

UBCSUO

STUDENTS' UNION OF UBC OKANAGAN

The University of British Columbia Students' Union Okanagan

ELECTIONS REGULATION

REGULATION II – ELECTIONS & REFERENDA

- 1** In this Regulation unless the context otherwise requires:
 - a. “Ballot” means an official ballot for use in an Election or Referendum;
 - b. “Candidate” means any Member who is duly nominated and accepts their nomination for a position on the Board of Directors or the Executive Committee during an Election in accordance with this Regulation;
 - c. “Campaigning” means the promotion of an individual who has intentions to become a Candidate or has been duly nominated as a Candidate, especially when such promotion is of a political capacity.
 - d. “Campaign Volunteer” means any Member that actively contributes to the candidate’s campaign, including but not limited to: printing and putting up posters, assisting with tabling and assisting with social media advertising.
 - e. “Committee” means the Electoral Committee unless otherwise specified as to mean the Executive or any other committee besides the Electoral Committee.
 - f. “CRO” means the person appointed as Chief Returning Officer in accordance with Bylaws V(29) and VIII(74)(h);
 - g. “DRO” means a Deputy Returning Officer appointed by the CRO to assist in the conduct of an Election or Referendum;
 - h. “Election” means an election to fill vacancies on the Board of Directors and/or the Executive Committee, including a by-election, as required by the Bylaws;
 - i. “Referendum” means a referendum of the Members held in accordance with the Bylaws and this Regulation; and
 - j. “Sponsorship” means the supporting or backing of a Candidate through financial, advisory, marketing, or other means of assistance.

Election and Referenda Officials

- 2** In addition to those powers and duties set out in Bylaw V, and subject to the requirements of the UBCSUO Bylaws and this Regulation, the CRO has the power and duty to:
 - a. require the Student Union to provide adequate resources for the administration of an Election or Referendum in accordance with the budget for each Election or Referendum;
 - b. reserve adequate space under the care and control of the Student Union in consultation with the General Manager for the purposes of conducting an Election or Referendum;
 - c. create or cause to be created all requisite forms necessary for the conduct of and Election or Referendum;
 - d. produce the Ballots or arrange for online voting;
 - e. appoint and direct one or more DROs, as required;
 - f. consult at their discretion with the legal counsel for the Student Union with respect to matters pertaining to the administration of an Election or Referendum;

- g. receive, initiate, and investigate all complaints from Members regarding the administration of an Election or Referendum with the General Manager and Electoral Committee;
 - h. address complaints and take appropriate disciplinary action against a Candidate within a 24-hour period, and 12-hour period of the last two days of election, unless the electoral committee determines that an extension is necessary to adequately complete the investigation;
 - i. publish on the UBCSUO website and social media pages
 - j. their determinations with respect to complaints, including the reasons for the determinations;
 - k. prepare and propose to the Electoral Committee any additional rules and requirements for the administration of the Election or Referendum that are consistent with the Bylaws or Regulations; and
 - l. otherwise be responsible for the implementation of this Regulation.
- 3 Within twenty-one (21) days of the conclusion of any election or referendum, the CRO must submit to the Board of Directors for inclusion in the annual report of the Student Union a letter that:
- a. summarizes the role of the CRO, as defined by the Bylaws and this Regulation;
 - b. certifies that the Elections and Referenda held since the previous annual general meeting were conducted in accordance with the Bylaws and the Regulations; and
 - c. restates for every Election or Referendum held since the previous annual general meeting the:
 - i. names of any Candidates;
 - i. questions put to Referenda; and
 - ii. official results of the Elections and/or Referenda.
- 4 The board of directors shall facilitate an application process to select three outstanding candidates for DRO in a manner similar to the process for selecting the CRO.
- 5 Upon selecting these three candidates, the board shall provide the CRO with the applications materials from these candidates and allow the CRO to appoint the two candidates they believe to be best fit to serve as DROs.
- 6 Under the instruction of the CRO, any DRO shall assist with the supervision and administration of all elections and referenda including the conduct of voting.

Schedule of Elections and Referenda

- 7 Wherever possible the schedule for **General Elections** shall be as follows:
- a. Nomination period will open at 8:00am PST on the second Monday in February, and will run until 4:00pm PST the Friday of that week;
 - b. Campaigning period will begin at 8:00am PST on the fourth Monday of February and will run until the close of voting;

- c. Voting will commence at 8:00am PST on the first Monday of March, and will close at 11:59pm PST on the Wednesday of that week; and
 - d. Election results will be released no later than 5:00pm PST on the following Monday.
- 8** The CRO will determine and set out the schedule of any required By-Elections, including dates for:
 - a. Posting notice of vacancies;
 - b. The acceptance of nominations;
 - c. Publication of Candidate names;
 - d. Election forums; and
 - e. Voting.
- 9** The CRO must post vacancies and the nomination process for each Election in accordance with the electoral schedule.
- 10** Nominations will be accepted in accordance with the Election or By-Election schedules.
- 11** Following the close of nominations the CRO must cause to be posted, in accordance with Bylaw VI, the:
 - a. names of the Candidates for each position;
 - b. schedule of the Election, including voting days; and
 - c. contact information for the CRO.
- 12** Voting shall take place in accordance with the Election or By-Election schedule.
- 13** At least one (1) Election forum shall be held in accordance with the Election or By-Election schedule, at a time determined by the CRO.
- 14** A Referendum shall coincide with regularly scheduled Elections provided that it is held within a reasonable time period after it is called for in accordance with Bylaw V (36)
- 15** Upon the calling of a Referendum the CRO must cause to be posted, in accordance with Bylaw VI, the:
 - a. question to be voted on by the Members;
 - a. schedule of the Referendum, including voting days; and
 - b. contact information of the CRO.

Candidates

- 16** Subject to Bylaw VII, every Member is eligible to nominate and to be nominated for candidacy in an Election.
- 17** The nomination papers of a Member must include:
- a. the Candidate's full legal name and student identification number as it appears on their University-issued student identification;
 - b. the name by which the Candidate is preferred or which is found on a legal document;
 - c. the endorsement of at least fifteen (15) Members, evidenced by their:
 - i. full name and student identification number as it appears on their University-issued student identification; and
 - i. signature and the date of the nomination;
 - d. a declaration of acceptance of the nomination signed and dated by the Candidate.
- 18** A Member may be nominated to run for only one (1) position in an Election.
- 19** Incomplete nominations and nominations received after the deadline for submission of nominations shall be rejected.

Campaigns & Candidate Conduct

- 20** It is the responsibility of Candidates to be familiar and comply with the Regulations and Bylaws.
- 21** The CRO will convene a meeting following the close of nominations to review with Candidates the campaign rules and requirements set out in this Regulation and the Bylaws.
- a. candidates shall be declared ineligible if they fail to attend the All-Candidates Meeting. The candidate is entirely responsible for obtaining all information provided at that meeting.
 - b. in extreme unforeseen circumstances such as death in the family or life-threatening illness, the committee may consider waiving the disqualification of a candidate for failure to attend the All-Candidates meeting. Candidates must present formal documentation to verify reason for their absence before the committee may consider reinstatement, and the committee shall require evidence to their satisfaction that the candidate did not have the option to attend the All-Candidates meeting.
- 22** Candidates are liable for their conduct and are responsible for the conduct of other parties who are acting under the instructions of the Candidate.
- 23** Candidates may campaign by any means except may not:

- a. Campaign:
 - i. in Student Union businesses and other premises except as permitted by the CRO;
 - ii. in any University classroom during or immediately before a class without obtaining the prior permission of the professor;
 - iii. within the proximity of the polling location as designated by the CRO;
 - iv. by pooling campaign finances. Further, candidates must individually report campaign spending. This report shall be submitted no later than 72 hours before voting begins.
 - v. using another candidate's name or picture in the same graphic, poster, or video.
 - vi. as a slate. Each candidate must maintain separate finances, produce unique campaign materials, present campaign platforms distinct from other candidates, refrain from endorsing another candidate in the election, or engage in any other activity which would make the candidate a slate as determined by the Electoral Committee.
 - vii. while receiving or encouraging sponsorship from an outside body, including but not limited to corporations or organizations.
 - viii. by putting up posters or advertisements anywhere that is outside of the designated UBCO campus boundaries.
 - ix. by manipulating their preferred name in any way that suggests that candidates are affiliated on the ballot.
 - x. while having campaign managers or volunteers that are not members of the UBCSUO.
 - xi. by soliciting off-campus businesses or organizations to provide services that might be deemed to exceed the campaign-spending limit.
 - xii. by soliciting endorsements from: UBC professors or administrators or; UBCSUO run businesses, services or UBCSUO administrators.
 - xiii. by using profanity on any election material. This includes any statement or imagery that suggests hatred or intolerance towards any group.
 - xiv. by making discriminatory or defamatory statements against another candidate.
 - xv. while being endorsed by any student who is an Executive or Director of the UBCSUO, nor can candidates recruit these individuals to work on their campaigns; or
 - xvi. outside of the rules of fair play. Breaking the rules of fair play includes, but is not limited to, libel, slander, general sabotage of the campaigns of other candidates, misrepresentation of fact, and malicious or intentional breach of applicable regulations.
- b. harass or display aggressive, violent, or threatening behaviour;
- c. interfere, or attempt to interfere, with the administration of the Election;
- d. jeopardize, or take any action which could reasonably be expected to jeopardize, the integrity of the Election;
- e. impede or interfere with the ability of another Candidate to campaign;

- f. remove, replace, modify, or damage the materials of, or cause similar harm to, another Candidate;
 - g. provide money or items of monetary value as an incentive or any form of consideration to a Member in exchange for his or her support; and
 - h. otherwise act in a manner inconsistent with the University policies related to student conduct.
- 24** Candidates shall be responsible for the actions or violations stemming from such actions of any volunteer(s) party unless the CRO determines that they did not direct the action, and could not have reasonably foreseen that such an action would occur.
- a. candidates may dissociate themselves from any person or organization who would otherwise be considered a volunteer, provided that they give immediate written notice to the CRO, and that the Committee is satisfied that the dissociation is genuine.
 - b. candidates shall not be held responsible for the actions of any person or organization if the candidate had previously and adequately dissociated themselves from that person or organization
 - c. candidates shall compile and maintain an up-to-date list of the names, phone numbers, and email addresses of all campaign volunteers. The list shall be forwarded to the CRO within 24 hours of the CRO's request.
- 25** Candidates may display posters and other campaign materials at the locations designated by the CRO.
- 26** Failing to get approval from the CRO for campaign materials that are later deemed to have violated campaign regulations will result in disqualification.
- 27** There shall be no campaigning by any candidate outside of the campaigning period.
- 28** Every Candidate shall be required to limit their campaign expenditure to a maximum of seventy-five (\$75 CAD) Canadian dollars. This shall be reimbursed by the Student Union following the conclusion of the elections, except if the candidate:
- a. is disqualified;
 - b. voluntarily withdraws their candidacy; or
 - c. does not use funds solely on necessary campaign materials.
- 29** Candidates who spend over the campaign limit will be subject to disqualification.

Promotion of Elections and Referenda

- 30** The CRO shall promote awareness of Elections and Referenda among the Members, including, but not limited to, through the following means:
- a. Online platforms including Social media and the UBCSUO Website;

- b. Posters and other print material;
 - c. Tabling and direct student engagement;
 - d. Election information forums and debates
- 31** The Student Union will allocate at least five hundred dollars (\$500) to the CRO, for each Election and Referendum, for the purposes of promoting awareness and participation in the Election or Referendum
- 32** Except as otherwise noted Referenda shall be conducted in accordance with the same manner as Elections.

Voting

- 33** Pursuant to Bylaw III (14), every Member in good standing is entitled to one (1) vote in every Election and Referendum.
- 34** Voting shall take place either online or at one or more locations on University premises designated by the CRO.
- 35** If online voting is utilized, software must be secure and not vulnerable to outside and/or any other forms of interference.
- 36** All students shall have equal access to cast their vote and voter integrity and privacy must be maintained.
- 37** If physical ballots are used, the voting place will be arranged in such a way as to allow the Members to cast their Ballots in secret. If online ballots are used, members should be encouraged to cast their ballots in confidentiality.
- 38** Physical Ballots shall conform to the following specifications:
- a. be, in all regards, legible and uniformly formatted and typewritten in a standard font and text size;
 - b. allows the Members to deliberately mark their Ballots in a manner that clearly and distinguishably indicates their support for a Candidate or preference with respect to a Referendum;
 - c. bear a unique alphanumeric serial identification;
 - d. designate a space for the authorization of the Ballot, evidenced by the initials of at least one (1) Election official present at the time the Ballot is issued;
 - e. contain one (1) or more security features reasonably necessary to frustrate an attempt to produce counterfeit or otherwise fraudulent representations of a Ballot, and to allow for the detection of such representations;
 - f. list the Candidates' names by last name in an order determined by lottery; and

- g. contain the name of the candidate matching a government issued identification (or preferred nickname) with nothing else
- 39** Online Ballots shall conform to the following specifications:
- a. be, in all regards, legible and uniformly formatted;
 - b. display the name of the candidate matching their UBCO student card (or preferred nickname);
 - c. list the Candidates' names by last name in an order determined by lottery; and
 - d. allow the Members to easily and deliberately select a candidate and cast their vote.
- 40** For each election or referendum which uses physical ballots, a ballot registry shall be produced which must contain:
- a. the serial numbers of every Ballot produced for use in the Election or Referendum; and
 - b. a designated area for the initials of the CRO to be recorded upon the issuance of each Ballot.
- 41** When elections use physical ballots, members shall be issued one Ballot subject to:
- a. presentation of their University-issued student identification and verification of their identity;
 - b. verification that the Member has not previously voted in the Election or Referendum; and
 - c. acknowledgement by the Member that they have received a Ballot evidenced by their initial beside their name on the list of Members eligible to vote and a notation on the list that they have voted.
- 42** A DRO must aid in marking a voter's Ballot if they are otherwise unable to do so and request assistance.

Results

- 43** Ballots shall be counted immediately following the conclusion of voting, without delay.
- 44** The CRO shall supervise and coordinate the counting of Ballots.
- 45** Every Candidate may appoint one (1) representative who may be present and act as a scrutineer during the counting of physical Ballots by providing written notice to the CRO in advance of the counting of Ballots.
- 46** A candidate shall be declared elected if they receive the most votes for that position.
- 47** A request for a recount when using physical ballots shall be granted where:
- a. the request is in writing and signed by a candidate who is contesting the position;

- b. the difference between the candidates for any one position is less than the three percent (3%) of the total votes cast for that position; and
 - c. the CRO deems it necessary.
- 48** Upon the conclusion of Ballot counting, and any recounts required, the CRO, without delay, must announce the results and post the results of the Election or Referendum:
- a. on the Student Union website; and
 - b. in a prominent location in the Student Union's offices.
- 49** In the case of online voting the results shall be tallied by the system in place and the results made available to members via the voting platform. There shall be no allowance for recounts when utilizing an online voting platform.

Election Offences and Complaints

- 50** The CRO shall receive and investigate complaints and shall report their findings to the electoral committee.
- 51** Any Member may file a complaint in the format designated by the CRO regarding the administration of an Election or Referendum or the conduct of a Candidate.
- 52** Complaints must be filed within twenty-four (24) hours of the occurrence or discovery of the evidence forming the basis of the complaint.
- 53** A complaint must include:
- a. the name and contact information of the Member submitting the complaint;
 - b. a description of the complaint including the relevant section or sections of this Regulation that are alleged to have been violated; and
 - c. all information and evidence relevant to the complaint.

Burden and Standard of Proof

- 54** The onus to prove the complaint is upon the complainant.
- 55** Any person accused of committing an Election offence shall be presumed not to have committed that offence until they are found guilty through an investigation conducted by the CRO in accordance with this Regulation.
- 56** Any person accused of committing an Election offence shall be permitted to be accompanied or represented by a person of his or her choice during the investigation of a complaint.
- 57** A person accused of committing an Election offence must be:

- a. provided with a copy of the complaint including all of the evidence supporting the complaint;
 - b. made aware of the procedure for investigating complaints set out in this Regulation; and
 - c. permitted to respond in writing to the accusations made against them.
- 58** The CRO must make every reasonable effort to meet with a candidate over the course of the investigation before rendering a decision on a complaint or disqualification.
- a. at least one other member of the Electoral Committee must also be present at this meeting; and
 - b. this meeting shall be recorded.
- 59** The CRO shall provide a signed, clearly articulated copy of the decision on the complaint to the electoral committee, complainant, and respondent prior to it being released publicly.
- 60** The candidate(s) may appeal the ruling of the electoral committee using the guidelines outlined under the sub-section below entitled “Appeals”.

Investigation of Complaints

- 61** The CRO shall investigate and decide a complaint along with the General Manager within twenty-four (24) hours of its receipt or twelve (12) hours on the last two days of the election. The CRO must bring the complaint to the Electoral Committee.
- 62** The CRO must give fair consideration to all evidence relevant to a complaint.
- 63** Upon the conclusion of an investigation of a complaint the CRO must decide whether an offence has occurred and, if so, whether the offence is minor or major.
- 64** Upon the conclusion of an investigation of a complaint relating to the administration of an Election or Referendum or the conduct of a candidate, if the CRO along with General Manager decides that the complaint is valid, the CRO must also determine whether the integrity or result of the Election or Referendum has been materially affected. If the CRO decides that the integrity or result of the Election or Referendum has been materially affected, the CRO must determine whether all or part of the Election or Referendum is invalid.
- 65** The CRO and General Manager must publish the reasons for his or her decisions in writing.

Appeals

- 66 If a candidate wishes to appeal any ruling of the CRO, the appeal must be issued in writing to the electoral committee within 12 hours of said ruling; all appeals must be signed by the candidate.
- 67 Time limits for the appeals process can be extended, but not reduced, at the discretion of the CRO or the electoral committee.
- 68 The decision of the electoral committee on the appeal is final and may not be contested.
- 69 The election results will not be considered official nor may they be announced to the public until rulings are made on all outstanding appeals.
- 70 If an appeal would reverse the disqualification of a candidate after said candidate's name has been removed from any active ballots, the electoral committee shall acknowledge that if the appeal is successful a revote must be conducted for the position in dispute, ensuring that the reinstated candidate's name appears on the ballot for the entire duration of the revote. This shall not apply if a candidate's disqualification is reversed prior to the beginning of voting, so long as their name appears on all ballots used in the election.

Candidate Misconduct

- 71 A Candidate shall be disqualified from an Election if they are found to have committed either:
 - a. three (3) separate Minor Offences; or
 - b. one (1) Major Offence.
- 72 A Candidate is guilty of a Minor Offence if they willingly violate any provision of this regulation that does not result in the integrity of the Election being materially compromised or result in serious harm or undue disadvantage to another Candidate.
- 73 A Candidate is guilty of a Major Offence if they willingly commit, or attempt to commit, any act which a reasonable person exercising an ordinary standard of care would have known was likely to:
 - a. materially compromise the integrity of the Election;
 - b. result in serious harm or undue disadvantage to another Candidate; or
 - c. constitute two minor violations that occur within the last twenty-four (24) hours of the campaign period.
- 74 Penalties for violating minor offences shall include but not be limited to:
 - a. 24-hour suspension of a candidate's campaign for each offence; and/or

- b. a written apology which may either be directed to a specific person/organization or made known to members of the Student Union.

75 Elections may be considered null if:

- c. a candidate commits a Major Violation during the voting period; or
- d. the Electoral Committee deems the integrity of the election to be compromised.