

Official UPEISU Elections

Documents Part VI



As prepared for the

2020 Winter General Election

- Part I:** UPEISU's Roles, Council, & Eligibility
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31 January, 2020

to be read in full by February 13th at 4pm

Can be located at: www.upeisu.ca/2020election

Part VI: Elections By-Laws & Policies

UPEISU Elections By-Law

(Approved November 17th, 2019)

UPEI SU ELECTIONS AND REFERENDA BY-LAW

Enacted March 16, 1986
Amended February 10, 1990
Amended February 16, 1996
Amended November 12 2001
Amended February 10, 2002
Amended September 7, 2003
Amended February 29, 2004
Amended February 25, 2007
Amended April 6, 2008
Amended February 1, 2009
Amended December 2, 2010
Amended May 10, 2011
Amended March 11, 2012
Amended September 12, 2012
Amended October 21, 2012
Amended March 24, 2013
Amended March 9, 2014
Amended April 26, 2015
Amended February 7, 2016
Amended April 10, 2016
Amended April 23, 2017
Amended April 8th, 2018
Amended November 17th, 2019

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).
2. The CRO will be hired by a Hiring Board.
3. If a vacancy occurs in the Office of the CRO, the UPEI SU Student Council (Council) shall fill that position on an interim basis.
4. 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.
5. 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.
6. The CRO shall, following each election or referendum, prepare and deliver a report to Council. 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. 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;
 - D. 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. The CRO's report shall be made publicly available.
8. No candidate shall be declared elected and no referendum vote shall be declared valid without the approval of the Chief Returning Officer (CRO).
9. The CRO must ensure that the nomination period is advertised 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.
10. The CRO must work with UPEI Information Technology Systems and Services (ITSS) 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 timeline, web ballots, webpage requirements, and voter lists.

11. 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.
12. 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.
13. 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.

II. LIST OF ELECTORS

1. 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 ITSS.
2. 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.
3. Subject to Section II, Sub-Section 1, a person is eligible to have their name included on the official list of electors only if they have Full-Time status at UPEI.
4. Subject to Section II, Sub-Sections 1 & 2, a person is eligible to have their name included on the official list of electors for any constituencies they are a part of and are only permitted to vote for said constituencies.

III. ELECTORS

1. Subject to Section II, all students who have Full-Time status at UPEI 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 upon gaining access to the UPEI SU electronic vote (e-vote) with their student number and confidential personal identification number (PIN).

IV. GENERAL ELECTIONS

1. General Elections of the UPEI SU shall be held for the purpose of electing of persons to all positions on Council.
 - A. The Spring General Elections of the UPEI SU shall be held in the second semester for the purpose of electing all UPEI SU Executives and Councillors.
 - B. However, the Spring General Election would not elect the hired Vice President Finance & Admin, First-Year Representative, Residence Representative, Education Representative, and Indigenous Representative.
 - C. The Fall General Elections of the UPEI SU shall be held in the fall semester 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 Wednesday.
5. The e-vote shall be in operation from 8:00am the first day of voting, until 9:00pm the second day of voting. These times must be reviewed and confirmed by the CRO with UPEI ITSS. 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.
7. 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.

V. BY-ELECTIONS

1. Should there be a vacancy in the office of a non-executive councillor on or before October 31st, a by-election shall be held to fill such vacancy.
2. If the position of President is permanently vacated at any point during their term, the Executive Committee shall appoint one of its members to become the Acting President of the UPEI SU until such a time that Council shall conclude a By-Election to fill the position.
3. If an Executive position other than the President or the one hired Vice President position is vacated a By-Election shall be called by Council or a relevant hiring committee will be struck. 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) 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.
5. All voting shall be run over a period of two (2) days. These days shall be determined by 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 percent (10%) of the Active members of the UPEI SU, requesting that one be held.
 - C. 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 on which the petition was initiated and shall be invalid if not presented within three weeks to the President or Chair.

- D. When signing the petition, each student must include:
 - i. their printed full name;
 - ii. their signed full name, and;
 - iii. their student number.

 - E. 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.

 - F. Should either the President or Chair receive a petition requesting a referendum, they shall contact the submitting 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 a minimum of two (2) options from which those voting must choose.
 5. The Governance Committee shall be responsible for the wording of the referendum question, and must ensure clarity.
 6. The Governance Committee shall present the proposed referendum question to Council for approval.
 7. If required by Council, a public meeting shall be held within one (1) week of a referendum being called. This meeting shall be chaired by the CRO.
 8. When a referendum is held, the CRO shall be responsible for facilitating 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.
 9. The Council shall not be bound by the result of any referendum unless at least ten percent (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.
2. Shall be entitled to be nominated as candidates in any election for a position on Council.
3. The CRO shall not be eligible to be nominated as a candidate in any election over which they are presiding.
4. Nominees must be Full-Time UPEI students at the time of nominations to be eligible for candidacy.
5. 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 or seek appointment to a Council position before two (2) years have elapsed, they shall make a presentation to Council requesting permission for their nomination to be accepted.
6. All candidates for Representative positions shall be enrolled, at the time of the election, in the constituency they wish to represent.
7. No student shall accept nomination to more than one voting position on Council during a single election.
8. 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.
9. 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.
10. Should a candidate be declared elected, and that candidate holds a hired position under the direct supervision of an executive member of the UPEISU, they must resign from their hired position prior to taking office.

11. 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. 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 email 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 fifteen (15) Active Members of the UPEI SU within the related constituency for council positions. Nominations for executive positions will require twenty-five (25) signatures of Active Members of the UPEI SU. Executive positions will also require at least one (1) signature from five (5) different faculties.
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 electronic copy of this By-Law. An email from the CRO will be sent detailing the dates of the election; including the date, time, and location of the nominees' meeting, the candidates forum and debate, contact information for the CRO and Chair, and any other information that the CRO deems necessary. Hard copies of both the By-Law and CRO letter are available upon request.

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 twenty-four (24) hours before the opening of the polls. No names shall be removed from the ballot after this time.

X. CAMPAIGNING

1. All physical campaign materials must be approved by the CRO.
2. The campaign period shall commence immediately after the adjournment of the nominees' meeting.
3. 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.
4. 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.

5. 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.
6. Candidates shall be held responsible for any physical damage caused to University property in the placement or removal of election materials.
7. Should any infraction be committed against a candidate and the aggrieved candidate does not complain within the allotted time period, the infraction shall be considered acceptable to the candidate and therefore acceptable to the CRO and all parties involved in the election.
8. 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.
9. 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.
10. Each candidate must conduct their campaign in such a manner as to not bring the UPEI SU election process into disrepute.
11. All candidates must remove their own election materials from campus by 4:00 p.m. on the day after the election. Should any campaign material be left on campus past this time the offending candidate will be fined a minimum of ten dollars (\$10.00) up to a maximum of twenty five dollars (\$25.00), at the discretion of the CRO. 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.
12. All campaign materials related to referendum platforms must be removed from campus by 4:00 p.m. the day after the election.
13. The CRO, or other designate, shall complete a tour of campus after 4:00 p.m. the day after the election 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.

14. 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 and fifty dollars (\$250.00).
2. Campaign expenditures for candidates running for a Representative position on Council shall be limited to an absolute maximum of one hundred dollars (\$100.00).
3. Candidates shall be responsible for keeping original receipts for all campaign materials.
4. Complaints regarding campaign spending limits must be filed with the CRO prior to the closing of polls.

XII. ELECTORAL SYSTEMS

1. For a candidate to be declared elected under a First Past the Post electoral system they must:
 - A. hold a plurality of votes, if the position is for a single-seat contested position or;
 - B. 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, if the position is for a multiple-seat contested position, or;
 - C. hold a plurality of votes, as outlined in Section VIII, Sub-Section 10, if the position is a non-contested position,
2. For a candidate to be declared elected under a Ranked Ballot electoral system they must:
 - A. Receive an absolute fifty percent-plus-one (50% + 1) majority of all votes cast, for a particular elected position.
 - B. “All votes cast” shall include those that are deemed spoiled by the CRO. Upon request from a candidate or scrutineer, the CRO must be prepared to justify deeming it a spoiled ballot. If the candidate disagrees, they may

make an appeal to the Governance Committee, at which time the status of the ballot may be decided by a simple majority of the voting members;

C. If a candidate has an absolute majority, no further counting is necessary. If no candidate obtains a majority, the candidate with the least number of votes is excluded, and the candidate's votes are resorted to the other candidates according to the preference shown on each ballot:

3. If any of those ballots do not list additional preferences, those ballots are known as exhausted ballots and are removed from the count. They are then only used to balance the number of votes at the end of each exclusion, to the number of first-preference votes;
4. The process of exclusions is repeated until such time as a candidate has an absolute majority of the votes remaining in the count and that candidate is elected. The absolute majority needed to be elected is recalculated after every candidate is excluded. This is due to exhausted ballots not continuing in the count.
5. In the event of a tie:
 - A. The candidate, from among those tied, with the fewest votes in the previous round is eliminated;
 - B. If there is still a tie, those counting votes then look back to the next most recent round and if necessary, to further progressively earlier rounds until one candidate can be eliminated;
 - C. If this also results in a tie, among the tied candidates, the candidate who would have the fewest votes in the following round will be eliminated;
 - D. If the candidates are tied after applying the procedure outlined in the above Clauses a. – c., then the CRO will declare the election null and void and re-open nominations no less than three (3) business days after the close of the original polls.

XII. TABULATION OF ELECTION RESULTS

1. The CRO shall, in co-operation with UPEI ITSS, develop the electronic ballots to be used during the e-vote 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, 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 e-vote 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 Chair, and any authorized scrutineers under direction of the CRO, obtain the voting results from the e-vote with the aid of UPEI ITSS. 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;
 - B. a computer tabulated summary of all election results and a computer tabulated summary of all election results, to be sealed in a separate envelope by UPEI ITSS.
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.
9. The CRO and Chair shall count each vote as listed from the e-vote results. 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.
10. For a referendum question to be declared adopted or defeated, either position must hold a simple majority (50% + 1) either for or against.
11. All results shall remain unofficial until ratified by Council.
12. The CRO shall preserve the election material, including the listed electronic results, voter's 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 excluding the CRO report.

13. Should ballot counting be suspended, the voting results shall be sealed in an envelope or box, and witnessed via a signature by the CRO. 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 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. ensure their advertisement 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; however the amount owed will not exceed one hundred dollars (\$100) as referenced in section X, subsection 15.
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 12.

February 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 Nomination Period Open	4 Nomination Period	5 Nomination Period	6 Nomination Period	7 Nomination Period	8
9	10 Nomination Period	11 Nomination Period	12 Nomination Period	13 Nomination Period CLOSES a. ALL Candidates Meeting 5pm b. Executive Candidates Info. Session 6pm	14 Campaigning Period	15
16	17 Campaigning Period <i>Reading Week</i>	18 Campaigning Period ----->	19 Campaigning Period ----->	20 Campaigning Period ----->	21 Campaigning Period ----->	22
23	24 Campaigning Period	25 Campaigning Period	26 Campaigning Period	27 Campaigning Period	28 Campaigning Period	29

March 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 Campaigning Period	3 Voting Opens 8am	4 Campaigning Ends 4pm Voting Closes 9pm	5	6	7
8	9	10	11	12	13	14