



UPEISU By-Law #1.05 Elections and Referenda

CATEGORY: By-Law	SUBJECT: <i>Elections and Referenda</i>
EFFECTIVE DATE: March 16, 1986	LAST UPDATE: December 6, 2022

PURPOSE:

This By-Law provides guidance to the UPEISU for the Winter General Election, the Fall General Election, and all By-Elections. It also clarifies the roles and responsibilities of the Chief Returning Officer.

APPLICATION:

This policy applies to the UPEISU Full-Time Staff Members and the UPEISU Council.

THE CHIEF RETURNING OFFICER:

- 1.05.01 The UPEISU Chair of Council shall act as the Chief Returning Officer (CRO) of all UPEISU elections. The Chair of Council shall officiate at all elections and referenda of the UPEISU.
- 1.05.02 The CRO shall:
- a. Provide unbiased guidance and supervision in the management of all elections and referendums 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.
 - c. Perform all duties assigned to them in accordance with this By-Law.
- 1.05.03 The CRO shall perform their duties in such a way that the election procedures of the UPEISU are upheld and do not fall into disrepute among members of the UPEI community.
- 1.05.04 The CRO shall not be eligible to be nominated as a candidate in any election over which they preside. Should the CRO wish to run in the election, Council shall appoint a suitable replacement.

- 1.05.05 The CRO shall, following each election or referendum, prepare and deliver a report to the UPEISU 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 a regular member of the UPEISU has made a complaint to the CRO concerning the conduct of any individual or candidate, an evaluation of the conduct of that individual student or candidate.
 - d. In the event that any candidate and/or organisation participating in the election or referendum filed an official appeal with the Ombudsperson, the CRO is to present all details of the appeal and their resolution of the matter.
- 1.05.06 The CRO's report shall be made publicly available.
- 1.05.07 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 in accordance with the parameters set out in this By-Law.
- 1.05.08 The CRO must ensure that the nomination period is advertised.
- 1.05.09 The CRO must work with UPEI IT 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.
- 1.05.10 Should a candidate wish to appeal any decision of the CRO, they shall present this appeal in writing to the Ombudsperson within twenty-four (24) hours of that decision. Should the Ombudsperson find the decision of the CRO to be questionable, they shall then recommend said appeal to 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 UPEISU, 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 two-thirds ($\frac{2}{3}$) majority vote by Council.
- 1.05.11 No candidate shall be declared elected and no referendum vote shall be declared valid without the approval of the UPEISU Council.

ELECTORS:

- 1.05.12 For the purposes of elections and referendums of the UPEISU, the official list of electors shall be considered the electronic list of registered Full-Time Students at the UPEI Registrar's Office, accessible through UPEI ITSS.
- 1.05.13 Any eligible voter, as defined in By-Law Section 1.05.12, shall be permitted to vote upon gaining access to the UPEISU electronic vote (e-vote) with their student number and confidential personal identification number (PIN).

GENERAL ELECTIONS:

- 1.05.14 General Elections of the UPEISU shall be held for the purpose of the electing of persons to all positions on Council.
- a. The Winter General Elections of the UPEISU shall be held in the Winter Semester of each year for the purpose of electing the UPEISU President, VP Academic and External, VP Student Life, and all UPEISU Councillors, with the exception of the First Year Representative.
 - b. The Fall General Elections of the UPEISU shall be held in the Fall Semester of each year for the purpose of electing Representatives to all vacant Council positions.
- 1.05.15 A person may only run for one Council position per election. This does not include hired positions.
- 1.05.16 All voting shall be run over a period of two (2) days. These days shall be a Tuesday and a Wednesday. There shall be no advanced polls outside of the voting period.
- 1.05.17 The e-vote system shall be in operation from 8:00AM on the first day of operation (Tuesday) until 9:00 PM on the second day of voting (Wednesday). 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 UPEISU Social Media platforms prior to the election period.
- 1.05.18 At the final Council meeting of the Academic Year, Council shall establish all relevant and related dates for all General Elections for the following Academic Year.

BY-ELECTIONS & APPOINTMENTS:

- 1.05.19 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 UPEISU until such a time that Council shall call a By-Election to fill the position.
- 1.05.20 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 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.
- 1.05.21 If a non-Executive position is vacated prior to the Fall General Election, that position shall be added to the Fall General Election. In the event that no candidates are nominated to fill said position in the Fall General Election, Council shall appoint a Full-Time UPEI Student from that constituency to serve as a Representative in that position.

- 1.05.22 Should a Vacancy arise in the office of a Councillor after October 31 of the year in which that person was elected, council shall appoint a Member who is not a Councillor or an Executive Member to fill such vacancy until the next general election is held, in accordance with By-Law 1.05 and the Elections and Referenda Policy.
- 1.05.23 The electoral time frames established in By-Law Sections 1.05.16 and 1.05.17 can be condensed for the purpose of urgency in a By-Election at the discretion of Council.

REFERENDA:

- 1.05.24 A referendum on a specific question shall be held when:
- a. Two-thirds ($\frac{2}{3}$) of Councillors present at a Council meeting vote to hold one;
or
 - b. The President or Chair is present with a petition signed by ten percent (10%) of UPEI Full-Time Students requesting that one be held.
 - i. The petition from UPEI Full-Time Students 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 (3) weeks to the President or the Chair of Council.
 - ii. When signing the petition, each student must include:
 - a) Their printed full name;
 - b) Their signed full name; and
 - c) Their UPEI student number.
 - iii. It is the responsibility of the person(s) or group(s) presenting the petition to ensure that all those that sign 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 the Chair of Council or the President receive a petition requesting a referendum, they shall contact the submitting party and inform them that such petition has been received.
- 1.05.25 Council shall, by resolution, in accordance with this By-Law, and upon recommendation from the CRO, establish the dates of the voting in referendum and advertise the same in all campus media until the opening of the polls.
- 1.05.26 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 of Council have been presented with the petition for referendum.
- 1.05.27 Any referendum shall present two (2) options from which those voting must choose.
- 1.05.28 Council shall be responsible for the wording of the referendum question, and must ensure that the question is free of bias.

- 1.05.29 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 Chair of Council.
- 1.05.30 When a referendum is held, the Chair of Council shall be responsible for determining the results and communicating those results to Council, the UPEI Student Body, and to any other parties in accordance with the procedures outlined in By-Law Section 1.05.05.
- 1.05.31 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 (50% + 1) of those votes.

CANDIDATES:

- 1.05.32 All students that have Full-Time status at UPEI, and who have paid the appropriate fees for membership with the UPEISU shall be entitled to be nominated as candidates in any election for a position on Council.
- 1.05.33 All candidates running for Representative positions shall be enrolled, at the time of the election, in the constituency they wish to represent.
- 1.05.34 Candidates who are elected or appointed members of Council, or are employees of the UPEISU, during the election period, may not use their position for the promotion of their candidacy, including, but not limited to, during working hours with the UPEISU or while representing the UPEISU.
- 1.05.35 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.
- 1.05.36 Each candidate is responsible for ensuring compliance with the UPEISU Elections and Referenda By-Law, and by entering as a nominee, they are signifying their understanding of this By-Law and the consequences of By-Law infractions.

NOMINATION PROCEDURES:

- 1.05.37 Nominations for all UPEISU General Elections shall be open for a minimum of five (5) regular UPEI class days, and a maximum of ten (10) UPEI class days. This shall be recognized as the Official Nomination Period.
- 1.05.38 Nominations for all UPEISU By-Elections shall be open for a minimum of three (3) regular UPEI class days, and a maximum of ten (10) regular UPEI class days. The length of this period shall be determined by Council. This shall be recognized as the Official Nomination Period.
- 1.05.39 A nomination form is not considered valid unless it is complete and states:
- a. The name of the nominee;

- b. A UPEI email address at which documents may be served and notices gives 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 UPEI student numbers of fifteen (15) UPEI Full-Time Students within the related constituency for Council Positions. Nominations for Executive Positions will require twenty-five (25) signatures from UPEI Full-Time Students. Executive Positions will also require at least one (1) signature from five (5) different faculties.

- 1.05.40 Each nominee is required to file a nomination form with the CRO prior to the closing of nominations.
- 1.05.41 It is the responsibility of the nominee to ensure that the signatories of their nomination form are all UPEI Full-Time Students and are of the constituency that they wish to represent.
- 1.05.42 Upon the completion of the nomination period, all nominees 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, as well as the date, time, and location of the candidates meeting, the candidates forum and debate, and contact information for the CRO and Ombudsperson, and any other information that the CRO deems necessary. Hard copies of both the By-Law and the CRO's email shall be available upon request.
- 1.05.43 It is the responsibility of the nominee to attend the candidates meeting. Should the nominee be unable to attend the meeting, they must contact the CRO prior to the meeting time scheduled.
- 1.05.44 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.
- 1.05.45 The CRO shall preside at a candidates 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.
- 1.05.46 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 have their candidacy tested by a "Yes" or "No" vote of that related constituency.
- 1.05.47 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 Ombudsperson within twenty-four (24) hours of being notified of the CRO's decision. The Ombudsperson 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 invalid nomination forms within the four (4) hour time period will void their applications for nomination.

WITHDRAWAL OF NOMINATION PROCEDURE:

- 1.05.48 Any candidate wishing to withdraw their nomination may do so by informing the CRO until twenty-four (24) hours before the opening of the polls. No names shall be removed from the ballot after this time.

CAMPAIGNING:

- 1.05.49 All campaign materials must be approved by the CRO prior to distribution or use on social media.
- 1.05.50 The campaign period shall commence immediately after the adjournment of the candidates meeting.
- 1.05.51 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.
- 1.05.52 Candidates, their supporters or proponents of a specific referenda platform shall not be permitted to use campus listservs to advertise their candidacy or the election.
- 1.05.53 Candidates shall be responsible for monitoring all campaign material to ensure that nothing published by or on the behalf of the candidate is in violation of this By-Law.
- 1.05.54 Should any infraction be committed against a candidate and the aggrieved candidate does not file a complaint 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.
- 1.05.55 All candidates shall 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 speak briefly. The amount of time allotted for each candidate shall be determined by the CRO.
- 1.05.56 Candidates cannot receive money or gifts from any individual, business, club, UPEI group, or UPEISU club or society. Candidates may be required by the CRO to submit receipts for all campaign expenditures at any time during the electoral process.
- 1.05.57 Each candidate must conduct their campaign in such a manner as to not bring the UPEISU election process into disrepute.
- 1.05.58 All candidates must remove their own election materials from UPEI campus by 4:00pm on the day after the election. Should any campaign material be left on campus

after this time, the offending candidate shall be fined a minimum of ten dollars (\$10.00 CAD) up to a maximum of twenty-five dollars (\$25.00 CAD) at the discretion of the CRO. This fine will be payable to the UPEISU and will be due within one week of the date of levy by the CRO. This fine shall be doubled after the week if it has not been paid and a formal appeal has not been launched with the UPEISU.

- 1.05.59 Candidates shall be held responsible for any physical damage caused to University property in the placement or removal of election materials.
- 1.05.60 All campaign materials related to referendum platforms must be removed from campus by 4:00pm the day after the election.
- 1.05.61 The CRO, or another designate, shall complete a tour of campus after 4:00pm 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 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.

Campaign Spending Limit

- 1.05.62 Campaign expenditures for candidates seeking an Executive Position shall be limited to a maximum of two-hundred and fifty dollars (\$250.00 CAD).
- 1.05.63 Campaign expenditures for candidates running for a Representative position shall be limited to a maximum of one hundred dollars (\$100.00 CAD).
- 1.05.64 Candidates shall be responsible for keeping original receipts for all campaign materials in the event that a complaint is filed with the CRO or the Ombudsperson in relation to their expenditures.
- 1.05.65 Complaints regarding campaign spending limits must be filed with the CRO or the Ombudsperson prior to the closing of the polls.

TABULATION OF THE RESULTS:

- 1.05.66 The CRO, in cooperation with UPEI ITSS, shall develop the electronic ballots to be used during the e-vote for the election or referendum.
- 1.05.67 The CRO, or other designates, shall test the e-vote system prior to the election to ensure that the system is operational.
- 1.05.68 After the closing of the polls on the second day of voting, the CRO shall obtain the voting results from the e-vote with the aid of UPEI ITSS. This shall be done at a location specified 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 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.

- 1.05.69 If, at any time, the voting results must be transported to or from the UPEISU Offices, the results must be sealed in an envelope and witnessed via signature from the CRO.
- 1.05.70 For a candidate to be declared elected, 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 in-favour, if the position is a non-contested position.
- 1.05.71 For a referendum question to be declared adopted or defeated, either position must hold a simple majority (50% + 1) either for or against.
- 1.05.72 All results shall remain unofficial until ratified by Council.
- 1.05.73 The CRO must preserve all election material, including the listed electronic results, voter's lists, copies of the CRO's report, and any other papers, until such a time that all appeals can be heard. Council must then pass a motion to destroy all election materials excluding the CRO's Report.

ANNOUNCEMENT:

- 1.05.74 The CRO shall:
- a. Announce the unofficial results upon completion of the tabulation of the unofficial results;
 - b. Post the unofficial results in the UPEISU office within twenty-four (24) hours for the purpose of public inquiry; and
 - c. Ensure that the unofficial results are advertised on the UPEISU website and all UPEISU social media.

INFRACTIONS AND APPEALS:

- 1.05.75 In the event that a candidate performs an action that, while not covered in these regulations, would bring the UPEISU election procedures into disrepute, the CRO, in consultation with Council, may impose such penalties as the following:
- a. Restrictions placed on campaign materials and activities;
 - b. Fines ranging from twenty-five dollars (\$25.00 CAD) to one-hundred dollars (\$100.00 CAD) per infraction.
- 1.05.76 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.

- 1.05.77 Any candidate who incurs more than two-hundred and fifty dollars (\$250.00 CAD) in election fines shall be disqualified from the election, however the amount owed will not exceed one-hundred dollars (\$100.00 CAD).
- 1.05.78 In the event that a candidate is disqualified within forty-eight (48) hours prior to the opening of the polls, voting shall be suspended for a period of forty-eight (48) hours to provide time for the appeal process. The campaign period shall not be extended due to this suspension.
- 1.05.79 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 time for the appeal process. Should the disqualification be upheld, ballots will be counted for all non-disqualified candidates.
- 1.05.80 Appeals of any decision rendered by the CRO may be made to the UPEISU Council via the Ombudsperson.
-

BY-LAW #1.05 HISTORY:

Act	Date
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 8, 2018
Creation of the New Policy & By-Law Framework	December 6, 2022