

Election and Referendum Bylaw

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| Bylaw owner: | URSU Governance Committee, General Manager |
| Audience: | Executive, Board of Directors, Candidates, Members |
| Last Ratified: | Annual General Meeting – October 24, 2019 |
| Amendments: | Board of Directors Meeting – February 4, 2020 |
| Review Schedule: | June 2020 |

1. Introduction

This bylaw is designed to govern and guide the elections and referenda of the URSU. It includes information for candidates, the Chief Returning Officer and the members of URSU that will guide them in planning and participating in an election or referendum. When this bylaw is in conflict with the constitution the relevant clauses of this bylaw are invalid.

2. Definitions

- **Active Campaigning** - Any activity carried out by a candidate or any other third party that promotes support for the candidate's campaign.
- **Ballot** - The paper, or electronic document marked by a voter.
- **Campus** – any and all main, subsidiary and/or remote campuses of the University of Regina and/or The First Nations University of Canada.
- **Candidates** - Includes both individual candidates running for election or by-election and those members who apply to the Referendum Fund to represent the “yes” or “no” side of referenda. Candidates must be members of URSU in good standing as defined in the URSU Constitution.
- **Chief Returning Officer (CRO)** - Typically a member of the general public with election or dispute-resolution experience. This person is primarily tasked with running the election.
- **Constituency** - A position on the Board of Directors of the University of Regina Students' Union as set out in the constitution of URSU.
- **Elections Committee** - A group consisting of the CRO, PEO and a SEO. This group is primarily responsible for resolving disputes submitted to the Elections Committee.
- **Executive Committee** - The committee of the URSU comprised of the President and the Vice-Presidents of Student Affairs, External Relations, and Operations and Finance.
- **Interest groups** - The following constituencies: Francophone, LGBTQ, Women's, Aboriginal, Students with Disabilities.
- **Member** - Any member of URSU who has paid their fees and that is entitled to seek election, and to vote under provisions of this Bylaw.
- **Public Elections Officer (PEO)** - Typically a member of the general public with election or dispute-resolution experience. As a member of the Elections Committee, this person is primarily involved in reviewing and resolving matters brought to the Elections Committee.

- **Referendum Fund** - The fund designated by the URSU Board of Directors that members may apply to cover campaign expenses related to a referendum question.
- **Student Elections Officer (SEO)** - Typically a student who is a member of URSU. As a member of the Elections Committee, this person is primarily involved in reviewing and resolving matters brought to the Elections Committee.

3. Bylaw

3.1. General Election

3.1.1. General Election Timeline

The CRO determines the deadlines and periods for the election. These deadlines and periods shall be subject to the following guidelines:

- The election results shall be announced no later than noon of the 1st business day following the close of the voting period
- The voting period shall last no more than three days.
- Voting dates for each academic year will be set by the Board of Directors by no later than July 31 for the following academic year.
- The campaign period shall last at least two weeks and may not coincide with the voting period
- The All Candidates Forum shall be held at least one week before the election results are announced
- The nomination period shall last at least two weeks and must begin no later than three weeks before the start of the voting period
- The election notice period shall last at least two weeks and must begin at least six weeks before the election results are announced

3.1.2. Notice of Elections

Upon receiving notification from the Board of Directors of the date(s) for a General Election, the CRO shall publish a Notice of Elections, which includes the following:

- The position(s) which are vacant and available
- The date(s) during which a nomination paper may be filed
- The ways in which the CRO is available to receive a completed nomination form
- The date(s) on which voting is to take place
- Information regarding reimbursement for campaign expenses

3.1.3. Constituencies and Positions

- 1) The available positions for the URSU Executive Committee are laid out in Article V of the Constitution. These positions are:

Executive Positions

- President
- Vice-President Operations and Finance
- Vice President Student Affairs
- Vice-President External Affairs

- 2) The available positions for the URSU Board of Directors are laid out in Article V of the Constitution. Eligibility for those constituencies is determined in one of two ways.

- a. Eligibility for directors of the following constituencies shall be determined based on the status of one's enrolment at the University (e.g. Only students registered through FNUUniv may be the First Nations University Director, only part-time students may be the Part-Time director). URSU Members may only vote for representatives of their faculty. This group is as follows:

Faculties

- Champion College
 - Continuing Education
 - Faculty of Arts
 - Faculty of Business Administration
 - Faculty of Education
 - Faculty of Engineering
 - Faculty of Graduate Studies and Research
 - Faculty of Kinesiology and Health Studies
 - Faculty of Media, Art, and Performance
 - Faculty of Nursing
 - Faculty of Science
 - Faculty of Social Work
 - First Nations' University of Canada
 - La Cité universitaire francophone
 - Luther College
- b) Eligibility for directors of the following group of constituencies shall be determined based off one's lived experience and personal identity. The CRO may request that all candidates nominated for the following positions sign documents stating that they identify as a member of the constituency they wish to represent. The CRO may not decide who is and is not eligible to run for these constituencies. All URSU members may vote for these positions though members are encouraged to abstain from voting on constituencies which do not represent themselves. These constituencies are:

Constituencies

- Equity and Campaigns
- Indigenous Students
- International Students
- LGBTQ Students
- Part Time Students
- Students with Disabilities
- Women Students

Additionally, positions for University Council are laid out in Section 76 of the University Act. Currently this means up to 10% of the total membership of council with equitable distribution among the faculties, based on student population of the faculty. Students elected to University Council must be full time students.

Additionally, positions for Executive of Council are laid out in Council Rules and Regulations, Section 4.5.

Additionally, positions for Senate are laid out in Section 27 of the University Act and further described in Section 3.3 of the Senate Bylaws.

3.1.4. Constituencies and Positions

In order for a candidate to be eligible to run for any position(s) as outlined in Section 3.1.3 they must;

- be in good standing with both the University and URSU; and,
- have a cumulative grade point average (CGPA) of at least 60% at the time of nomination; and,
- in the case of Director positions, have completed at least 9 credit hours at the University of Regina prior to the nomination deadline; or,
- in the case of Executive positions, have completed at least 30 credit hours at the University of Regina prior to the nomination deadline.
- in the case of Executive positions, candidates must attend an in-person interview with the General Manager prior to the end of the nomination period. The purpose of this interview is to ensure that the candidate fully understands the scope of the position they are interested in and the expectations required of an Executive member. The CRO shall not accept a nomination if a candidate has not had this interview.

3.1.5. Candidate Information Session

At their discretion, the CRO, prior to the end of the nomination period, may organize a session to inform candidates about the positions available. If possible, members that formerly filled those positions shall be present. Candidates who wish to run for positions on URSU are highly encouraged to attend one of these sessions as part of the nomination process. This session only needs to be held during regular elections; it is not mandatory for referenda or by-elections.

3.1.6. Nominations

A nomination form created by the CRO shall be filed by all candidates for each position they want to contend. Nomination forms must include the following information:

1. The contact information and student number of the member being nominated
2. The name of the position the member is nominated for
3. The signature, name and student number of 30 students for executive positions and 10 students for all other positions.

The CRO shall reject any nomination form, which is found to contain factual errors or misrepresent the member nominated. Additionally, if a nomination form is incomplete, nominates a non-member or is filled out incorrectly it may be rejected by the CRO.

A member may fill up to one seat on each of the following:

- The Board of Directors
- The University Council or Executive of Council
- The University Senate

Members may sit on multiple sub-committees or fill multiple roles as members of these bodies.

Within twenty-four hours of the close of nominations the CRO shall publish a list of the names of all members nominated and the positions for which they have been nominated.

A candidate may withdraw from an election no later than three (3) days after the end of the nomination period by filing with the CRO a signed declaration of their intent to withdraw. If, because of withdrawals, there is only one candidate for any given position, the CRO shall declare the remaining candidate elected by acclamation.

If no valid nominations papers are filed for an available position by the scheduled close of nominations, the position shall

1. In the case of URSU Constituency Director positions
 - a. Remain vacant until the next Election or By-election;
2. In the case of Council, Executive of Council or Senate positions;
 - a. Remain vacant until the next Election or;
 - b. Be filled from a list of faculty proposed representatives and ratified by the URSU Board of Directors via a Board vote of confidence.

Eligibility of candidates for any available position is subject to confirmation of the CRO, URSU and/or the University of Regina.

3.1.7. Candidate Profiles

Candidates must provide their profiles to the CRO no later than the first day of the campaign period.

During the election the CRO shall coordinate with URSU's Marketing Department to provide candidates the opportunity to post their profiles and/or platforms on URSU's website and/or any other digital platform within URSU's control. All candidates will be offered the same opportunity and it is up to each individual candidate whether or not they wish to participate.

3.1.8. Guide to Candidates

The CRO shall create and supply all candidates with a "Guide to Candidates". It must include:

- An outline of nomination procedures
- A summary of significant dates during the election
- An outline of procedures to be followed by a candidate
- An outline of responsibilities and prerogatives of a candidate in the course of conducting their campaign
- A summary of penalties that may be imposed upon a candidate for contravention of provisions of this Bylaw

3.1.9. All Candidates Forum and Debate

At their discretion, the CRO may plan, promote and execute one or more of the following types of events during the campaign period:

- A general information session for those having an interest in running for a position
- An All-Candidates Forum
- A Debate
- A similar type of event approved by the Executive Committee

The All Candidates forum is an event where 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 of the election. Individuals who are unable to attend the All Candidates Forum may supply a written speech (subject to editing for length by the CRO) to an appointed representative to be read. No one may answer questions for a candidate who is not in attendance.

A Debate is an event where members are invited to discuss a subject provided by the membership and presented by the CRO. No alternates are permitted at the Debate.

3.1.10. Voting

Electronic voting is the preferred method of voting for the URSU. A secure voting technology must be used. A link to the voting platform shall be placed in a prominent location on the URSU Homepage and URSU Elections page during the voting period.

URSU uses a ranked ballot system incorporating instant runoff and preferential voting methodology. Voters are instructed to select their top 3 candidates for each position. So the voter themselves chooses the top 3 candidates for each position.

To determine the results:

- If one candidate has a majority of votes, they win that position.
- If they do not, the candidate with the least number of votes is eliminated. The voters who had ranked that candidate the highest will now have votes changed to their second-highest preferred candidate.
- If one candidate now has a majority of votes, they win that position.
- If they do not, the process continues until a winner has been declared.

All candidates will have an opportunity to review the ballot not less than seventy-two hours before the voting period begins. Any candidate who has concerns about the layout of the ballot may address those concerns in writing to the CRO for consideration.

The following criteria must be met when developing the layout of the ballot:

- The name of the candidates for a constituency shall be listed in alphabetical order, by last name
- Only the legal names of candidates, or reasonable derivations thereof, shall appear on the ballot, as approved by the CRO.

Votes shall be destroyed within five calendar days of the election results being ratified by the Board of Directors.

The CRO will provide assistance for students' who have difficulty voting online. In rare cases and at the CRO's discretion, a paper polling station may be used. When using paper polling stations the following procedures must be observed:

- The member shall be provided a paper ballot.
- The member shall mark the ballot. The CRO will determine if any marks will cause the ballot or the individual vote to be spoiled or rejected.
- The CRO shall appoint Election(s) Official(s) (as necessary) to supervise the polling station. At the end of each day the CRO (or delegate) shall seal and sign the ballot box(es) and put them a safe location.

When counting the paper ballots:

- The CRO may declare a ballot "Rejected" and destroy it if it:
 - was not supplied to a voter by the CRO (or an Election Official);
 - is not clear what vote is being cast;
 - bears any mark by which a voter can be identified;
- The CRO may declare a ballot "Spoiled" and destroy it if it:
 - is soiled or improperly printed

The CRO shall be responsible for counting and reporting the results of the vote as described in the "Election Results" section.

3.1.11. Acclamations

If the nomination period closes and there is only one member running for a position, that candidate shall be deemed as acclaimed. In such cases the acclaimed candidate will need

not appear on the ballot.

3.1.12. Election Results

The CRO shall declare elected the member who receives the greatest number of votes for the office or constituency in which they have run.

At the earliest opportunity on the first business day after the close of the Voting period, the CRO shall publish the results of the count of ballots and the result of the Election, By-Election, or Referenda.

In the event a winning candidate in any election is disqualified, the runner-up will take the place of the disqualified winner.

3.1.13. Election Expenses

During an election, a candidate shall keep a record of the amount of campaign expenses that are incurred on behalf of their campaign.

Candidates may spend up to \$200 during their campaign. Materials that are donated that have a financial value must be counted towards that total. The work of volunteers does not count towards that total though materials they use must be counted. Volunteers may not be compensated by the candidate or any third party.

Candidates may be reimbursed for their election expenses, in part or in total, by URSU from a pool of money whose size is determined annually by the Board of Directors.

Information regarding the availability of reimbursements should be finalized by the time of the All Candidates meeting.

Any candidate who fails to submit an expense form by the time set by the CRO or who exceeds the spending limit is guilty of an offence and will be given appropriate disciplinary action by the CRO.

3.1.14. Recounts

A recount may be requested by candidate(s) only where paper ballots have been used. The recount must take place within two working days of when the vote was originally counted. The Elections Committee and the Candidates directly involved shall attend the recount.

3.1.15. Campaigning Guidelines

Candidates may campaign by any means except they may not:

- a) Campaign:
 - i. In URSU businesses and other premises except as permitted by the CRO;
 - ii. In any University classroom during or immediately before a class without obtaining the prior permission of the professor;
 - iii. Within the proximity of polling location as designated by the CRO;
 - iv. Pool campaign finances. Candidates must individually report campaign spending.
 - v. Have another candidate's name or picture in the same graphic, poster, or video.
 - vi. Slate with any other candidates.
 - vii. Receive or encourage sponsorship from an outside body, including corporations or organizations.
 - viii. Put up posters or advertisements anywhere that is outside of the campus boundaries.
 - ix. Manipulate their preferred name in anyway that suggests that candidates are affiliated on the ballot.
 - x. Have campaign managers or volunteers that are not members of the

URSU.

- xi. Solicit off-campus businesses or organizations to provide services that might be deemed to exceed the campaign-spending limit.
 - xii. Solicit endorsements from professors or administrators from either the U of R or URSU.
 - xiii. Use profanity on any election material. This includes any statement or imagery that suggests hatred or intolerance towards any group.
 - xiv. Make discriminatory or defamatory statements against another candidate.
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- b) Be present within a 50 meter radius of a polling station on voting days;
 - c) Harass or display aggressive, violent, or threatening behaviour;
 - d) Interfere, or attempt to interfere, with the administration of the Election;
 - e) Jeopardize, or take any action which could reasonably be expected to jeopardize, the integrity of the Election;
 - f) Impede or interfere with the ability of another Candidate to campaign;
 - g) Remove, replace, modify, or damage the materials of, or cause similar harm to, another Candidate;
 - h) Provide money or items of monetary value as an incentive or any form of consideration to a Member in exchange for his or her support; and
 - i) Otherwise act in a manner inconsistent with the University policies related to student conduct.

Each infraction carries a numeric value of "demerit points." Each instance of an infraction incurs the associated number of demerit points. Demerit points are cumulative. A list of infractions and their associated demerit points and/or penalties can be found in Appendix 1.

The CRO shall have the authority to enforce provisions of this bylaw, and to investigate any alleged or perceived offences.

3.1.16. Voting Guidelines

An offence is committed when a person:

1. votes at an election knowing that they are not entitled to vote
2. induces another person to vote knowing that such person is not entitled to vote
3. votes more than once using a real or fictitious name
4. fraudulently alters, defaces or destroys a ballot paper
5. supplies a ballot paper to any person without the permission of the CRO
6. destroys, takes, opens or otherwise interferes with a ballot box or ballot papers of any kind without the permission of the CRO
7. fraudulently prints a ballot paper
8. prints ballot papers that they are not authorized to print
9. attempts to alter or access a secure electronic method of voting
10. knowingly publishes a false statement of the withdrawal of a candidate
11. publishes a false statement in relation to the personal character or conduct of a candidate
12. signs a false declaration of membership to any constituency when declaring their candidacy
13. defaces any document required by this bylaw
14. defaces or removes any promotional material of a candidate
15. bribes or offers a bribe that could affect a person's vote
16. acts as a member of a team or slate as described in 'Slate Behavior' section
17. acts in a manner that is in contravention to any other part of this bylaw

Any activity not listed here that could be considered an offence is subject to the investigation and judgment of the CRO. If an activity is judged to be an offence, the offence should be added to the above list and the disciplinary action applied should be added to the

list found in the "Consequences for Non-Compliance" section of the bylaw. A member who has reason to believe that any offence or violation has been committed shall forward details regarding the offence to the CRO.

3.1.17. Slate Behaviour

The CRO shall monitor candidate's publications (posters, handouts, digital platforms, etc) during the campaign period. Candidates will stand for election as individuals and be restricted from sharing a platform or campaign name with any other candidate(s). The following behaviours constitute slate behaviour and shall be prohibited:

1. Only candidate's legal names shall be permitted to appear on URSU elections ballots. No alternative or additional "names" shall be permitted.
2. Candidates are not permitted to appear in, or on, any campaign publications (posters, handouts, digital platforms, etc) with another candidate.
3. Candidates shall not have any name, logo, or other mark which denotes their affiliation with other Candidates on their promotional materials, website, or ballot.
4. Candidates will have distinct platforms
5. Candidates shall avoid choosing a layout or colour scheme for promotional materials that is the same or significantly similar to another Candidate's
6. Candidates shall not share websites. Shared hosting services are acceptable.
7. Candidates shall not run promotional events as a group.

Any other behaviours not listed here which could constitute slate behaviour are to be judged on a case-by-case basis by the CRO. Compliance with all rules is judged by the CRO. The CRO shall levy appropriate discipline if candidates are found to be in violation of the above rules. Candidates may appeal disciplinary actions levied by the CRO to the Board of Directors.

Note: Candidates may verbally endorse other candidates and their ideas.

3.1.18. Resolution of Campaigning Complaints

Campaigning complaints which would entail 5 or fewer demerit points are assessed by the CRO. If the nature of the complaint, or the CRO's judgment of the complaint, would entail greater than 5 demerit points, the complaint will be brought before the Elections Committee. A complaint deemed legitimate by the CRO or the Elections Committee, as appropriate, is deemed a violation and the appropriate number of demerit points are assessed against the candidate.

If at any time a candidate is assessed 5-7 cumulative demerit points, they may lose campaign privileges, such as posters, social media, or tabling.

If at any time a candidate is assessed 8 or more cumulative demerit points, they may be eligible for disqualification from the election. The history of the violations committed by the candidate will be brought before the Elections Committee who will decide whether the candidate is to be disqualified or, in exceptional cases, they may decide to remove violations of 5 or fewer demerit points only. If removing said violations brings the candidate below the threshold of 8, the candidate is not yet disqualified but may be if further violations are incurred.

3.1.19. Resolution of Voting Complaints

Voting complaints are to be submitted to the CRO. The submitted complaint should contain as much detail as possible with as little hearsay or conjecture as possible. Complaints may be submitted by the CRO, or by any member of URSU, or by any staff member of URSU.

In all instances of voting complaints, the CRO shall assess the appropriate response in

compliance with this document whether the complaint is against a member, non-member, or student group.

3.1.20. Appealing an Offence

If a candidate feels that they have been incorrectly assessed demerit points, they may appeal that decision by notifying the CRO within 72 hours of the candidate being notified of the violation. The CRO will bring the particular violation in question before the Elections Committee for resolution within 72 hours of the appeal.

In considering an appeal the CRO shall have the power to invite any member to appear before the Elections Committee in order to better understand the situation. The appellant will also have an opportunity to present their case before the elections committee during this time.

The Elections Committee may obtain independent legal advice on the interpretation of this bylaw with the URSU incurring the cost. The individual(s) submitting the appeal may request that any meeting be held in the presence of the General Manager of URSU.

Decisions of the Elections Committee are final.

3.1.21. Report of the CRO

Within two weeks of the close of a General Election, By-Election, or Referendum, the CRO shall publish a report for presentation to the Board of Directors, which report shall contain:

1. 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.
2. A summary of their work.
3. A statement of final results
4. A review of every appeal or question of interpretation that was raised.
5. A review of the activity (if any) of the PEO and the SEO.
6. Any recommendations to improve future elections or referenda.
7. Any recommendations to modify, clarify or otherwise improve this bylaw.

3.2. By-Election

Unless otherwise indicated a by-election shall follow the policies of a general election. By-elections will be held at the discretion of the URSU Board of Directors for the purpose of filling any or all unfilled positions.

3.2.1. By-election Timeline

The CRO determines the deadlines and periods for the election. These deadlines and periods shall respect these guidelines:

- The election results shall be announced no later than noon of the 1st business day following the close of the voting period.
- The voting period shall last no more than two days.
- The campaign period shall last at least one week and may coincide with the voting period.
- The All Candidates Forum shall be held at least one week before the election results are announced.
- The nomination period shall last at least one week and must begin no later than two weeks before the start of the voting period.
- The election notice period shall last at least two weeks and must begin at least one month before the election results are announced.

3.3. Referendum

3.3.1. Calling a Referendum

Referenda may be called in order to establish or eliminate a dedicated fee or to overturn the decision of the URSU Board of Directors and must be held in the following circumstances:

1. If proposed by the Executive Committee:
 - a. Upon receiving approval of two-thirds of members of the Students' Union Board of Directors at a Board of Directors meeting.
2. If proposed by a general member of the Students' Union in good standing:
 - a. Upon presentation of a petition to the Board of Directors containing the signatures of at least five percent of the members of the URSU. The petition must also be approved by a two-thirds majority vote of the Board of Directors at a regular meeting.
 - b. Upon presentation of a petition at a Special or Annual General Meeting, containing the signatures of at least five percent of the members of the URSU. Signatures on a petition presented in the above manners must be validated as soon as possible by URSU.
 - c. Upon the passing of a motion presented at a Special or Annual General Meeting which meets quorum.

3.3.2. Referendum Timeline

When the conditions in section 3.3.1 Calling a Referendum are satisfied, the Board of Directors must schedule a date for the Referendum. Unless the Referendum is deemed to be urgent, it will correspond with the campaigning and election period of the next General Election or By-Election, whichever comes first.

The CRO shall publish a Notice of Referendum, which includes the following:

- The actual dates on which voting on a Referendum is to take place
- The dates of the campaign period
- A clearly worded, neutral statement of the question, formulated as it will appear during the vote and so that it may be responded to with a "yes" or a "no".
- Contact information for the CRO

In the case of an emergency or in the absence of the CRO, the Board of Directors may, by a two-thirds majority vote, set the campaigning period for the referendum.

No referendum vote may be held between April 15 - September 15 or between December 5 - January 15.

3.3.3. Referendum Funding, Expenses, and Campaigning

URSU shall ensure that the maximum budget for the "Yes" and the "No" campaigns shall be equal. The Board of Directors shall determine the size of the referendum fund to be provided to each side on a case-by-case basis and shall inform the members prior to the start of the referendum. So long as the maximum budget is equal for each campaign, URSU is not required to provide financial support to campaigns which are funded by other parties.

All members of the URSU may campaign for or against the referendum question(s) but may not claim to represent URSU in doing so. URSU may allow students who wish to campaign on a referendum question to apply to the fund for reimbursement of campaign expenses. Such reimbursements must be approved by the Board of Directors.

3.3.4. Referendum Results

In a referendum, the CRO shall declare the results of the referendum valid if the number of ballots cast meets the quorum requirements as established by the policies of URSU or by the Non-Profit Corporations Act. The CRO shall:

1. Declare as "passed" any Referendum question in which the total number of "yes" ballots counted exceeds the total number of "no" ballots counted
2. Declare as "failed" any Referendum question in which the total number of "no" ballots counted exceeds the total number of "yes" ballots counted

3.4. Roles & Responsibilities

3.4.1. Board of Directors

The Board of Directors shall:

- Set the dates of the election in accordance with this bylaw and Article XI of the Constitution.
- Hire the CRO, PEO, and SEO a minimum of two weeks before the scheduled start of the Notice of Elections period.
- Assist the CRO and the Elections Committee in the completion of their duties
- Follow the rules and regulations of the Election, By-election, Referenda that are laid out within this bylaw.
- Promote participation in the Election, By-election, Referenda to the members of URSU.
- Set honoraria for the CRO, PEO, and SEO in advance of hiring.

3.4.2. Executive Committee

The Executive Committee shall:

- Recommend candidates for CRO, PEO, and SEO to the Board of Directors.
- Assist the CRO and the Elections Committee in the completion of their duties.
- Follow the rules and regulations of the Election, By-election, and Referenda that are laid out within this bylaw.
- Promote participation in the Election, By-election, and Referenda to the members of URSU.
- Recommend honoraria for the CRO, PEO, and SEO in advance of hiring.

3.4.3. Chief Returning Officer

The Chief Returning Officer shall be nominated by the Board of Directors to be CRO of the URSU. During their contract the CRO, shall be responsible to the Board of Directors and shall have access to all of the resources of URSU as they complete their duties. The CRO shall be paid such honoraria, allowances, and expenses as the Board of Directors sees fit.

The CRO is responsible for the conduct of the election, by-election or referenda they are hired to supervise. The CRO must familiarize themselves with this bylaw and must complete their duties as laid out within this bylaw in order to ensure the integrity of the election, by-election or referenda. The CRO shall have the authority to enforce provisions of this bylaw, and to investigate any alleged or perceived offences. Specifically, the CRO shall:

- Confirm the eligibility of all candidates and approve or not approve a candidates' nomination.
- Take the votes of the members.
- Verify that members who are nominated are members of the relevant constituency (excluding interest groups).
- Conduct the election of members to the University of Regina Senate (while respecting Section 27(1)(d) of the University of Regina Act) and representatives to the University of Regina Council (while respecting Part II of the University of Regina

- Council Rules and Regulations).
- Ensure candidates and members comply with this bylaw, and other relevant documents (see references)
- Conduct any required training of candidates and Election Officials.
- Furnish each candidate with a current copy of this bylaw.
- Hold one or more Candidate Information Sessions.
- Disqualify candidates, materials, representatives or members who have broken the rules laid out in this bylaw and other relevant documents.
- Refer serious violations to the Elections Committee.
- Refer all appeals to the Elections Committee.
- Hear, in confidence, any appeal or request for review on the conduct of any candidate(s), officials or members.
- Investigate all offences, claims and questions brought before the office
- Develop and enforce appropriate disciplinary actions
- Take immediate action to rectify any infraction identified during the course of an election.
- Review all candidate expense claims with the General manager and the Vice President Operations and Finance and approve for payment only those claims that the CRO determines to be appropriate, and in accordance with the budgeted amounts approved.
- Make or approve all communications regarding Elections, By-Elections and Referenda and their conduct.
- Appoint and oversee any Election Officials.
- Publish a Guide to Candidates (see "Guide to Candidates").
- With the assistance of the Marketing Department, arrange the posting of candidate platforms and/or profiles of candidates who wish to have this information published on URSU authorized digital platforms.
- Provide each Election Official with training and reference material which outlines procedures to be followed, and responsibilities of an Election Official.

NOTE: The CRO retains all residual and discretionary powers, not otherwise contained in this Bylaw, in regard to Elections, By-Elections and Referenda.

3.4.4. Public Elections Officer

The Public Elections Officer (PEO) shall be nominated by the Board of Directors to be PEO of the URSU. During their contract the PEO, shall be responsible to the Board of Directors and shall have access to all of the resources of URSU as they complete their duties. The PEO shall be paid such honoraria, allowances, and expenses as the Board of Directors sees fit.

The PEO sits on the Elections Committee and is responsible for resolving serious violations of this bylaw as well as appeals of the CRO's decisions. The PEO must familiarize themselves with this bylaw and must complete their duties as laid out within this bylaw in order to ensure the integrity of the election, by-election or referenda.

3.4.5. Student Elections Officer

The Student Elections Officer (SEO) shall be nominated by the Board of Directors to be the SEO on behalf of the URSU. During their contract the SEO, shall be responsible to the Board of Directors and shall have access to all of the resources of URSU as they complete their duties. The SEO shall be paid such honoraria, allowances, and expenses as the Board of Directors sees fit.

The SEO sits on the Elections Committee and is responsible for resolving serious violations of this bylaw as well as appeals of the CRO's decisions. The SEO must familiarize themselves with this bylaw and must complete their duties as laid out within this bylaw in order to ensure the integrity of the election, by-election or referenda.

3.4.6. Elections Committee

The Elections Committee is comprised of the CRO, the PEO and the SEO. Specifically, the Elections Committee is responsible for;

- Disqualifying candidates, materials, representatives or members who, in the opinion of the Elections Committee, have broken the rules laid out in this bylaw and other relevant documents.
- Hearing, in confidence, any appeal or request for review on the conduct of any candidate(s), officials or members.
- Investigating all offences, claims and questions brought forward by the CRO.
- Reviewing and bringing resolution to any appeals of the CRO's decisions.
- Resolving serious violations of this bylaw.
- Being the final authority in interpreting this bylaw.
- Referring to appropriate independent legal counsel, where and when deemed necessary. The costs incurred will be the responsibility of the URSU.
- Recommending changes or additions to this bylaw.
- Developing and or enforcing appropriate disciplinary actions.

The Elections Committee has the jurisdiction to impose any sanction it deems just for any conduct that amounts to a significant and substantive breach of election protocol. Where an unfair advantage has been obtained, a penalty shall be assigned that endeavours to fully counter-balance any advantage gained.

For example, the Elections Committee may:

- Withhold reimbursement of any amount of election expenses up to 100%
- Issue a letter of reprimand
- Require a letter of apology
- Publish a notice of the violation in The Carillon and/or on the URSU website.
- Require a new election to be held for any or all positions
- Disqualify candidates

Disqualification of a candidate may occur when the violation resulted in an unfair advantage which cannot be counter-balanced by a lesser penalty, or is malicious or prejudicial to another candidate or their campaign. For further clarification, the following types of violations will likely result in the disqualification of a candidate:

- Interference or attempted interference with the voting process;
- Interference, including defamatory or slanderous comments, written or oral, towards another candidate;
- Malicious or intentional breach of the Bylaw or elections policy;
- An attempt to undermine the electoral process;
- Has accumulated 20 or more demerit points.

3.4.7. Elections Officials

Elections Officials shall:

- complete their responsibilities as laid out within this bylaw and as laid out by the CRO
- sign a contract created and/or approved by the CRO.
- be paid an honoraria at a rate decided upon by the CRO, the Vice President Operations and Finance and the General Manager

3.4.8. Candidates

Candidates shall:

- follow the rules and regulations of the Election, By-election, Referenda that are laid out within this bylaw
- respect the decisions made by the CRO and the Elections Committee
- appeal decisions using the proper procedures
- keep elections positive in the understanding that negative actions by candidates could reflect negatively on the URSU

3.4.9. Members

Members shall:

- Follow the rules and regulations of the Election, By-election, Referenda that are laid out within this bylaw.

4. Consequences for Non-Compliance

In determining if an offence has been committed, intent shall not be considered. In determining disciplinary action, intent shall be one of the determining factors along with severity of the actions, relative impact on the elections process and any other factor the CRO deems relevant.

Ignorance of the Policies, constitution and/or By-Laws of the URSU does not constitute a valid excuse for committing an offence. Any member who participated in the election or who has another Conflict or a Conflict of Interest (as laid out in the Conflict of Interest and Conflict of Commitment policy of the URSU) may not participate in determining disciplinary actions.

4.1.1. Candidates

Candidates may be disciplined in the following manners:

- Not having their nomination approved by the CRO
- Disqualification for the election or by-election.
- Loss of Campaign Privileges (ex: Posters, Websites, Tabling privileges)
- Monetary fines
- Loss of vote in future election(s)
- Loss of membership in URSU
- Legal action as deemed necessary by the Board of Directors
- Other penalties as recommended by the CRO and/or the Elections Committee

4.1.2. Members

Members may be disciplined in the following manners:

- Monetary fines
- Loss of membership in URSU
- Loss of vote in future election(s)
- Legal action as deemed necessary by the Board of Directors
- Other penalties as recommended by the CRO and/or the Elections Committee

4.1.3. Student Groups

Clubs or Societies may be disciplined in the following manners:

- Monetary Fines
- Loss of URSU ratification and/or the benefits associated with being an URSU related club
- Loss of URSU funding
- Legal action as deemed necessary by the Board of Directors

- Further disciplinary action for the member(s) responsible for the actions
- Other penalties as recommended by the CRO and/or the Elections Committee

4.1.4. Non-Members

Non-members may be disciplined in the following manners:

- Discipline for the member(s) they acted on behalf of
- Legal action as deemed necessary by the Board of Directors
- Other penalties as recommended by the CRO and/or the Elections Committee

4.1.5. CRO, PEO, and SEO

The CRO, PEO, and the SEO may be disciplined for committing an offence and/or failing to carry out their duties as laid out in this bylaw and their contract in in the following manners:

- Termination of their contract and forfeit of any remaining payment for their position
- Loss of vote in future election(s)
- Legal action as deemed necessary by the Board of Directors
- Other penalties as recommended by the Board of Directors

4.1.6. Elections Officials

Election officials may receive up to one written warning for offence(s) committed during the election. Election officials may be disciplined for committing an offence and/or failing to carry out their duties as laid out in this bylaw and their contract in in the following manners:

- Loss of vote in future election(s)
- Termination of their contract and forfeit of any future payment for their position
- Legal action as deemed necessary by the Board of Directors
- Other penalties as recommended by the Board of Directors

5. Related information

[URSU Constitution](#)

[University Council Rules and Regulations;](#)

[University of Regina Act \(Section 27 and 76 are relevant for Senate and Council\);](#)

Appendix 1, Disciplinary Penalties

Appendix 2, Record of Discipline Sheet

Disciplinary Penalties

Each and every infraction, violation or offense of the By-law shall be assessed a numeric value of "demerit points" by the CRO. Each instance of an infraction incurs the associated number of demerit points. Demerit points are cumulative. Additional disciplinary actions (above and beyond those outlined below) may be taken as determined by the CRO and/or Elections Committee at any time. All members facing discipline may appeal the decision of the CRO to the Elections Committee as laid out this bylaw. Decisions of the Elections Committee are final and binding.

| Demerit Point Matrix | |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 20 points: | Anyone improperly declared an eligible candidate. |
| | Any candidate spending over the maximum spending limit as set by these By-laws |
| | Intentional misrepresentation of campaign expenditures |
| | Interfere, or attempt to interfere, with the administration of the Election |
| | Interference or attempted interference with the voting process |
| | Use of electronic devices to facilitate, influence or coerce a members' vote |
| | Solicitation of U of R and/or URSU Admin staff to interfere in the election process |
| | Gross misrepresentation of facts |
| | Malicious or intentional violation of this By-law |
| 8 points: | Behaving as a slate |
| | Offensive/illegal/inappropriate campaign material |
| | Slandorous behaviour or statements directed towards another candidate |
| | Failure to submit campaign expense form and receipts by deadline |
| | Intentional misrepresentation of facts |
| | Tampering with another candidate's campaign material |
| | Damage to URSU or University property |
| | Being present within a 50 meter radius of a polling station on voting days |
| 5 points: | Failure to attend the All Candidates' Meeting or the All Candidates' Forum |
| | Campaigning outside the Campaign period |
| | Campaigning anywhere other than on-campus or online |
| | Campaigning in any library on campus |
| | Campaigning in The Owl bar or the URSU offices |
| | Repeated frivolous complaints and/or appeals |
| | Unintentional Misrepresentation of Facts |
| | Use of URSU's logo on candidate materials |
| Serving alcohol at an event that is organized by a candidate or held in support of a candidate | |
| 2 points: | Failure to submit a Candidate Profile by the deadline |
| | Using printed material that does not have a legible name of the candidate on the front |
| | Use of anything other than painter's tape to post campaign materials outside of the poster boards |
| 1 point: | Making a frivolous complaint about another candidate (1 point per complaint) |
| | Improper poster placement (1 point per poster up to a maximum of 8 points) |
| | Use of any kind of sticker (1 point per sticker per sticker type up to a maximum of 8 points) |
| | Painting or chalking on buildings and sidewalks (1 point per incident) |

Once a candidate has accumulated a minimum of 5 demerit points, the candidate will be subject to the following fines and/or penalties at the sole discretion of the CRO and/or Elections Committee;

| Fine and Penalty Matrix | | |
|-----------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Demerit Points Accumulated | Fine | Penalty (at discretion of CRO and/or Elections Committee) |
| 5 | \$25 | <ul style="list-style-type: none"> • Loss or restriction of Campaign Privileges (ex: Posters, Websites, Tabling privileges) • Other penalties as recommended by the CRO |
| 8 | \$50 | <ul style="list-style-type: none"> • Loss or restriction of Campaign Privileges (ex: Posters, Websites, Tabling privileges) • Loss of vote in future election(s) • Other penalties as recommended by the CRO |
| 15 | \$100 | <ul style="list-style-type: none"> • Loss or restriction of Campaign Privileges (ex: Posters, Websites, Tabling privileges) • Loss of vote in current and/or future election(s) • Loss of membership in URSU • Legal action as deemed necessary by the Board of Directors • Other penalties as recommended by the CRO and/or the Elections Committee |
| 20 | | <ul style="list-style-type: none"> • Disqualification from Election or By-Election • Other penalties as recommended by the CRO and/or the Elections Committee |

Any activity not listed here that could be considered an offence is subject to the investigation and judgment of the CRO. If an activity is judged to be an offence, the offence should be added to the above list and the disciplinary action applied should be added to the list found in section 4 Consequences for Non-Compliance.

The CRO shall have the authority to enforce provisions of this bylaw, and to investigate any alleged or perceived offences.

Record of Discipline Sheet

In the event that a member is disciplined for an offence this sheet should be filled out by the CRO to document disciplinary actions taken. These sheets should be turned in to the General Manager following the election.

| | |
|------------------------------------------------------|--|
| Date and (approximate) time of Offence | |
| Name of Offender | |
| Description of Offence (use other side as necessary) | |
| Discipline | |
| Resolution (ex: was payment made?) | |

If the candidate wishes to appeal, the request for appeal must be affixed to this sheet and submitted, along with the appeal and any and all supporting documents or evidence to the Elections Committee.