

## **Election BY-LAWS (as amended March 28, 2010)**

- EB. 1A Elections shall be decided by secret ballot. Nominations shall open at least fourteen (14) days prior to the first day of elections and shall close at least seven (7) school days prior to the first day of the elections
- EB. 1B One day before the opening of nominations, the Chief Returning Officer (CRO) must post, at least, but is not limited to:  
two (2) banners in Brennan Hall (at base of Canada Room, Coop, Lounge)  
one (1) banner at entry at Loretto  
two (2) posters per floor of each residence  
twenty (20) posters in Brennan Lounge  
ten (10) in Alumni Hall  
eight (8) in Carr Hall  
four (4) in Teefy Hall (1<sup>st</sup> floor)
- EB. 2 Nominations shall be received during the regular hours of the Student Union office.
- EB. 3
- a) A valid nomination form for a Council representative of the Student Union shall consist of the name of the candidate, their student number and their address and phone number, in addition to the signatures and student numbers of ten (10) students who shall be members of the Student Union.
  - b) Candidates for the office of President and Vice-President must run on a ticket. A valid nomination form for President and Vice-President shall consist of the names of the candidates, their student numbers, their addresses and phone numbers, in addition to the signatures and student numbers of at least fifty (50) students who shall be members of the Student Union.
  - c) A receipt shall be issued to each candidate who files a nomination form indicating that the form has been received.
  - d) Nomination forms shall be deemed to be valid when they are reviewed and initialed by the Chief Returning Officer.
  - e) Nomination forms shall include all the dates concerning the election, including, but not limited to, the nomination period, campaigning period, election times, and, if the case provides, the date for the all-candidates meeting.
  - f) No candidate shall be nominated for both the office of President or Vice-President and Council Representative of the Student Union in the same election.

- EB. 4 As soon as possible after the close of nominations, the Chief Returning Officer shall post a list of candidates showing the name of each candidate. At such a time, a candidate may no longer pull out of the election. Candidates shall be listed in alphabetical order on the list and on all the ballots. The CRO shall ensure that copies of the election by-laws are made available to each candidate during the nomination period.
- EB. 5 In the event that the number of nominees for a particular office does not exceed the number of specified seats available for such office, nominations shall reopen for an additional forty-eight hours. At such a time, the CRO shall take measures to advertise the remaining positions as specified in EB. 1B.
- EB. 6 Nominees may not spend, nor have spent on their behalf, more than sixty (60) dollars for election to office of President and Vice-President, or more than fifteen (15) dollars for any council representative seat. Goods or services received free shall be included at their full-market value. SMCSU shall grant any candidate running in the election twenty-five (25) 8 ½ x 11 photocopies at no charge.
- a) Each 8.5 x 11 sheet shall be assigned a value of twenty-five (25) cents per copy in the budgets of each respective candidate.
- EB. 7 Each candidate shall submit to the CRO a written statement of their campaign expenditures, including receipts, twenty-four (24) hours before the polls open. If such a report is not submitted, the CRO is instructed to strike their name from the ballot.
- EB. 8 Campaigning is prohibited on election days. No persons shall loiter within ten (10) meters of the polling station. No campaigning materials shall be disseminated (i.e. delivered or received) after the campaign deadline.
- EB. 9 Candidates shall observe the regulations of appropriate authorities concerning the posting of signs. No sign shall be posted on any trees, doors, mirrors, windows, vending machines, and video games, nor glued to any surfaces. No signs shall be visible within ten (10) metres of the polling stations. Pursuant to Student Union policy, only white recyclable paper shall be used for campaign purposes. All signs violating the above by-law shall be removed by the CRO. Chalking is permitted, but is strictly forbidden from any walls, steps, or any area in the proximity of the Basilian houses. All candidates must remove posted campaign material within seventy-two (72) hours of the closing of the polls.

- EB. 10 Every ballot shall show the name of each candidate in addition to brief instructions concerning voting procedures. Ballots improperly marked or not initialed by the polling clerk shall be considered invalid.
- EB. 11 The polling stations at Kelly Library and Sidney Smith Hall shall remain open from 9 a.m. to 9:30 p.m. (pending availability). The polling stations at Loretto College and Brennan Hall shall remain open from 8 a.m. to 9:30 p.m. (pending availability).
- EB. 12 Ballot boxes shall be placed in the following locations: at Brennan Hall entrance (on Canada Room side), at Kelly Library, at Sidney Smith Hall, and in Loretto Residence.
- EB. 13
- a) Each ballot and ballot box shall be supervised by a polling clerk appointed by the CRO. A polling clerk cannot be a candidate or a representative for a candidate. Each candidate shall be entitled to have one scrutineer at each polling station. Scrutineers shall not interfere with the process of voting
  - b) Scrutineer: Each candidate may have a scrutineer. The scrutineer's role shall be to observing the ballot counting process after the polls close on the second day of voting. This person shall not be a candidate in the election. Their name must be submitted to the CRO at the beginning of the election.
  - c) Representative: Each candidate may choose a representative at the beginning of the election. Their name is to be given to the CRO with their form that declares their candidacy. This representative, and only this representative, may fill in for the candidate at any election related forums/meetings that the candidate is unable to attend. The representative shall not be a candidate in the election, or a scrutineer.
- EB. 14 The Chief Returning Officer shall ensure that polling clerks have adequate means for identifying eligible voters. Voters shall be required to present polling clerks with their student card and their name and student number will be recorded by the polling clerk. The voter shall sign a voter's list. In the event there is a challenge to a voter's eligibility, individual polling station lists can be checked against a master voter's list.
- EB. 15
- a) Candidates shall be ranked in accordance with the number of valid ballots cast in their favour. The appropriate number of candidates receiving the highest number of votes shall be declared elected.
  - b) Those candidates who ran in the election shall be listed on the CRO's public notice of election results. When such a list is posted, the CRO will list the number of ballots cast for each candidate.

- c) The full report of ballots cast shall be made available to those students who ran for election.
- d) A complete list of election results with the number of ballots for each candidate shall be posted on the SMCSU website and held within the SMCSU office. They shall be made available to all students upon request. A list of the candidates elected, including the number of votes they received shall be posted on the SMCSU office door. The results of each election shall be kept on file in the SMCSU office for a minimum of four (4) years.

EB. 16 In the case of a tie between Presidential tickets and/or candidates for the final seat for a councilor position in the Spring Elections or the Fall By-Elections, a run-off election shall be held between the tying parties. Based on the results of this vote the winning candidates shall be declared elected.

EB. 17 Each candidate shall be entitled to have one scrutineer present when the votes are being counted. Scrutineers shall respect the confidentiality required by the elections process. Any candidates may petition the Chief Returning Officer in writing for a recount on the votes cast within three (3) days after the close of elections. The Chief Returning Officer shall post, as soon as it is available, a list of election results.

EB. 18 All Election By-Laws shall apply to By-Elections as well with the exception of EB. 1.

- EB. 19
- a) Nomination period for by-elections shall be open fourteen (14) days prior to the first day of elections, and shall close at least three (3) days prior to the first day of elections.
  - b) A forum for the candidates shall be held at the first available date between the close of nominations and the day prior to elections.

EB. 20 Any Candidate who violates the regulations set forth in these By-Laws shall be given one written warning by the Chief returning officer. Upon a second infraction of the By-Laws, the Candidate shall be disqualified from the elections. An appeal of the Chief Returning Officer's decision may be made to the Election Appeal Board.

EB. 21 *Election Appeal Board*

- a) The purpose of the Election Appeal Board is to receive and make decisions on appeals filed by students concerning matter pertaining to an election for any office.

b) *Membership*

- i. The Board shall consist of five (5) members.

- ii. No one concerned directly with the actual operation of the elections, including the Chief Returning Officer and all polling clerks, candidates and other officials is eligible for any of the seats on the board.
- iii. At least two (2) members must be appointed by a simple majority vote of council from among the members of the council.
- iv. Two non-council students shall be appointed by a simple majority vote of council from among the members of the council.
- v. In case of complaint or conflict of interest regarding the election lodged against any member of the Board, the Council can remove the member by a two-third (2/3) majority vote of those council members present and voting. A substitute member would then be appointed by the remaining members of the Board. Council would only appoint substitute members in the event that all member of the Board are found to have a conflict of interest.

c) Procedures (Part One)

- i. A student must file an appeal in writing with the Board no later than three (3) days after the final results of the election have been announced.
- ii. The Board shall meet in closed session within two (2) days of the appeal being filed and shall hand down its decision on any appeal within three (3) days after receiving the appeal.
- iii. An appeal shall involve only alleged violations of the electoral procedures by those involved in the elections as candidates, agents of candidates, election officials or as officials of the Student Union.
- iv. Before, during or after the decision of the Election Appeal Board, no member of the Board shall discuss publicly any aspect of an appeal.

d) Procedures (Part Two)

- i. The Board shall interview those involved or cited in the appeal and any other parties as it deems necessary and shall have free access to obtain such documentation as it requires.
- ii. The decision of the Election Appeal Board on any matter is final.
- iii. The Board shall rule on any appeal(s) and shall recommend to Council on any such action as it sees fit including invalidation of an election, disqualification of a candidate and may require that another election be held. The board shall rule on any complaints regarding the CRO or others that were working for the election.
- iv. The ratio of decendi (reasons for the ruling) of the Election Appeal Board will be disclosed in camera to SMCSU full council.

- EB. 22 Candidates will not be permitted to commence campaigning until the date determined by the CRO. The CRO shall post all rulings immediately outside the SMCSU Council Office and shall also inform the Election Appeal Board of the same. The CRO shall inform candidates via phone or e-mail of any decision that directly concerns them. Candidates shall not unfairly disrupt the campaigns of any other candidates. Candidates shall not use Council's resources. In the event that a candidate fails to comply with Election By-Laws, the CRO reserves the right to reprimand or disqualify that candidate from the election at any time. Violations of Election By-Laws must be reported within forty-eight (48) hours from time of discovery.
- EB. 23 During the Fall By-Elections at least one of the five (5) elected councilors must be a first year student. If at the close of the nominations, a first year student has not submitted their name for election, the CRO must advertise the opening pursuant to EB. 5.
- EB. 24 The CRO shall interpret and enforce the Election By-Laws. In the event that the CRO fails to comply with the Election By-Laws, council reserves the right to withhold up to seventy-five (75) percent honorarium.
- EB. 25 The CRO may hold an information session for candidates with mandatory attendance. Candidates will be permitted to send an authorized representative to this meeting, provided they sign and date a statement that the person has the authority to act on their behalf for this meeting. Failure to attend without legitimate reason may result in removal from the ballot.
- EB. 26 Candidates shall be permitted to use various internet resources including, but not limited to: Blogs, Social Networking websites (Facebook, Myspace, yourNed, etc.). The CRO must be notified of the creation of these resources and must be allowed access into them during the election campaigning period. Candidates shall not be permitted to update these resources after the campaigning period closes, but shall be allowed to keep them open.
- EB. 27 During the spring and fall elections, SMCSU members have the right to remain impartial during the elections. This includes the right to refrain from endorsing and promoting any candidates if desirable.