



## **Elections Procedures of the University Students' Council**

### **Elections Procedure Code**

The University Students' Council of the University Western Ontario, hereinafter called the "Corporation" is a governing body incorporated in 1965 under Letters Patent with Directors and members duly elected by the students of the University of Western Ontario, and, in this capacity, the Corporation finds itself concerned with the democratic operation of electoral rules and procedures by which it abides. As such, the Corporation has approved the procedures and standards set out in this By-Law in an attempt to accomplish the following:

### **Vision Statement**

To maximize the opportunity for students to be involved in USC-governed elections at the University of Western Ontario, as candidates, voters and informed individuals.

#### Principles:

- To ensure fairness and democracy.
- To provide a manner of balloting that is efficient, effective, impartial and confidential.
- To increase student awareness as to the occurrence of student elections.
- To allow any student to be a candidate in an elections, regardless of financial status.
- To raise the level of debate surrounding student issues.
- To protect the reputation of the University and the USC in the city and elsewhere.

### **Statement of Independence**

The USC shall not endorse or support the views of any Candidate in any election. Further, the views of any Candidate during the course of campaigning shall not necessarily represent the views of the USC or current Elected or Appointed Officials.



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**BY-LAW#2: ELECTIONS BY-LAW**

29 November 2017

USC Council

**PART A: ELECTIONS**

**1. Definitions**

For the purpose of this By-Law, in addition to definitions from USC's **By-Law #1**, these terms shall be defined as follows regardless of capitalization.

**1.1 Arm's-length Party** means any individual or group who is not a campaign volunteer.

**1.2 Campaign Material** means any item, giveaway, design, sound, symbol or mark that is created or copied in any form in order to and/or likely to influence at least one voter to cast a ballot in favour or in opposition of a candidate.

**1.3 Campaign Period** means the designated days during which a candidate may campaign, as set by the CRO.

**1.4 Campaigning** means any attempt by an individual or organization to encourage a student to cast a ballot in favour or in opposition of a candidate. This may occur with or without campaign material.

**1.5 Campaign Volunteer** means an individual, group, or organization who a Candidate knew, or reasonably ought to have known, would assist that candidate with campaigning and/or the logistics of campaigning.

**1.6 Candidate** means any individual or group of individuals that appears as a single political entity on the voting ballot.

**1.7 Candidate Forums** means organized events by the Committee, where candidates may present their platforms.

**1.8 Committee** means the Elections Governance Committee.

**1.9 Consultations** means a meeting held to gather information for the purposes of assembling a campaign team and/or platform.

**1.10 CRO** means Chief Returning Officer of the USC.

**1.11 Days** means school days unless specified otherwise.

**1.12 Designated Polling Station** means an electronic polling station installed and under the control of the CRO during balloting.

**1.13 Distribute** means the dissemination of campaign materials by a candidate, or a campaign volunteer, to any individual or group.

**1.14 Divisional Election** means an election for representatives of faculty or affiliate constituencies.

**1.15 Election** shall include any by-election.

**1.16 Endorsement** means supporting a candidate either verbally, or through the provision of materials, advertisements, or non-financial donations.



- 1.17 Fair Market Value** of a product or service means the typical price, without special concessions or discounts, which is available to all persons who approach a person or company that sells, or deals in, that product or service.
- 1.18 Fall semester** means the session of the academic year starting in September and ending at the conclusion of the December exam period.
- 1.19 Prospective Candidate** means an individual or group of individuals who have expressed an interest in running in a USC Election, regardless of having submitted a Declaration of Candidacy. One shall be considered a prospective candidate up until the moment one submits a valid nomination form.
- 1.20 PVP Election** means an election as a slate for the USC President and Vice-President.
- 1.21 Proxy** means an authorization by means of which a candidate has appointed another student to attend and act on the candidate's behalf.
- 1.22 Public Domain** means any place to which the public has an automatic right of access.
- 1.23 Regulations** means guidelines released by the Elections Governance Committee indicating how the by-law will be interpreted and applied.
- 1.24 Secretary of the University** as defined by the University of Western Ontario.
- 1.25 Slate** means a pair of individuals – a President and Vice-President – that constitute a single political entity and run a single campaign.
- 1.26 Spoiled vote** means any ballot cast that is not a valid vote.
- 1.27 Sponsorship** means a financial contribution made for the purpose of supporting a candidate's campaign.
- 1.28 Student** includes any individual with undergraduate status registered at the University of Western Ontario, King's University College, Huron University College, or Brescia University College unless otherwise specified.
- 1.29 Third-Party Fee** is a fee that funds a program or service run by an organization other than the USC, and which benefits Western students.
- 1.30 University** means the University of Western Ontario together with King's University College, Huron University College, and Brescia University College.
- 1.31 USC** means University Students' Council of the University of Western Ontario.
- 1.32 USC recognized organization** shall include but is not limited to, Members of Council, clubs, Faculty Councils, USC Services, Affiliate Councils and accredited groups.
- 1.33 University recognized organizations** shall include, but is not limited to, Western Athletics, sports teams, Residence Councils and Faculty Associations.
- 1.34 Valid Vote** means any ballot that is cast with  $x$  number of candidates selected when the voter can legally select  $y$  number of candidates, and where  $y + 1 > x > 0$ .



**1.35 Vice-Presidential Election** means an election for the Student Programs Officer.

**1.36 Votes Cast** means the total of valid votes and spoiled votes.

**1.37 Winter semester** means the session of the academic year starting in January and ending at the conclusion of the April exam period.

## 2. Jurisdiction

**2.1** Jurisdiction of this By-law shall extend to include all students registered at the University.

**2.2** The provisions of this By-law shall extend to the on and off-campus actions of any and all candidates and campaign volunteers, given that those actions are within the scope of a USC election, by-election, plebiscite and/or referendum conducted by the USC.

**2.3** The provisions of this By-law shall apply to those USC elections, by-elections, plebiscites and referenda conducted by the USC.

**2.4** Notwithstanding section 2.2, the Secretary of the University is the Chief Returning Officer of the Board of Governors' and Senate's election. The CRO shall assist the Secretary of the University in the facilitation and regulation of Board of Governors and Senate campaigning.

**2.5** For the purposes of expediency and fairness, in the event of a by-election for faculty, residence, or college representatives, the Committee may, at its discretion, surrender jurisdiction of the election to the respective faculty, residence, or college student council.

## 3. Administration of By-law #2

**3.1** It will be the duty of the CRO and the Committee to administer this By-law, and to uphold its Visions and Principles.

**3.2** The CRO and the Committee shall have the sole authority to enforce the provisions of this By-law.

**3.3** The Elections Governance Committee shall:

**3.3.1** Be composed of:

**3.3.1.1** the Chief Returning Officer (CRO), *ex-officio*, as chairperson, voting,

**3.3.1.2** the Deputy Returning Officer (DRO), *ex-officio*, as vice-chairperson voting,

**3.3.1.3** the Secretary-Treasurer, *ex-officio*, as a resource, non-voting,

**3.3.1.4** Up to nine (9) students of the University, voting, and,

**3.3.1.5** Coordinator of Council Services, non-voting,

**(a)** Shall act as an advisor, as required by the committee.



**3.3.1.6** Further details of the Elections Governance Committee composition are noted in the **Elections Governance Committee Terms of Reference**.

**3.3.2** Oversee the Spring and the Fall Elections in accordance with the provisions of By-law #2.

**3.3.3** Develop and maintain a clear set of criteria and considerations to be used by the Committee when making decisions relating to elections.

**3.3.3.1** The Committee may release Regulations detailing how By-law #2 will be interpreted and applied during an election period. The Regulations shall be binding as though they were a part of the by-laws, provided that:

(a) The Regulations are consistent with the by-laws; and,

(b) The Regulations are openly available to candidates at the start of nominations.

(c) The Committee recommend to Council any By-law amendments related to Regulations issued as soon as possible following the conclusion of the Election period.

**3.3.4** Make recommendations to Council on all matters, including By-law amendments, which relate to the elections.

**3.3.5** Not seek office in an election, support any candidate, or endorse a position in a referendum administered by the Elections Committee during her term; and,

**3.3.5.1** Failure to comply with this requirement will result in the immediate removal from the Elections Committee.

#### **4. Amendments to By-law #2**

**4.1** Written notice of any amendments to provisions of this By-law regarding Board of Governors or Senate elections, as approved by the USC, shall be provided to the Secretary of the University by the Secretary-Treasurer as soon thereafter as practicable.

#### **5. Annual Elections Timetable**

**5.1** There shall be four sets of USC elections each year: Fall Elections, Spring Elections, Vice-Presidential Elections and the Speaker election. The Fall elections will consist of Divisional candidates, whereas, the Spring Elections will consist of both Divisional and PVP candidates.

##### **5.1.1**

**5.1.2** For the purposes of this By-law, a campaign period is that determined by the Committee, in accordance with this By-law.

**5.1.3** Referenda and plebiscites are subject to PART B of this By-law, and they shall be held concurrently with either the Fall or Spring election period.

**5.2** The Board of Directors Nominating Committee shall be struck each year and shall report to Council at the Annual General Meeting. The composition of this Committee shall be determined by **By-law #1** of the corporation.



**5.3** Subject to necessary changes by the Corporation, the Fall Election timetable shall be as follows:

**5.3.1 Nominations:** Nominations for Divisional candidates shall open no later than September 28<sup>th</sup> and close the Friday preceding the commencement of the campaign period. In any event, nominations shall be open for at least five (5) days, and shall close not more than two (2) days prior to the commencement of the campaign period.

**5.3.2 Campaigning:** The campaign period for Divisional candidates shall begin no later than October 19<sup>th</sup> each year, and shall continue up to and including the day of the close of balloting.. In any event, the campaign period shall be no shorter than nine (9) days.

**5.3.3 Balloting:** Balloting shall take place on-line over a minimum of two (2) consecutive days (from 8:00a.m on the first day to 8:00p.m on the last day), and shall conclude no later than October 31st.<sup>h</sup>.

**5.4** Subject to necessary changes by the Corporation, the Spring Election timetable shall be as follows:

**5.4.1 Nominations:** Nominations shall open no later than January 12<sup>th</sup>; and close the Friday preceding the commencement of the campaign period. In any event, nominations shall be open for at least five (5) days, and shall close not more than two (2) days prior to the commencement of the campaign period.

**5.4.2 Campaigning:** The campaign period for both PVP and Divisional candidates shall begin no later than January 24<sup>th</sup> each year, and shall continue up to and including the of the close of balloting.. In any event, the campaign period shall be no shorter than nine (9) days.

**5.4.3 Balloting:** Balloting shall take place on-line over a minimum of two (2) consecutive days (from 8:00a.m on the first day to 8:00p.m on the last day), and shall conclude no later than February 3rd.

## **5.5 Student Programs Officer Elections**

**5.5.1 Nominations:** Nominations for Student Programs Officer candidates shall be open no later than January 31<sup>st</sup> and shall not close before the announcement of the PVP election results and close no later than fifteen (15) days prior to the second-half of the Annual General Meeting of the Corporation.

**5.5.2 Campaign Period:** The campaign period for the Student Programs Officer candidates shall continue up to and including the day preceding balloting at the second half of the Annual General Meeting of the Corporation.

## **5.6 Speaker of Council Elections**

**5.6.1** Each candidate shall be permitted to participate in a Candidates Forum and election at the first Duly Constituted Meeting following the second-half of the Annual General Meeting of the Corporation.

**5.6.2** The Chief Returning Officer shall administer the Speaker of Council elections by way of preferential ballot as outlined in section 18 of this By-law.

## **6. The Constituency**

**6.1** The constituencies and number of Councillors representing each shall be as indicated by **By-law #1** of the Corporation.



## 7. Candidate Eligibility

- 7.1** An individual shall be eligible to be a candidate if at the time of their candidacy they have been registered as a full or part-time undergraduate or professional student at the University for two (2) consecutive semesters (i.e., Fall semester, Winter semester) including the one in which the election is to take place as determined by the records of the University.
- 7.1.1** For the purpose of the Fall Elections two (2) consecutive semesters shall be taken to mean the current Fall semester and the previous Winter semester.
- 7.1.2** Individuals enrolled as a first year undergraduate student at the University shall not be required to meet the “two semesters” criterion for the Fall Elections.
- 7.1.3** Undergraduate or professional students of the University that are on exchange at another academic institution at the time of voting for a given election shall be entitled to be a candidate and vote in said election.
- 7.2** Candidates in Divisional Elections shall be planning to remain registered as a full or part-time undergraduate or professional student at the University for the duration of the term of office relating to the position for which they are running.
- 7.3** An individual shall only be eligible to be a candidate in the constituency in which they are enrolled as determined by the records of the University.
- 7.4** Any student who has any outstanding fines, as issued by the Elections Governance Committee or the Secretary of the University shall be deemed ineligible to be a candidate for election, until such time as those fines are paid.
- 7.5** Any student who has outstanding loans from the USC PVP or Divisional elections, and who has not made arrangements for the repayment of said loan with the Managing Director of Financial and Corporate Resources of the Corporation, shall be deemed ineligible for election until such time as repayment arrangements are made.
- 7.6** Any student who is an Executive, Associate Vice-President, Intern, or Coordinator with the USC shall be deemed ineligible to be a candidate unless she takes an unpaid leave of absence from her duties starting as of the day nomination forms are filed until the end of the voting period.
- 7.7** Any student who was a candidate during the Spring Elections shall be deemed ineligible to be a candidate in the next Vice-Presidential Elections.

## Nomination Forms

- 7.8** Candidates for all election positions must complete a nomination form, using the form released by the CRO on the date specified by the legislative calendar.
- 7.8.1** A nomination form shall only be valid if the required nomination form has been submitted prior to the closing of nominations and has been filled out completely and accurately, including a valid Western email address.
- 7.8.2** Appeals regarding the validity of the nomination shall be made in writing to the Committee no later than twenty-four (24) hours following the closing of nominations. The Committee will render a decision prior to the beginning of the campaign period.



**7.8.3** A person may not submit a nomination form to be either a Divisional candidate or PVP candidate in the same election.

**7.8.4** Further details of nomination form requirements are outlined in the **Nominations Procedure**.

### **All Candidates Meeting**

**7.9** Candidates shall be declared ineligible if they fail to attend the All-Candidates Meeting or if the candidate fails to send a proxy to the All-Candidates Meeting. The candidate, whether present in person or not, is entirely responsible for all information provided at the All-Candidates Meeting.

## **8. Voter Eligibility**

**8.1** In order to vote, each student must possess, and login online, using a unique University email username and password. Further requirements are detailed below.

**8.2** USC Elections:

**8.2.1** For the purposes of this section, "USC Elections" refers to any USC-administered election for Faculty Councillor, Affiliate Councillor, Faculty President, Affiliate President, USC President and Vice-President, Speaker of Council, or Student Programs Officer.

**8.2.2** In order to be eligible to vote in a USC Election, an individual must be registered as a full or part-time undergraduate or professional student at the University and pay tuition to the University for the current academic year.

**8.2.3** For elections specific to a particular faculty or affiliate, voters must be registered as a student in the corresponding faculty or affiliate.

**8.2.4** The USC will rely on records by the University to determine which students are registered as full or part-time undergraduate or professional student and pay tuition to the University, and in which constituency each student is registered.

**8.3** University Elections:

**8.3.1** For the purposes of this section, "University Elections" refers to the USC-administered elections for Senate and Board of Governors.

**8.3.2** The criteria for voter eligibility in University Elections shall be determined by the Secretary of the University.

## **9. Administration of Elections**

**9.1** The Committee:

**9.1.1** Elections sponsored by the Corporation shall be conducted and supervised by the Committee.

**9.1.1.1** All committee members must abide by the USC's **Conflict of Interest Policy** and sign confidentiality agreements.



**9.2 The Chief Returning Officer:**

**9.2.1** The following items will be publicized by the CRO, on behalf of the Corporation, for the purposes of each election period:

**9.2.1.1** Call for nominations for USC elections, released alongside a nomination package that includes information about positions up for election, election related policies and procedures, the election calendar, and any election related forms and paperwork;

**9.2.1.2** Update daily the elections website with the number of candidates for each position in the USC election as their nominations are processed, omitting the names of the candidates;

**9.2.1.3** Announcement of the time and date for online balloting;

**9.2.1.4** Announcement of the official results for USC elections.

**10. The Ballot**

**10.1** The fall and spring ballots shall include the following segments:

**10.1.1** Fall Elections: the list of constituencies being contested by Divisional candidates and the names of candidates in each constituency.

**10.1.2** Spring Elections: the names of President and Vice-Presidential candidates, as well as a list of constituencies being contested by Divisional candidates and the names of candidates in each constituency; and,

**10.1.3** Either Ballot: referendum/plebiscite question(s), if applicable.

**10.2** A hyperlink to the voter sign-in page shall be placed in a prominent location on the USC Homepage and the USC Elections page during the Fall and Spring Elections balloting periods.

**10.3** The following criteria must be met when developing the layout of the ballot.

**10.3.1** The names of the candidates for the constituency shall be listed in alphabetical order, by the last name. Where the candidates are elected as a slate, the candidates shall be listed in alphabetical order by the last name of the slate member running for the position of President or a reasonable variation thereof.

**10.3.2** Only the legal names of candidates, or reasonable variations thereof, shall appear on the ballot, as approved by the CRO.

**10.4** The layout of the ballot shall be inspected by the Chief Returning Officer prior to balloting, to ensure that it confirms with the criteria set out in this document.

**10.5** All candidates will have an opportunity to review the ballot not less than seventy-two (72) hours before balloting.

**10.6** Any candidate who, after inspecting the ballot, has concerns about the layout of the ballot, may address those concerns in writing to the CRO for consideration by the Committee.



**10.6.1** Any concerns regarding the ballot must be submitted to the CRO no less than twenty-four (24) hours before balloting opens.

**10.6.2** The Committee shall respond to any concerns within twenty-four (24) hours of the submission; and,

**10.6.3** Any appeals of a decision made by the Committee with respect to a submission made under paragraph 10.6 must be submitted in writing to the Secretary-Treasurer not less than twenty-four (24) hours before balloting begins.

## **11. Rules for Elections, Plebiscite, and Referenda**

### **11.1 Fair Play**

Candidates shall campaign in accordance with the rules of fair play. Breaking the rules of fair play include, but are not limited to, libel, slander, general sabotage of the campaigns of other candidates, intentional misrepresentation of fact, and malicious or intentional breach of this By-law or applicable regulations.

### **11.2 Responsibility of Candidates**

Candidates shall be responsible for the actions, and the violations stemming from such actions, of any campaign volunteer(s) unless the Candidate satisfies the Committee that he or she did not direct the action, and could not have reasonably foreseen that the action would occur.

**11.2.1** Candidates may dissociate themselves from any person or organization who would otherwise be considered a campaign volunteer, provided that they give immediate notice to the CRO, in writing, and provided that the Committee is satisfied that the dissociation is genuine.

**11.2.2** A candidate shall not be held responsible for the actions of any person or organization if the candidate has previously and adequately dissociated herself from that person or organization.

**11.2.3** Candidates shall compile and maintain an up-to-date list of the names and email addresses of all campaign volunteers. The list shall be forwarded to the CRO within six (6) hours of the CRO's request.

### **11.3 Existing Policies**

It is the responsibility of the Candidate to ensure that all campaign plans, materials, and/or advertisements, conform to all policies and regulations of the USC and University, and with all municipal, provincial and federal laws. Campaign displays and the distribution of literature on campus are also subject to the requirements of Facilities Management and/or Reservations Office.

**11.3.1** Restrictions regulating campaigning that are unique to King's University College, Brescia University College, Huron University College, student residences and buildings on campus must be strictly adhered to. It is the responsibility of the candidates to familiarize themselves with the different rules which may govern each of the aforementioned entities.

### **11.4 Benefits Acquired by Virtue of Office**

**11.4.1** Candidates and campaign volunteers are not entitled to use in their campaign any service or tangible benefits conferred on them by virtue of holding any position in any organization. This includes, but is not limited to, mailing lists, office space, office supplies, equipment, advertising space, and secretarial services.

**11.4.2** Any student who is a USC Executive, Associate Vice-President, Intern, or Coordinator cannot endorse a candidate or be a campaign volunteer during the campaigning period of the election, pursuant to the



following conditions:

- 11.4.2.1** If a , Associate Vice-President, Intern, or Coordinator wishes to endorse a candidate, or become a campaign volunteer, they must take an unpaid leave of absence for the duration of the campaign period; however
- 11.4.2.2** Under no circumstances may a USC Executive, Associate Vice-President, Intern, or Coordinator utilize USC resources, including their title and any established modes of communicating to students on behalf of the USC, to endorse Candidates.

### **11.5 No Solicitation of the Executive and USC**

Candidates shall not solicit the aid or endorsement of any USC Staff or Executive member for the purposes of campaigning. In addition, see section 7.7 of this By-law.

- 11.5.1** Any unsolicited aid or endorsement received by a candidate from a Staff or Executive member is prohibited, and the candidate shall not be subject to penalty.

### **11.6 Approval of Campaign Materials and Activities**

- 11.6.1** All printed campaign materials and advertisements require approval by the CRO in advance of posting, printing, and/or distributing.
- 11.6.2** All candidates are required to submit an event proposal to the CRO for approval for any USC elections-related events, including, but not limited to, volunteer rallies, campaign rallies, campaign launch parties, and campaign social events. This shall be a requirement for events both on and off of the University's campus.
  - 11.6.2.1** The CRO shall provide an event proposal template to be used by candidates at the beginning of the campaign period.
  - 11.6.2.2** Proposals shall be submitted to the CRO for approval at least forty-eight (48) hours prior to the intended event.

### **11.7 Pre-Campaigning**

Candidates and prospective candidates are not permitted to influence or attempt to influence voters prior to the campaign period, including, for example, through the posting of material designed and/or likely to influence voters. Candidates and prospective candidates may engage in activities related to planning a campaign or assembling a campaign team and may answer questions from the media with regard to election plans.

- 11.7.1** The Committee reserves the right to find a candidate or prospective candidate in violation of this By-law if the actions taken by the candidate or prospective candidate in preparing for the campaign are adjudged to be designed/likely to influence voters.

### **11.8 Cross-Campaigning**

Campaigning as a slate in any Divisional election is prohibited. Each candidate must maintain separate finances, produce unique campaign materials, and present campaign platforms distinct from other candidates.

### **11.9 On-Campus Campaigning**



**11.9.1** Candidates shall not campaign in the USC Main Offices (including the workspace or office of any Staff, Executive or volunteer) or Council Chambers, or during any meeting of Council or the Standing Committees of Council regardless of location. This prohibition shall include but not be limited to the display of campaign materials, verbal campaigning and discussion of campaign logistics.

**11.9.2** Any and all campaign activities, including, but not limited to, physical distribution of campaign materials in student residences will be done in compliance with any and all regulations released by the Committee in conjunction with Western's University's Housing and Ancillary Services.

**11.9.3** Approved campaign posters may only be posted on poster boards that are reserved by the Committee and designated as an elections poster board.

**11.9.4** Physical campaign materials shall not be distributed to vacant surfaces throughout the University (i.e., candidates may not leave campaign materials on desks in libraries, or tables in eateries, etc.).

### **11.10 Off-Campus Campaigning**

**11.10.1** Candidates and their volunteers may campaign in locations off of the University's campus. These occurrences may include, but are not limited to, the physical distribution of campaign materials, volunteer rallies, campaign rallies, campaign launch parties, and campaign social events.

**11.10.2** Any and all off-campus campaign events must receive approval from the CRO as per section 11.6 of this By-law.

**11.10.3** Physical campaign materials may not be distributed to any, residence, apartment complex, or place of business, without consent.

**11.10.3.1** Candidates and their volunteers are required to seek and receive express written permission from the building manager of any apartment complex prior to attending said building to campaign. This written permission must establish all relevant conditions, including but not limited to,

- (a) The time frame candidates and their volunteer(s) may visit;
- (b) The number of candidates and volunteers that may visit; and,
- (c) The manner in which candidates and their volunteer(s) may distribute physical campaign materials to residents (i.e., whether or not consent is required from each individual resident before posting campaign materials on doors).

**11.10.3.2** The permission must be submitted to the CRO prior to attending the residence.

### **11.11 Campaigning During the Voting Period**

11.11.1

11.11.2 While the polls are open, candidates and their volunteer(s) are permitted to continue campaigning as normal, pursuant to the following restrictions:

- 11.11.2.1 All campaigning shall be prohibited within the sightline of all Designated polling stations; and



11.11.2.2 No candidate, campaign volunteer, or any other party shall: Cause a wilful disturbance, or interfere, or attempt to interfere, with an individual's right to vote; or coerce, or attempt to coerce, a vote through the use of intimidation.

**11.11.3** Candidates and their campaign volunteer(s) shall not establish their own polling station to solicit votes.

Example 1

Candidates would be prohibited from approaching students with an electronic device and encouraging them to log on to said device and vote.

## 12. Campaign Materials and Branding

**12.1** Candidates in all elections, PVP and Divisional, shall refrain from the use of the USC or University logo, and any other USC or University copyrighted material or image when producing materials, printed, written, or otherwise produced, for the purposes of campaigning.

**12.2** Candidates shall not be able to declare their campaign colour as the colour purple.

**12.3** All campaign materials, including but not limited to posters to be printed commercially and promotional materials, shall be printed at Creative Services, unless the service required is unavailable, or reasonably comparable replacement is unavailable at Creative Services.

**12.3.1** Any work orders placed with Creative Services must be made via email.

**12.4** Candidates may campaign and distribute campaign materials at their own discretion, subject to the limitations of this By-law. The Committee reserves the right to find a candidate in violation of this By-law if their campaign materials do not conform to the following non-exhaustive limitations.

**12.4.1** Campaign material cannot contain copyrighted material or images without the consent of the copyright holder.

**12.4.2** Campaign materials may not depict images of alcohol or drug use.

**12.4.3** All campaign material must not be in violation of the **UWO Code of Student Conduct** or the **USC Community Standards Policy**, and;

**12.4.4** Any campaign material posted in an area designated by the Committee for posters shall not exceed a size greater than 11"x17".

**12.5** Physical campaign materials may not be distributed to individuals without their consent.

**12.6** All candidates shall be responsible for the removal of all posters and other materials, within the control of the candidate, within forty-eight (48) hours following the close of balloting.

**12.6.1** Posters and other campaign materials shall not be within a direct line of sight of a Designated Polling Station during the balloting period and may be removed at the discretion of the CRO.

**12.6.2** A candidate will forfeit an amount no greater than her bond from her eligible reimbursement if all campaign materials and posters that are within the control of the candidate are not removed within forty-eight (48) hours following the close of balloting.



### **13. Campaign Finances**

Campaign finances shall be governed in accordance with the Elections Governance Committee Finance Procedure. The CRO shall be responsible to ensure all procedures are properly followed in accordance with that document.

### **14. Violations of Campaign Rules**

**14.1** If a winning candidate in any election is disqualified, the candidate who received the greatest amount of votes and who has not been disqualified shall be deemed the winner.

14.1.1 If preferential balloting was used, the disqualified candidate shall be removed and their votes will be reallocated, the candidate who receives the greatest amount of votes and who has not been disqualified shall be deemed the winner.

**14.2** Violations shall be governed in accordance with the Elections Governance Committee Violations Procedure. The CRO shall be responsible to ensure all procedures are properly followed in accordance with that document.

### **15. Interference by Outside Parties**

**15.1** No USC recognized organization or organization executive member shall act as an arms-length party or campaign volunteer in order to engage in conduct that violates this By-law or bring the elections into disrepute.

**15.2** Where a USC recognized organization or organization executive member has been alleged to violate By-law #2:

**15.2.1** The Committee shall send a summary of the alleged violations to the organization email address on file with the USC, including information about any subsequent action that may be taken under this By-law and any relevant times or dates.

**15.2.2** The organization shall have a reasonable period of time to send to the CRO, having regard to the timing and nature of alleged violation.

**15.2.3** The Committee shall hold a hearing to determine if the organization has violated By-law #2 and may impose sanctions or prohibitions on the club or individual at the Committee's discretion that shall last for the remainder of the campaign and balloting period.

**15.2.4** Upon the announcement of the electoral results, the sanctions shall be suspended and the matter shall be referred to the relevant governing body for further measures at their discretion.

**15.3** Notwithstanding provisions dealing with candidates, campaign volunteers, and clubs, no student of the University may engage in actions that are likely to bring the electoral process into disrepute. Where such an action takes place, the following procedure shall be followed:

**15.3.1** Any student alleged to be violating this By-law by the Committee shall be notified via their UWO email address, including information about any subsequent action that may be taken under this By-law and any relevant times or dates.

**15.3.2** The student shall be given the opportunity to respond with a written statement to the Committee within a reasonable period of time.



**15.3.3** Where the Committee finds a violation has occurred, the Committee may refer the matter to an outside person or body with recommendations, including, but not limited to, the Associate Vice-Provost, Student Experience regarding the **Code of Student Conduct**, and University Policy and Information and Technology Services.

## **16. Election Results**

**16.1** For all elections, excluding divisional elections, the winner shall be determined in accordance with the Preferential Voting Rules as outlined in section 18.

**16.1.1** Where there are multiple available positions, they shall be filled by the candidates who received the next highest amount of votes.

**16.2** For divisional elections, in each constituency the candidate with the most number of votes shall be declared the winner.

**16.2.1** Where there are multiple available positions, they shall be filled by the candidates who received the next highest amount of votes.

**16.3** In the event of a tie, the winner shall be decided by a coin toss initiated by the CRO.

**16.4** Election results for a constituency will be valid only if at least half of the votes cast are valid votes.

**16.5** At her discretion, the CRO may utilize a grace period of up to a maximum of forty-eight (48) hours following the close of balloting before releasing election results.

**16.6** In the event of an invalid election, the Committee shall convene and recommend a course of action to Council.

## **17. Special Rules for Student Programs Officer Election**

**17.1** Candidates may make campaign materials available to current Council members through the USC Front Desk.

**17.2** No campaigning shall be allowed during the first-half of the Annual General Meeting of the Corporation, except for the following:

**17.2.1** Candidates shall be allotted five (5) minutes to address Council.

**17.3** No campaigning shall be allowed during the second-half of the Annual General Meeting of the Corporation, except for the following:

**17.3.1** Candidates may place campaign materials in an area designated by the CRO; and,

**17.3.2** A group-formatted question period shall be available for all candidates competing for a Student Programs Officer position. The Speaker of Council shall set the length of time for the question period.

**17.4** Special Balloting Rules:

**17.4.1** Balloting for the Student Programs Officer election shall occur during the second-half of the Annual General Meeting of the Corporation.



**17.4.2** Voting shall take place by secret ballot.

**17.4.3** Each Voting Member, including the incoming and outgoing Council Voting Members shall be entitled to one (1) vote per ballot for the Student Programs Officer position.

17.4.3.1 Individuals who are both incoming and outgoing Council Voting Members shall be entitled to one (1) vote per Voting Member position held.

**17.4.4**

**17.4.5** Advanced Polling: The CRO shall designate a time and place for advancing polling subject to the following:

**17.4.5.1** Voting in the advanced poll shall take place the week prior to the second-half of the Annual General Meeting of the Corporation.

**17.4.5.2** The option to vote in the advanced poll shall not be available for more than three (3) days.

**17.4.5.3** The votes cast in the advanced poll shall be received by the CRO.

**17.4.5.4** All votes must be cast in person.

**17.4.5.5** A vote cast in the advanced poll shall be placed in a sealed envelope and shall be counted at the same time as the votes that are cast at the second-half of the Annual General Meeting of the Corporation.

**17.4.5.6** Notwithstanding By-law #1, a vote cast in an advanced poll is final. Once a Voting Member has cast her vote the vote shall not be altered or cancelled.

**17.5** Vote of Confidence

If only one candidate stands to be elected for Student Programs Officer, the Speaker of Council shall initiate a vote of confidence in place of balloting during the second-half of the Annual General Meeting. The candidate shall be acclaimed if a simple majority of the eligible Council members votes in favour of the resolution to acclaim the candidate.

## **18. Preferential Voting Rules**

**18.1** All elections, excluding divisional races, will be administered using a preferential ranked ballot with a single transferable vote system.

**18.2** Counting Ballots: The counting of ballots shall take place according to the following:

**18.2.1** Each candidate may designate an agent to act as her scrutineer during the counting of the ballots.

**18.2.2** In the first count, first preference votes for each candidate are counted.

**18.2.3** If a candidate receives 50% + 1 of the eligible votes cast, that candidate shall be elected.

**18.2.4** Where the top candidate fails to achieve 50% + 1, the second choice votes of the candidate finishing last in that round of ballot counting shall be reassigned accordingly. This process is repeated until one



candidate receives the majority of the highest preferences remaining on the ballots.

- 18.2.5** If two (2) or more candidates are tied for the least popular position, those candidates shall be redistributed accordingly.
- 18.2.6** Failure to select a preference in any round of voting shall result in that ballot being spoiled for that and all subsequent rounds of balloting. A ballot shall not be deemed spoiled so long as the voter's intentions can be reasonably ascertained from the ballot.
- 18.2.7 PVP Election Tie result** – In the event of a tie, whenever possible, ties shall be resolved in favour of the candidate with the most first place votes. If this is not possible, the winner shall be decided by a coin toss initiated by the CRO.
- 18.2.8 All Other Elections Tie result** – In the event of a tie, whenever possible, ties shall be resolved in favour of the candidate with the most first place votes. If this is not possible, the election shall be resolved by re-vote between the tied candidates to take place at the Duly Constituted Meeting. The re-vote shall be subject to the following procedures:
- 18.2.8.1** The tied candidates shall be permitted to campaign following the end of the meeting in which the Election was held until the start of the next Duly Constituted Meeting.
  - 18.2.8.2** All Voting Members who were eligible to vote at the meeting in which the initial vote was held shall be permitted to vote.
  - 18.2.8.3** The CRO shall designate a time and place for advancing polling in accordance with the procedures set out in section 17.4.6.
  - 18.2.8.4** The votes shall be counted in accordance with rules as set out above in section 18.2.
  - 18.2.8.5** Should the re-vote result in a tie between two candidates, the election shall be resolved by way of a coin toss.

## 19. Special Rules for Speaker Elections

- 19.1** Campaigning for the position of Speaker of Council is strictly prohibited excepting activities that take place during the Candidates Forum provided for above in section 5.6.

**19.2**

## 20. Appeals of Committee Decisions or Elections Results

- 20.1** Any appeals of Committee decisions or elections results shall be heard by the USC Appeals Committee and governed by the procedures contained in **By-law #6**.
- 20.2** Notice and grounds for appeal shall be submitted in writing to the Appeals Board no later than 4:30PM, two (2) days after the Committee's decision is released.

## PART B: REFERENDA AND PLEBISCITES

### 21. General



**21.1** Without limiting any section of By-law #2, Part A, this Part covers any referendums or plebiscite conducted by the USC.

**21.2** The administration of this Part, unless otherwise stated, is vested with the CRO.

**21.3** The results of any referendum shall be binding on the USC unless the results affect the **Letters Patent** or the **Articles of Incorporation** of the USC or unless, by implementing the directive of the referendum, the Board of Directors would be breaching its fiduciary obligations to the corporation.

**21.4** The results of a plebiscite shall not be binding.

**21.5** Any referendum or plebiscite requiring a motion of Council must be posted as required by **By-law #1**. The CRO shall advertise the meetings of Council, in which motions and writs to hold referenda or plebiscites will be put forward, in *The Gazette* at least forty-eight (48) hours prior to such a Council meeting.

**21.6** For the purposes of this part, the number of students in the student body shall be the number of full-time equivalent students registered at the University during the previous academic year.

**21.7** The results of any referendum shall be binding only if a minimum of 20% of the student body vote in the referendum.

**21.8** A referendum may be initiated either by Council or by students at large.

**21.9** A plebiscite may be initiated by Council or students at large.

## **22. Student-Initiated Referendum**

**22.1** For the purposes of this Section:

**22.1.1** A "policy issue" means any issue or proposal which is not likely to have any direct financial or legal implications on the USC.

**22.1.2** The Board of Directors, in consultation with any relevant individuals and/or committees, shall determine whether an issue is one which is likely to have direct financial or legal implications on the USC.

**22.1.3** An issue shall be deemed to have direct implication on the USC if it will result in the imposition of any fee on students.

**22.2** Any student wishing to initiate a referendum shall contact the Secretary-Treasurer and Government Services Manager to review the process to have a referendum question put on the ballot prior to collecting signatures, including the collection of signatures, the campaigning process, and any other pertinent information.

**22.3** Any student may present a petition to the CRO requesting that a referendum be held on any matter, subject to the following:

**22.3.1** Student-initiated referenda may not establish any fee to fund the activities of a USC Ratified Clubs, or Clubs.

**22.3.1.1** This does not prohibit funding for activities that are simply supported by a USC Ratified Club.



**22.3.2** Any petition requesting a student-initiated referendum must be submitted to the CRO no later than nine (9) days before the last Council meeting prior to the commencement of the campaign period for the election.

**22.3.3** A petition is only valid if it contains the following:

**22.3.3.1** The names, student numbers, and signatures of at least 10% of the student body when a request is being made for a referendum on any issue.

**22.3.3.2** A clear indication of the issue on which the requested referendum is to be held.

**22.3.4** The CRO shall check the validity of each name on the petition. If greater than 10% of the names are invalid, the petition is invalid.

**22.3.5** Any petition which contains any material misstatements of fact or material misrepresentations is invalid.

**22.3.6** For a petition to contain a clear indication of the issue, it must include at least the following:

**22.3.6.1** The amount of any fee which will be levied upon students directly for the purpose of implementing the proposal.

**22.3.6.2** A statement summarizing the question which will be decided by the referendum.

**22.3.7** Any student-initiated referendum involving levying a student fee shall require:

**22.3.7.1** A University administrative advisor to the Board of Governors to be contacted by the USC to determine whether or not the Board would allow such a fee to be collected by the USC.

**22.3.7.2** The Secretary-Treasurer to work with the student to determine the exact fee that is to be levied by means of a budget prepared by the student.

**(a)** If no such budget exists, the Secretary-Treasurer shall assist the student in putting together a budget from which a student fee can be derived.

**22.3.8** The Committee shall assess the validity of all petitions and shall notify the student submitting the petition if it is found to be invalid.

**22.3.8.1** Prior to submitting a completed petition, any student may submit a draft petition question to the Secretary-Treasurer for review. Any petition which is reviewed and endorsed by the Secretary-Treasurer shall be deemed to contain a clear indication of the issue and not to contain any material misrepresentations.

**22.4** If a petition is found to be valid, a “**writ of referendum**” shall be drafted by the CRO in consultation with the Committee, which shall include the following:

**22.4.1** The particulars of the petition, including the name of the petitioners and the number of student signatures on the petition.

**22.4.2** The Board of Directors’ decision about the financial and legal implications of the proposal, with a brief summary of the reasons for that decision.



**22.4.3** The proposed referendum question,

**22.4.3.1** The Committee shall be responsible for developing an objective referendum question.

**22.4.4** A budget outlining the projected cost of holding the referendum.

**22.5** A valid petition requesting that a referendum be held on a policy issue shall automatically result in the initiation of a referendum and shall not require the approval of Council.

**22.5.1** The CRO shall present the writ of referendum to Council.

**22.6** A valid petition requesting that a referendum be held on an issue or proposal which is likely to have direct legal or financial implications on the USC must be approved by Council before a referendum may be initiated. A Simple Majority vote of Council will be required to prevent the referendum as requested from being placed on the ballot.

**22.6.1** The CRO shall present the writ of referendum as well as a motion to place the referendum question on the ballot.

**22.7** In addition to the above, the following considerations apply to student-initiated referenda for Third Party Fees.

**22.7.1** USC Clubs are not considered third parties for the purpose of this section.

**22.7.2** Any referendum question imposing a Third Party Fee must:

**22.7.2.1** Include reasonable and meaningful constraints on the way the will be used, and must be conditional on adherence to those restraints.

**22.7.2.2** Require Council renewal every four (4) years in order to continue.

**22.7.3** A petition to hold a student-initiated referendum for a Third Party Fee will only be valid if the petition states the referendum question.

**22.7.3.1** If the petition signed by students contains a referendum question that the Elections Governance Committee finds to be misleading or inadequate, the Elections Governance Committee may determine that the petition is invalid.

**22.7.3.2** The Elections Governance Committee will draft a satisfactory referendum question if approached to do so.

**22.7.3.3** The referendum question appearing on the petition does not need to be identical to the referendum question ultimately approved by the Elections Governance Committee, provided that the differences are not material.

**22.7.4** The referendum shall be classified as a Registered Interested Party referendum and the "Yes" Campaign shall be run by the individual initiating the referendum or a proxy thereof.

**22.7.5** The USC will enforce the result of a student-initiated referendum to establish a Third Party Fee, subject to the following:



- 22.7.5.1** A referendum result may be invalidated by the Committee, if there is sufficient impropriety to cast doubt upon the result.
- 22.7.5.2** The Board of Governors may refuse to allow the USC to collect the fee.
- 22.7.5.3** If a fee is imposed, the Secretary-Treasurer must be supplied with financial information describing the use of the fee at least once per year. The Secretary-Treasurer shall be responsible for reviewing the way in which the student fee is being used, and evaluating compliance with the terms of the referendum.
- (a) If the Secretary-Treasurer reports that any conditions of the referendum are not being satisfied, Council may resolve to terminate the fee from future budgets.

### **23. Council-Initiated Referendum**

- 23.1** Council may initiate a referendum on any issue through a motion of Council, duly passed by a simple majority of those present and voting.

### **24. Student-Initiated Plebiscite**

- 24.1** The names, student numbers, and signatures of at least 5% of the student body are required when a request is being made for a plebiscite on any issue.

### **25. Council-Initiated Plebiscite**

- 25.1** Council may initiate a plebiscite on any issue through a motion of Council, duly passed by a simple majority of those present and voting.

### **26. Registered Interest Party**

- 26.1** Registered interested parties are entitled to campaign on behalf of any side in any referendum or plebiscite. More than one registered party may represent each official side.
- 26.2** Any group may request recognition as a registered interest party provided that the following conditions are met:
- 26.2.1** They are a student group, or party approved by the Committee, autonomous from the USC, that has been existence for at least six (6) month prior to the writ, including, but not limited to, the following: clubs, Faculty Councils, Affiliated Colleges and Residences Council or,
- 26.2.2** If a student group or party approved by the Committee, as described above, does not register, then a group of students may register.
- 26.3** When applying to be a registered interest party, a group must prepare a written submission indicating how they will be directly affected by the result of the referendum or plebiscite.
- 26.4** All applications for status as a registered interest party must be submitted to the CRO within seven (7) days of the passing of Council of the motion or writ of referendum or plebiscite.



**26.5** The Committee will decide on the merit of an application for status as a Registered Interested Party with such decision being subject to appeal to the Board of Directors and finally to Council.

**26.6** All registered interested parties must name an official spokesperson and this name must be handed into the CRO with the request.

**26.7** Where there is only one registered party, it will constitute the only official side.

**26.8** Subject to the following, all registered interest parties, including the USC, when applicable, are deemed to be candidates, are bound by the campaign rules in PART A, as well as by the rules and procedures governing referendums and plebiscites, when representing their side of the issue.

**26.8.1** All Campaign Materials produced by a registered party, including electronic materials, must clearly indicate that they are authored by a registered interest party.

26.8.2

### **26.8.3 Consequences of Disqualification**

**26.8.3.1** If the disqualified group is a USC-ratified club, they shall be prohibited from further campaigning. Failure to adhere to this prohibition will be reported to the Clubs Governance Committee, and could result in further sanctions.

**26.8.3.2** Individual students cannot be prohibited from further campaigning. However, students that continue to campaign after their group has been disqualified will not be reimbursed for any new campaign expenses.

**26.8.3.3** A disqualified group will not be reimbursed for the cost of any campaign materials that continue to be used after the group's disqualification.

**26.8.3.4** A disqualified group may not refer to themselves as an "official registered interest party."

**26.8.3.5** The disqualification of the "Yes" registered interest party does not automatically mean that a referendum fails. The Committee must make a separate determination as to whether the referendum result is valid. In doing so, the Committee must consider the potential impact on the infractions on the result.

**26.8.3.6** The disqualification of the "No" registered party never means that a referendum carries.

## **27. USC-Sponsored Side**

**27.1** Subject to section 28.2.1, where the USC has an interest in the outcome of a referendum or plebiscite, or where it is felt that a side of an issue is not being adequately represented by a registered interest party, the Council has the option of campaigning or appointing someone to campaign on behalf of a particular side.

## **28. Information-Based Campaign**

**28.1** Where the Council supports the provision of information to the electorate, the USC, by a simple majority vote of Council, may provide financing for information-based campaign in accordance with the financing rules prescribed in section 27.



**28.1.1** Information-based campaign funding can be allotted in addition to registered interest party campaign funding, or in place of registered interest party campaign funding.

**28.2** The Elections Governance Committee shall be responsible for administering information-based campaigns by selecting an Ad-Hoc Committee for this express purpose.

**28.2.1** As a consequence, the Ad-Hoc Committee members shall be prohibited from sponsoring a side whenever an information-based campaign has been approved and shall refrain from participating in Committee discussions of referenda with regards to enforcement of campaign rules and violations proceedings.

**28.3** All information-based campaign materials must be reviewed and approved by the Committee before being posted or distributed.

## **29. Finances**

**29.1** Registered interest parties may apply to the Committee for the funding available for their official side.

**29.2** Each official side shall be entitled to funding up to 100% of the PVP limit as established, unless there is only one official side in which case the spending shall be at 50% of the PVP limit.

**29.3** All Information-Based Campaigns shall be entitled to funding as follows,

**29.3.1** 100% of the PVP limit, if there are no registered interest parties;

**29.3.2** 75% of the PVP limit, if interest parties are only registered for one official side; or,

**29.3.3** 50% of the PVP limit, if there is at least one registered interest party for both official sides.

**29.4** Registered interest parties shall be entitled to spend the equivalent of 20% of the official side's allowable limit non-campaign expenditures, which could include:

**29.4.1** Research material; and,

**29.4.2** Administrative costs.

**29.5** If any registered interest party overspends their allowable limit, the surplus shall be applied to the official side's spending in addition to an automatic fine of 100% of the surplus.

**29.6** All official sides and registered interest parties shall present of a full financial statement to the CRO by 12:00 noon on the last of campaigning.

**29.7** Each official side will give the USC a \$300.00 bond to be used for election fines.

**29.8** Interest parties are not eligible for any USC loans for either bonds or expenses.

## **30. Appeals of Plebiscite or Referendum Results**

**30.1** Any appeals of the validity of any referendum or plebiscite shall results shall be heard by the USC Appeals Committee and governed by the procedures contained in **By-law #6**.



**30.2** Notice and grounds for appeal shall be submitted in writing to the Appeals Board no later than 4:30PM, two (2) days after the Committee's decision is released

**31. Context and Enactment**

**31.1** Documents Repealed – N/A

**31.2** Supporting/Related Documents – Elections Governance Committee Terms of Reference, Elections Governance Committee Campaign Finances Procedure, Elections Governance Committee Violations Procedure, By-law #1: Corporate By-law, By-law #6: Appeals By-law

**31.3** Date Passed – 29 November 2017

**31.4** All Previous Amendments – 25 November 2015, 11 November 2015, 25 February 2015, 29 October 2014, ...