



**university of victoria**  
**students' society**

# **Electoral Policy**

Amended January 4, 2016

# **ELECTORAL POLICY**

## **TABLE OF CONTENTS**

<b>PART 1: PURPOSE AND APPLICATION</b>	<b>3</b>
<b>PART 2: DEFINITIONS</b>	<b>3</b>
<b>PART 3: ELECTION PLANNING</b>	<b>4</b>
3.1 General	4
3.2 Responsibilities of the Board	5
3.3 Giving Notice of Election Information	5
3.4 Hiring Electoral Officers and making other administrative arrangements	6
3.5 General Responsibilities of the Electoral Officers	7
<b>PART 4: NOMINATIONS</b>	<b>7</b>
<b>PART 5: CAMPAIGNING</b>	<b>9</b>
5.1 General provisions	9
5.2 All Candidates Forum	9
5.3 Platforms	10
5.4 Limits on campaign material	10
5.5 Print credit and financial limits	11
5.6 Slates	12
5.7 Third party endorsements	13
5.8 Disqualifiable Offences	14
5.9 Removal of campaign material	15
5.10 Informal dispute resolution	16
5.11 Formal complaints	16
5.12 Consequences	17
5.13 Appeals	18
5.14 Appeals to the Arbitration Panel	18
<b>PART 6: REFERENDA</b>	<b>19</b>
6.1 General	19
6.2 Scheduling	20
<b>PART 7: VOTING</b>	<b>21</b>
7.1 Accessibility	22
7.2 Responsibilities of the Candidates	23
<b>PART 8: POST-ELECTION</b>	<b>23</b>
8.1 Election Report	24
<b>PART 9: BY ELECTIONS</b>	<b>24</b>
<b>SCHEDULE 1: Campus Map</b>	<b>25</b>

## **PART 1: PURPOSE AND APPLICATION**

- a. This policy sets out the responsibilities and obligations for conducting democratic elections of Lead Directors, Directors-at-Large, and the Director of International Student Relations to the UVSS Board of Directors, in accordance with the UVSS Constitution and By-laws.
- b. It is based on the principles of:
  1. respect for the democratic process and persons involved in that process,
  2. the right of voters and candidates to participate in a fair and just election, and
  3. fair and open processes for resolving election issues, including adjudications
- c. This policy applies to general elections and, where indicated, to referenda and by-elections.

## **PART 2: DEFINITIONS**

- 2.1 Academic building** means any UVic building where classes are held.
- 2.2 Arbitration Panel** means the panel appointed under the Constitution and Bylaws to hear the final level of appeals.
- 2.3 Board** means the UVSS Board of Directors.
- 2.4 Campaign material** means any paper, electronic, social media or other material produced by or on behalf of a candidate to promote the election of the candidate.
- 2.5 Candidate** means a person whose nomination form has been accepted as complying with this policy.
- 2.6 Complainant** means an individual who makes an election complaint under this policy.
- 2.7 Constitution and Bylaws** means the UVSS Constitution and Bylaws, as may be amended from time to time.
- 2.8 Elections Adjudicator** means the person appointed under the Constitution and Bylaws to hear the first level of appeals.
- 2.9 Electoral Committee** means the Electoral Committee of the UVSS as outlined in Bylaw 6.4 of the UVSS Constitution and Bylaws.
- 2.10 Election date** means the date set by the Board for voting in an election.

- 2.11 Electoral Office** means the physical location set by the Board for the use of the Electoral Officers to administer and manage the election.
- 2.12 Electoral Officer** includes the Chief Electoral Officer and any of the Deputy Electoral Officers.
- 2.13 Electronic voting** means voting using a secure, electronic means that will ensure each member will have only one vote.
- 2.14 In writing** includes print (hard copy) and electronic text.
- 2.15 Member** means an active member of the UVSS as defined under Bylaw 2.1.
- 2.16 Respondent** means an individual against whom an election complaint has been filed under this policy.
- 2.17 Slate** means a group of two or more candidates who decide to run together under a common name and may agree to use common campaign materials.
- 2.18 Student Residences** means all residence building complexes, Cluster Housing and Family Housing, as well as the Commons Block Building and any associated areas. For a map detailing these areas, see Schedule 1.
- 2.19 Third party endorsement** means official support from a recognized on-campus group for a candidate.
- 2.20 UVSS** means the University of Victoria Students' Society.

## **PART 3: ELECTION PLANNING**

### **3.1 General**

- a. A general election of Lead Directors, Directors-at-Large, and the Director of International Student Relations must be held each year, during the month of March as per Bylaw 5.2.a.
- b. Referenda and by-elections, if any, must be held on the election date that is set by the Board for that referendum or by-election. Referenda may be held in conjunction with a general election.
- c. The UVSS must pay the costs of the election processes required or authorized by this policy.
- d. The following forms are attached as appendices:

1. nomination form (appendix A)
2. referenda question form (appendix B)
3. complaint form (appendix C)
4. response form (appendix D)
5. appeal form (appendix E)
6. appeal reply form (appendix F)

### **3.2 Responsibilities of the Board**

#### **a. Setting the Date for the General Election and Other Related Matters**

1. The Board must set:
  - a. The election date for the next year's general election by no later than November 30 of the prior calendar year and must occur in March as per Bylaw 5.2.a., and
  - b. A schedule for the related events,
2. Where possible, the election date will be set for the same date as the last date for elections to Senate and Board of Governors.
3. The schedule for the related events must set:
  - a. A nomination period of at least one week and specify the date and time at which nominations close.
  - b. A date on which printed and digital campaign materials may be posted, which opening date must not be less than fourteen days after the close of nominations.
  - c. The approximate timing of publication of candidates' platforms in *The Martlet*, and
  - d. The approximate date for the all candidates' forum and chair debate, which, where possible, should be at least 2 days after the publication of candidates' platforms in *The Martlet*.
4. When setting the election date, the Board must also determine the location of the Election Office where completed nomination forms are to be submitted. The location may be revised, if necessary, but notice of that must be given by posting a notice on the UVSS website and on the door of the proposed initial location.

### **3.3 Giving Notice of Election Information**

- a. Within one week of the election date being set the Board must post a copy of this Policy, including all the forms, the election date, the schedule for related events, and the location of the Election Office where completed nomination

forms are to be submitted on the UVSS website and maintain that posting until the election results are made official.

- b. At least 7 days before the start of the nomination period, the Board must
  1. Print in *The Martlet*, using at least a one-half page advertisement,
  2. Broadcast a radio advertisement on CFUV 101.9FM.
  3. Post on as many University notice boards and Student Union Building notice boards as possible, with at least one poster in each academic building, and
  4. Send to all members by email
  5. A notice setting out:
    - a. A link to the place on the UVSS website where this policy and forms may be viewed,
    - b. The election date,
    - c. The nomination period and the date and time for the close of nominations, and
    - d. The location of the Electoral Office.

### **3.4 Hiring Electoral Officers and making other administrative arrangements**

- a. At least 4 weeks before the start of the nomination period, the Electoral Committee must:
  1. Appoint a Chief Electoral Officer,
  2. Make administrative arrangements for the Electoral Office, including setting up email addresses and Zap! and Martlet accounts, and
  3. Make administrative arrangements for the Elections Adjudicator and the members of the Arbitration Panel, including setting up email addresses.
- b. The appointment committee for the Chief Electoral Officer is to be comprised of two members of the Electoral Committee, the UVSS General Manager and the UVSS Research and Communications Coordinator.
- c. The Chief Electoral Officer must not be a current UVSS member.
- d. At least 2 weeks before the start of the nomination period, the Electoral Committee must appoint one or more Deputy Electoral Officers and may designate one of them as the Senior Deputy Electoral Officer who is to be responsible to supervise and direct the activities of any other Deputy Electoral Officers.
- e. The appointment committee for the Deputy Electoral Officers is to be comprised of the Chief Electoral Officer, one or more members of the Electoral Committee, the General Manager and the Research and Communications Co-

ordinator. The composition of the appointment committee must also adhere to the rules for hiring as set out in Article 12.4 of the Collective Agreement.

- f. Deputy Electoral Officers may be current UVSS members.

### **3.5 General Responsibilities of the Electoral Officers**

- a. The Electoral Officers have the responsibility and authority to conduct elections under this policy, independently from the Board and the Electoral Committee and impartially as between candidates and slates.
- b. The Chief Electoral Officer has the responsibility
  - 1. To direct the conduct of the election and the activities of all of the Deputy Electoral Officers,
  - 2. To resolve complaints and any other issues that may arise under this policy, and
  - 3. If no Senior Deputy Electoral Officer is designated by the Electoral Committee, or if the Senior Deputy Electoral Officer is unable to act, to assign the responsibilities of the Senior Deputy Electoral Officer to any one or more of the Deputy Electoral Officers.
- c. The Chief Electoral Officer must consult with the Electoral Committee about any issues that arise that may have unanticipated election budget impacts.
- d. The Deputy Electoral Officers are responsible
  - 1. To report to and operate under the direction of the Chief Electoral Officer,
  - 2. For the day-to-day operations of the Electoral Office, and
  - 3. To carry out the responsibilities specifically assigned to them under this Policy.
- e. Where a responsibility or authority under this policy is given to an Electoral Officer, that responsibility or authority may be exercised by any one or more of the Chief Electoral Officer or a Deputy Electoral Officer.

## **PART 4: NOMINATIONS**

- a. Before the start of the nomination period, the Senior Deputy Electoral Officer must:
  - 1. Confirm and revise if necessary the timelines and requirements for the candidates' platforms to be published in *The Martlet*, and

2. Make available at the Electoral Office copies of this Policy and the nomination form, and the timelines and requirements for the candidates' platforms to be published in *The Martlet*.
- b. Before the close of the nomination period, members who intend to seek election as a Lead Director, a Director-at-Large or the Director of International Student Relations must:
    1. Have a completed nomination form signed by at least 15 but no more than 25 members,
    2. Sign the form confirming that the information provided on the form is true and that the member understands and will comply with the obligations and responsibilities for candidates set under this policy,
    3. Have the nomination form stamped by the Office of the Registrar verifying that the person is a member, and
    4. File a paper copy of the completed, signed and stamped nomination form at the Electoral Office.
  - c. A member may submit only one nomination form. Once filed, a nomination may only be withdrawn by the member, in writing. If a member submits more than one nomination form, none of those nomination forms may be accepted as valid.
  - d. Electoral Officers may not complete or revise nomination forms.
  - e. If the Senior Deputy Electoral Officer determines a nomination form is completed as required by this policy, the Senior Deputy Electoral Officer must accept the nomination.
  - f. If after the close of the nomination period the Senior Deputy Electoral Office determines a nomination is not signed by a sufficient number of nominators, signed by the proposed candidate, stamped by the Office of the Registrar, or filed by the close of the nomination period, the nomination must be rejected by the Senior Deputy Electoral Officer and cannot be corrected or completed. A nomination that is missing any other information must be rejected if that information is not provided by 4:00 p.m. on the day following the close of nominations.
  - g. The Senior Deputy Electoral Officer must, by 9:00 a.m. on the day following the close of the nomination period, post a list of all accepted nominations, all rejected nominations and all nominations missing other information that may be corrected, on the door to the Elections Office.
  - h. A decision by the Senior Deputy Electoral officer to reject a nomination may be appealed to the Chief Electoral Officer. An appeal must be made, in writing, within 24 hours. The Chief Electoral Officer:

1. has discretion whether to meet with the person, the Senior Deputy Electoral Officer or both of them to review the decision, and
  2. must issue a written decision whether the nomination is to be accepted, within 48 hours.
- i. The Senior Deputy Electoral Officer must, as soon as is reasonably possible, revise the lists posted on the Election Office of the names of persons whose nomination forms are accepted, and of any persons whose nominations were rejected and request the Electoral Committee arrange for that information to be posted on the UVSS website.

## **PART 5: CAMPAIGNING**

### **5.1 General provisions**

- a. Candidates must attend all meetings scheduled by an Electoral Officer. The Electoral Officer may give notice of any meeting by email to the address shown on the candidate's nomination form.

### **5.2 Candidate Debate Forums**

- a. **All Candidates Forum** The Elections Office must organize at least one All Candidates Forum on or as close as possible to the date set by the Board. The Elections Office has discretion on the format and timing, but where possible will be guided by the following:  
Candidate speeches may be limited to
  - a. Directors-at-Large: two minutes
  - b. Director of International Student Relations: two minutes
  - c. Lead Directors: three minutes
  - d. Official Representatives of Referenda: three minutes.

Question periods may be limited to ten minutes for each category and priority should be given to questions posed by non-candidates.

- b. **Lead Director Forum** The Elections Office must organize at least one Lead Director Forum on or as close as possible to the date set by the Board. This forum shall be hosted in conjunction with CFUV 101.9 FM.

Question periods may be limited to ten minutes for each category and priority should be given to questions posed by non-candidates.

- c. **Board of Governors and Senate Forum** The Elections Office must organize at least one Board of Governors and Senate forum. Board of Governors and Senate candidate speeches may be limited to:

- e. Board of Governors: three minutes
- f. Senate: two minutes.

### **5.3 Platforms**

- a. Candidates must file, at the Electoral Office, their platform for publication in *The Martlet*, within the time and other limits set under this Policy. Platforms that are submitted late will not be published.
- b. The Senior Deputy Electoral Officer must arrange for publication of candidates' platforms in *The Martlet*.
- c. The word count of platforms must not exceed
  - 1. 200 words for Director-at-Large positions
  - 2. 200 words for Director of International Student Relations position
  - 3. 300 words for Lead Director positions
  - 4. 400 words for Referendum sides
- d. Once submitted to the Electoral Office, a platform cannot be edited except, if the maximum applicable word limit is exceeded, the Senior Deputy Electoral Officer will notify the candidate and the candidate may choose the words which are to be deleted and confirm the deletions with the Senior Deputy Electoral Officer. If the candidate does not respond within the time set by the Senior Deputy Electoral Officer, the Senior Deputy Electoral Officer must delete words, starting from the last word and continuing from there until the maximum allowable number of words is reached.
- e. The Senior Deputy Electoral Officer must send candidates an email copy of the proof of their platform prior to publication. Candidates must, within 24 hours of the email notice, give the Senior Deputy Electoral Officer written notice of any revisions necessary to correct any errors in the proof to correspond with the platform as submitted.

### **5.4 Limits on campaign material**

- a. Campaign material must not be posted or published prior to 9:00 a.m. on the first day on which printed and digital campaign materials may be posted, as scheduled by the Board of Directors.
- b. Candidates are encouraged to be environmentally responsible when considering the numbers and types of campaign materials they intend to use.
- c. Posters and banners may only be posted in accordance the University of Victoria posting regulations for student elections. It is the candidate's responsibility to read and comply with those regulations.

- d. All posters and banners must be stamped by a Deputy Electoral Officer before posting.
- e. Candidates are limited to 60 posters and 4 banners at any time. This is intended to permit replacement of torn, missing or defaced posters.
- f. Candidates seeking election to the UVic Senate and/or Board of Governors are entitled to the post the number of posters and banners outlined above for their candidacy for UVSS elections, in addition to the posters and banners for their Senate and/or Board of Governor elections.
- g. Banners cannot be larger than 15 square feet. Banners may be placed beside each other to create the effect of a larger banner.
- h. Posters must be printed on recycled paper and cannot be larger than 8.5 inches by 11 inches. Posters can be placed beside each other to create the effect of a larger poster or banner but cannot exceed 15 square feet.
- i. Posters and banners may only be posted on the University of Victoria campus, and are not permitted to be posted at or in the Halpern Grad Centre, the Petersen Health Centre, or any part of student residences.
- j. For elections to the Board of Directors, the only campaign materials that candidates or slates may distribute to electors/voters are the following: buttons, pins, stickers, handbills, patches, badges, condoms, lube, seeds, tea bags, temporary tattoos, pens, and bookmarks. These materials must be handed directly to electors/voters and not left in physical locations on campus. Materials must not have any branding other than slate, independent candidate, or third-party endorser branding.
- k. Chalking is permitted only on classroom chalk boards and on exterior surfaces that are exposed to the weather.
- l. Candidates are responsible for all of their campaign materials and for complying with posting regulations, including materials prepared or posted by their slate, campaign supporters, or third party endorsers.
- m. All posted material must be attributed to a particular candidate.

### **5.5 Print credit and financial limits**

- a. The Senior Deputy Electoral Officer must arrange for a \$70.00 credit at ZAP! for each candidate, which credit can only be used by the candidate for the candidate's own campaign expenses.

- b. In addition to the ZAP! credit, candidates may spend a maximum of \$30.00 on their campaign (“the campaign spending limit”). The following must be reported and included when determining campaign spending and whether the campaign spending limit has been exceeded:
  - 1. The fair market value of any donated goods or materials,
  - 2. The fair market value of any goods, materials, or labour that are obtained at a discounted price that would not be available to all other candidates
  - 3. Any provincial, federal, or harmonized sales, goods or services taxes.
  - 4. The value of volunteers’ donated labour is not required to be included when reporting or determining campaign spending.
- c. Candidates must submit copies of receipts for all of their campaign expenditures to the Senior Deputy Electoral Officer by no later than the time that polls close, and certify in writing that they have not exceeded the campaign spending limit. A candidate who exceeds the campaign spending limit or fails to submit copies of their receipts or to certify in writing that the limit has not been exceeded must be disqualified by the Chief Electoral Officer.
- d. Candidates for the UVSS Board of Directors who are also seeking election to the UVic Senate and/or Board of Governors are permitted to create campaign material and organize campaign events and activities that publicize their UVSS Board of Directors candidacy (which may include a slate name), as well as their Senate and/or Board of Governors candidacy. All costs associated with these materials, events and activities must be wholly attributed to their UVSS campaign.

## **5.6 Slates**

- a. Candidates may organize as a slate to work together on their campaigns. A slate must designate one person as their campaign manager and must provide contact information for that person, in writing, to the Senior Deputy Electoral Officer. Campaign managers must be familiar with this policy and ensure all candidates on the slate read and understand their responsibilities and obligations.
- b. If candidates belong to a slate, they must indicate the name of the slate and the slate campaign manager on their nomination forms and if they decide to form or join a slate after submitting their nomination form, they must inform the Senior Deputy Electoral Officer, in writing, within 24 hours of that decision.
- c. In their campaign materials, candidates are permitted to endorse other candidates and/or slates, provided they have written consent of the other candidate and/or slate.

- d. Candidates are responsible for any campaign activities carried out or campaign materials produced by the slate on behalf of the candidate and all posters and banners must be stamped by a Deputy Electoral Officer before being posted and will be counted as if produced by the candidate when determining the candidate's maximum permissible numbers of posters and banners and their campaign spending limit.
- e. Slates are obligated to comply with the responsibilities and obligations of candidates under this policy.
- f. An Electoral Officer, the Elections Adjudicator and the Arbitration Panel may deal directly with a slate's campaign manager about any campaign issues related to or complaints made against the slate or a candidate who is part of the slate. The campaign manager will be responsible for representing the candidate and the slate with respect to any such issues or complaints, and for informing all candidates of the slate about any such campaign issues or complaints and the outcomes.
- g. A candidate who is not on a slate may appoint a person to act as their campaign manager and an Electoral Officer, the Elections Adjudicator or the Arbitration Panel may deal directly with the candidate's campaign manager about any campaign issues related to or complaints made against the candidate. The campaign manager will be responsible for representing the candidate with respect to any such issues or complaints, and for informing the candidate about any such campaign issues or complaints and the outcomes.

### **5.7 Third party endorsements**

- a. Candidates may accept the endorsement of an on-campus group and refer to that endorsement in their campaign material, but must provide written proof of an endorsement to a Deputy Electoral Officer before referring to it in their campaign materials.
- b. Third party endorsers are obligated to comply with the responsibilities and obligations of candidates under this policy.
- c. The following groups are not permitted to provide third-party endorsements: UVic or any UVic departments or affiliates, businesses (on-campus or off-campus), political parties (municipal, provincial, federal), the Martlet, or CFUV 101.9.
- d. Candidates are responsible for any campaign activities carried out by or campaign materials produced by a third party endorser on behalf of the candidate and all posters and banners must be stamped by a Deputy Electoral Officer before being posted and will be counted as if produced by the candidate

when determining the candidate's maximum permissible numbers of posters and banners and the candidate's campaign spending limit.

- e. If an on campus group spends money to promote the election of a candidate or endorses a candidate in a non-official capacity, and the candidate is known to be affiliated with that group, the candidate may be held responsible.
- f. The Board is not permitted to endorse a slate or any candidate. The Board is permitted to endorse either side of a proposed referendum.

## **5.8 Disqualifiable Offences**

**5.8.1 Malicious campaigning** means a campaign activity with the primary intention of causing harm to another candidate or group of candidates.

**5.8.2 Substantially prejudicial** means a campaign activity which can be reasonably inferred to cause harm to another candidate or group of candidates whether intended or not.

**5.8.3 Harassment** means an activity that is abusive, unfair, or demeaning to a person or group of persons that has the effect or purpose of creating a hostile, intimidating, threatening, or humiliating environment. Harassment includes persistent unwanted attention directed toward another candidate or member.

**5.8.4 Defamation** means the making of a public statement about a candidate that unjustly damages the candidate's reputation. Words may be defamatory because of the idea they expressly convey or by the insinuations that may be inferred from them. The test is whether the person making the statement knows it to be untrue and is making it with the intent to damage the other person's reputation. Whether remarks are defamatory is determined by applying an objective standard. It must be asked whether an ordinary person would believe that the remarks made, when viewed as a whole, brought discredit on the reputation of the other person. While persons seeking election must be free to discuss matters of public interest, they must act as would the reasonable person. The reasonableness of their conduct can be demonstrated by their good faith and the prior checking they did to satisfy themselves as to the truth of their allegations.

**5.8.5 Libel** means the making of a defamatory statement in writing, for example, on a website, on a poster or in a handbill, or by chalking.

**5.8.6 Slander** means the making an oral defamatory statement, for example, in a speech.

**5.8.7 Vote Buying** means offering an incentive (e.g. money, gifts, refreshments, entertainment) to an elector to vote or not to vote, or to vote for a particular candidate. Incentives can be offered to electors provided there is no obligation on the elector to vote or not to vote, or to vote for a particular candidate. The only incentives (campaign materials) allowed are the following: buttons, pins, stickers, handbills, patches, badges, condoms, lube, seeds, tea bags, temporary tattoos, pens, and bookmarks.

- a. Candidates, campaign managers, slates and third party endorsers are prohibited from, and candidates will be subject to disqualification if the candidate, their campaign managers, slate or third party endorsers:
  1. distribute, post or otherwise publish any campaign material before 9:00 a.m. on the first day on which printed and digital campaign materials may be posted, as scheduled by the Board of Directors.
  2. campaign or distribute, post or publish campaign material
    - a. off campus
    - b. in or around student residence buildings
    - c. within sound or 6 metres of a polling station during polling hours
    - d. using campus publications such as *The Martlet* or CFUV other than by letters to the editor, personal interviews concerning a candidate's nomination or platform, or *The Martlet* election supplement
  3. loiter at a polling station during polling hours
  4. remove, deface or otherwise vandalize another candidate's campaign materials
  5. make statements or participate in campaigning that defames another candidate
  6. act maliciously against or substantially prejudicial toward another candidate, a slate, an Electoral Officer or the electoral process
  7. harass anyone with respect to the election
  8. exceed the campaign spending limit, fail to file all of their receipts for campaign spending and the required certification about campaign spending
  9. make complaints found to be frivolous or vexatious.
- b. Sanctions may be applied for activities other than those listed above, but candidates cannot be disqualified for offences not listed in this section.

### **5.9 Removal of campaign material**

- a. Candidates must remove any print campaign material or remove, revise or correct any electronic or social media campaign material if directed to do so by an Electoral Officer, but may ask for the reason and appeal that direction
  1. if made by a Deputy Electoral Officer, to the Chief Electoral Officer, and

2. if made by the Chief Electoral Officer, to the Elections Adjudicator using the same process as if appealing a complaint decision.
- b. An Electoral Officer may remove any posters or banners that do not comply with this policy and will inform the candidate identified in the campaign material of that action and the reason for it. The candidate may appeal that removal
    1. if by a Deputy Electoral Officer, to the Chief Electoral Officer, and
    2. if by the Chief Electoral Officer, to the Elections Adjudicator using the same process as if appealing a complaint decision.
  - c. Candidates must remove all posted campaign materials from the campus by the time polls close on the election day. The Chief Electoral Officer may withhold results until all posted campaign material has been removed from campus. Once satisfied, the Chief Electoral Officer must announce election results as soon as possible.

#### **5.10 Informal dispute resolution**

- a. A person may request an Electoral Officer to informally discuss with a candidate whether the candidate may be failing to comply with a limitation or prohibition on campaigning.
- b. The Electoral Officer may request further information from the person, prior to undertaking informal discussions.
- c. The Electoral Officer must advise the person of the outcome of the discussions.

#### **5.11 Formal complaints**

- a. A member may make a complaint about a candidate's failure to comply with a limitation or prohibition under this policy.
- b. A complainant may request their identity be kept confidential and the Electoral Officers, Election Adjudicator and the Arbitration Panel must take all possible steps to comply with that request.
- c. Complainants and respondents may represent themselves or be represented only by another member at any complaint hearing or appeal.
- d. Complaints must be made in writing, using a Complaint form (appendix C) to the Elections Office email address. A complaint may be made at any time up to forty-eight hours after the close of polls.
- e. The Chief Electoral Officer must review a complaint within one business day of it being filed and do one of the following:
  1. request more information from the person making the complaint,

2. determine the complaint is not likely to succeed because it is frivolous, vexatious, or made for an improper purpose and advise the person making it that the complaint is being dismissed without any further action being taken,
  3. send a copy of the complaint to the candidate complained about, deleting any information that may identify the member making the complaint.
- f. The candidate complained about may respond in writing by filing a Response (appendix D) to the Elections Office email address within one business day of the complaint being sent to the candidate.
  - g. The Chief Electoral Officer may request the complainant or the candidate meet with the Chief Electoral Officer prior to making a decision and set a time for that to happen. If the complainant or candidate does not take advantage of that opportunity, the Chief Electoral Officer may make a decision without that meeting.
  - h. The Chief Electoral Officer must decide the complaint within one business day of a Response being filed or a meeting being held under the preceding paragraph, whichever is the latest. The Chief Electoral Officer must give their decision and the reasons for it and any consequences as a result of the decision, in writing, to the candidate and the person who made the complaint.
  - i. The Chief Electoral Officer has the discretion to make a finding of non-compliance with a limitation or prohibition on campaigning but to impose no consequences if they determine that the non-compliance was unintentional and is immediately corrected on notice to the candidate.
  - j. The Chief Electoral Officer has the discretion to extend any time limit set for the complaint process, but must be mindful of the need to resolve complaints in a timely way.

## **5.12 Consequences**

- a. If the Chief Electoral Officer finds a candidate failed to comply with a limitation or prohibition on campaigning, the Chief Electoral Officer may:
  1. issue a written warning to the candidate,
  2. impose restrictions on the numbers and types of campaign materials the candidate may use, or
  3. disqualify the candidate.
- b. If the Chief Electoral Officer finds a candidate committed a disqualifiable offence, other than a limitation or prohibition on campaigning, the Chief Electoral Officer must disqualify the candidate.
- c. A candidate in elections to the UVSS Board of Directors who commits a disqualifiable offence will receive the following penalties:

1. A prohibition for a period of not longer than 1 board term from running as a candidate in elections to the UVSS Board of Directors.

### **5.13 Appeals**

- a. Within one business day after the Chief Electoral Officer makes a decision, an appeal may be made to the Election Adjudicator by a complainant or the candidate by sending an Appeal form (appendix E) to the Election Adjudicator email address, and to the Electoral Office email address.
- b. On receipt of an appeal, the Senior Deputy Electoral Officer must send copies of the complaint, the response if any, and the decision of the Chief Electoral Officer to the Election Adjudicator.
- c. When considering an appeal, the Election Adjudicator must review written submissions as well as conduct an interview with the complainant, respondent, the Elections Office, and any relevant witnesses.
- d. Until an appeal is concluded, a decision of the Chief Electoral Officer to disqualify a candidate is held in abeyance, but a decision to impose restrictions on the numbers and types of campaign materials the candidate may use applies until overturned on appeal.
- e. The process for a complaint applies to an appeal, and the Election Adjudicator has, on an appeal, the same powers and is subject to the same timelines and obligations as the Chief Electoral Officer on a complaint.

### **5.14 Appeals to the Arbitration Panel**

- a. Within one business day after the Election Adjudicator makes a decision, a candidate may appeal that decision to the Arbitration Panel, by sending an Appeal form (appendix E) to the Arbitration Panel at its email address and to the Electoral Office email address.
- b. The requirements, obligations, time limits and authorities for an appeal to the Election Adjudicator apply to appeals to the Arbitration Panel. The process for a complaint applies to an appeal to the Arbitration Panel, and the Arbitration Panel has, on an appeal, the same powers and is subject to the same timelines and obligations as the Chief Electoral Officer on a complaint.
- c. When considering an appeal, the Arbitration Panel must review written submissions as well as conduct an interview with the complainant, respondent, the Elections Office, the Elections Adjudicator and any relevant witnesses.
- d. The decision of the Arbitration Panel is final.

- e. The election results must not be considered official until all decisions are made on all outstanding complaints and appeals.

## **PART 6: REFERENDA**

### **6.1 General**

- a. Unless specifically provided, this policy applies to referendum questions, with such modifications as the Chief Electoral Officer may determine necessary.
- b. Referendum questions may only be called as provided by UVSS Bylaw 4.7.b.
- c. Referendum questions must set out the exact words of the question which are to appear on the ballot, and must be phrased in a way that the question can be answered “yes” or “no”.
- d. Petitions for member-initiated referendum questions must include: name, signature and student number for each signatory in order to verify that the requisite ten percent [10%] of the membership requirement has been fulfilled as per Bylaw 4.7.b.ii. A petition template shall be made available on the UVSS Elections Office website.
- e. If the Chief Electoral Officer is of the opinion that a question does not comply with this policy and/or UVSS Bylaws, the Chief Electoral Officer may refuse to accept the question as valid. To appeal that decision, the process for appealing a rejected nomination must be followed.
- f. Before the open of the nomination period, the Senior Deputy Electoral Officer must post a list of all referendum questions asked at the Electoral Office and on the UVSS Elections website.
- h. The UVSS Board of Directors shall be neutral in all referenda unless the Board votes to support a side. If the Board of Directors votes to support a side, UVSS resources will be made available to the proponent or opponent who aligns with the decision of the Board of Directors. The Board of Directors must inform the Chief Electoral Officer once support for a proponent or opponent has been established.
- j. A member may apply to be the official proponent or opponent of any referendum question by submitting a Referendum Proponent Form or Referendum Opponent Form to the Chief Electoral Officer before the close of the nomination period. If two or more individuals apply to be the official proponent or opponent, the Chief Electoral Officer must:
  - i. give each person applying one [1] business day to submit in writing why they should be the proponent or opponent,

- ii. ask the member who called the referendum question if they have a preference among proponent nominees, and if so, give their preferred proponent priority. (question initiated as per Bylaw 4.7.b.ii)
  - iii. ask the chair of Electoral Committee who the Board selected as proponent and give their selected proponent priority. (question initiated as per Bylaw 4.7.b.i)
  - iv. within one [1] business day, decide which person shall be the proponent or opponent, and
    - iii. give reasons for the decision, in writing, to each person who applied to be the proponent or opponent.
- k. Decisions of the Chief Electoral Officer may be appealed to the Election Adjudicator as if a decision on a complaint.
- l. Proponents and opponents have and must comply with all the obligations, limitations and responsibilities of a candidate, except that referendum sides may post a maximum of one hundred [100] posters and six [6] banners.
- m. Complaints may be made against proponents and opponents as if candidates, and the consequences include:
  - i. written warnings to the proponent or opponent,
  - ii. restrictions on the numbers and types of campaign materials the referendum side may use, or
  - iii. disqualification of the proponent or opponent and if a proponent or opponent is disqualified no other person may act in their place.
- n. If a disqualifiable offence is committed by a proponent, opponent or third-party endorser, the referendum may be considered invalid. The Chief Electoral Officer must make all reasonable attempts to investigate, rectify, and/or resolve any issues before resorting to invalidating the result of a referendum question.

## **6.2 Scheduling**

- a. If a referendum question is called outside of elections to the Board of Directors, the Board shall determine the most financially responsible time to staff the Elections Office. The Board shall not impede the question going forward within the board term and as per the Bylaws. The Board shall not schedule a referendum when classes are not in session.
- b. If a member calls a referendum question as per (Bylaw 4.7.b.ii), the following shall occur:
  - i. the question and the requisite amount of signatures shall be submitted to the Electoral Committee.
  - ii. the Electoral Committee must liaise with the University in order to verify the signatures within a reasonable time frame.

- iii. the question will be posed to the membership if, after the signatures are verified, the requisite 10% of the membership has been attained.
  - iv. within one [1] business day of the signatures being verified, the Electoral Committee must inform the member who initiated the question as to whether the referendum question will be posed to the membership or not
  - v. if the number of signatures deemed valid is not sufficient, the member(s) shall be notified within one [1] business day and the petition shall be returned to them.
  - vi. if the number of signatures is deemed valid, at the next Board meeting, the Board must determine the date on which the referendum question will be posed to the membership.
- c. When the Board votes on calling a referendum question (Bylaw 4.7.b.i), the Board must do the following at that meeting:
- i. set the date.
  - ii. vote on whether it is in favour, neutral or opposed to the question.
  - iii. select a proponent.
  - iv. direct the Electoral Committee to submit the referendum question to the Chief Electoral Officer within two [2] business days.
- d. Once the Nomination Period has started for a scheduled referendum or an election to the Board of Directors, the Elections Office will not accept new referendum questions for the duration of that referendum or election period.

## **PART 7: VOTING**

- a. All persons must preserve the secrecy and integrity of voting.
- b. No person may vote more than once.
- c. Elections are to be conducted using electronic voting. The voting period is to be comprised of twenty-four [24] consecutive hours on election day. Co-op and distance students may be assigned a longer voting period than on-campus students.
- d. The Electoral Committee and the Chief Electoral Officer must jointly direct the University:
  - 1. the parameters for eligible voters for Lead Director and Director-at-Large positions are to include all active UVSS members
  - 2. the parameters for eligible voters for the Director of International Student Relations are to include all active UVSS members who are international students

3. the reporting of election results is to be to both the Electoral Committee and the Chief Electoral Officer, and
  4. the parameters for destruction of election data.
- e. The Electoral Committee must direct the Office of the University Secretary regarding the form of the ballot and must
1. use one ballot for each Lead Director position, one ballot for all of the Director-at-Large positions and one ballot for the Director of International Student Relations position,
  2. list candidates names on each ballot alphabetically, and
  3. identify candidates' affiliation with a slate or status as an independent
- f. The Senior Deputy Electoral Officer must
1. arrange for sufficient computers to use for voting and other materials and poll sitters necessary for election day
  2. arrange for polling stations as set out in section 7.1.d,
  3. must ensure "Please: No Loitering" signs are prominently displayed at all polling stations.
  4. hire, train and direct poll sitters in their duties including the need for impartiality
  5. post a notice of the location, dates and times of all the polling stations
  6. ensure that members with disabilities are afforded all accommodations necessary to permit them to exercise their right to vote.

### **7.1 Accessibility**

- a. The Senior Deputy Electoral Officer must ensure that at least one polling station has all of the following attributes:
1. is wheelchair accessible,
  2. provides ready and independent access to all persons regardless of ability,
  3. is clearly identified,
  4. is open for twelve hours, and
  5. permits student with a disability to vote with the assistance of another person, if that student requests.
- b. The Senior Deputy Electoral Officer must communicate the location of this polling station, including but are not limited to:
1. by an email to the membership email lists of Society for Students with a Disability, Resource Center for Students with a Disability, UVSS, and UVIC
  2. an advertisement in the Martlet,
  3. an advertisement on CFUV 101.9FM.
  4. on the UVSS website, and
  5. by an email to all candidates.

- c. The Senior Deputy Electoral Officer must make the list of candidates and candidates' campaign platforms, and referendum questions available in accessible formats, on the request of any person with a disability.
- d. Polling stations must be located in
  1. each of the Student Union Building, Clearihue, and the McPherson Library, and open for at least eight hours,
  2. each of Engineering Lab Wing, MacLaurin, Fraser, Fine Arts, Commons Block, Engineering and Computer Science, and open for at least two hours.
- e. On voting day, the Elections Office must promote the election in each of Elliot, Cornett, University Centre, Social Sciences and Mathematics, David Strong Building, Human and Social Development, and McKinnon.

## **7.2 Responsibilities of the Candidates**

- a. Candidates must ensure their posted campaign material is removed from sight of all polling stations before polling begins.
- b. Candidates may briefly visit polling stations but must not campaign within sound or 6 metres of a polling station during polling hours or loiter at a polling station. Candidates must leave the area of a polling station if asked to do so by a poll sitter or an Electoral Officer.

## **PART 8: POST-ELECTION**

- a. The Chief Electoral Officer may withhold results until all posted campaign material has been removed from campus. Once satisfied, the Chief Electoral Officer must announce election results as soon as possible.
- b. Subject to the results of any complaints or appeals, election results are final. Election results are not subject to recount.
- c. When all complaints and appeals have been dealt with, the results of the election shall be considered official and shall be posted on the UVSS website.
- d. The candidate receiving a plurality of votes duly cast shall be declared elected. If a successful candidate is disqualified, the next candidate with the next greatest number of votes is to be declared elected.
- e. The Senior Deputy Electoral Officer must post the official results in no fewer than six [6] academic and/or administrative buildings on campus, one of which must be the Student Union Building, and arrange for them to be posted on the UVSS website.

## **8.1 Election Report**

- a. After results are officially announced, the Chief Electoral Officer must prepare a report setting out:
  1. the official results of the election and any referendum questions
  2. a financial statement setting out the full cost of the election
  3. a list of any complaints and appeals and the decisions made
  4. any suggestions to improve the efficiency and/or fairness of the election, and
  5. any other information that the Chief Electoral Officer deems to be important to include.
- d. The report must be signed by the Chief Electoral Officer and the chair of the Electoral Committee.
- e. The report must be submitted to the Electoral Committee who must submit it to the Board no later than [2] weeks after the results of the election are official.
- f. The Electoral Committee must ensure the destruction of all election data.

## **PART 9: BY ELECTIONS**

- a. By elections may be held in the fall term to fill vacancies on the Board of Directors which have occurred between the general election and November 15.
- b. The minimum number of polling hours in each building may be reduced but not the total length of the polling period.

## **SCHEDULE 1: Campus Map**

Campaigning in the areas crossed off, including all areas associated with student residences and the Halpern Centre for Graduate Students, is prohibited.

