING OFFICER

Form 5 – official statement of votes

POLL NUMBER	LOCATION OF POLL
TABULATION OFFICER	TABULATION OFFICER

EXECUTIVE CHAIR AND CHIEF ELECTED OFFICER	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS A	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS B	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS C	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS D	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS E	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS F	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS G	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

I certify and solemnly affirm that the results as stated above is a true and complete record of the votes casted at the polling station named above.

Dated at ____, Ontario this __ day of __, 20__.

tabulation officer

tabulation officer

Chief Returning Officer

Form 6 – Declaration of results

I, [name of CRO] of [municipality of CRO] Chief Returning Officer for Durham College Students Inc, do hereby solemnly declare [or make oath and say] that in accordance with the mandate of the Board of Directors, held an election on the following question for the election of officers and directors of Durham College Students Inc. by the following method [paper ballots] [online ballots].

The result of the election for [enter name of office] is as follows: [number of votes] voted [name of candidate]; [number of votes] voted [name of candidate]; [number of votes] voted [name of candidate]; [number of votes] voted abstained. [repeat as necessary]

I am aware of no violation of the elections policy which would cause the results of the referendum to be invalid.

[I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.]

Affirmed [sworn] before me,
at [city], Ontario, this [date] of
[month], [year]

[name of Chief Returning Officer]

Commissioner, etc

[stamp of Commissioner if needed]