



DURHAM COLLEGE STUDENTS INCORPORATED

REFERENDUM 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”)
REFERENDUM 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 Referendum 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-Campaign 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 campaigns can campaign on the campuses of the College, as described in subsection 8.2.

“**Campaign**” means a group of Members that submits a campaign 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**” 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.

“General Referendum” means a referendum called under this policy.

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

“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 Referendum 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

DIVISION 2: THE AUTHORITY TO ADMINISTER THE ELECTION

Adaption of the Elections Policy

6. The Elections Committee shall be the Referendum Committee.

Same

7. The Chief Returning Officer, Deputy Chief Returning Officer, Election Compliance Oversight Committee, and any other elections officer which are appointed under the Elections Policy shall be same officers for the referendum, with their duties adapted as necessary.

DIVISION 3 – THE CONDUCT OF AN ELECTION

Calling of a Referendum

8. Whenever it seems appropriate to do so and it is in the public interest to do so, the Board of Directors may call a referendum in accordance with this policy.

Notice of Election

9. The Chief Returning Officer shall give notice at least 25 and not more than 37 days before the first day of voting of a referendum.

Nominations period

10. Upon notice being given of an referendum and until 1:00 p.m. on the 17th day before the last day of voting for the referendum, the Chief Returning Officer shall receive petitions to form an campaign on the prescribed form.

Prescribed form – Nominations

11. A petition paper shall contain the following information:

- a) the name of the campaign;
- b) The persons who shall hold office in the campaign;
- c) A statement that the officers of the campaign consents to the nomination and agrees to be bound by this policy.
- d) For endorsements baring the name, student number of at least 20 and not more than 50 qualified electors.
- e) 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.

Second nomination

12. No member may hold office in more than two campaigns.

Close of Nominations

13. Upon the close of petition period, 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. 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 14.

All Candidate Meeting

14. At 5:00 p.m. on the 16th day last the first day of voting, the Chief Returning Officer shall hold an All Campaign Meeting. The All Campaigns 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.

Board may form campaign

15. The Board may form a campaign for the purposes of this policy and corporate resources may be used for the campaign.

DIVISION 4 – CAMPAIGNING

Campaigning – commencing

16. The Chief Returning Officer may review and approve campaign materials from 9:00 a.m. on the 15th day before the last day of voting in the referendum, but no campaigning shall occur until 11:00 a.m. on the 14th day before the last of voting in the referendum.

Campaigning – prohibition

17. 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

Prohibition on use of resources

18. a) Campaigns 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.
- b) Subsection a does not apply if the Board decides to form a campaign.

Determination of Campaigning

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

Budget for campaigning

20. The spending limits for campaigns 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

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

- a) To receive reimbursement for campaign expenses, Campaigns 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 campaign if the campaign expense form is received after the deadline. Specific dates will be given at the All-Candidates Meeting.
- b) All Campaigns, regardless of the election outcome, must keep all original receipts. Campaigns 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) Notwithstanding the foregoing, should the Board decide to form a campaign, the Campaign expenses shall be paid out of the General Account for DCSI directly.
- f) A campaign may not purchase items of substantial personal benefit with campaign funds. Further, a campaign 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

22. All campaign materials, advertisements, and/or expenses 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 campaigns submit one hard copy or a digital proof of their material for approval prior to printing full quantities in the case of non-approval.

Prohibition on Alcohol or cannabis

23. Any Campaign 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

24 (a) Any campaign which 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 campaign which 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

25. Campaigns 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

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

Pamphlets and handout

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

Harassment or discrimination

28. Any campaign 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

29. The campaigns 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.

Publication of Statements

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

Riot Radio

31. Each Campaign 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-Campaigns Meeting.

DIVISION 5 – VOTING

Voting Rights

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

Electoral System

33. 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

34. 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 campaigns.

Notice of election

35. On the 14th 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

36. 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

37. 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

38. 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

39. 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

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

Special ballot limitation

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

Place of Polls – In person balloting

42. 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

43. 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 campaign, 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) campaign 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 answer 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.

Counting of the Ballots

44. 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 campaign representatives who are present or, if no campaign 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 answer; 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 campaign 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 campaign 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 campaign, 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

45. 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

46. a) No campaign representative shall be present or within 30 feet of an elector during the casting of a vote using an online system.
- b) No campaign representative 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 campaign representative 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 campaign representative who violates subsections (a), (b), or (c) is liable for a campaign expense deduction of at least 30 dollars or disqualification.

Ballot format

47. a) Each question shall have a separate ballot.
- b) Questions which answers are yes/no shall be listed in the order yes then no. Questions with other answers shall be in the order decided by the Chief Returning Officer.

Casting of Ballots

48. a) An elector shall be eligible to cast one vote for each answer.

b)The elector shall place a distinguishing mark in the circle to the right of the answer 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

49. The Chief Returning Officer shall declare the answer in the winner if the answer if receives the highest number of votes.

DIVISION 6 – ELECTION DISCIPLINE

Authority of the CRO

50. 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 campaign; and
- c) disqualification.

Powers of the CRO upon investigation

51. 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 campaign 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 campaigns 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

52. 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

53. The Chief Returning Officer may prohibit a campaign 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

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

Disqualification

55. The Chief Returning Officer may disqualify campaign. When a candidate is disqualified, the campaign can no longer campaign during the referendum and all campaigning shall cease.

Disqualifying events

56. Violations of the following nature will result in automatic disqualification of a campaign:

- a) Anyone improperly declared an eligible campaign;
- b) Failure to attend the All-campaign Meeting without giving the CRO an adequate reason and arranging to meet with the CRO within twenty-four (24) hours.
- c) Any campaign 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 campaign.
- f) Solicitation of any outside entities or individuals to interfere in the referendum 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

57. 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

58. A campaign 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

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

Quorum for Appeals Hearing

60. The Elections Compliance Oversight Committee shall have a quorum of 5 members, when hearing an appeal.

Powers on Appeal

61. 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

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

DIVISION 7 – RECOUNT

Recount - automatic

63. The Chief Returning Officer shall hold a recount if the votes for two or more answers who receive the same number of votes.

Recount – on application

64. 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 referendum, or it appears advantageous that a recount be needed.

Appeal to the Elections Compliance Oversight Committee

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

Time for recount

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

Method of recount

67. 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

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

Tie vote

69. In case of a tie, the question shall be determined to be returned to the negative.

DIVISION 8 – ELECTIONS MATERIAL AND VOTERS LIST

Ballot form

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

Voters list

71. 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.

Breaches of privacy regarding the voters list

72. 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

73. Upon the first count of votes, the Chief Returning Officer shall officially validate the results of the referendum by adding all statement of votes together and thereupon declaring the answer 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

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

DIVISION 9 - CONFLICTS OF INTEREST

Executive Officers and Directors

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

SCHEDULE I

Form 1 – Notice of Referendum

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 Referendum in accordance with the by-laws to answer the following question:

Petitions to form campaigns are due at 1:00 p.m. on –

An All Campaign 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



**PETITION PAPER
OF A CAMPAIGN OF A REFERENDUM
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 [date] AT [time]

Part I – campaign Information

The name appearing in the boxes below must be exactly as the campaign wishes to be registered in the referendum as. This name must appear on all campaign material during the course of the campaign.

Name of campaign

Part II – Statement of Campaign officers

Officer	Title	Student number

Part III – Statement of officers of campaign

I, the undersign officer, for the campaign agrees to be bound by the rules of the referendum as contained in the Referendum Policy.

Name of officer	Signature of office

Part VI – Primary contact of the campaign

We designate the following campaign official to be the primary contact for the campaign.

Contact first name	Contact last name
Contact email address	Contact phone number

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

I support this campaign being formed. I affirm that I am a qualified elector.

	Student name	Student number	Signature	Witness signature
1				
2				
3				
4				
5				
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27				
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29				
30				

Form 4 – official statement of votes

OFFICIAL STATEMENT OF VOTES

POLL NUMBER	LOCATION OF POLL
TABULATION OFFICER	TABULATION OFFICER

QUESTION	
YES	
NO	
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 --th day of ----, 20--.

Tabulation officer

Tabulation officer

Chief Returning Officer

