

# **The Students' Union of the University of Regina, Inc. Elections By-law**

Policies and procedures respecting Nomination, By-Elections, Elections and the Conduct of Referenda

The Students' Union Board of Directors of The University of Regina, by and with the authority granted under the Constitution of The Students' Union, The University of Regina Act, and The Non-Profit Corporations Act of The Province of Saskatchewan enacts as follows:

## **1. This By-law may be cited as "The Elections By-Law." (1993-0.1)**

PREAMBLE:

(1) This By-Law is enacted by the Students' Union of the University of Regina (hereinafter referred to as the Students' Union or the URSU) in accordance with:

- (i) The Constitution of the Students' Union;
- (ii) The Non-Profit Corporations Act of Saskatchewan (S.S. 1979; c. n 4.1);
- (iii) The University of Regina Act (S.S. 1979; c.U\_5); and
- (iv) The Election Laws of the Province of Saskatchewan; and

supersedes all policy resolutions, standing orders, and by-laws dealing with nominations, elections, and referenda that may be in effect at the date of its passage by the Students' Union.

(2) This By-Law shall not be interpreted or construed in conflict, or a variance with:

- (i) The Constitution of the Students' Union;
- (ii) The Non-Profit Corporations Act;
- (iii) The University of Regina Act; or
- (iv) The Election Laws of the Province of Saskatchewan.

## **2. Interpretation of this By-Law**

(1) "ballot" means the paper, or electronic document marked by a voter;

(2) "Candidates' Guide" or "Guide to Candidates" means a document prepared and published by the Chief Returning Officer which is designed for use by a candidate at an election, and that contains an outline of procedures, responsibilities, and rules to be met by a candidate during an election;

(3) "candidate" means a member of the Students' Union, who is in good standing, is entitled and contends to be nominated in a General Election, or a By-Election;

(4) "Chief Returning Officer" means the Chief Returning Officer or CRO appointed under Section 3 of this by-law;

(5) "constituency" means a constituency of the Board of Directors of the Students' Union set out in Section 12;

(6) "Constitution" means the Constitution of the Students' Union;

(7) "Board" means the Board of Directors of the Students' union composed of and in accordance with Article V - Officers of the Corporation in the Constitution of the URSU;

(8) "declined ballot" means a ballot that, after being provided to a voter, is taken from the polling station and returned to the Chief Returning Officer by a voter who declines to vote or in the case of an electronic ballot is left blank;

(9) "election", "during an election", "at an election" or "throughout an election" means the period determined by the Chief Returning Officer to commence after the Board carries a vote to set the date for a General Election, By-Election, or Referenda;

(10) "executive" means elected officer(s) of the Students' Union constituted under the Constitution of the URSU;

- (11) "form" means a form set out in a manner prescribed by the Chief Returning Officer;
- (12) "member" means an "active member" as defined in the Constitution of the URSU, who is entitled to seek election, and to vote under provisions of this By-Law;
- (13) "Nomination Paper" means that nomination paper prescribed by the Chief Returning officer for use at a General Election, or a By-Election;
- (14) "Notice of Elections" means the time required to inform the membership of an impending Election, By-Election, or Referenda;
- (15) "polling day" means the day or days fixed under Section 7, and for taking the votes of the members at a General Election, a By-Election, or for voting on a Referendum;
- (16) "rejected ballot" means a ballot which in the course of the ballot count is rejected by the Chief Returning Officer if it:
- (i) was not supplied to a voter by the Chief Returning Officer;
  - (ii) has been cast in favor or against more than one candidate or more than the maximum number of candidates in respect of whom a voter is entitled to vote, or has been marked in relation to more than the question or questions in respect of which a voter is entitled to vote;
  - (iii) bears any mark placed by a voter and/or to which a voter can be identified;
- (17) "spoiled ballot" means a ballot that on polling day has been deposited in a ballot box by the Chief Returning Officer, but which has been found by the Chief Returning Officer to be:
- (i) soiled or improperly printed;
  - (ii) spoiled in marking by a voter to whom it was given and from whom it was received by the Chief Returning Officer in exchange for another ballot;
  - (iii) bears any identification of a voter
- (18) "voters' list" or "list of voters" means any list of members prepared and revised by officials of the Registrar's Office, and obtained from that office by the Chief Returning Officer either in electronic or paper copy;
- (19) "Appointments Committee" means a committee comprised of the executive officers of URSU.

Amended February 10/10  
Amended September 12/02  
Amended April 3/98

### **3. Chief Returning Officer**

- (1) The Chief Returning Officer shall be nominated by the Appointments Committee to be Chief Returning Officer of the URSU for a designated period of time through written contract.
- (2) The nomination of a member to be Chief Returning Officer shall be ratified by the Board, and upon ratification the Chief Returning Officer, shall be responsible to the Board as a constitutional and shall serve as an ex-officio member of the executive committee.
- (3) The Chief Returning Officer shall be paid such honoraria, allowances, and expenses as the executive of URSU or the Board sees fit.
- (4) The Chief Returning Officer shall be responsible for:
- (i) taking the votes of the members at a General Election, a By-Election, and for voting on a Referendum
  - (ii) Conducting the election of members of the University of Regina Senate pursuant to Section 27(1)(d) of the University of Regina Act and representatives to Executive of Council of the University of Regina in accordance with Part III of the University of Regina Council Rules and Regulations;

- (5) The Chief Returning Officer shall administer provisions of this By-Law to ensure they are complied with, and shall report directly to the Board.
- (6) The Chief Returning Officer shall conduct such schools of instruction or workshops as may be necessary to familiarize candidates and election officials of their responsibilities and prerogatives under this By-Law.
  - (i) The Chief Returning Officer will furnish each candidate with a current copy of these by-laws.
- (7) The Chief Returning Officer has the power to disqualify candidates, materials, representatives or members who, in the opinion of the Chief Returning Officer, have contravened the provisions of this By-Law or the Policies and Resolutions of the Students' Union.
- (8) The Chief Returning Officer has the power to refer to appropriate independent legal counsel, on any question or appeal brought before their office.
  - (i) The costs incurred will be the responsibility of the URSU.
- (9) The Chief Returning Officer has the responsibility to hear, in confidence, any appeal or request for review made in respect of any Election, By-Election or Referendum or the conduct of any candidate or candidates, officials or members.
  - (i) This hearing must be conducted with the Executive of URSU present.
  - (ii) If an offense has been proven to be committed, the offender will be subject to Section (24) of this By-Law.
- (10) The Chief Returning Officer has the authority and duty to investigate all claims and questions brought before the office and to recommend to the Board appropriate measures regarding the remedial actions to be taken.
- (11) The Chief Returning Officer has the authority to take immediate remedial action, as described within the limits of the Policies, By-Laws, and Constitution of the URSU, to rectify any infraction identified during the course of an election.
  - (i) In determining remedial action, intent shall be the determining factor, notwithstanding ignorance of the Policies and/or By-Laws of the URSU.
- (12) The Chief Returning Officer shall review all claims for payment with the operations manager and the Vice President Operations and Finance of the Students' Union and shall approve for payment only those claims that the Chief Returning Officer determines to be appropriate, and to be in accordance with the budgeted amounts approved.
- (13) All communications regarding Elections, By-Elections and Referenda and their conduct shall be made through the office of the Chief Returning Officer.
- (14) The Chief Returning Officer has the power to appoint any Poll Clerks as deemed necessary.
  - (i) Appointees shall act in accordance with the URSU Constitution, this By-Law and the By-Laws of the Students' Union and who shall report to the Chief Returning Officer.
- (15) At an advance poll in respect of each Election, By-Election or Referendum the Chief Returning Officer shall mark and seal an unspoiled ballot for each position or question and shall retain it in confidence to be cast in the event of a tie in the count of ballots. This ballot shall be cast as the deciding vote in any Election, By-Election or Referendum where at the final count of ballots is yielded a tie.
- (16) The Chief Returning Officer retains all residual and discretionary powers, not otherwise contained in this By-Law, in regard to Elections, By-Elections and Referenda.

Amended February 10/10  
 Amended September 12/02

#### 4. Referendum By-Laws

- (1) A referendum, solely for the purpose of establishing or eliminating a dedicated fee, may be held in the following circumstances;
  - (i) If proposed by the Executive, upon receiving approval of two-thirds of members of the Students' Union Board at a meeting when the proposal/ motion is presented.
  - (ii) If proposed by a general member of the Students' Union upon presentation of a petition containing the signatures of not less than five percent of the members, who are in good standing, of the Students' Union and upon approval of two-thirds majority vote of the Students' Union Board present at a meeting when the petition is presented.
  - (iii) If proposed by a general member, in good standing, of the Students' Union for a Special or Annual General Meeting, upon presentation of a petition containing not less than five percent of the general members of the University of Regina Students' Union and upon a majority vote of two thirds of the University of Regina Students' Union to be ratified at the next scheduled Board Meeting.
- (2) If passed, such a referendum would be binding upon the Board, pending the Board's Approval.
- (3) The Chief Returning Officer sets the timeframe of referendum after the Board votes to set a date of the referendum, or by a two-thirds majority vote of the Board of Directors, in the absence of the Chief Returning Officer, may set the time frame of the referendum.
  - (i) The Board must ratify the date set for the referendum after the proposal and petition is presented, or the motion is served.
  - (ii) The referendum must take place no later than six months after the motion is ratified.
  - (iii) No referendum vote may be held between April 15- September 15 and December 5- January 15.

added September 12/02

## **5. Campaigning During the Referendum**

- (1) There shall be no less that (14) calendar days of campaigning immediately proceeding the voting during which classes are in session. All members of the URSU, whom are in good standing, may campaign for or against the referendum question (s).

Added September 12/02

## **6. Notice of Elections**

- (1) Upon receiving notification, in writing from the Board of the date, or dates set by the Board for the conduct of a General Election, a By-Election, or for voting on a Referendum, the Chief Returning Officer shall have published a Notice of Elections which shall be in a form which shall state:
  - (i) In the case of a General Election or By-Election:
    - (a) the constituency or Officer position or positions, or other position or positions to which a member or members shall be elected; and
    - (b) the actual dates during which a nomination paper may be filed; and
    - (c) the location at which the Chief Returning Officer is to be available to receive a completed nomination paper; and
    - (d) the actual date or dates on which voting is to take place at regular polling stations; an

- (e) the actual dates on which voting is to take place at advance polling stations.
- (ii) In the case of voting on a Referendum:
  - (a) the actual date or dates on which voting on a Referendum is to take place; and
  - (b) the locations of each regular polling station to be established; and
  - (c) a clearly worded, neutral statement of the question to be voted upon, such question to be capable of being responded to with a “yes” or a “no”.

**7. Dates for Voting at General Elections, at By-Elections, on Referenda, and at Advanced Polling Places**

- (1) A General Election to elect members of the Board of Directors shall be held annually in the winter semester on date(s) set by the Chief Returning Officer unless the Board directs otherwise by a vote of special quorum; however,
  - (i) Notwithstanding Article 7(1) can be no later than March 31. An election must always be held each winter term of the University of Regina.
- (2) Upon a Board vacancy occurring, a date for a By-Election shall be set for the vacant position within fourteen (14) calendar days of the vacancy occurring such date or dates being set by the Chief Returning Officer, unless the Board directs otherwise by a vote of special quorum; however
  - (i) If no valid nomination papers are filed with the Chief Returning Officer by the originally scheduled close of nominations, a new date or dates for a By-Election of the vacant position shall be set by the Chief Returning Officer, provided such a date or dates do not conflict with the requirements of this By-Law.
- (3) A date or dates on which voting at advance polling places for General Elections, By-Elections, Referenda shall be set by a two-thirds majority vote by the Board.

Amended February 10/10  
 Amended September 12/02

**8. Nominations**

- (1) A nomination paper in a form prescribed by the Chief Returning Officer shall be filed with the Chief Returning Officer at any time after a date or dates are set for the conduct of a General Election, By-Election pursuant to Section 6 of this By-Law, such that:
  - (i) For a General Election, nomination papers shall be filed no later than (14) Calendar days prior to the first of the dates set for the conduct of a General Election; and
  - (ii) For a By-Election, nomination papers shall be filed no later than seven (7) calendar days prior to the first of the dates set for the conduct of the By-Election; however,
  - (iii) If no valid nominations papers are filed for the vacant position by the originally scheduled close of nominations the position shall remain vacant and the Chief Returning Officer may call a subsequent By-Election to fill the position
  - (iv) Where a By-Election did not occur, a new By-Election shall be rescheduled in accordance with Section 6(2) of this By-Law.
- (2) A nomination paper shall state:
  - (i) the name, address, telephone number, email, student identification number and faculty of registration of the member being nominated; and

- (ii) the name of the constituency, or position which the member being nominated seeks to represent;
- (3) Any five (5) or more members of a constituency may nominate a member to represent that constituency by writing their names, addresses, and student identification numbers, and by signing and filing with the Chief Returning Officer a nomination paper in a form prescribed by the Chief Returning Officer
- (4) Any ten (10) or more members may nominate a member to serve on the University of Regina Senate, or on the executive of the Council of the University of Regina, or to a position on the Executive Committee of the URSU by writing their names, addresses, and student identification numbers, and by signing and filing with the Chief Returning Officer a nomination paper in the form prescribed by the Chief Returning Officer
- (5) No member shall be nominated to represent more than a single position on the Board, as a representative of a constituency or as an Officer.
- (6) A nomination paper is invalid, and shall not be accepted by the Chief Returning Officer unless it is filed in the form prescribed by the Chief Returning Officer and is accompanied by a written statement of consent by the member nominated therein
- (7) The Chief Returning Officer shall declare invalid any nomination form that does not fulfill the conditions described in section 7(3) and 7(4) of this By-Law.
- (8) The Chief Returning Officer shall have the authority to investigate the veracity of any information provided on the nomination form and on that basis, determine the validity of the nomination.
- (9) The Chief Returning Officer shall declare invalid any nomination form which is found to contain factual errors or misrepresentation of the member nominated.
- (10) Within twenty-four (24) hours of the close of nominations on the fourteenth (14) calendar day prior to the first date of a General Election, and within twenty-four (24) hours of the close of nominations on the seventh (7) calendar day prior to the first date of a By-Election, the Chief Returning Officer shall:
  - (i) have published a list of the names of all members nominated and the positions for which they have been nominated for; and
  - (ii) arrange for publication in the next issue of the student newspaper, if the newspaper is to be published prior to the date of the General Election or By-Election, a list of the names of all members nominated and the positions for which they have been nominated for.
- (11) Where at the close of nomination no valid nomination paper for a constituency, or position is filed with the Chief Returning Officer, the constituency or position shall remain vacant until the next By-Election or General Election is held.
- (12) A member who is nominated as a candidate may withdraw from an election at any time after the close of nominations, but not later than three (3) days following the close of nomination, by filing with the Chief Returning Officer a signed declaration of the member's intentions
- (13) Where after the withdrawal of a candidate, there remains only one member, or fewer than the total number of members as candidates to represent the constituency or positions, the Chief Returning Officer shall declare the remaining candidates elected by acclamation as provided by Section 9 of this By-Law.

Amended February 10/10

## **9. Acclamation**

- (1) Where at the close of nominations for a General Election for a constituency or position only one member, or fewer than the total number of members entitled to represent the constituency or position is nominated, those members nominated shall be subject to a vote of confidence.

- i. Where a majority vote of confidence for the candidate is achieved, the constituency or position shall be acclaimed to represent the constituency or position.
  - ii. Where a candidate fails to achieve a majority vote of confidence, the constituency or position will remain vacant until the next By-Election.
- (2) Where at the close of nominations for a By-Election for a constituency or position only one member, or fewer than the total number of members entitled to represent the constituency or position is nominated, those members nominated shall be acclaimed to represent the constituency or position unless a vote of confidence is deemed necessary by the Chief Returning Officer or a two-thirds majority vote by the URSU Board of Directors.

Amended January 31/2011

#### **10. Guide to Candidates**

- (1) As soon as practicable after setting the date or dates of a General Election, or a By-Election, or after receiving notification in writing from the Operations Manager of the URSU of the date or dates set in accordance with this By-Law for the conduct of a General Election, or a By-Election, the Chief Returning Officer shall have published a Guide to Candidates which shall contain;
- (i) an outline of nomination procedures; and
  - (ii) a summary of significant dates during the election, including dates for the nomination of candidates, advance polling, and final count;
  - (iii) an outline of procedures to be followed by a candidate in appointing, and the prerogatives of a candidate's representative scrutineer at an election;
  - (iv) an outline of responsibilities and prerogatives of a candidate in the course of conducting their campaign;
  - (v) a summary of penalties that may be imposed upon a candidate for contravention of provisions of this By-Law

Amended April 3/98

#### **11. All Candidates Forum**

- (1) At each General Election and By-Election the Chief Returning Officer shall reserve a meeting room and shall organize and chair a forum at which each candidate shall be invited to deliver remarks to members of the URSU, and to answer questions presented to them respecting their candidacy, and issues at the election.
- (2) Cause to have published in the next issue of the student newspaper, if the newspaper is to be published prior to the date of the General Election or By-Election, an opportunity for all candidates to express their platform of opinion on issues of relevance in the campaign, within the context of this By-Law and By-Laws providing;
- (i) such commentary do not exceed a typewritten length established at the close of nominations by the Chief Returning Officer.

Amended September 12/02

#### **12. Constituencies of the Board of Directors**

- (1) Members of the Board of Directors of the URSU shall be elected from within the constituencies described to represent the following constituencies:
- (i) Faculty of Business Administration

- (ii) Faculty of Arts
- (iii) Faculty of Education
- (iv) Faculty of Fine Arts
- (v) Faculty of Engineering
- (vi) Faculty of Graduate Studies and Research
- (vii) Faculty of Kinesiology and Health Studies
- (viii) Faculty of Science
- (ix) Faculty of Social Work
- (x) Campion College
- (xi) Luther College
- (xii) First Nations University of Canada
- (xiii) International Students' Director
- (xiv) Aboriginal Students' Director
- (xv) LGBTI Students Director
- (xvi) Part Time Students' Director
- (xvii) Women's Director

- (2) The representative from any faculty that has an official representative body of a constituency group, and is a member of the Presidents' Advisory Council, may appoint a representative on the URSU Board of Directors for their constituency.
- (3) This By-Law may be amended from time to time so as to provide appropriate representation on the Board of Directors of the URSU as affiliation or federation or establishment of new academic units, or deletion of existing academic units occurs.

Amended February 10/10  
 Amended March 28/03

### **13. Elected Officials**

- (1) A member shall be elected to each of the following offices:
  - (i) President;
  - (ii) Vice President Student Affairs;
  - (iii) Vice President Operations and Finance;
  - (iv) Vice President External

Amended February 10/10  
 Amended September 12/02

### **14. Candidate Slates**

- (1) Candidates wishing to run as a slate shall notify the C.R.O. in writing of their desire within twenty-four (24) hours of the nomination deadline.
- (2) Candidates providing written notification to the C.R.O. under Section 14(1) shall include a slate name, which shall not be the same as or a reasonable derivation of the name of any registered federal or provincial political party or referenda/plebiscite side.
- (3) Where candidates requesting to run as a slate are in compliance with Sections 14(1) and 14(2), the C.R.O. shall grant their request.
  - (4) Candidates running as a slate shall be voted for individually with the slate affiliation being clearly identified on the ballot.
  - (5) Each member of a slate shall receive discipline on an individual basis.

Amended February 10/10

### **15. List of Voters**

- (1) The Chief Returning Officer shall obtain from the Registrar's Office a list of all persons enrolled and registered for academic credit at each Fall and winter Semester of studies at the University of Regina either in electronic or paper copy.
- (2) Amendments and revisions to the list referred to in Section 15(1) may be obtained from the Registrar's Office no later than fourteen (14) calendar days prior to the first date of a General Election, or the first date of a By-Election, or for the first day of voting on a Referendum.
- (3) The list referred to in Section 15(1) including amendments and revisions referred to in Section 15(2) shall constitute a voter's list of members for the purposes of the conduct of a General Election, a By-Election, or for voting on a Referendum in accordance with this By-Law.
- (4) The Chief Returning Officer shall provide a Voters' list exclusively for use of electoral purposes during a General Election, By-Election, or Referendum.

Amended February 10/10

Amended September 12/02

## **16. Electoral Assistants**

- (1) The Chief Returning Officer shall appoint, prior to a General Election, a By-Election and for voting on a Referendum a member or members of the URSU, whom are in good standing, shall act as Elections Officials for that election or referendum.
- (2) Before entering upon their duties, each Election Official shall take an oath in a form prescribed by the Chief Returning Officer, which oath, upon being sworn, shall be retained by the Chief Returning Officer.
- (3) The Chief Returning Officer shall provide each Election Official with a copy as a guide, which shall outline procedures to be followed, and responsibilities to be discharged by an Election Official at a General Election, a By-Election, and at voting on a Referendum.
- (4) The Poll Clerk shall be paid such honoraria, allowances, and expenses at such rates as the Vice President Operations and Finance may establish from time to time.

Amended February 10/10

## **17. Electronic Voting**

- (1) The Board of Directors may choose to conduct elections via electronic voting through a two thirds majority vote.
- (2) In the event of electronic voting all references to ballots shall refer to electronic ballots.
- (3) The following criteria must be met when developing the layout of the ballot:
  - (i) The name of the candidates for a constituency shall be listed in alphabetical order, by last name;
  - (ii) Only the legal names of candidates, or reasonable derivations thereof, shall appear on the ballot, as approved by the CRO.
  - (iii) The layout of the ballot shall be inspected by the Communications Officer prior to balloting, to ensure that it conforms with the criteria set out herein.
  - (iv) All candidates will have an opportunity to review the ballot not less than seventy-two (72) hours before balloting.
  - (v) Any candidate who, after inspecting the ballot, has concerns about the layout of the ballot, may address those concerns in writing to the CRO for consideration by the CRO.

(vi)The Committee shall respond to any concerns within twenty-four (24) hours of the submission; and,

(vii)Any appeals of a decision made by the Committee with respect to a submission made under paragraph (a) must be submitted in writing to the Communications Officer not less than twenty-four (24) hours before balloting begins.

(4)In the event of electronic voting poll sitters shall still be hired, however, ballot counters shall not be required.

(5)In the event of electronic voting the electoral officers shall determine where all polling stations shall be located and the only requirement shall be that there are stations in at least four [4] places throughout the polling period.

(6)In the event of electronic voting the electoral officers shall endeavor to obtain highly visible, secure, and accessible computer lab stations for additional polling stations.

(7)In the event of electronic voting, a hyperlink to the voter sign-in page shall be placed in a prominent location on the URSU Homepage and URSU Elections page during the balloting period.

(8)In order to be entitled to vote, each student must log online to UR Self Serve, or its equivalent, with a Student Identification Number (SID) and Personal Identification Number (PIN).

(9)A minor technological failure shall not invalidate an election and election officials shall work to minimize the impact of any disruption in voting.

(10) In the event of electronic voting candidates, upon request, shall be provided with all information made available to the electoral officers within five calendar days of the final polling day.

(11)In the event of electronic voting all files, documents and papers relating to the individual votes of members shall be destroyed within five calendar days of the election results being ratified by the Board of Directors.

## **18. Advance Polling Stations**

(1) In the case of a General Election, a By-Election or for voting on a Referendum, the Chief Returning Officer may establish an advance polling station at one more more locations on the campuses of the University of Regina.

(2) A member who is physically disabled, or who has reason to believe that they will be absent from the University, or who will be acting as an election official on the date or dates on which regular polling stations are open, or who will be acting as an election official on the date or dates on which regular polling stations are open, or who for any other reason is unable to vote at a regular polling station established in respect of the constituency in which the member is entitled to vote at a General Election, a By-Election, or for voting on a Referendum may vote at an advance polling station.

(3) The member shall mark the ballot or ballots by placing a mark in the space to the right of the name of the candidate for when the member intends to vote or, in the case of voting on a Referendum or ratification vote, to the right of either the word "yes" or "no".

(4) The name, student identification number of each member who votes at an advance polling station shall be provided to the Chief Returning Officer after the close of voting on the final date on which voting at a General Election, By-Election or a Referendum is held.

(5) Ballots cast at an advance polling stations shall not be counted until the last day of voting at a General Election, a By-Election, or for voting on on a Referendum.

Amended February 10/10

## **19. Regular Polling Stations**

- (1) The member shall be provided a ballot or ballots which the member is entitled to mark, and in the case of a paper vote, be marked on the reverse side of which are marked the Election Officials's initials.
- (2) The member shall mark the ballot or ballots by placing an mark in the space to the right of the name of the candidate for when the member intends to vote or, in the case of voting on a Referendum or ratification vote, to the right of either the word "yes" or "no".
- (3) Upon the close of a regular polling station on the last date of voting at a General Election, a By-Election, or for voting on a Referendum, the Election Official appointed to act as a regular polling station shall attend at a place designated by the Chief Returning Officer and, in the presence of the Chief Returning Officer, and other Election Officials authorized to be present and candidates representatives, shall open the ballot box containing ballots marked at the regular polling station, and shall proceed to count ballots in accordance with Section 20, or in the case of an electronic vote, shall carefully review the report of votes cast.

Amended February 10/10

## **20. Advance and Regular Polling Stations- General**

- (1) A member who attends at a regular or advance polling station with the intention of voting, and who is in possession of a valid UR Courses login or a valid student identity card, shall be given an opportunity to vote and shall be provided with a ballot or ballots only after:
  - (i) the member makes and signs a declaration in Form E-3 and presents the declaration to the Election Official.

## **21. Ballot count After Close of Polling Stations**

- (1) The Chief Returning Officer shall determine and advise each Election Official of the location at which ballots cast at the polling station for which they were appointed to act shall be counted or reviewed after the close of polling stations on the last of the dates of a General Election, or a By-Election, or for voting on a Referendum.
- (2) Before commencing a count of ballots, the Chief Returning Officer shall ensure that only those persons entitled to be at the location at which ballots are to be counted or reviewed are present.
- (3) The Chief Returning Officer shall ensure that each representative of a candidate in attendance has presented a Candidate's Representative credential in the form prescribed.
- (4) In the case of a paper vote, the Chief Returning Officer shall proceed in the following sequence in counting ballots after the close of polling stations.
  - (i) generate a count of the number of voters whose names appear in the poll book as having voted and make an entry of the number on the appropriate line in the poll book; and
  - (ii) count the number of unused ballot papers and place them together with the stubs of used ballot papers in the container supplied for that purpose; and
  - (iii) indicate on the outside of the container (referred to in clause ii), the number of unused ballot papers of each type, seal the container and enter the numbers of unused ballot papers on the ballot paper account; and
  - (iv) count and enter the number of spoiled and declined ballots on their ballot paper account and place them in each of the containers supplied for that purpose; and

- (v) announce to those persons present the number of persons, according to the Voters' List and poll book record, voted under each of the following categories:
  - (a) not registered on the voters' list and required to make the declaration; and
  - (b) check the total number of persons who voted (in the categories mentioned in clause e), and ensure that the number is the same as the total number of persons appearing in the poll book as having voted;
- (vi) have the Election Officials place in separate piles and count one at a time that number of ballots marked in favor of each candidate, and for and against each question on a Referendum giving full opportunity to those persons present to examine each ballot if they desire; and
- (vii) place all rejected ballots in a separate pile, count and place them in the envelope supplied for that purpose, and indicate on the outside of the container the number of ballots contained therein and seal each of the containers; and
- (viii) place all the ballots cast for each candidate and for and against each question on a Referendum in separate envelopes supplied for that purpose, indicate on the outside of each envelope the number of ballots contained therein and seal each of the envelopes; and
- (ix) the Election Officials shall ensure the accuracy of the ballot count and shall enter details of the count on the ballot paper account; and
- (x) place the original copy of the ballot paper account in the envelopes supplied for that purpose, and retain a second copy separately; and
- (xi) place in the ballot box the envelopes containing ballots and other documents including the poll book and voters' list; and
- (xii) seal the ballot box with the seal provided by the Chief Returning Officer and permit each representative of a candidate who desires to do so to affix their seal to the box in such a manner that the box cannot be opened and so that nothing can be deposited in, or removed from the ballot box without the seals being broken
- (xiii) deliver the ballot box and the copy of the ballot paper account (referred to in clause xii), to the Chief Returning Officer

(5) In counting ballots after the close of a polling station, an Election Official shall be guided by the following criteria:

- (i) A ballot shall be marked with an "X" by either a black lead pencil, black or blue ink pen, or black or blue ball-point pen; but
- (ii) A ballot shall not be rejected if a voter marks a ballot with other than an "X" so long as:
  - (i) there is clearly indicated an intention on the part of the voter to mark the ballot in favor of a particular candidate, or for or against a question posed in a Referendum;
  - (ii) there is no apparent intention on the part of the voter to identify themselves; and
  - (iii) the mark has been made so as to signify the voters' choice and not merely marked haphazardly on the ballot paper.

(iii) any ballot not initialed by the CRO or a Poll Clerk will be rejected

(6) In the case of an electronic vote, the Chief Returning Officer shall receive a printed report of votes cast at the close of voting in a General Election, By-Election or

Referendum. The Chief Returning Officer shall then carefully review the report, ensuring that results are accurate.

- (7) The Chief Returning Officer shall declare elected the member who receives the greatest number of votes for the office or constituency in which they have run.
- (8) In a referendum, the Chief returning Officer shall declare the results of the referendum valid if the number of ballots cast meets the quorum requirements as established by the By-Laws or by the Non-Profit Corporations Act and
  - (i) declare as "passed" any Referendum question in which the total number of "yes" ballots counted exceeds the total number of "no" ballots counted
  - (ii) declare as "failed" any Referendum question in which the total number of "no" ballots counted exceeds the total number of "yes" ballots counted
- (9) As soon as possible after the final count of ballots, the Chief Returning Officer shall publish the results of the count of ballots and the return of the Election, By-Election, or Referenda

Amended February 10/10

## **22. Candidates' Representatives**

- (1) Each candidate at a General Election, or a By-Election may appoint in Form E - 2 one or more members to act as a representative of the candidate at a regular or advance polling station, or at the final count of ballots conducted by the Chief Returning Officer.
- (2) No more than one representative of each candidate shall be permitted to act or to be present at any given time at a regular or advance polling station, or at the final count of ballots conducted by the Chief Returning Officer.
- (3) The Chief Returning Officer, the Poll Clerk, and/or an Electoral Assistant shall not seek to serve, and shall not be appointed to act as a representative of a candidate at a General Election, or a By-Election.
- (4) No candidate shall seek to serve, and shall not be appointed to act as a representative of a candidate at a General Election, or a By-Election.

Amended September 12/02

## **23. Election Expenses**

- (1) During an election, a candidate for election to an office or to represent a constituency, or other position shall keep a record in respect of the amount of election expenses that might be incurred by or on behalf of the candidate in their campaign.
- (2) Election spending may be set by the CRO as the CRO sees necessary
- (3) Any candidate who fails to submit an expense form by the time set by the CRO is guilty of an offense. As well, any candidate who exceeds the spending limit is also guilty of an offense.

## **24. Offenses and Penalties**

- (1) A person who votes at an election knowing that they are not entitled to vote, or who induces another person to vote knowing that such person is not entitled to vote is guilty of an offense.
- (2) A person who, at an election, applies for a ballot in the name of another person whether a real or fictitious person; and having voted, applies at the same election for a ballot in their own name; or votes more than once at the same election is guilty of the offense of impersonation.
- (3) A person who:
  - (i) fraudulently alters, defaces or destroys a ballot paper or the initials of the Election official thereon; or

- (ii) fraudulently and without authority supplies a ballot paper to any person; or
  - (iii) fraudulently and without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
  - (iv) with fraudulent intent prints a ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
  - (v) prints ballot papers that they are not authorized to print; or
  - (vi) fraudulently attempts to alter or access a secure and secret electronic method of voting
  - (vii) attempts to commit any of the acts mention in this sub-section is guilty of an offence.
  - (viii) A person who makes a declaration knowing that any statement therein is false is guilty of an offence.
- (4) A person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or securing the election of another candidate is guilty of an offence.
  - (5) A person who, either before or during an election, knowingly publishes a false statement in relation to the personal character or conduct of a candidate for the purposes of affecting the return of the candidate at an election is guilty of an offence.
  - (6) A person who willfully and maliciously destroys, mutilates, defaces, obliterates, or alters:
    - (i) any notice or other document required to be posted in accordance with this By-Law; or
    - (ii) any banner, bill, notice, poster, or sign erected by or on behalf of candidate at an election is guilty of an offence
  - (7) A person who attempts to induce a person who is entitled to vote to either vote or refrain from voting for a particular candidate at an election through the advancement of a gift, or loan of money or valuable consideration is guilty of an offence.
  - (8) A person who on polling day posts or displays in or within fifty (50) feet of a polling station any campaign literature, banner, bill, flag, poster, or sign that could be taken as an indication of support of or for a candidate at the election is guilty of an offence.
  - (9) A person who on a polling day, other than a day on which an advance polling station is open, uses or causes to be used a public address system, or other loudspeaker device for the purpose of promoting or securing the election of a candidate at the election is guilty of an offence.
  - (10) The Chief Returning Officer shall have the authority to enforce provisions of this By-Law, and to investigate any alleged or perceived offenses or violations in relation to its' provisions.
  - (11) A member who has reason to believe that an offence or violation, not limited exclusively to those referred to in this section has been committed shall first refer details relevant to an alleged offence or violation to the Chief Returning Officer.
  - (12) The Chief Returning Officer shall investigate each alleged or perceived offence or violation of a provision of this By-Law and shall determine if a member, or a club, society, or course union has committed the offence or violation
  - (13) Upon completing an investigation of an alleged or perceived offence or violation of a provision of this By-Law, the Chief Returning Officer may recommend to the Board that if the offence or violation is, or has been committed:
    - (i) by a member who is or was a candidate at an election the member be disqualified as a candidate, and the member's privileges in the Students' Union will be subject to due course as per Article III of the URSU constitution; or

- (ii) by a member other than a candidate the member's privileges in the Students' Union will be subject to du course as per Article III of the URSU constitution; or
  - (iii) by a club, society, or course union recognition and/or funding of the club, society, or course union be suspended by the Board indefinitely; or
  - (iv) the matter be referred to the appropriate authorities for civil or criminal prosecution.
- (14) Where the Chief Returning Officer determines that an offence or violation of a provision of this By-Law has been committed by a member, or a club, society, or course union with the actual knowledge and consent of a candidate, but without any corrupt intent and in ignorance that was excusable, and that the member, or club, society, or course union honestly desired and in good faith endeavored as far as possible to have the election conducted according to provisions of this By-Law, the member, or club, society, or course union shall not be subject to the penalties provided for under Sub-section (13).
- (15) The Chief Returning Officer may require voters to sign a declaration indicating that they are eligible to vote in a constituency. Any member found guilty or falsely declaring that they are eligible to vote in a constituency shall be considered guilty of an offense.

Amended February 10/10  
Amended September 12/02  
Amended November 5/97

## **25. Disputes Resolution**

- (1) A question respecting interpretation of any provision of this By-Law, or any dispute between or among candidates or their representatives at a General Election, or a By-Election shall be first referred in writing by a member of the Chief Returning Officer to determine.
- (2) In considering an appeal referred, the Chief Returning Officer shall have the power to invite any election official, or any candidate, or any representative of a candidate, or any member to appear before their office in order to make enquiries and obtain particulars of information relevant to the appeal being considered.
- (3) Upon a request being made of the Chief Returning Officer to interpret any provision of this By-Law, the Chief Returning Officer may obtain independent legal advice on the interpretation with the URSU incurring the cost.
- (4) Upon concluding the adjudication of any appeal referred to the Chief Returning Officer, the Chief Returning Officer shall deliver a report of the finding to the Board.
- (5) An adjudication of the Chief Returning Officer shall be binding and final and shall be subject to appeal only in the event that additional relevant information is brought forward.
- (6) Any appeal of request for adjudication on a question referred in accordance with Section 24(1) must be initiated by the fourteenth (14) calendar day following the final count of ballots for an Election, By-Election, or Referendum.
- (7) The provisions of this section shall not limit the right of any member to pursue any course of action through the courts or the judicial system.

Amended September 12/02

## **26. Call for a Recount**

- (1) A recount of a By-Election or the General Election, upon the request of a candidate(s) must take place within two (2) working days of when the vote was originally counted.

(2)The Chief Returning Officer, the Candidates directly involved, the Candidates Scrutinizers and a Poll Clerk to be chosen by the Chief Returning Officer shall attend the recount.

Added September 12/02

## **27. Report of the Chief Returning Officer**

(1)within a period of fourteen (14) calendar days following the date of a General Election, or a By-Election, or for voting on a Referendum, the Chief Returning Officer shall publish a report for presentation to the Board, which report shall contain:

(2)a statement of the number of candidates nominated at the election and the name of the constituency or office, or other position for which each was nominated; and

(3)a summary of arrangements made for the conduct of a General Election, a By-Election, or for voting on a referendum; and

(4)a statement of final results of voting based upon a tabulation of results from each polling place; and

(5)a review of each question that may have been referred in accordance with Section 24 (2) to the Chief Returning Officer for determination, and indication of whether or not, and in what manner the questions was determined; and

(6)any recommendation which the Chief Returning Officer wishes to present, which recommendation in the judgment of the Chief Returning Officer, would serve to improve arrangement and procedures for the conduct of a General Election, a By-Election, or for voting on a Referendum.