



# ELECTIONS PROCEDURE

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<b>PROCEDURE TYPE</b>	BOARD
<b>APPROVING AUTHORITY</b>	ONTARIO TECH STUDENT UNION BOARD OF DIRECTORS
<b>POLICY OWNER</b>	ONTARIO TECH STUDENT UNION BOARD OF DIRECTORS
<b>APPROVAL DATE</b>	DECEMBER 2020
<b>REVIEW DATE</b>	MAY 2024

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## 1. INTRODUCTION

The Ontario Tech Student Union (the “Student Union”) facilitates the General Elections in order to fill the Executive Team and Board of Director positions. The Chief Returning Officer will make all interpretations of this Procedure.

## 2. PURPOSE

The purpose establishes a structure within which students are nominated, run in the elections, and get elected to the Student Union. These are procedures used for decisions handed down by the Chief Returning Officer (the “CRO”). The CRO reserves the right to change or amend any information stated in this procedure without prior notice, as long as it complied with the Student Union Bylaws and applicable policies.

## 3. DEFINITIONS

### 3.1 General Bylaws

Refers to the Ontario Tech Student Union General Bylaws.

### 3.2 OTSU or Student Union

Refers to the Ontario Tech Student Union.

### 3.3 Elections Policy

Refers to the Policies established in this document.

### 3.4 Elections

Refers to the organized process of electing executives and directors. The process of elections includes the nomination period, the campaigning period, and the voting period.

### 3.5 By-Elections

Refers to any elections following the Meeting of Members to fill any vacancies.

### 3.6 Elections Office

Refers to the CRO and any DROs.

- 3.7 **CRO**  
Refers to the Chief Returning Officer, as designated by the OTSU.
- 3.8 **DRO**  
Refers to any Deputy Returning Officers, as designated by the OTSU.
- 3.9 **Candidate**  
Refers to any person who is eligible to hold office, has submitted a completed Nomination Package, has received confirmation of their candidacy from the CRO, to stand in the OTSU elections.
- 3.10 **Nomination Period**  
Refers to the designated days where a hopeful candidate is permitted to collect nominations in the form of signatures to be eligible to run in the elections.
- 3.11 **Preparation Period**  
Refers to the period between the end of the nomination period and the beginning of the campaign period where candidates can create campaign materials and have them approved by the CRO.
- 3.12 **Campaign Period**  
Refers to the designated days during which candidates may campaign.
- 3.13 **Campaigning**  
Refers to any activity intended to influence the decision of one or more voters.
- 3.14 **Campaign Materials**  
Refers to physical promotional items intended to influence the decision of one or more votes. Campaign Materials includes posters, flyers, and other pamphlets.
- 3.15 **In-Person Campaigning**  
Refers to any activity intended to influence the decision of one or more voters with the personal presence or action of the individual specified.
- 3.16 **Slate**  
Refers to a group of candidates attempting to get elected collectively.
- 3.17 **Endorsement**  
Refers to a demonstration of support or public recommendation of a Candidate, through either verbal or non-verbal communication by any person who represents, or could be reasonably considered to represent, any Student Club, any Student Society, the OTSU, or the Ontario Tech University (the University) Administration or staff.

## 4. CAMPAIGNING

### 4.1 Campaign Period

In-person Campaigning is only permitted during the designated Campaign Period as established by the Board. For this, the following activities constitute in-person campaigning:

- The distribution, posting, or publication of any Campaign Materials; or
- Public appearances or speeches related to the elections.

Campaign Materials are strictly prohibited from being posted or published before the start of the Campaign Period. Any Campaign Materials posted during the designated Campaign Period can remain until the close of the Voting Period.

#### 4.2 **Campaign Locations**

The following locations are considered off-limits for campaigning:

- Libraries;
- Durham College space;
- Study space;
- Faculty offices;
- Gym/CRWC;
- Third-Party Venues;
- Classrooms or lecture halls; or
- Bathrooms

#### 4.3 **Classroom Talks**

Candidates are permitted to address a class of students provided they obtained permission from the professor in writing. A copy of this approval must be sent to the CRO before the Candidate addresses a class.

#### 4.4 **Slates**

Slates, real or apparent, are strictly prohibited. For the purpose OTSU Elections, the following activities constitute a Slate:

- Endorsing another candidate;
- Sharing/pooling campaign finances;
- Appearing in campaign material with another candidate;
- Sharing branding or slogans with another candidate; or
- Any other activity that could give voters the impression of a Slate.

#### 4.5 **Campaign Delegates**

Each qualified Candidate is permitted to formally appoint Eligible Voting Members to serve as Campaign Delegates. Delegates are considered an extension of the Candidate. All Delegates shall be registered with the Elections Office. Candidates will be held responsible for the actions of their Delegates.

Delegates are subject to the following limitations:

- Delegates can only be registered to one campaign at a time
- There is no limit to the number of delegates registered to a Candidate
- Candidates can only coordinate campaign activity with registered Delegates

If any individual who is not registered as a Campaign Delegate is found to be consistently Campaigning for a Candidate, and where said candidate ought to have reasonably known about the actions of this individual but did not exercise due diligence in cautioning them about the potential consequences, said Candidate may face penalties at the discretion of the CRO.

## 5. **RULES OF FAIR PLAY**

### 5.1 **Fair Play**

All Members taking an active role in SU Elections are required to conduct themselves by the rules of fair play and positive campaigning. Rules of fair play include, but are not limited to:

- 5.1.1 Respect. Elections participants must respect the dignity and rights of others. Elections participants are expected to respect the institutional environment and shall not bring disrepute on:
- (i) OTSU including students, faculty, staff, and the administration;
  - (ii) Durham College including students, faculty, staff, and the administration; or
  - (iii) OTSU.
- 5.1.2 Fair competition. Participants in Student Union Elections are expected to earn success in Student Union elections by their own merits without cheating, spreading falsehoods, or attempting to achieve an unjust advantage; and
- 5.1.3 Compete on equal terms. Candidates cannot bolster their elections by relying on resources unavailable to all candidates.

## 5.2 Positive Campaigning

All campaigning shall be positive and conducted in good faith. Candidates are required to demonstrate respect for other candidates. Candidates are not permitted to engage in campaign tactics that attack, demean, belittle, unfairly target, or threaten members of the University or College community.

Candidates shall demonstrate respect for all members of the University and College community. Candidates shall show respect for the rights of all students and staff to continue to work and study during the course of the elections.

An emphasis on positive campaigning does not restrict candidates from challenging their fellow Candidates. Candidates are encouraged to offer constructive criticism and debate with each other; however, this must be done professionally. Personal attacks will not be tolerated.

## 6. CAMPAIGN MATERIAL

### 6.1 Campaign Material Requirements

The CRO must approve all Campaign Materials before being distributed. Campaign Materials must be approved during the Preparation Period to be distributed in the elections. Campaign Materials cannot promote unlawful behaviour.

### 6.2 Poster Policy

Posters MUST include:

- The Candidates full name, as it is to appear on the ballot;
- The full title of the position that the Candidate has been nominated for;
- The dates of the voting period; and
- The OTSU poster approval sticker.

Posters MUST NOT include:

- Any mark insinuating a Candidate is formally associated with Ontario Tech University or Durham College;
- Any Copyrighted material; or
- Any material that could reasonably be considered upsetting, insulting, or objectionable to some or most people.

Posters must be removed within two (2) business days after the end of the Voting Period. Candidates are responsible for the removal of posters.

### 6.3 **Displaying Campaign Materials**

Candidates can only post materials in accordance with Ontario Tech University Policy. Posters must be put up with white “sticky tack” which will be provided to Candidates. Materials cannot obstruct windows, doorways or other posted materials. Candidates can only distribute Campaign Materials in valid Campaign Locations.

Candidates will be required to pay for any expense associated with removing posters or other campaign material. For Candidates whose posters go missing or are vandalized, the CRO can grant a replacement number of posters equal to the number missing upon confirmation.

### 6.4 **Social Media Policy**

Candidates are allowed to utilize social media websites to promote their campaign. The following restrictions apply:

- 6.4.1 Candidates are permitted to create a unique public page to support their elections or utilize an existing social media account;
- 6.4.2 Candidates are permitted to advertise through social media websites. All costs associated with social media advertising must be accounted for on the Campaign Expense Form;
- 6.4.3 Candidates cannot send unsolicited e-mails or unsolicited private messages about their campaign; and
- 6.4.4 Any social media campaign posts must be made public and cannot be posted on private pages.

Candidates may utilize social media websites to promote their campaign. Social media campaigning is permitted after the All-Candidates Meeting. Candidates are able to campaign on social media throughout the voting period.

## 7. **ENDORSEMENTS**

### 7.1 **Seeking Endorsements**

Endorsements, real or apparent, are strictly prohibited. Candidates cannot benefit from the resources of Student Clubs, Student Societies, or OTSU Staff and Administration.

Candidates are not permitted to solicit The University or College services, staff, or administration to campaign on their behalf or promote their elections.

Any consistent third-party solicitation or involvement can result in disqualification.

## 8. **CAMPAIGN FINANCING**

### 8.1 **Budget**

Candidates are permitted to spend up to:

- \$50 for Directorial Candidates
- \$150 for Vice Presidential Candidates
- \$200 for Presidential Candidates

Candidates must abide by the Elections Financial Guidelines as set out in the Campaign Package.

Candidates are required to track their campaign expenses on the Reimbursement of Funds form with original receipts. Candidates shall submit a completed Reimbursement of Funds form to the CRO by the end of the voting period. Candidates shall be reimbursed, up to the approved spending limit, after the CRO has audited the Campaign Expense Form. Candidates who fail to submit a form, or submit a form after the deadline, will not be reimbursed. Candidate expenses may become public. Candidates are not to exceed their budget and must report all expenses.

## 8.2 **Campaign Donations**

Campaign Donations are strictly prohibited.

# 9. **VOTING**

## 9.1 **Integrity of Electronic Voting**

The OTSU shall provide each Eligible Voting Member with a secret electronic ballot. The ballot will list the names of each Candidate in alphabetical order by first name.

The OTSU shall provide an official report to members after the close of the Voting Period ensuring the integrity of the electronic voting process.

## 9.2 **Voting Abuse**

Candidates are required to uphold the integrity of the Electronic Voting process. The following activities constitute Electronic Voting Abuse:

- 9.2.1 Efforts by candidates or delegates to influence voters by holding parties or social events where individuals are encouraged to vote on the premises;
- 9.2.2 Offering favours or gifts in exchange for votes;
- 9.2.3 Pressuring individuals to vote in the presence of a candidate; or
- 9.2.4 Bringing the means of electronic voting to a voter.

## 9.3 **Declaring a Winner**

A candidate will be deemed the winner of the position if they have received the largest number of votes for the position. In the event that more than one candidate receives the highest number of votes, the winner will be decided through a runoff elections for the undecided position within a reasonable time-frame. The following guidelines apply:

- 9.3.1 The run-off will only be for the two individuals who have tied;
- 9.3.2 The run-off will not last longer than two days and will consist only of a voting period;
- 9.3.3 Voting will be conducted electronically;
- 9.3.4 Should this vote also result in a tie, the Elections Committee will determine the winner, to be approved by the Board.

# 10. **NON-COMPLIANCE IMPLICATIONS**

## 10.1 **Reporting Violations**

A complaint shall be prepared and signed by the complainant(s) using the Campaign Violation Form. All incidents of violence shall be immediately reported to Campus Security. The complaint shall summarize the details of the alleged violation, and provide relevant evidence. The information so provided will be held in confidence in so far as it can be allowed by the process.

Candidates shall avoid making frivolous or vexatious complaints. Complaints against a candidate are permitted up to 24 hours after the close of Voting Period. No new campaigning violation complaints will be permitted once the unofficial results are released.

## 10.2 **Investigation of Complaints**

Upon receipt of a complaint, the CRO will investigate the matter and effect a timely and appropriate response. As part of this review, the CRO may interview the complainant and the candidate whose conduct is being questioned as well as any witnesses to the incident. The candidate whose conduct is being questioned shall be advised of the

details of the complaint and be given the opportunity to respond. They shall not be present when the CRO interviews the complainant and any witnesses.

The CRO may decide that the complaint is frivolous or vexatious on its face and therefore there is no basis to proceed further with the complaint.

On completion of an investigation, the CRO shall provide the candidate whose conduct is in question with a written summary of the complaint and the details of the investigation, along with any penalties.

### 10.3 Resolution of Complaints

The CRO shall evaluate the merits of a reported violation and decide within 24 hours of the end of the investigation. The CRO shall base their decision on a balance of probabilities: one party's case need only be more probable than the other. In the occurrence that the evidence is evenly balanced (or no evidence has been provided) the CRO shall rule on behalf of the candidate whose conduct is being questioned. The burden of proof is with the complainant.

Where the CRO finds there has been a violation of the Nomination and Elections Policy by a Candidate or a Campaign Delegate, the CRO may impose a penalty or instruct the candidate to comply with a course of action to resolve the complaint.

### 10.4 Penalties for Violations

The CRO may impose the following penalties to any Candidate who has been found to have committed a campaign violation:

- 10.4.1 Assign a demerit point penalty up to the maximum for a given violation;
- 10.4.2 Assign multiple penalties where the violation encompasses more than one offence;
- 10.4.3 Disqualify a Candidate; or
- 10.4.4 Declare than an elections of a Candidate be ruled void.

### 10.5 Schedule of Penalties

Demerit points are assessed on, but not limited to, the following basis:

SECTION	ELECTIONS VIOLATION	DEMERIT POINTS
5.6	Unlawful behaviour during elections	20
6.1	Campaigning before campaign period	10
6.1	Campaigning after campaign period	7
6.1	Campaigning during voting period	20
6.2	Campaigning in an unauthorized location	4
6.3	Addressing a class without permission	5
6.4	Slate Candidacy	20
6.5	Failure to register campaign delegate	4 (per delegate)
7.1	Spreading falsehoods/misrepresentation of facts	7
7.1	Relying on resources unavailable to all candidates	10
7.2	Personal attacks	10
7.2	Campaigning in bad faith	4
8.1	Posting unapproved campaign material	7
8.3	Displaying materials in unauthorized location	2 (per location)

8.3	Improper distribution of campaign materials	5
8.4	Violating social media policy	5
9.1	Seeking endorsements	7
10.1	Failure to disclose spending	1 (per dollar not disclosed)
10.1	Overspending	1 (per \$10 spent over budget)
11.2	Abuse of Electronic Voting	10
12.1	Multiple frivolous or vexatious complaints	4
12.3	Failure to comply with the CRO's resolution	10

## 11. RELATED POLICIES, PROCEDURES, AND DIRECTIVES

- Ontario Tech Student Union Governing Bylaws, Policies and Procedures
- Ontario Tech Student Union Elections Policy
- Ontario Tech Student Code of Conduct
- The Not-for-profit Corporations Act
- The Ontario Human Rights Code; and
- All Federal, Provincial, and Municipal laws.