

**University of Toronto
Students' Union**

Elections Procedure Code

As amended August 24th, 2016

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Mission Statement

The purpose of the elections of the Board of Directors is to give the membership of the University of Toronto Students' Union the opportunity to exercise their right to elect representatives for the next term. The utmost goal for the elections is that they be executed in a non-partisan manner for the benefit of the Members of the Union, so that each and every Member of the Union has the ability to exercise their democratic right to vote in a transparent and fair election.

The Election Procedure Code is intended to act as direction for the Elections and Referenda Committee, Returning Officers and supporting staff to administer, implement and adjudicate the elections. The Code is intended to be read and interpreted in a manner that best serves the interest of the Union's Members.

Mission Statement

As amended August 24th, 2016

Article I - Interpretation

1. Definitions

The Chief Returning Officer and the Elections and Referenda Committee make all interpretations to this Code. For the purpose of this Code:

Arm's-Length Party refers to any individual or group who is not a "non-arm's-length party".

Academic Directors refers to the Directors representing different enrollment categories in the Faculty of Arts and Science, as defined in the UTSU Bylaws.

Building On Campus refers to buildings owned or operated by the University of Toronto or any of the federated colleges or universities.

Campaign Material refers to any item, design, sound, symbol or mark that is created or copied in any form in order to influence at least one voter to cast a ballot or not to cast a ballot, in favour or in opposition to a Candidate. "Electronic Campaign Material" refers to any Campaign Material that is displayed or otherwise presented electronically. "Physical Campaign Material" refers to any Campaign Material that is displayed or otherwise presented non-electronically.

Campaign Period refers to the period of time during the election schedule set by the Board of Directors during which Campaigning is authorized.

Campaigning refers to any attempt to solicit votes for or against a candidate. Campaigning can occur even in the absence of Campaign Materials.

Campus Publication refers to an organization that publishes printed media on a weekly or bi-weekly basis based on the St George or Mississauga campus of the University of Toronto

Candidate refers to any individual who has met the requirements of Article III - Article III - Candidate Eligibility and Article V - All-Candidates Meeting and Forum of this Code.

Constituency refers to the population of voters that are eligible to cast a vote for a particular position.

Code refers to the Election Procedure Code.

CRO refers to the Chief Returning Officer.

Cross Campaigning refers to the sharing of campaign materials, slogans, tactics, identifying marks or names, other materials or joint Campaigning with the intent of associating two or more Candidates in the mind of a voter.

Defamation refers to a communication to another person which harms the reputation of another candidate or non-arm's-length party, and which is not truthful, protected by absolute or qualified privilege, or fair comment.

Director/Division Candidate refers to any Candidate that is not an Executive Candidate.

Article I - Interpretation

As amended August 24th, 2016

Endorsing/Endorsement refers to supporting a Candidate, through either verbal or non-verbal communication, through the provision of materials, advertisements or non-financial donations.

ERC refers to the Elections and Referenda Committee.

Executive Candidates refers to Candidates for the position of President, Vice-President Internal and Services, Vice-President University Affairs, Vice-President Equity, Vice-President Campus Life, Vice-President Professional Faculties, and Vice-President External.

Fall Election refers to the election held between 20 September and 30 October for the purpose of electing Members to fill the positions of the Board of Directors for the following academic year or to fill a Director seat for a Constituency having an academic program of one year that has become vacant prior to 1 September.

Grounds of Discrimination shall be those defined in the *Ontario Human Rights Code*, including age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, receipt of public assistance, sex, and sexual orientation.

Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Library refers to the space beyond a theft detection device in a University of Toronto library.

Member refers to any individual who is a current member of the Union as defined in the Union Bylaws.

Misrepresentation of Facts refers to campaign-related content or communications that are not in accord with facts that a candidate or non-arm's-length party reasonably should have known based on information readily available to all members, and that a voter could rely on in deciding to cast a vote or not cast a vote for a candidate.

Nominee refers to any individual who registers themselves with the CRO and obtains a nomination form intending to seek nomination from the membership and/or Constituency for a position on the UTSU Board of Directors.

Nomination Period refers to the period of time during the election schedule set by the Board of Directors where Members may seek nomination from the membership and/or applicable Constituency.

Article I - Interpretation

As amended August 24th, 2016

Non-Arm's-Length Party means an individual or group that can be shown to have:

- i. publicly campaigned with a Candidate
- ii. campaigned using a Candidate's approved physical materials
- iii. performed Campaign-related tasks that are not Campaigning on behalf of the Candidate
- iv. had their actions which are deemed in violation of the Code publicly defended by the Candidate

This does not apply if the Candidate has publicly stated that they do not desire or condone the party performing such tasks.

Polling Station means any ERC-sanctioned location provided to the membership for the purpose of voting during the election period. For the purpose of measurement, a polling station shall be considered the public-use electronic device, ballot box, voting shield, or other object used by a member to vote, at such location.

Poster shall refer to print media to be affixed to a surface, or displayed for viewing.

Public Domain means any place to which Members have a right of access.

Social Media means websites and applications that enable users to create and share content or to participate in social networking.

Spoiled Vote means any ballot cast that meets the definition of an invalid ballot as described in Article VII - 4.

Sponsoring/Sponsorship means a nonrepayable financial contribution made for the purpose of supporting a Candidate's campaign

Spring Election refers to the election held between 1 February and 31 March for the purpose of electing Members to fill the positions of the Board of Directors for the following academic year or to fill a Director seat for a Constituency having an academic program of one year that has become vacant prior to 1 February.

Student Residences refer to any housing provided for the use of students that is owned or operated, wholly or partially, by the University of Toronto or any of the federated colleges or universities.

Student Society shall refer to any student groups on campus that collect a compulsory student fee.

Union shall refer to the University of Toronto Students' Union.

Valid Identification shall mean a valid University of Toronto student identification card.

Valid Vote shall mean any ballot cast that is not a Spoiled Vote.

Votes Cast shall refer to the total number of Valid Votes and the total number of Spoiled Votes.

Article I - Interpretation

As amended August 24th, 2016

Voting Period shall refer to the period of time during the election schedule set by the Board of Directors where Members may cast their vote(s).

2. Interpretation

In this Code, unless a contrary intention appears:

- a. Words importing the singular will include the plural and vice versa.
- b. All capitalized terms found herein but not defined have the meaning ascribed to them in University of Toronto Students' Union's Bylaws.
- c. Regulations applying to Candidates are deemed to apply to their Non-Arms' Length Parties.

3. Restricted Portions of the EPC (Index of Symbols)

Certain parts of the EPC shall be subject to additional considerations, and shall be demarked as such:

- a. The dagger symbol (†) shall mean that an amendment to the UTSU Bylaws is required to make any amendment to add, change, or delete this section or paragraph of this Code.

Article I - Interpretation

As amended August 24th, 2016

Article II - Powers of The Elections Procedure Code

1. Jurisdiction

- a. The provisions of this Code shall apply to those elections conducted by the Union, the Candidates within those elections, and any Non-Arms' Length Parties. The provisions of this Code shall not apply to any election conducted by a Student Society under Bylaw VI(2), unless otherwise specified.
- b. Where this Code is in contradiction of the Union Bylaws, the Union Bylaws will prevail.

2. Administration of Elections Procedure Code

- a. It will be the duty of the Chief Returning Officer, the Deputy Returning Officer(s) and the Elections and Referenda Committee to administer this Code and to uphold its spirit and principles.
- b. All Union elections must run according to the Union Accessibility Policy, and Union Sustainability Policy and any other applicable policy of the Union.

3. Amendments to Elections Procedure Code

- a. The Union's Elections and Referenda Committee may amend the Code and recommend changes to election policies to the Board of Directors. Amendments to the Code must be ratified by the Board of Directors.[†] The Board may reject amendments to the Code by a two-thirds majority vote.[†]
- b. The Bylaws and the Policy Manual of the Union shall govern written notice of any amendments to this Code.
- c. The Board of Directors cannot adopt amendments to the Code between the commencement of the Nomination Period(s) and the announcement of results of each election period.

Article III - Candidate Eligibility

1. The Constituencies

The Constituencies and Constituency Representative(s) are determined by the Union Bylaws and enrolment figures provided by the University of Toronto Registrar.

2. Candidate Eligibility

The requirements for the eligibility of a Candidate are as follows:

- a. All election Candidates must be Members of the Union at the close of the current Nomination Period.[†]
- b. All Candidates must have presented Valid Identification when registering as a Nominee with the CRO.
- c. All Candidates must have submitted a valid nomination form, as per the requirements below.
- d. All Candidates must satisfy the requirements under Article V - All-Candidates Meeting and Forum of this Code.

3. Nominations

- a. To be valid a nomination form must:
 - i. Accurately list the name, student number and Constituency of the Nominee and the position sought on each page.
 - ii. List the e-mail address and phone number of the Nominee.
 - iii. Be submitted prior to the close of the Nomination Period.
 - iv. Be signed by the required number of nominators and accurately list the name and student number of each nominator.
- b. The completeness, accuracy and delivery of the nomination form is the responsibility of the Member seeking nomination.
- c. Any person who fails to submit a valid nomination form before the close of the Nomination Period is treated as if they submitted no nomination form.
- d. The validity of any nomination may be disputed by submitting a "request to review" to the Elections and Referenda Committee no later than twenty-four (24) hours following the release of names of eligible Candidates.
- e. A Candidacy Statement may be submitted along with the nomination form, following the requirements of Article VII - 2.

Article III - Candidate Eligibility

As amended August 24th, 2016

4. Required Nominators[†]

- a. Director Candidate
A Director Candidate nomination form must be signed by at least twenty-five (25) Members in the relevant Constituency to be valid.
- b. Executive Candidate
An Executive Candidate nomination form must be signed by at least one-hundred (100) Members from any Constituency to be valid.

5. Limit on Position Sought

A Member is limited to seek nomination for one position on the Board of Directors per election cycle. Should a Member be found to be seeking nominations for multiple positions, that Member will be treated as having not registered as a Nominee and will not be considered for candidacy for any position.

Article IV - Administration of Elections

1. The Elections and Referenda Committee

- a. The Elections and Referenda Committee, as stated in the Union Bylaws, oversees the Elections and Referenda of the Union.
- b. The ERC reserves the right to overrule decisions made by the CRO.
- c. All ERC members shall act impartially during the election period. Failure to act impartially may result in removal from the ERC.
- d. The ERC Chair issues the official election and referenda results to Candidates, the membership, and the media, as appropriate.
- e. If an ERC member resigns before the close of the Nomination Period, the Board of Directors may elect another Director to fill the vacancy.
- f. The ERC recommends Election and Referenda schedules for the Fall Elections and Spring Elections to the Board of Directors for ratification, after consulting with the Chair of the UTMSU Elections and Referenda Committee.
- g. The ERC chair shall contact the Office of the Vice-Provost, Students as soon as possible in the year to ensure that membership information for the election of Academic Directors in the spring election, and fall election if applicable, can be delivered on schedule from the Faculty of Arts and Sciences.
- h. On voting days, no less than four (4) Polling Stations on the St. George Campus and no less than two (2) Polling Stations on the Mississauga Campus, with no more than two (2) stations at the same location, shall be organized by the Chief Returning Officer. To ensure a fair and equal distribution of Polling Stations, locations shall be ratified by the Elections and Referenda Committee on recommendation of the CRO in consultation with the ERC Chair.
 - i. All Polling Stations shall be open for no less than two-thirds (2/3) of the voting days and for no less than six (6) hours on each day on which they are open.
 - ii. In allocating Polling Stations, the ERC will consider factors including, but not limited to, cost, logistics, proximity to other Polling Stations, accessibility, traffic, and poll locations in previous elections.
 - iii. The ERC shall have the power to ratify a new polling location should a previously chosen location become unavailable or prove impractical for election needs.
 - iv. In the event that the ERC ratifies new polling locations, the CRO must inform candidates of the change within twelve (12) hours or before the next opening of polling stations, whichever is sooner.
 - v. Polling locations shall be publicized at the start of the Campaign Period.

Article IV - Administration of Elections

As amended August 24th, 2016

2. The Chief Returning Officer

The Chief Returning Officer (CRO) shall:

- a. Report solely to the ERC and ERC Chair.
- b. Report to the ERC on all matters falling within this section and additionally, on any other matters of concern that are directed to them by a resolution of the ERC.
- c. Ensure that the Elections Procedure Code and the Charter for Referenda are enforced.
- d. Authorize all election notices, publicity and Campaign Materials regulated by the Code.
- e. Organize and conduct the All-Candidates Meeting.
- f. Organize and establish guidelines for the Executive Candidates' forum.
- g. Provide a final report to the Board of Directors under the direction of the Chair of the ERC.
- h. Ensure impartiality in the conduct of the election.

3. The Deputy Returning Officer(s)

The Deputy Returning Officer(s) shall:

- a. Report to the CRO.
- b. Aid the CRO with promoting the election.
- c. Act impartially in the election.
- d. Assume the responsibilities of the CRO in their absence.
- e. Assume other duties delegated by the ERC Chair, the CRO and the ERC.

4. Elections and Referenda Staff Hiring

a. Preamble

Election Officials are essential for carrying out the Election and Referenda process. The Chief Returning Officer and the Deputy Returning Officer are important for overseeing the election and referenda process and ensuring that the election and referenda are held in a transparent manner with free and fair elections.

The Union shall hire a Chief Returning Officer to carry out the election process and other duties delegated. The Union must also hire no less than one (1) Deputy Returning Officer. The Union shall also hire Election and Referenda support staff (e.g. polling clerks, translators) for the purposes of carrying out the election process.

Election Officials work under the supervision of the Chair of the Elections and Referenda Committee and the Elections and Referenda Committee.

Article IV - Administration of Elections

As amended August 24th, 2016

b. Hiring Timeframe For Chief And Deputy Returning Officers

The hiring of the Chief and Deputy Returning Officers process begins prior to the beginning of the election nomination period. The following is a timeframe, on a monthly basis, that must be followed as part of the process:

Fall elections

- July/August: Job posting circulated for election officials
- August/September: Interview process and hiring of Chief Returning Officer

Spring elections

- November/December: Job posting circulated for election officials
- December/January: Interview process and hiring of Chief Returning Officer

The Elections and Referenda Committee shall select a Deputy Returning Officer (DRO) through a preferential hiring process or through a circulated job posting. The selection must be ratified at the Election and Referenda Committee meeting.

c. Hiring Of Election Support Staff

The Elections and Referenda Committee conducts the hiring of the election support staff, such as poll clerks and translators, through a preferential hiring process or through a circulated job posting. The Committee may choose to delegate all or part of support staff hiring to the CRO and Elections and Referenda Committee Chair.

d. Hiring Committee

The necessity for non-partisanship makes the hiring of election and referenda officials of the Union unique in character. The decision to hire election and referenda officials falls under the purview of the Elections and Referenda Committee.

The Elections and Referenda Committee select the election and referenda officials who must be ratified by the Board of Directors through the adoption of the Committee minutes.

e. Election Official Responsibilities

The Chair of the Election and Referenda Committee and the Election and Referenda Committee determine all responsibilities of Election Officials. Responsibilities are also outlined in this Election Procedure Code governing the election process.

Article IV - Administration of Elections

As amended August 24th, 2016

Article V - All-Candidates Meeting and Forum

1. All-Candidates' Meeting

- a. All Nominees, or an authorized representative of each Nominee, must attend an All-Candidates Meeting in its entirety. If this is not possible, the Nominee must contact the CRO within twenty-four (24) hours of the All-Candidates Meeting to arrange a meeting. A Nominee will not be considered a Candidate unless they have attended an All-Candidate's Meeting or met with the CRO.
- b. A prospective Candidate, or their authorized representative, whose nomination form is pending a "request to review," as per Article III - 3.d shall be permitted to attend an All-Candidates Meeting.
- c. An authorized representative must possess a signed statement from the Nominee that the representative has the authority to act on their behalf for the duration of the meeting.
- d. Any Candidate who fails to attend or send an authorized representative to an All-Candidates Meeting, or fails to meet with the CRO, as per Article V.1 shall be deemed ineligible to run in the election.
- e. The topics at All-Candidates meeting shall include, but are not limited to:
 - i. The Code;
 - ii. Financial resources available to candidates within the Code;
 - iii. University of Toronto policy;
 - iv. The election schedule;
 - v. The structure and function of the Union; and
 - vi. The duties and functions of the election officials.
- f. Each Candidate or authorized representative must sign a statement before leaving the meeting that indicates that they understand the rules and regulations governing the election, including the Code, and consent to its implementation by the CRO.
- g. It is the responsibility of each Candidate to understand the information provided at the All-Candidates Meeting.

Article V - All-Candidates Meeting and Forum

As amended August 24th, 2016

2. Executive Candidates Forum

- a. An Executive Candidates Forum will be held by the Union to provide a public forum for Executive Candidates.
- b. The date and time of any Executive Candidates Forum will be advertised no later than the first day of the Campaign Period, with at least 24 hours' notice.
- c. During the forum,. Editors-in-Chief of independent campus publications that choose to participate in the forum shall ask questions, and Executive Candidates for each position shall be given equal opportunity to respond to questions and briefly remark on each other's responses. All questions must be posed to both candidates.After this, members shall ask questions. Greater preference in allocating time shall be given to member questions; and questions from independent campus publications must be deemed appropriate by the CRO.
- d. The Executive Candidates Forum shall be moderated by the CRO.
- e. Additional Executive Candidates Forums may be held by external organizations during the Campaign Period. These Forums do not require supervision from the CRO, but they must notify all candidates running for Executive positions and allow them to participate. This clause may also apply to any additional Director Candidates Forums held by external organizations.
- f. The Executive Candidates Forum shall be made as accessible as is reasonable, and will at minimum be held at a physically-accessible venue with an available gender-accessible washroom on site (e.g., an all-gender, single-user accessible washroom).

Article V - All-Candidates Meeting and Forum

As amended August 24th, 2016

Article VI - Rules for Elections

1. Campaigning

a. Pre-Campaigning

No Campaigning shall take place before the Campaign Period. This includes, but is not limited to, posting or distributing Campaign Materials, online Campaigning, social media statements, classroom campaign talks and Campaigning at social events.

b. Conflict of Interest

Any current member of the Board of Directors or staff, volunteers and committee members of the Union seeking election must remove themselves from all involvement relating to the elections at the start of the Nomination Period.

c. Responsibility of Candidates

Candidates are responsible for actions and violations of any Non-Arm's Length Party. The CRO reserves the right to investigate and make rulings in exceptional cases.

d. Approval of Campaign Methods

All physical campaign material and advertisements must be approved by the CRO in advance. Materials must be processed by the CRO within twenty-four (24) hours of receipt from candidates. This does not apply to candidate statements on social media platforms.

e. Adherence to Existing Policy

It is the responsibility of the Candidates to ensure that all campaign tactics, materials and advertisements conform to all policies and regulations of the Union and University of Toronto, and with all municipal, provincial and federal laws. Campaign displays and distribution of literature on campus are also subject to the individual rules and regulations of Student Residences, Libraries, Buildings on Campus and campuses.

f. Use of Languages other than English

- i. All text in other languages on Campaign Materials must have an accurate English translation that appears directly on the material in equal size, and that is verified by the CRO to be faithful and accurate. Where Campaign Material contains text in another language, the Candidate is responsible for obtaining the required verified translation in one of the following ways before dissemination:
 1. If the Union has a translator available for the desired language, the Candidate may submit the material to the CRO to receive a translation or submit their own translation to the CRO for review. The Union's translator may require edits to the Candidate's translation to ensure faithfulness and accuracy.
 2. If the Union does not have a translator available for the desired language, the Candidate shall submit a notarized translation for verification by the CRO.
 3. In all cases, the CRO shall provide verification to the Candidate as soon as possible and within 48 hours of submission.
- ii. This rule does not apply to private communications between two persons, but does apply in the case of private communications that follow a common template.
- iii. Preference in hiring translators shall be given to the most prevalent languages used by members, as determined by the ERC using enrollment and census data.

g. Fair Play

Candidates shall campaign in accordance with the rules of Fair Play. Breaking the rules of fair play includes, but is not limited to any of the following, and shall be considered more severe if based on any of the Grounds of Discrimination as defined in the *Ontario Human Rights Code*:

- i. Breaching generally accepted community standards, defined as campaign-related content, actions, or communications that¹:
 1. Is sexually explicit or pornographic, exploits or presents minors in a sexual way, or promotes adult sexual services. This does not include nudity, especially in the context of age, race, ethnic origin, disability, gender identity, gender expression, sex, or sexual orientation.
 2. Creates a genuine risk of physical injury or property damage, credibly threatens people or public safety, or organizes or encourages harm. This does not include participation in legal protests.
 3. Promotes self-harm, eating disorders or hard drug abuse.
 4. Attacks, bullies or harasses nonpublic people.

¹ Source: Pinterest *Acceptable Use Policy*

Article VI - Rules for Elections

As amended August 24th, 2016

5. Includes hate speech.
 6. Is gratuitously violent or gory.
 7. Infringes anyone's intellectual property, privacy or other rights.
 8. Is someone else's personal information or requests a minor's personal information.
 9. Represents a private person offering to trade or sell drugs, alcohol, tobacco, firearms or other hazardous materials.
- ii. Defamation, including libel and slander, defined as a communication to another person which harms the reputation of another candidate or non-arm's-length party, and which is not truthful, protected by absolute or qualified privilege, or fair comment.
 - iii. Harassment, defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome;
 - iv. Misrepresentation of Facts, defined as campaign-related content or communications that are not in accord with facts that a candidate or non-arm's-length party reasonably should have known based on information readily available to all members, and that a voter could potentially rely on in deciding to cast a vote or not cast a vote for a candidate.
 - v. General sabotage of the campaigns of other Candidates;
 - vi. Malicious or intentional breach of elections policy;
 - vii. Persistent attempts to undermine the ability of the CRO or the ERC to carry out their responsibilities; and
 - viii. Any attempt to undermine the electoral process including, but not limited to:
 1. Interference with the Polling Station materials;
 2. Interference with poll clerks;
 3. Interference with or compromising the Union's Online Voting System.
- h. Environmental Protection and Recycling**

Physical Campaign Materials must be recyclable and shall contain a phrase or graphic in plain sight encouraging reuse and recycling if intended to be given to members, such as "please pass this on to a friend and recycle after the election." Candidates should also endeavor to use materials that are sustainably made while campaigning.

Article VI - Rules for Elections

As amended August 24th, 2016

i. Poster Quantity Limits

Candidates are not permitted to post more than the number of Posters indicated below:

Positions	Poster Limit
Executive Candidates	1000
At-Large Director Candidates	500
All Other Director Candidates	200

j. Candidate Posters and Campaign Materials

The following restrictions regulating Campaigning must be followed. It is the responsibility of the Candidates to familiarize themselves with the different rules that govern each of the following entities:

- i. Poster size shall not exceed 29.7cm x 42 cm i.e. 'Tabloid' size (11" x 17").
- ii. No more than three banners are allowed. Banners must not exceed 2.75m x 0.92m (9' x 3').
- iii. Any form of non-recyclable Poster material is not permitted, including laminated or high-gloss posters.
- iv. No Candidate's Poster may overlap another Candidate's Poster.
- v. No Candidate may post one of their Posters within one (1) foot (30.5 cm) of another one of their own Posters.
- vi. All print Campaign Materials must be removed within seventy-two (72) hours after the close of the Voting Period.
- vii. All web and social media pages must be removed within forty-eight (48) hours after the close of the Voting Period. For any social media pages that take more than forty-eight (48) hours to remove, Candidates must submit proof of request for removal.
- viii. Campaign Materials may not:
 1. Overlap or be attached to Campaign Materials already affixed to other objects or surfaces.
 2. Appear in classrooms or seminar rooms.
 3. Be removed from any posted location without the authorization of the CRO during the Campaign Period. This does not apply to Candidates removing their own material.

k. No Distribution of Goods

Candidates may not campaign by distributing goods.

l. Prohibition of Animals

The use of animals for Campaigning is forbidden.

Article VI - Rules for Elections

As amended August 24th, 2016

m. Restricted Areas

Areas designated for Campaigning will be subject to the following restrictions:

- i. No Campaigning of any form is permitted in the Union offices or using Union resources.
- ii. No Campaigning is permitted within Student Residences.
- iii. To campaign in a classroom, a Candidate must obtain permission from the lecturer before the start of class. Candidates are required to inform the CRO within a reasonable time about such activities.
- iv. No Campaigning is permitted where alcohol or other judgment-altering substances are served.

n. Specific Restrictions on Campus

Additional restrictions regulating Campaigning that are unique to the following, must be followed. It is the responsibility of the Candidates to familiarize themselves with the different rules that govern each of the following:

- i. St. George and Mississauga campuses;
- ii. Buildings on Campus;

o. Campaign Restrictions on Polling Stations

Restrictions Concerning Union Polling Stations are as follows:

- i. No Campaign Materials shall be placed within nine (9) metres of a Polling Station, or in the same room, whichever is further during voting days.
- ii. No Campaign Materials may be clearly visible from the Polling Station.

p. Websites and Online Networks

A Candidate using a website or online network as a campaign tool is responsible for the moderation of all materials so that they are in accordance with the rules of Fair Play. Violations of Campaigning rules on websites or online networks by Candidates or Arm's-Length Parties are also subject to the penalties detailed in Article VI - 3 Violation of Campaign Rules.

q. Benefits Acquired by Virtue of Office

Candidates cannot use services or funds that they acquired through holding a position in a campus organization unless the same services are available to all other Candidates. This includes, but is not limited to the use of office supplies, equipment, advertising space and staff.

r. Designation of Campaign Materials

A Candidate's total expenditure includes all Campaign Materials and other materials that endorse or support them. This may include situations where a Non-Arm's-Length Party supports a Candidate or group of Candidates and produces materials without the consent of the Candidate.

Article VI - Rules for Elections

As amended August 24th, 2016

s. **Cross Campaigning**

Cross Campaigning is only allowed between Candidates in the elections governed by this Code.

t. **Campaigning During Voting Period**

Only electronic and/or online Campaigning is permitted during the specified Voting Period, including on social media. In-person or “physical” Campaigning is not permitted. This does not apply to private conversations between friends.

u. **Prohibitions on Candidate-Provided Devices**

Candidates are not permitted to provide a device to a student for the purpose of online voting, or where it may be reasonably expected that the student would use the device to vote online.

v. **Prohibitions on collecting online voting credentials**

Candidates are prohibited from collecting any credential from students that is used to verify a student’s identity when they vote online.

w. **Unauthorized Campaigners**

Only members of the Union may engage in Campaigning. Any individual who has, at any point, engaged in Campaigning must provide proof of membership to the CRO and/or ERC upon request.

x. **Unpaid Leave**

Executives and Associates wishing to campaign or act as Non-Arm’s-Length Parties must take an unpaid leave of absence for the duration of the Campaigning and Voting Periods.

y. **Other Staff**

All other employees of the Union are barred from Campaigning in any way, and cannot be affiliated with Candidates.

2. Campaign Expenses

a. **Proof of Campaign Expenses**

All Candidates must submit original receipts of all campaign expenditures to the CRO within seventy-two (72) hours of the close of voting, along with a list itemizing each receipt and explaining each, where applicable. The CRO may at any time request from any of the Candidates original receipts for expenditures prior to the close of voting.

b. **Campaign Donations**

Sources and amounts of any campaign donations and Sponsorship must be disclosed to the CRO and ERC Chair. Candidates will not be reimbursed for this amount.

Article VI - Rules for Elections

As amended August 24th, 2016

c. Expense and Reimbursement Limits

Expense and reimbursement limits for all Candidates shall be as follows:

Position	Expense Limit
Executive Candidates	\$1000.00 CAD
Director/Division Candidates	\$100.00 CAD

d. Reimbursements of Campaign Expenditures

The Union shall reimburse all Candidates for campaign expenses if they submit proof of expenses. Reimbursements for all items with receipts shall be based on the actual purchase costs listed on the receipts.

Reimbursements shall be based on the following schedules:

Executive Candidates:

% of Droop Quota in final deciding round:	Maximum Reimbursement:
50% to 100%	\$1000.00
25% to 50%	\$750.00
10% to 25%	\$500.00
0% to 10%	\$0.00

Director/Division Candidates:

% of Droop Quota in final deciding round:	Maximum Reimbursement:
50% to 100%	\$100.00
25% to 50%	\$75.00
10% to 25%	\$50.00
0% to 10%	\$0.00

e. Calculation of Campaign Expenditures

The calculation of Candidates' expenses where there is no receipt shall be made according to the Fair Market Value of all purchases, services, donations and items, which are deemed by the ERC to be used for the purposes of the campaign.

- i. Fair Market Value of a product or service shall be the lowest price, without special concessions or discounts that are available in Toronto, Ontario for that product or service, to all persons who approach a person or company that sells, or deals in, that product or service.
- ii. The Committee shall research the prices of three (3) major suppliers in the Toronto area and shall adopt the lowest price as the Fair Market Value. The candidate may rebut such value if they can demonstrate another major supplier that has a lower price than those found by the committee.

Article VI - Rules for Elections

As amended August 24th, 2016

f. Funds Available During the Campaign Period

If a Candidate can demonstrate financial need, the CRO must make funds available during the Campaign Period to be put towards campaign expenses in order to ensure equal access to those seeking election, either in the form of an invoice subsequently paid by the Union or an early reimbursement. These funds shall count towards a Candidates' spending limit.

3. Violation of Campaign Rules

a. Elections and Referenda Authority

- i. The CRO has the sole authority to enforce the provisions of this Code. The ERC may enforce this Code where no ruling is given by the CRO.
- ii. The ERC reserves the right to modify any ruling of the CRO.
- iii. The CRO and the ERC both have the power to make decisions about issues and events not otherwise covered by this Code.

b. Allegations of Violations

Any allegations of violations of this Code must be submitted to the CRO. Allegations must be made within forty-eight (48) hours of the violation, and within ninety-six (96) hours of the close of the Voting Period.

c. Committee Initiative

Where the CRO or a member of the ERC finds evidence of a violation, the ERC or CRO may charge a Candidate with a violation of campaign rules.

d. CRO Rulings

The CRO shall make a ruling on a violation within forty-eight (48) hours of receiving the complaint in writing. Upon making a ruling, the CRO must immediately contact any candidates to which the ruling applies with notice of the ruling, a description of evidence considered, and any punishments.

e. Evidence for Rulings

- i. For a ruling to find a Candidate in violation of the Code, there must be evidence which gives due cause to believe that the violation has occurred.
- ii. If this evidence is personal testimony, then it must be submitted to the CRO in writing, and the CRO must know the identity of the person giving the testimony. The CRO may withhold the identity of the person giving testimony from any other party, including the ERC and must withhold that person's identity if requested.
- iii. Any Candidate that a ruling finds in violation of the Code may request to have the evidence used in making said ruling available to them. If such a request is made, evidence must be provided within twenty-four (24) hours of the request. The evidence must be provided in a form that balances withholding of identity, if requested, with the Candidate's right to knowledge of the evidence.

Article VI - Rules for Elections

As amended August 24th, 2016

f. Appeals of CRO Rulings

- i. All CRO rulings may be appealed to the ERC. Appeals must be made in writing and submitted to the ERC and the CRO.
- ii. Any appeal of a CRO ruling decision must be submitted in writing within forty-eight (48) hours of the Candidate being informed of the CRO ruling.
- iii. Candidates may attend the ERC meeting at which their appeal will be considered. At the ERC appeal meeting, the CRO shall explain the reasons for their original decision. The Candidate(s) may then make oral statements and/or deliver a written statement to present their case. All parties shall then have the opportunity to address each other's arguments, and answer questions from ERC members. The voting ERC members shall then deliberate alone and come to a decision on whether to uphold, overturn, or amend the CRO's original ruling. No deliberation shall be conducted *in camera* or otherwise omitted from the minutes.
- iv. Upon the ERC making a ruling, the ERC chair must immediately inform any candidates to which the ruling applies with notice of the ruling, a summary description of the committee's reasons, and any punishments or changes to punishments given by the CRO.

g. Publication of Rulings

Within twenty-four (24) hours of the CRO or ERC making a ruling on a violation of the Code, the CRO or ERC Chair must publish the ruling on the Union website and in a designated elections space in the Union office. The ruling shall include a description of their reasons, evidence considered, and any punishments.

h. Candidate's Responsibility of Knowledge of Decisions

- i. It is the responsibility of each Candidate to be aware of every decision made by the CRO, and ERC, especially decisions regarding violations committed by that Candidate.
- ii. Candidates are deemed to be informed of an ERC or CRO decision six (6) hours after the decision is posted on the designated elections space in the Union office(s) and the Union website, or six (6) hours after being sent notice of the decision to their preferred email address, whichever is later. All decisions shall indicate the time posted.

i. Penalties for Violations

Where the CRO or ERC finds there has been a violation of the Election Procedure Code by a Candidate or a Non-Arm's-Length Party of the Candidate, the CRO or ERC may:

- i. Assign a demerit point penalty resulting in a fine against a Candidate.
- ii. Declare that an election in a particular Constituency be ruled void, should the violation be sufficiently severe.

Article VI - Rules for Elections

As amended August 24th, 2016

- iii. Assign no demerit points, but attach a financial penalty of no greater than \$45.00 (forty-five dollars) per offence, should the harm done by the violation be primarily financial, e.g. property damage, cost of cleaning, etc.

j. Severity of Penalties

In determining the appropriate penalty to be given for a violation, given the range of possible options, the CRO and ERC shall consider the following:

- i. A violation may result in multiple penalties where the violation encompasses more than one offence.
- ii. Penalties shall be proportionate to the severity of the violation. A penalty shall be considered more severe if the evidence establishes any of the following:
 1. A candidate did not take reasonably available steps to correct the violation within a reasonable time period.
 2. A candidate continued violating a rule after being deemed informed by the CRO, via ruling or otherwise, that their actions violated the rule.
 3. A candidate bears personal responsibility for the violation having occurred, especially where a penalty is given to multiple candidates cross-campaigning together.
 4. Per Article VI - 1.g, the rules of **Fair Play** are broken in a way that is based on any of the Grounds of Discrimination as defined in the *Ontario Human Rights Code*.
 5. There was a significant unfair benefit to the candidate because of the violation.

k. Demerit Points

The values listed below are the maximum that may be issued for a given violation.

Violation - Campaign Materials	Maximum Demerit Points
Misrepresentation of Facts	3
Multiple violations in the same location / building	4
Unapproved material	15
Displayed in an unauthorized area	5
Pre-Campaign Materials	15
Post-Campaign Materials	5
Multiple violations within ten (10) metres	8
Intentional Misrepresentation of Facts	10

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Violation - Campaigning	Maximum Demerit Points
Misrepresentation of facts	3
Failure to submit campaign receipts and / or signed statement of having no expenses	4
Distribution of Campaign Material within six (6) metres of a Polling Station	15
Unsolicited Campaigning (including e-mail and phone calls)	8
Improper distribution of Campaign Materials	8
Multiple violations within ten (10) metres	8
Intentional Misrepresentation of Facts	10
Campaigning in an unauthorized area	10
Pre-Campaigning	20
Post-Campaigning	5
Breaking University, municipal, provincial, and / or federal law / regulation while Campaigning	35
Personally Campaigning to a student while they are voting online	15
Unauthorized Campaigners	15
Cross campaigning with a candidate running in a non-UTSU-run election per Article VI - 1.s	8
Physical/in-person campaigning during voting period	25

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As amended August 24th, 2016

Violation – Fair Play	Maximum Demerit Points
Candidates enforcing the Elections Procedure Code	5
Unsanctioned use of Union resources	15
Gross Misrepresentation of Facts	20
Malicious or intentional violation of Elections Procedure Code or Policy	20
Use of Benefits Acquired by Virtue of Office	15
Failure to comply with the spirit and purpose of the elections	20
Repeated frivolous complaints and/or appeals	3
Failure to follow grievance procedures outlined in the Elections Procedure Code or Policy	5
Spending over the prescribed limit, as per Article VI - 2.c, to a maximum of twenty dollars (\$20)	1 per \$2

I. Disqualification

Violations of the following nature will result in an automatic disqualification of a Candidate:

- i. Being ineligible as per Article III - Candidate Eligibility.
- ii. Spending more than twenty dollars (\$20) over the maximum spending limit as per Article VI - 2.c.
- iii. Intentional misrepresentation of campaign expenditures.
- iv. Accruing greater than 100 per cent of their allowable demerit point limit, as follows:

Candidate	Points
Executive Candidates	35
Director/Division Candidates	20

m. Disqualification of Winning Candidate

In the event a winning Candidate in any election is disqualified:

- i. If a runner-up received more votes in the final deciding round than one-half (1/2) of the Droop quota, the runner-up will become the winner.
- ii. If no other candidate received more than this required number of votes, the seat shall be declared vacant.

Article VI - Rules for Elections

As amended August 24th, 2016

Article VII - Voting Process

1. The Voting Process

Voting may be conducted by both online voting and paper ballot, or by online voting alone. Each voter should be able to vote using their personal electronic device. Valid Identification is required for voting. Online voting shall not be restricted to certain operating hours.

2. Candidacy Statements

Candidates shall be allowed to submit a statement that the CRO shall post on the UTSU Website, the Online Voting System, and at polling stations. The statement must meet the following requirements:

- a. Statements must be no more than 100 words or 750 characters in length, whichever is shorter.
- b. Statements must be submitted to the CRO via email by the end of the nomination period, or on paper along with their nomination package.
- c. The Candidate holds sole responsibility for any errors in spelling or of fact in their statement, and the CRO shall post statements exactly as received.
- d. Statements shall be posted without any formatting, graphics, or additional adornment besides functional Internet hyperlinks where applicable, and should not be submitted as such.

3. Election of Candidates

- a. Winners shall be elected by the Wright System of the single transferable vote electoral system.
- b. If the number of candidates is equal to or less than the number of seats available for any position (i.e. the race is uncontested), then there shall be a confirmation vote put to the membership for the candidate(s). The ballot will contain the Candidate(s) name and an option of "Yes" or "No" for the Candidate(s). In the event that there are more "No" votes than "Yes" votes for an individual Candidate, their position shall be declared vacant.

Article VII - Voting Process

As amended August 24th, 2016

4. Spoiled Ballots

The UTSU shall use an Optional Preferential Voting ballot such that a valid and invalid ballot shall be defined as outlined below. Where possible, the order of candidates on the ballot shall be randomized to prevent arbitrary rankings (a “donkey vote”).

Valid ballots shall be those fulfilling the following descriptions:

- Ballots with a full sequential rank
 - E.g. 1, 2, 3, 4, 5
- Ballots with a partial sequential rank starting at 1
 - E.g. 1, 2, 3, blank, blank
- Ballots with a single mark in one box, indicating a preference of 1
 - E.g. x, blank, blank, blank, blank
 - Any clearly discernable marking indicating a clear preference for one singular candidate shall be valid.

Invalid ballots (“spoiled ballots”) shall be those fulfilling the following descriptions:

- Ballots with a nonsequential ranking, either full or partial
 - E.g. 1, 2, 2, 3, 4, or 1, 2, 4, 5, 6, or 1, 1, 1, blank, blank
- Ballots with a rank starting at any number that is not 1
- Ballots with multiple x markings
- Ballots with no markings
- Ballots which have markings, but none clearly indicating a vote for a candidate
- Ballots which are ripped or otherwise destroyed
- Ballots where the voter’s intention cannot clearly be ascertained.
- Ballots where the voter’s identity is compromised.
- Any ballot improperly printed or distributed, e.g. missing poll clerk initials.

Note: all examples are for a ballot with five eligible candidates.

Article VII - Voting Process

As amended August 24th, 2016

Article VIII - Election Results

1. Equality of Votes

In the event of a tie, the winner(s) are decided in a run-off election commencing within two weeks of the release of unofficial results.

2. Ratification

As per the Bylaws of the Union, Candidates will not be deemed officially elected until they have:

- a. Paid all outstanding election fines.
- b. Been ratified by the Union's Board of Directors at the subsequent meeting following the election results with the condition that there is no outstanding appeal involving the Candidate.
- c. Attained the age of majority of eighteen (18) years of age.

3. Unofficial Results

Unofficial results shall be announced as soon as possible, and within 48 hours of the end of the count.

Article IX - Appeals of Election Results

- a. Any Candidate may challenge the validity of their election result in a written submission containing their reasons to the CRO within forty-eight (48) hours of the close of the Voting Period.
- b. The CRO, on behalf of the ERC, shall investigate any appeal and make a recommendation to the Board of Directors on the appropriate action.
- c. Upon the recommendation of the ERC, the Board of Directors may refuse to ratify any single Director election. The Board of Directors may not amend rulings of the CRO or ERC.

Article X - Recounts and Voting System Investigations

1. Automatic Recount for Paper Ballots

If applicable, an automatic recount will take place if the vote margin on the paper ballots is within the following schedule:

Position	Vote Margin
Executive Candidate	50 votes
At-Large Candidate	25 votes
Division I Candidate	10 votes
Division II Candidate	10 votes

2. Requested Recounts

A Candidate may request a recount of the votes for their position by submitting a written request to the CRO within forty-eight (48) hours of the announcement of unofficial results. In evaluating a request for a recount, the ERC has absolute discretion. In the event that a request for a recount is granted, the ballots shall only be recounted once. The CRO and ERC may request additional recounts at their discretion.

3. Voting System Investigations

A Candidate may request an investigation into any problems or irregularities with the Online Voting System that may have affected voting for their position by submitting a written request to the CRO within forty-eight (48) hours of the announcement of unofficial results. In evaluating a request for an investigation, the ERC has absolute discretion. In the event that an investigation is deemed warranted, the ERC shall report their findings to the Board of Directors and shall re-run the election for any affected position within two (2) weeks of the release of unofficial results if a problem is found with the voting system or administration thereof that casts sufficient doubt on the result.

Article X - Recounts and Voting System Investigations

As amended August 24th, 2016