

## UPEI SU ELECTIONS AND REFERENDA BY-LAW

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Amendment 1996  
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Amended December 2<sup>nd</sup>, 2010  
Amended May 10<sup>th</sup>, 2011

### **I THE CHIEF RETURNING OFFICER**

1. The Chief Returning Officer (CRO) shall officiate at all elections and referenda of the University of Prince Edward Island Student Union (UPEI SU). No candidate shall be declared elected and no referendum vote shall be declared valid without the approval of the Chief Returning Officer (CRO).
2.
  - A. The CRO will be hired by the Hiring Board from all interested and qualified applicants.
  - B. If a vacancy occurs in the Office of the CRO, the UPEI SU Student Council (Council) shall fill that position on an interim basis.
3. The CRO shall:
  - A. provide unbiased guidance and supervision in the management of all elections and referenda and the preparation of the list of electors;
  - B. enforce fairness and impartiality on the part of all the election officials in the conduct of their duties, and;
  - C. perform all duties assigned to them in accordance with this By-Law.
4. The CRO shall perform their duties in such a way that the election procedures of the UPEI SU are upheld and do not fall into disrepute among members of the University community.
5. The remuneration paid to the CRO shall be determined by Council.
6. The CRO shall, following each election or referendum, prepare and deliver a report to Council. Each Council member shall receive a written copy of said report to follow during the presentation. These are to be returned to the CRO and shall be destroyed along with all election materials in accordance with Section XIII, Sub-Section 14 of this By-Law. This report shall include:
  - A. a summary of their conduct respecting the voting;
  - B. a breakdown of the results, including both final totals and totals for each constituency;
  - C. a summary of the costs incurred during the course of the election or referendum;
  - D. in the event that any regular member of the UPEI SU has made a complaint to the CRO concerning the conduct of any individual student or candidate, an evaluation of the conduct of that individual student or candidate, and;
  - E. in the event that any candidate and/or organization participating in the election or referendum filed an official appeal with the Chair of Council (Chair), the CRO is to present all details of the appeal and their resolution of the matter.
7. In any situation where this By-Law does not outline a course of action, the CRO shall have the authority to make a ruling consistent with the intent of this document as addressed in Section XIV of this By-Law.
8. The CRO must advertise the nomination period for at least two weeks prior to the nomination opening date as, chosen by Council in accordance with Section IV, Sub-Section 3 of this By-Law.
9. The CRO must work with UPEI Computer Services to ensure that the electronic voting system is operational for the election or referendum in question. This would include, but is not limited to, overseeing proper execution of the election time line, web ballots, webpage requirements, and voter lists.
10. The CRO shall secure and arrange training for an adequate number of poll workers and provide said workers with an understanding of the electoral process. The CRO shall issue such instructions as to ensure professionalism, impartiality and the uniformity of process are maintained throughout the election period.

11. Should a candidate wish to appeal any decision of the CRO, they shall present this appeal in writing to the Chair within twenty-four (24) hours of that decision. Should the Chair find the decision of the CRO questionable, they shall then recommend said appeal be considered by Council. Council shall then reserve the right to endorse, reverse, or amend any decision of the CRO, as long as that CRO's decision is found to be in conflict with the By-Laws of the UPEI SU, or that the CRO has made a ruling inconsistent with the intent of this By-Law. A decision made by the CRO may be overturned by a 2/3 majority vote by Council.

## **II LIST OF ELECTORS**

1.
  - A. For the purposes of elections and referenda of the UPEI SU, the official list of electors shall be considered the electronic list of registered students at the UPEI Registrar's Office, accessible through UPEI Computer Services.
  - B. When the CRO is satisfied that the list(s) meets the specifications of this By-Law, the CRO shall then deem this list the official list of electors and notify UPEI Computer Services that it is to be used for the purpose of electronic voting.
2. Subject to Section II, Sub-Section 1A, a person is eligible to have their name included on the official list of electors only if they have Full-Time status at UPEI and have paid the appropriate fees for membership with the UPEI SU.

## **III ELECTORS**

1. Subject to Section II, all students who have Full-Time status at UPEI and who have paid the appropriate fees for membership with the UPEI SU at the time of voting, shall be entitled to vote in any election or referendum.
2. Any eligible voter, as defined in Section II, shall be permitted to vote:
  - A. upon gaining access to the UPEI SU electronic vote (e-vote) with their student number and confidential personal identification number (PIN), or;
  - B. in the event that any student is unable to access the e-vote or is participating in an election or referendum outside of the e-vote;
    - i. upon producing their valid UPEI Student Identification Card, or;
    - ii. upon producing two alternative pieces of personal identification and reciting his/her Student ID number.
3. In the event that an election results in a tie between two (2) or more candidates, Council shall call a By-Election between the contending candidates involved in the tie, to be held within a reasonable amount of time. Should a further tie result from the By-Election, the CRO shall flip a coin to determine the winner.

## **IV GENERAL ELECTIONS**

1. General Elections of the UPEI SU shall be held in February (General Election) and October (Fall General Election) for the purpose of the electing of persons to all positions on Council.
  - A. The Spring General Elections of the UPEI SU shall be held in March for the purpose of electing all UPEI SU Councillors with the exception of the First Year Representative, Education Representative, International Students Representative, and Residence Representative.
  - B. The Fall General Elections of the UPEI SU shall be held in October for the purpose of electing Representatives to all vacant Council positions.
2. A person may only run for one Council position per election. This does not include hired positions.
3. Council shall, by resolution, and subject to this By-Law:
  - A. at the final Council meeting of the Academic year establishes all relevant and related dates for all General Elections for the following Academic Year;
  - B. revise candidate deposit requirements, and;
  - C. advertise election information in all campus media throughout the election process.

4. All voting shall be run over a period of two (2) days. These days shall be a Tuesday and a Wednesday.
5. The e-vote shall be in operation from 8:00 a.m. until 11:30 p.m. during the first day of voting, and from 8:00 a.m. until 9:00 p.m. during the second day of voting. These times must be reviewed and confirmed by the CRO with UPEI Computer Services. Any changes made to these times must be approved by Council and shall be advertised through the use of posters and all student media prior to the election period.
6. There shall be no advance polls outside of the voting period.

## **V BY-ELECTIONS**

1. If a non-Executive position is vacated, that position shall remain unfilled until the next General Election. If the vacation of that position means that a faculty or school has no remaining Representatives on Council, Council may call a By-Election or, in the event that no candidates are nominated to fill said position in the ensuing nomination period, Council may appoint a member of the UPEI SU from that constituency to serve as a Representative for that faculty or school on an interim basis. In the event that Council feels that a faculty, school, or group is under represented they reserve the right to call a By-Election to fill the vacant positions.
2. If the position of President is permanently vacated at any point during their term, the Executive Vice President shall become the Acting President of the UPEI SU until such a time that Council shall call a By-Election to fill the position.
3. If an Executive position other than the President or Vice President Finance is vacated a By-Election shall be called by Council. While strongly discouraged, if any member of the remaining Executive wishes to run in the By-Election for the vacated Executive position, they must submit a formal notice of resignation, effective the closing of the campaign period, to the Chair of Council (Chair) no later than one (1) weeks prior to the opening of nominations. This is done so that the CRO may then open nominations for the second position and so that both vacancies can be filled during the same By-Election. The duties and responsibilities of that position shall be distributed among the remaining Executive members according to their abilities until the conclusion of the By-Election.
4. The electoral time frames established in this By-Law can be condensed for the purpose of urgency in a By-Election at the discretion of Council.

## **VI REFERENDA**

1. A referendum on a specific question shall be held when:
  - A. two-thirds (2/3) Councillors present at a Council meeting vote to hold one; or
  - B. the President or Chair is presented with a petition signed by ten per cent (10%) of the Active members of the UPEI SU, requesting that one be held.
    - i. The petition from active members must contain the question and the purpose of calling the referendum on each page of the petition. It must also contain the date of the commencement and shall be invalid if not presented within three weeks to the President or Chair.
    - ii. When signing the petition, each petitioner must include:
      - a. their printed full name;
      - b. their signed full name, and;
      - c. their student number.
    - iii. It is the responsibility of the person(s) or group(s) presenting the petition to ensure that all those that sign the petition are aware of the intent of the petition and are willing to assume responsibility for their signature regardless of any consequences that may or may not arise from said petition.
    - iv. Should either the President or Chair receive a petition requesting a referendum, they shall contact the other party and inform them that such a petition has been received.

2. Council shall, by resolution, in accordance with this By-Law, and upon the recommendation of the CRO, establish the date or dates of the voting in the referendum and advertise the same in all campus media until the opening of the polls.
3. The referendum must be held within a reasonable period of time after the passing of a motion by Council instituting the referendum question, which shall be within a reasonable amount of time from when the President or Chair have been presented the petition for referendum.
4. Any referendum shall present two (2) options from which those voting must choose.
5. The Council shall be responsible for the wording of the referendum question, and must ensure that the question is as free of bias as possible.
6. If required by Council, a public meeting shall be held within one (1) weeks of a referendum being called. This meeting shall be chaired by the CRO.
7. When a referendum is held, the CRO shall be responsible for determining the results and communicating those results to Council, the student body, and to any interested parties in accordance with procedures outlined in Section I, Sub-Section 6.
8. The Council shall not be bound by the result of any referendum unless at least ten per cent (10%) of the eligible electors vote, and unless one option is supported by a simple majority of those voting.

## **VII CANDIDATES**

1. Subject to Section II, and Section VII, Sub-Section 4, all students that have Full-Time status at UPEI, and who have paid the appropriate fees for membership with the UPEI, shall be entitled to be nominated as candidates in any election for a position on Council.
2. The CRO or DCRO shall not be eligible to be nominated as a candidate in any election over which they are presiding.
3. Nominees must be Full-Time UPEI students at the time of nominations to be eligible for candidacy, with the exception of the Graduate Student Representative.
4. No student, having been removed from a Council position by impeachment, shall be eligible for nomination to any council position for two (2) years following their impeachment. Should an impeached Councillor wish to run in an election before two (2) years have elapsed, they shall make a presentation to Council requesting permission for their nomination to be accepted.
5. All candidates for Representative positions shall be enrolled, at the time of the election, in the constituency they wish to represent.
6. No student shall accept nomination to more than one voting position on Council during a single election.
7. Candidates who are presently elected or appointed members of Council, or are employees of the UPEI SU, may not use their position for the promotion of their candidacy, including but not limited to, during working hours with the UPEI SU, or while representing the UPEI SU.
8. In the event that the Chair is a candidate in an election, they shall abdicate their duties pertaining to the election to the Deputy Chair, or in the event that a Deputy Chair is unavailable, they shall abdicate their duties pertaining to the election to a member of the UPEI SU, as appointed by Council.
9. Each candidate is responsible for ensuring compliance with the UPEI SU Elections and Referenda By-Law, and by entering as a nominee signify their understanding of this By-Law and the consequences of By-Law infractions, as outlined in Section XIV.

## **VIII NOMINATION PROCEDURES**

1. Nominations for all UPEI SU General Elections shall be open for a minimum of five (5) regular University class days, and a maximum of ten (10) regular University class days. This shall be recognized as the Official Nomination Period.
2. Nominations for a UPEI SU By-Election shall be open for a minimum of three (3) regular University class days, and a maximum of ten (10) regular University class days. The length of this period shall be determined by Council.
3. The CRO shall prepare a nomination form which shall comply with this By-Law.
4. The nomination form is not considered valid unless it is complete, on the form issued by the CRO and states:
  - A. the name of the nominee;
  - B. an address and electronic address at which documents may be served and notices given respecting the nominee;
  - C. the desired position the person being nominated intends to be a candidate for;
  - D. the faculty and year of the nominee, and;
  - E. the signatures and student numbers of ten (10) Active Members of the UPEI SU within the related constituency.
5. Each nominee is required to file a nomination form with the CRO or Administrative Assistant of the Student Union prior to the closing of nominations.
6. Upon completion of the nomination form, each nominee shall be provided with a current copy of this By-Law, and a letter from the CRO detailing the dates of the election. This letter shall include the date, time, and location of the nominees' meeting, the date, time, and location of the candidates forum and debate, contact information for the CRO, Deputy Chief Returning Officer (DCRO), and Chair, and any other information that the CRO deems necessary.
7. It is the responsibility of the nominee to ensure that the signatories of their nomination form are all Active Members of the UPEI SU and are of the constituency that they wish to represent.
8. The CRO must validate each nomination form with their signature after ensuring the eligibility of the candidate to run. By doing so, the CRO qualifies the nominee as an official candidate. This validation must be done within seventy-two (72) hours of the closing of nominations.
9. The CRO shall preside at a nominees' meeting no more than seventy-two (72) hours after the closing of nominations and at that time shall announce the full list of candidates found eligible to run. This meeting will be held for the purpose of outlining election procedure.
10. If only one (1) eligible candidate is nominated for a position, they shall not be declared acclaimed, but shall campaign for the designated period and shall have their candidacy tested by a 'Yes or No' vote of that related constituency.
11. Any person seeking to appeal a decision of the CRO in respect to the validity of any nomination or nomination form shall do so by filing a grievance with the Chair of the UPEI SU, within twenty-four (24) hours of being notified of the CRO's decision. The Chair reserves the right to re-issue invalidated nomination forms for a time period of four (4) hours to allow the nominee to correct it. Nominees failing to correct invalidated nomination forms within the four (4) hour period will void their applications for nomination.

## **IX WITHDRAWAL OF NOMINATION PROCEDURE**

1. Any candidate wishing to withdraw their nomination may do so by informing the Chair and CRO until forty-eight (48) hours before the opening of the polls. No names shall be removed from the ballot after this time.

## **X CAMPAIGNING**

1. The campaign period shall commence immediately after the adjournment of the nominees' meeting.
2. Campaigning shall be defined as advertising for a candidate or referendum platform using posters, pamphlets, banners, electronic media, or any other means which the CRO declares to be advertisement, and will also include speaking to classes, residences, organizations, groups, or individuals.
3. Each candidate shall be permitted to use student media to promote their campaign.
4. All student media have a responsibility to present news in a fair and unbiased manner. The publishing of opinions in relation to elections or referenda will not be considered illegal campaigning so long as they are clearly marked Editorial or appear as a paid advertisement. Any complaints regarding student media must be presented to the CRO or DCRO within forty-eight (48) hours of publication of the item or article.
5. Candidates their supporters or proponents of a specific referenda platform shall not be permitted to use campus listserves to advertise their candidacy or the election.
6. The CRO/DCRO shall be privy to all of the candidates electronic election materials (including social media) Members of Candidate's social media groups, for election purposes, can be messaged prior to the close of campaigning.
7. All electronic media is subject to the same deadlines and conditions as outlined in Section X, Sub-Section 14. The CRO can fine the candidate for electronic media violations that can be attributed directly to the candidate or their campaign team at the CRO's discretion.
8. Candidates shall be responsible for monitoring all campaign material to ensure that nothing published by or on behalf of the candidate is in violation of these By-Laws.
9. Should any infraction appear against a candidate and the aggrieved candidate does not complain within the allotted time period, the publication shall be considered acceptable to the candidate and therefore acceptable to the CRO and all parties involved in the election.
10. Candidates shall be held responsible for any physical damage caused to University property in the placement or removal of election materials.
11. All candidates have the opportunity to be present at the public forum at a date and time that shall be arranged by the CRO. Candidates for Executive positions shall be given the opportunity to speak and participate in a debate responding to questions submitted by the student body and members of Council on pertinent issues. All other candidates are encouraged to introduce themselves and to speak briefly. The amount of time allotted to each candidate shall be determined by the CRO.
12. Candidates cannot receive money or gifts from any individual, business, club, UPEI group or UPEI SU Sub-Organization. Candidates may be required by the CRO to submit receipts for all campaign expenditures at any time during the electoral process.
13. Each candidate must conduct their campaign in such a manner as to not bring the UPEI SU election process into disrepute.
14. All candidates must remove their own election materials from campus by 9:00 p.m. on the last day of the campaign period. After this time, any candidates found to have election materials within a reasonable visible distance of the polling station will be automatically fined a maximum of twenty-five dollars (\$25.00) per infraction, to a maximum of one hundred dollars (\$100.00). Reasonable visible distance shall be defined as any campaign material within twenty (20) metres of a polling station, including materials behind doors or walls and shall include any campaigning materials posted on the internet or on any other form of publically accessible electronic media. Any candidates found to have election materials beyond a reasonable visible distance will be automatically fined a maximum of ten dollars (\$10.00) per infraction, to a maximum of one hundred dollars (\$100.00). The fine will be payable to the UPEI SU within one week of

the date of levy by the CRO, and shall be doubled after the week if a formal appeal has not been launched with the UPEI SU. Fine monies shall be used by the UPEI SU to defray election costs.

15. All campaign materials related to referendum platforms must be removed from campus by 9:00 p.m. on the last day of the campaign period.
16. The CRO, DCRO, or other designate, shall complete a tour of campus after 9:00 p.m. on the last day of the campaign period to ensure that all election materials have been removed. Any outstanding materials will be removed at this time. In the event of a campus closure, it shall be the responsibility of the CRO to notify all candidates of a new deadline to remove all physical campaign materials from the UPEI campus.
17. Candidates are not to distribute campaign material during the period of polls being open, i.e. posters, flyers or hotdogs.
18. Candidates are not permitted to use computers in polling stations during the voting period of an election. Infractions will result in a fine of one hundred dollars (\$100). Any subsequent infractions will result in an additional one hundred dollar (\$100) fine. For the purpose of the e-vote, all UPEI computer labs will be considered polling stations for the duration of the election.
19. The computers in the UPEI SU Office shall be declared neutral and no person(s) shall be permitted to vote on said computers. Candidates may make arrangements for computer usage within the Student Union offices through the CRO, DCRO, Chair, or current UPEI SU Executive.
20. If candidates are enrolled in a course that is held in a UPEI computer lab, and said course is to be held during the voting period, candidates shall be exempt from Sub-Section 18 of this Section for the period of that class.
21. No voting shall take place by proxy.

#### **XI CAMPAIGN SPENDING LIMIT**

1. Campaign expenditures for candidates seeking an Executive position on Council shall be limited to an absolute maximum of two-hundred dollars (\$200.00).
2. Campaign expenditures for candidates running for a Representative position on Council shall be limited to an absolute maximum of seventy-five dollars (\$75.00).
3. Candidates shall be responsible for keeping original receipts for all campaign materials in the event that a complaint is filed with the CRO, DCRO, or Chair, relating to their expenditures.
4. Complaints regarding campaign spending limits must be filed with the CRO prior to the closing of polls.

#### **XII TABULATION OF ELECTION RESULTS**

1. The CRO shall, in co-operation with UPEI Computer Services, develop the electronic ballots to be used during the webvote for the election or referendum.
2. The CRO shall ascertain that the proper electronic ballots are available for each separate constituency.
3. Ballots should be clear in wording and separate ballots should be used for each position contested.
4. The CRO, DCRO, or other designates, shall test the e-vote system prior to the election to ensure that the system is operational.
5. The opening of the webvote shall be administered by the CRO, and must meet the minimum requirements as outlined in Section IV. At no time during the active election period shall the voting results be witnessed by any persons, including the CRO.

6. Each candidate may have one authorized scrutineer present while the voting results are collected and the votes are tabulated. Before the polls open, candidates must submit written authorization for their scrutineer to the CRO.
7. After the closing of the polls on the second day of voting, the CRO shall, along with the DCRO, Chair, and any authorized scrutineers under direction of the CRO, obtain the voting results from the e-vote with the aid of UPEI Computer Services. This shall be done at a location designated by the CRO. The voting results shall remain confidential to the CRO until the election results are ready to be reviewed. The unofficial results shall include;
  - A. an individual breakdown of how each anonymous voter has voted, and;
  - B. a computer tabulated summary of all election results, to be sealed in a separate envelope by UPEI Computer Services.
8. If, at any time, the voting results must be transported to or from the UPEI SU Offices, the results must be sealed in a box or envelope, and witnessed via a signature by the CRO and DCRO.
9. Counting of votes shall be completed under the supervision of the CRO, DCRO, Chair, and any authorized scrutineers.
10. The CRO and DCRO shall count each vote as listed from the e-vote results. The CRO shall then unseal the computer tabulated summary and compare it to the manual count. If the computer tabulated count matches the manual count the result is accepted. Any discrepancies will warrant a recount. If a recount is required, any two matching counts, manual or electronic, shall be required for a result to be accepted.
11. For a candidate to be declared elected must;
  - A. if the position is for a single-seat contested position, hold a plurality of votes, or;
  - B. if the position is for a multiple-seat contested position, hold enough votes to place the candidate in a position such that those candidates that achieve the highest number of votes shall be declared elected successively until each vacant position is filled, or;
  - C. if the position is a non-contested position, hold a plurality of votes, as outlined in Section VIII, Sub-Section 10.
12. For a referendum question to be declared adopted or defeated, either position must hold a simple majority (50% + 1) either for or against.
13. All results shall remain unofficial until ratified by Council.
14. The CRO shall preserve the election material, including the listed electronic results, voters lists, copies of the CRO Report, and any other papers, until such time as all appeals can be heard. Council must then pass a motion to destroy all election materials.
15. Should ballot counting be suspended the voting results shall be sealed in an envelope or box, and witnessed via a signature by the CRO and DCRO. This envelope or box will be secured in a UPEI SU safe until the suspension is over.

### **XIII ANNOUNCEMENT**

1. The CRO shall:
  - A. announce the unofficial results to all present in a room reserved for that purpose immediately upon completion of the tabulation of the unofficial election results;
  - B. post the unofficial results in the UPEI SU Office within twenty-four (24) hours for the purpose of public inquiry, and;
  - C. advertise on the UPEI SU website, and in student media, the results for each position elected through the e-vote.

### **XIV INFRACTIONS AND APPEALS**

1. In the event that a candidate or a candidate's official representative or scrutineer performs an action that, while not covered in these regulations, would bring the UPEI SU election procedures into disrepute, the

CRO in consultation with the Council not involved in the dispute, may impose such penalties as the following:

- A. restrictions placed on campaign materials/activities;
  - B. fines ranging from twenty-five dollars (\$25) to one-hundred dollars (\$100) per infraction.
2. The CRO must notify candidates of any infractions they incur and the related consequences within forty-eight(48) hours of the infraction being recognized by the CRO.
  3. Any candidate who incurs more than two hundred and fifty dollars (\$250.00) in election fines shall be disqualified from the election.
  4. In the event that a candidate is disqualified within 48 (forty-eight) hours prior to the opening of polls, voting shall be suspended for a period of forty-eight (48) hours to provide for the appeal process. The Campaign period shall not be extended due to this suspension.
  5. In the event that a candidate is disqualified during the voting period the counting of ballots will be suspended for forty-eight (48) hours to provide for the appeal process. Should the disqualification be upheld, ballots will be counted for all non-disqualified candidates.
  6. Appeals of any decision rendered by the CRO may be made to the UPEI SU Council via the Chair. See Section I, Sub-Section 11.
  7. The CRO/DCRO shall not release information pertaining to infractions and appeals, other than to the recipients of said infractions.