



# ELECTION AGREEMENT

Election Agreement (known hereafter as the “Agreement”) is executed between the running student (known hereafter as the “Candidate”) and the Acadia Students’ Union.

## Purpose

Due to the ASU Bylaws amendment, the agreement sets the election procedure clear between the ASU and Candidate. The agreement is only used for the ASU General Election Winter 2022.

## Terms of Agreement

### Article 1: Authority

1. The Act to Incorporate Acadia Students’ Union at Section 5(b) states that the ASU may make Bylaws relating to the election of officers of the Union and of the Council and the election and appointment of members of the Council.

### Article 2: Principles

1. The ASU shall ensure that Union Elections are administered in accordance with the ASU’s mission, vision, and values and that Union Elections shall be:
  - (a) Fair and equitable for all participants;
  - (b) Administered in a manner that is independent and impartial;
  - (c) Transparent and accountable;
  - (d) Democratic;
  - (e) Environmentally and financially sustainable; and
  - (f) Grounded in professionalism and respect for all parties.

### Article 3: Statement of Independence

1. The ASU and the SRC will not endorse or support the views of any candidate in any Union Election and the views of any candidate during the campaign shall not necessarily represent the views of the ASU, the SRC, or current elected or appointed officials.

2. The Chief Returning Officer, Deputy Chief Returning Officer, Poll Supervisors, Poll Clerks, and all other election officials shall not endorse or support any candidate in any Union Election in which they serve in their respective capacity.

#### Article 4: General Election, By-Election, & Elected Positions

1. The ASU shall hold a General Election annually for the following elected positions:
  - (a) President;
  - (b) Vice President Academic & External;
  - (c) Vice President Events & Promotions;
  - (d) Vice President Finance & Operations;
  - (e) Vice President Student Life;
  - (f) Two Councilors;
  - (g) First Year Representative;
  - (h) Sustainability Representative;
  - (i) Community Relations Representative;
  - (j) Faculty Senators.
2. The General Election shall have a campaign period of ten days and a voting period of five days. The last five days of the campaign run concurrent with the five voting days.
3. The ASU shall hold a By-Election annually for the following elected positions:
  - (a) First Year Representative;
  - (b) Any vacant Council seats not filled in the General Election;
  - (c) Any vacant Council seats (including Executive members) that become vacant following the General Election and prior to the Close of Nominations for the By- Election.
4. The By-Election shall have a campaign period of ten days and a voting period of five days. The last five days of the campaign run concurrent with the five voting days.
5. Notwithstanding the above provisions, the following positions may be elected by their constituencies based on the procedure in their organization's Constitution:
  - (a) Graduate Studies Senator; and
  - (b) Theology Senator.
6. A Special Election shall have a campaign period of ten days and a voting period of five days. The last five days of the campaign run concurrent with the five voting days.

7. The Campaign Days and the Voting Days for the Special Election shall be scheduled to follow the schedule as set out in Article 4, Section 3 with such necessary modifications as the Elections Committee deems appropriate.

#### Article 5: Eligibility

1. Subject to the provisions of this agreement, only ordinary or associate members of the Union are eligible to file a nomination form for any elected position of the Union if they meet the requirements as outlined in Article II of the Acadia Students' Union Constitution.
2. Candidates for First Year Representative must be a student in their first year of studies at Acadia University at the time of nomination.
3. Candidates for Faculty Senator must be a registered student in their respective faculties at the time of nomination.
4. All candidates must possess a sessional GPA of at least 2.0 at the time of election and this requirement shall be confirmed by the Chief Returning Officer within 72 hours of the close of nominations. This requirement is waived for all students in the first semester of their first year of post-secondary study at Acadia University.

#### Article 6: Nominations

1. Potential candidates in any Union Election shall submit completed nomination papers to the Chief Returning Officer prior to the close of nominations.
2. No person shall be nominated for or hold more than one position on Council at any one time.
3. Notwithstanding the above, the Chief Returning Officer may extend the close of nominations by no more than 24 hours for an elected position that has no candidate nominated for the position. If no candidate is nominated for the position at the end of the extension period, the position shall be filled in the following Union Election.
4. Nomination papers must be signed by the nominee and 25 ordinary or associate members of the Union and shall include the student number of the nominee and the student numbers of the 25 ordinary or associate members who have signed the nomination papers.
5. A nomination paper shall be considered invalid and shall be rejected by the Chief Returning Officer if:
  - (a) the nominee has failed to sign or if the signature of the nominee is determined to be a forgery;
  - (b) any person who signed it is not an ordinary or associate member of the Union;
  - (c) there less than 25 signatures from ordinary or associate members of the Union; or

- (d) it is submitted after the close of nominations.

## Article 7: Chief Returning Officer

1. The SRC shall appoint a Chief Returning Officer (“CRO”) by no later than August 1 to serve a fixed term commencing on August 1 and continuing until the end of the following academic year.
2. The CRO shall be an active member of the ASU and shall possess a sessional GPA of at least 2.0 at the time of the appointment.
3. An active member shall not be eligible to serve as a CRO if they are:
  - (a) A current ASU elected or appointed official;
  - (b) A candidate or official agent in a Union Election;
  - (c) Employed by the ASU in any other position.
4. The CRO shall not be eligible to be nominated in any Union Election during their term of office and, for greater certainty, the CRO remains ineligible to be nominated in any Union Election during their term of office from August 1 to the end of the following academic year even if they resign their position or are removed from office by the SRC.
5. The CRO shall be governed by the Council Code of Conduct as if they were an SRC official.
6. The CRO shall be responsible for the conduct of the Union Elections in accordance with the Constitution and Bylaws of the ASU.
7. The CRO shall discharge their duties in a fair and impartial manner.
8. In addition to any specific duties or responsibilities specified elsewhere in the Constitution and Bylaws, the CRO is responsible for:
  - (a) Preparing and presenting an Election Plan for approval by SRC at the first meeting in September which includes but is not limited to the following:
    - (i) An election calendar which includes all the relevant dates associated with the General Election and the By-Election;
    - (ii) A plan for the promotion and advertising of the Union Elections (General Election, By-Election and any Plebiscite or Referenda);
    - (iii) A plan for increasing voter turnout among the student body;
    - (iv) The debate format; and
    - (v) Any other information that the CRO deems to be relevant to the administration of the Union Elections.

- (b) Keeping the public, the SRC, and all election candidates informed of any issues arising related to the election or voting;
  - (c) Ensuring that all voter lists are accurate;
  - (d) Ensuring that no person has access to ballots or voter's lists before the date of the election except for those persons involved in the creation of the ballots;
  - (e) Having the Elections Committee confirm how names are to appear on the ballots;
  - (f) Ensuring ballots are accurate and having the SRC confirm how names are to appear on said ballots;
  - (g) Ensuring that candidates are reimbursed for campaign expenses where appropriate;
9. Overseeing the work of Election Officials;
- (a) Overseeing the campaigns of each candidate and enforcing the campaign rules as contained in the Bylaw;
  - (b) Recommending disciplinary action to the Elections Committee;
  - (c) Arranging a public debate before all elections, referenda, and plebiscites;
  - (d) Announcing election results to candidates at a meeting to be held before results are made publicly available;
  - (e) Announcing election results to the general student body within 24 hours after the closing of the voting period through all student email, ASU social media, and the ASU website, as well as through the CRO social media;
  - (f) Providing a paper copy to Council, *The Athenaeum* or any other Union member who so requests results of any Union Election, Referendum, or Plebiscites;
  - (g) Providing a full exit report to Council which includes all information that the CRO deems to be relevant to the election and posting same on the ASU website;
  - (h) Validating each nomination paper with their signature or initials after confirming that all eligibility requirements have been met by the candidate within 24 hours after the end of the nomination.
10. The CRO shall hold at least six office hours per week during the nomination, campaign, and voting periods provided that the office hours do not run concurrently.

## Article 8: Deputy Chief Returning Officer

1. The SRC shall appoint a Deputy Chief Returning Officer no later than August 1 to serve a fixed term commencing on August 1 and continuing until the end of the following academic year.
2. The Deputy CRO shall be an active member of the ASU and shall possess a sessional GPA of at least 2.0 at the time of the appointment.

3. An active member shall not be eligible to serve as the Deputy CRO if they are:
  - (a) A current ASU elected or appointed official;
  - (b) A candidate or official agent in a Union Election;
  - (c) Employed by the ASU in any other position.
4. The Deputy CRO shall not be eligible to be nominated in any Union Election during their term of office and, for greater certainty, the Deputy CRO remains ineligible to be nominated in any Union Election during their term of office from August 1 to the end of the following academic year even if they resign their position or are removed from office by the SRC.
5. The Deputy CRO shall be governed by the Council Code of Conduct as if they were a SRC official.
6. The Deputy CRO shall be responsible for the conduct of the Union Election in accordance with the Bylaws of the ASU.
7. The Deputy CRO shall discharge their duties in a fair and impartial manner.
8. The Deputy CRO shall assist the CRO as required during Union Elections, Plebiscites, and Referenda.
9. The Deputy CRO is responsible for completing any reasonable tasks assigned to them by the CRO.
10. The Deputy CRO shall be responsible for determining the location and staffing of each poll station during elections.
11. The Deputy CRO shall serve as a poll supervisor and is responsible for informing all poll clerks of their duties and responsibilities.
12. If the CRO resigns or is otherwise unable or unwilling to fulfill their duties, the Deputy CRO shall fulfill the duties of the CRO for the remainder of the CRO's term.
13. The SRC shall have the power to appoint an alternate Deputy CRO should the Deputy CRO have to assume the duties of the CRO, resign, or be otherwise unable to fulfill the duties of their office.
14. The Deputy CRO shall hold at least three office hours per week during the campaign and voting periods provided that the office hours do not run concurrently.
15. The Deputy CRO is responsible for encouraging students to participate in the election process and educating students with respect to Union Elections.

## Article 9: The Elections Committee

1. The Elections Committee is established as a Standing Committee of Council.
2. The Elections Committee shall be composed of the following members:
  - (a) The Chairperson of Council who shall serve as the Chair of the Elections Committee;
  - (b) Two members of the Executive Board of Council as appointed by Council (one of whom shall serve as the Vice-Chair of the Elections Committee);
  - (c) Two non-executive voting members of Council as appointed by Council.
3. All members of the Elections Committee shall remain officially neutral during any Union Election, Referendum, or Plebiscite and shall not engage in any campaigning for any candidate during their term as a member of the Elections Committee;
4. No member of Council is eligible to sit as a member of the Elections Committee if that member is nominated to run in any Union Election;
5. The Elections Committee shall:
  - (a) Adjudicate complaints filed against the Chief Returning Officer or Deputy Chief Returning Officer;
  - (b) Adjudicate appeals filed in relation to decisions of the CRO;
  - (c) Provide advice on any issue related to a Union Election including Referendum and Plebiscites, to the CRO as requested by the CRO or as deemed necessary by the Elections Committee;
  - (d) Confirm the form of the nomination paper to be used in a Union Election;
  - (e) Confirming that the name of the candidate as it appears on the ballots meets the requirements of Article 18, Section 1 and that the list of names of candidates on the ballots meets the requirements of Article 18, Section 2; and discipline any candidate or election official who contravenes the provisions of this agreement;
  - (f) At the request of the CRO and upon hearing all of the relevant information and upon being satisfied that the Union Election was not conducted in accordance with the Principles outlined in Article 2, the Elections Committee may recommend to Council that a Union Election or Referendum, in whole or in part, be overturned, in which case Council shall make a determination on the issue within seven days of receiving the recommendation of the Elections Committee.

6. The Elections Committee shall hold as many meetings in each year as it considers necessary to deal with election issues.
7. Quorum shall be a majority of the members of the Election Committee.
8. Meetings of the Election Committee may be called by the Chair of the Elections Committee, or President of the ASU, or at the request of the CRO, or the Deputy CRO.

#### Article 10: Withdrawal of Nomination

1. A candidate may withdraw their nomination before the closing of the nomination period and such candidate shall be deemed to not have been officially nominated.
2. Any withdrawal of nomination must be submitted in writing to the Chief Returning Officer and must be signed by both the Chief Returning Officer and the candidate wishing to withdraw their nomination.
3. Any candidate wishing to withdraw from an election after the closing of the nomination period but prior to the first day of campaigning may do so by submitting a Withdrawal of Nomination in writing to the Chief Returning Officer and upon receipt of the withdrawal form, the Chief Returning Officer shall declare that the candidate has withdrawn from the election and is no longer eligible to be elected to any office.
4. The creation and/or publication of a false statement of withdrawal intended to prevent an election of a candidate constitutes an offence under this agreement.

#### Article 11: Death of a Candidate

1. If a candidate dies at any point during a Union Election, the deceased candidate shall be deemed to not have been officially nominated for the position. Subject to the provisions below, the election will continue as if the deceased candidate was not officially nominated and any votes cast for the deceased candidate shall be treated as spoiled ballots.
2. If the deceased candidate was the only candidate nominated for a non-executive position, then the Chief Returning Officer will defer the election to the non-executive position to the By-Election.
3. If the deceased candidate was the only candidate nominated for an Executive position, the Chief Returning Officer shall hold a By-Election to fill the position within thirty days of the date of the General Election.

#### Article 12: Campaign Funding



1. The maximum amount permitted for each candidate to spend on campaign material is:
  - (a) President: \$300.00;
  - (b) Vice President (all offices): \$250.00;
  - (c) All other candidates: \$150.00.
2. Campaign material includes goods, skilled services (excluding unskilled services), or material used in association with a candidate's campaign (hereinafter referred to as "Campaign Material") including, but not limited to, posters, signs, sheets, banners, photocopying, pins, buttons, food items, and beverages but does not include the following exempt items: tape, sticky tack, staples, push pins, thumb tacks, glue, and similar adhesive material.
3. The value of all Campaign Material used in the campaign will be included in calculating the total amount that a candidate spent on Campaign Material and, for greater certainty, the market value of items that are donated to the candidate or otherwise provided to the candidate at no cost, or at a cost below fair market value, will be included in calculating the total amount that a candidate spent on Campaign Material.
4. Candidates are required to provide proof of cost for all Campaign Material purchased for use in the campaign to the Chief Returning Officer within seven days after the election results are announced to the candidates. Failure to provide this information as required constitutes an offence under this agreement.
5. Candidates are also required to provide a list of donated Campaign Material or Material provided at no cost, or at a cost below fair market value, within seven days after the election results are announced to the candidates. Failure to provide this information as required constitutes an offence under this agreement.
6. The Chief Returning Officer shall provide a reasonable estimate of the market value of any Campaign Material that was donated to the candidate for use during the campaign or otherwise provided at no cost or at a cost below fair market value to the candidate. The market value as determined by the CRO will be included in calculating the total maximum amount that a candidate spent on Campaign Materials.
7. Candidates for the position of President or Vice-President (all offices) are eligible to receive reimbursement for the costs of Campaign Material and, in particular, the candidates for the position of President or Vice-President (all offices) are eligible to receive 50 percent of the amount spent on campaign materials provided that the candidate has received a minimum of 15 percent of the total votes cast for their respective position, and further provided that the candidate has not committed an offence set out in Article 22, Section 4 of this agreement.

## Article 13: Campaign Rules and Regulations

1. Campaigning includes all activities related to the promotion of a candidate in a Union Election and is not limited to electronic campaigning on social media and static media (websites).
2. All Campaigning will be positive in nature and in accordance with:
  - (a) The rules of fair play outlined in Article 14;
  - (b) The community standards established in Article 15.
3. No candidate will:
  - (a) publish a false statement that is damaging to another candidate's reputation (libel); or
  - (b) make a false or damaging statement about another candidate (slander).
4. No candidate will engage in Campaigning before 8:00 am on the first day of campaigning.
5. The Chief Returning Officer will hold the All Candidates Meeting on the Monday following the close of nominations. At the All Candidates Meeting, the CRO will provide a summary of the Election Rules and Regulations and an overview of scheduling for the Election period.
6. All Candidates are required to attend the above mentioned All Candidates Meeting either in person or by agent. A candidate may be excused from attending the meeting with the consent of the CRO. Such consent shall not be unreasonably denied.
7. If the CRO does not consent to a candidate's request to be excused from the All Candidates Meeting, the candidate can appeal the decision of the CRO to the Elections Committee.
8. A candidate that is excused from the attending the All Candidates Meeting is responsible for obtaining the information discussed at the meeting from the CRO.
9. An unexcused failure to attend the All Candidates Meeting constitutes an offence under this agreement.
10. Candidates are prohibited from forming a slate wherein two or more candidates run on a common election platform, and candidates are further prohibited from participating in shared publicity.
11. All Campaign Material will be approved by the Chief Returning Officer to confirm compliance with this agreement prior to its being used in a campaign by a candidate.
12. No candidate or person acting on the instructions of a candidate may deliberately cover, destroy, damage, deface, or remove any campaign material of any other

candidate during the Election period. The action of any such person acting on the instructions of a candidate shall be deemed to be the actions of the candidate.

13. Campaigning is not permitted in the following areas:
  - (a) In any class, classroom, lab, or laboratory of the University;
  - (b) On the second floor, third floor, or fourth floor and in the basement of the University library;
  - (c) In the dining area (second floor) of Wheelock Dining Hall; and
  - (d) In any office belonging to the Acadia Students' Union.
14. Campaigning in a University Residence will be arranged through House Council and is subject to the regulations of the University Residence or as set by Residence Life.
15. Campaigning in the Athletics Complex is permitted subject to applicable rules of the facility.
16. Campaigning in the Axe Bar & Grill is permitted subject to the applicable rules regarding the placement of posters.
17. Campaigning at any social event of the Acadia Students' Union, Internal Organization, House Council, or Club of the Union shall only be permitted with the consent of the ASU, Internal Organization, House Council, or Club of the Union.
18. No candidate is permitted to use the logo, corporate seal, or any other copyright material of the Union in their campaign or as part of their Campaign Material.
19. No candidate or supporter of a candidate is permitted to use their position as a member of the SRC to their advantage over other candidates by using resources from their office, or by virtue of the fact that they were elected to that office in the last Union Election.
20. The maximum number of posters that can be displayed by each candidate is as follows:
  - (a) President: 125;
  - (b) Vice President (all offices): 100;
  - (c) All other candidates: 75.
21. A candidate is not permitted to display a poster that exceeds 11 x 17 inches in size with the following exceptions:
  - (a) Executive Board candidates may display a maximum of two posters exceeding 11 x 17 inches in size; and

- (b) Candidates for other elected positions may display a maximum of one poster exceeding 11 x 17 inches in size.
22. Candidates are required to number every poster that they display during the campaign.
  23. Candidates are required to remove Campaign Material that is within eight meters of a polling station and visible to those students attending at the polling station at least 24 hours prior to the opening of the polls.
  24. Candidates are responsible for removing all Campaign Material within 48 hours after the public announcement of election results. This includes the removal of all electronic campaigning material.
  25. The Chief Returning Office will advise all candidates of the All Candidates Debate and the All Candidates Debate will include an opportunity for audience questions.
  26. Any candidate that contravenes any of the Campaign Rules and Regulations outlined in Article 13 of this agreement is guilty of an offence and subject to disciplinary action as provided in this agreement.

#### Article 14: Rules of Fair Play in Union Elections

1. In accordance with the principles established in Article 2, Section 1, Candidates in any Union Election are required to conduct themselves in accordance with the following rules of fair play:
  - (a) Candidates will demonstrate respect for others;
  - (b) Candidates will engage in fair competition;
  - (c) Candidates will compete on equal terms in order for voters to make a fair decision;
  - (d) Candidates will demonstrate integrity by adhering to a code of moral values, particularly honesty, during Union Elections;
  - (e) Candidates will regard Union Elections with a sense of respect for the democratic process, and with an ultimate goal of enhancing the welfare of students at Acadia University;
  - (f) Candidates will demonstrate an ability and willingness to tolerate opposing opinions, behaviours, and decisions; and
  - (g) Candidates will demonstrate concern for and attach importance to the interests of members of the ASU and the Acadia Students' Union;
  - (h) Any candidate that contravenes any of the Rules of Fair Play in Union Elections outlined in Article 14 of this agreement is guilty of an offence and subject to disciplinary action as provided in this agreement.

## Article 15: Community Standards in Union Elections

1. In accordance with the principles established in Article 2, Section 1, candidates in any Union Election are required to conduct themselves in accordance with the following community standards:
  - (a) As students at Acadia University and members of the ASU, all participants in Union Elections, including candidates, volunteers, and voters, shall be required to comply with University and ASU Bylaws, Policies, and Procedures, including rules related to harassment, discrimination, and other types of non-academic misconduct;
  - (b) ASU welcomes debate and dissent; however, campaign activities are not permitted to harm the reputation of any individual, the ASU, or Acadia University;
  - (c) Campaign activities are not permitted to interfere with or cause unwelcome disruption to any person or group including faculty, staff, or students who continue to study, attend class, and work during the Union Elections;
  - (d) Campaign activities will not insult, attack, harass, bully, threaten, demean, or impersonate others;
  - (e) Campaign activities will not advocate hate, violence, or contempt against any individual or group based on race, ethnicity, religion, sexual orientation, sex, gender identity, personal expression, or ability;
  - (f) Campaign activities will not contain content that is graphic, violent, or obscene and this includes content is construed to be explicit, overly suggestive, or intentionally shocking;
  - (g) Campaign activities will not promote the excessive consumption of cannabis, alcohol or drinking games, or smoking;
  - (h) Candidates shall comply with all municipal, provincial, and federal laws and campaign activities will not promote or depict illegal activities;
  - (i) Participants in Union Elections have a right to privacy and campaign activities will not reveal the personal information of others without their consent.
2. Any candidate that contravenes any of the Community Standards in Union Elections outlined in Article 15 of this agreement is guilty of an offence and subject to disciplinary action as provided in this agreement.

## Article 16: Union Media in Elections

1. Union Media is defined as:
  - (a) *The Athenaeum*;
  - (b) Axe Radio; and
  - (c) Any other Internal Organization or ASU-ratified Club that acts as a means of mass communication to students.

2. All candidates are entitled to have a photo of themselves and a limited write-up of their election platform published in *The Athenaeum*.
3. The deadline and directions for submitting these write-ups and photos will be established by the Chief Returning Officer in cooperation with the Editor-in-Chief of *The Athenaeum* and given to candidates at the All Candidates Meeting. Should a candidate miss the deadline or choose not to attend the meeting, no additional space shall be granted in *The Athenaeum*.
4. All photos must be in head-shot format and should be appropriate for publication, subject to the discretion of the Chief Returning Officer and the Editor-in-Chief of *The Athenaeum*.
5. Written submissions for the candidates shall not exceed the following word maximums:
  - (a) Presidential candidates: 300 words;
  - (b) Vice Presidential candidates: 250 words;
  - (c) All other candidates: 150 words.
6. *The Athenaeum* shall publish the photos and written submissions no earlier than Campaign Day #1 and no later than Campaign Day #5.
7. The Editor-in-Chief shall ensure that no person(s) reads any of the candidates' written submissions before publication, except for *The Athenaeum* staff member(s) responsible for laying-out the content. These staff members shall be bound to confidentiality.
8. Acceptability of *The Athenaeum* written submissions shall be determined by the Chief Returning Officer in cooperation with the Editor-in-Chief. If a written submission is determined to be unacceptable, the Chief Returning Officer will advise the candidate immediately and provide the candidate with an opportunity to provide a replacement written submission.
9. Any Union Media staff member who is a candidate in the election shall not in any way be involved with Union Media from the opening of the campaign period to the end of the Election.
10. Union Media shall have the right to report and analyze election news but shall not have the right to endorse or oppose any candidate or platform.
11. Union Media must offer every candidate for each position equal opportunity to participate in and comment on any reporting published by Union Media.

12. Any publicity purchased by a candidate that is published in Union Media and pertains to a specific candidate will include a disclaimer stating that the ideas printed are those of the author, not of Union Media, or the Acadia Students' Union.
13. No candidate may slander another candidate in Union Media or in their written submission. Candidates may address another candidate's platform, but attacks of a personal nature will not be tolerated.

## Article 17: Election Officials

1. The following persons are Election Officials:
  - (a) The Chief Returning Officer;
  - (b) The Deputy Chief Returning Officer;
  - (c) The Poll Clerks.
2. Election Officials will:
  - (a) Carry out their duties in an impartial and objective manner;
  - (b) Not support or endorse any candidate in any manner;
  - (c) Not sign the nomination form for any candidate;
  - (d) Not be eligible for nomination for any position in an election for which they are an official;
  - (e) Not submit nomination papers for an elected position in an election for which they are an official.
3. Members of Council are eligible to serve as Poll Clerks at the discretion of the Chief Returning Officer.

## Article 18: Ballots

1. The name of the candidate shall appear on the ballot as listed in the University system.
2. The list of names of candidates on ballots shall be listed in alphabetical order according to last name.
3. No campaign logos, slogans, or photos shall be displayed on ballots.
4. The Chief Returning Officer shall be responsible for the creation of electronic ballots in conjunction with Technology Services.
5. A spoiled ballot shall not be counted as an eligible vote.

6. A spoiled ballot shall be defined as a ballot in which a voter selects more than the requisite number of positions available in the Election.
7. Should only one candidate be nominated for any elected position in a Union Election, the Chief Returning Officer shall declare that candidate to be acclaimed to the position.

## Article 19: Voting

1. Only ordinary or associate members of the Union may vote in a Union Election, Referendum, or Plebiscite.
2. Each voter shall be allowed to vote for only one candidate for each position of which they are an eligible voter except for the position of Councilor, for which each voter may choose up to two candidates.
3. Only first year students are eligible to vote in the election for the First Year Representative and only students in the respective faculty are eligible to vote for the respective position of Senator.
4. The right of the Chief Returning Officer and the Deputy Chief Returning Office to vote in any Union Election is withheld and Technology Services shall be directed to disable their online voting ability.
5. In the case of a tie vote for an elected position, the Chief Returning Officer will determine the winner by way of a coin toss. The Elections Committee shall set the time and place of the coin toss.
6. There is no Proxy voting permitted in any Union Election.

## Article 20: Polling

1. Polling will take place online from at least 8:30 am on the first day of voting until 4:30 pm on the fifth day of voting. All eligible students will be able to login to the University Network and vote during this time.
2. The Chief Returning Officer will ensure that on Voting Day #4 and Voting Day #5 there are (at a minimum) polling stations in the Beveridge Arts Centre, Huggins Science Hall, the Athletics Complex, Patterson Hall, Students' Centre, and Wheelock Dining Hall (second floor) where students may vote online.
3. Polling stations will be open from 8:30 am to 4:00 pm on all voting days and this time period will be strictly enforced by the Poll Clerks with no late voting permitted.
4. For a candidate to be successfully elected, they must receive the largest number of all eligible votes cast. For Councilor positions, the top two candidates with the largest



individual number of all eligible votes cast are declared as the elected representatives, subject to the number of positions being contested.

5. All eligible votes cast includes all votes received by Technical Services from the time the polls open on the first day of voting to the time that the polls close on the fifth day of voting except for those ballots deemed spoiled.
6. The Chief Returning Officer will announce the results to the candidates at a meeting to be held after voting has concluded and prior to emailing students the results as provided in Section 7 (below).
7. The Chief Returning Officer will announce the results of the Election to the student body within 24 hours after the closing of the polls on the last voting day through all student email and shall distribute the information through the ASU social media, the ASU website, and the CRO social media.

## Article 21: Offences

1. Any person who is a candidate or Election Official in a Union Election will be subject to discipline by the Elections Committee for contraventions of this agreement.
2. Any ordinary or associate member of the ASU may make a complaint against a candidate.
3. To submit a complaint, the complainant shall complete and submit an Official Complaints Form to the Chief Returning Officer any time after the close of nominations but no later than five days after the closing of the voting period. If the subject of the complaint is the Chief Returning Officer, the complainant will complete and submit the Official Complaints Form to the Chair of the Elections Committee.
4. The Official Complaints Form will include the name of the candidate who is being accused of contravening this agreement, the name of at least one witness to the alleged offence, the Section of the Bylaw that is alleged to have been violated, and a brief description of the offence.
5. Upon receipt of an Official Complaints Form, the Chief Returning Officer will:
  - (a) Investigate the complaint and determine if there is a *prima facie* case, that is if the evidence provided by the complainant and/or witness is sufficient to establish a violation of the Bylaw, provided that the evidence is not rebutted by the other party;
  - (b) If it is determined that a *prima facie* case does not exist, the Chief Returning Officer will advise the complainant in writing that the complaint has been dismissed;

- (c) If it is determined that a *prima facie* case does exist, the Chief Returning Officer will contact the accused and advise them of the allegations, provide the accused with a copy of the complaint, and request that the accused provide a response to the complaint;
  - (d) Following the receipt of the response to the complaint from the accused, the Chief Returning Officer will determine if there was a contravention of the Bylaw and will advise the accused and the complainant in writing of the decision;
  - (e) If the Chief Returning Officer finds that there was a contravention of the Bylaw, the Chief Returning Officer shall recommend disciplinary action (if deemed necessary) to the Elections Committee within 48 hours and shall advise the accused and complainant in writing of the recommended disciplinary action;
  - (f) The Election Committee shall render a decision on discipline within 48 hours of receiving the recommendation from the Chief Returning Officer.
6. If the accused or the complainant is not satisfied with a decision rendered by the Chief Returning Officer as provided in Article 21, Section 5 then the accused or the complainant (as the case may be) may appeal the decision to the Elections Committee as follows:
- (a) The complainant or accused shall complete and submit an Official Appeals Form to the Deputy Chief Returning Officer, who shall inform the Chairperson of the Elections Committee of the filing of the Appeal.
  - (b) The Chairperson shall convene the Elections Committee within 48 hours of the filing of the Official Appeals Form;
  - (c) The original Official Complaints Form shall be provided to the Elections Committee by the Chief Returning Officer together with any information provided by the Accused;
  - (d) At the hearing of the Appeal, the Chief Returning Officer will be permitted 20 minutes to explain the original complaint, their investigation, any information provided by the accused in response to the complaint, and the reasoning behind their decision, and any additional time required to answer any questions posed by the Elections Committee;
  - (e) The appellant will be permitted five minutes to explain the basis of their appeal and any additional time required to answer any questions posed by the Elections Committee;
  - (f) The Elections Committee shall render a decision on the appeal and take disciplinary action (if necessary) within 48 hours of hearing the appeal;
  - (g) The Elections Committee will send a written response to the complainant, the accused, and the Chief Returning Officer within 48 hours of rendering the decision on the appeal.
7. If there is a complaint filed against the Chief Returning Officer, the Chair will convene the Elections Committee within 24 hours of receiving the Official Complaints Form.
8. Upon receipt of the Official Complaints Form, the Election Committee will:

- (a) Investigate the complaint and determine if there is a *prima facie* case, that is if the evidence provided by the complainant and/or witness(es) is enough to establish a violation of the Bylaw, provided that the evidence is not rebutted by the other party;
  - (b) If it is determined that a *prima facie* case does not exist, then the Chair of the Elections Committee will advise the complainant in writing that the complaint has been dismissed;
  - (c) If it is determined that a *prima facie* case exists then the Chair of the Elections Committee will contact the Chief Returning Officer and advise them of the allegations, provide them with a copy of the complaint, and request that they provide a response to the Chair;
  - (d) Following the receipt of the response to the complaint from the Chief Returning Officer, the Elections Committee will determine whether there was a contravention of the Bylaw and will advise the Chief Returning Officer and the complainant in writing of the decision;
  - (e) If the Elections Committee finds that there was a contravention of the Bylaw then the Elections Committee has 48 hours to take disciplinary action (if deemed necessary) and advise the Chief Returning Officer and complainant in writing of the disciplinary action taken.
9. The filing of a frivolous or vexatious complaint by a candidate is an offence under this agreement.
10. A frivolous complaint is a complaint that has no merit.
11. A vexatious complaint is a complaint which is brought, regardless of its merits, solely to harass a candidate.
12. The Chief Returning Officer will determine if a complaint is frivolous or vexatious and any such complaint shall be dismissed and any candidate filing such a complaint will be subject to disciplinary action.
13. The decision of the Chief Returning Officer which identifies a complaint as frivolous or vexatious may be appealed to the Elections Committee.

## Article 22: Sanctions

1. Candidates who have been found to have contravened this agreement may be subject to one or more of the following sanctions:
- (a) A written warning;
  - (b) A fine (not to exceed \$50.00);
  - (c) A reduction in the amount of election refund eligibility;
  - (d) Imposition of limits, restrictions, or prohibitions on any campaigning for any period;
  - (e) A ban from participating in any debate;

- (f) A requirement to remove all or part of Campaign Material (on or off campus);
  - (g) A recommendation for impeachment if already a member of Council; and/or
  - (h) Disqualification as a candidate in the Union Election.
2. The Elections Committee may establish a schedule outlining how fines may be levied for specific violations.
  3. Disqualifications will be based on the accumulation of points, with no candidate permitted to continue running in a Union Election or assume office if they acquire 100 or more points.
  4. The following point allocations may be levied against a candidate by the Elections Committee for contravention of the following:

Article & Section	Offence Description	Points
10(4)	Creation of False Statement of Withdrawal	75
12(1)	Exceeding Spending Limits	1/\$
12(4)	Failure to Submit Receipts	10/receipt
12(5)	Failure to Submit List of Donated Items	10/item
13(3)	Libel / Slander in Campaigning	50 – 100
13(4)	Pre-Campaigning	30
13(9)	Unexcused Failure to Attend All Candidates Meeting	50
13(10)	Slate	100
13(10)	Shared Publicity	50
13(11); 13(20-22)	Use of Unapproved Campaign Material	20
13(12)	Destruction of Campaign Material	50
13(13)-(17)	Campaigning in Restricted Area	10-50/ per poster
13(18)	Use of Corporate Logo	10

13(19)	Use of Union Resources	60
13(23)-(24)	Failure to Remove Campaign Material	5/poster 10/website
14(1)	Breach of Rules of Fair Play	10 - 50
15(1)	Breach of Community Standards	10 – 50
16(13)	Slander in Union Media	100
21(12)	Filing a Frivolous or Vexatious Complaint	50

### Article 23: Overturning Election Results

1. At the request of the CRO, and upon hearing all the relevant information, and upon being satisfied that the Union Election was not conducted in accordance with the Principles outlined in Article 2, the Elections Committee may recommend to Council that a Union Election or Referendum, in whole or in part, be overturned.
2. Council may, on the recommendation of the Elections Committee, and after hearing all of the evidence and upon being satisfied that the Union Election was not conducted in accordance with the Principles contained in Article 2, declare that the results of the Union Election are overturned and further declare that the Union Election results are null and void, in which case Council shall set the date of the new Union Election.
3. The new Union Election as established pursuant to Article 23, Section 2 will be held within 30 days of the decision of Council to declare that the results of the Union Election are overturned.

### Article 24: Referendum & Plebiscites

1. A Referendum or Plebiscite (as the case may be) may be initiated by Council on any issue through a two-thirds vote of Council.
2. The wording on the ballot shall be approved by Council.
3. Notwithstanding Section 1, a Referendum shall be held prior to the ASU implementing a new student fee.
4. All Referenda and Plebiscites shall require a voter turnout of 25 percent of eligible voters in order to be considered valid.

5. All Referenda and Plebiscites shall be posed in such a way that only “YES” or “NO” responses are available on the ballot.
6. The ballot shall be ordered as follows:
  - (a) “YES”;
  - (b) “NO”.
7. Campaign Material shall not be displayed on the ballot.
8. The CRO shall be responsible for the creation of the electronic ballot with Technology Services.
9. A spoiled ballot shall not be counted as an eligible vote.
10. Only ordinary or associate members of the ASU are eligible to vote in any Referendum or Plebiscite.
11. Each voter shall be allowed to vote for one option.
12. There is no Proxy voting permitted in any Referendum or Plebiscite.
13. The campaigning days and voting days for a Referendum or Plebiscite shall be as set out in Article 4, Section 3 with any such modification as the Elections Committee deems appropriate.
14. Polling will take place online from at least 8:30 am on the first day of voting until 4:30 pm on the fifth day of voting. All eligible students will be able to login to the University Network and vote during this time.
15. The Elections Committee shall establish Campaign Funding limits for a Referendum or Plebiscite which shall be enforced by the CRO.
16. All campaigning in a Referendum or Plebiscite is subject to Articles 13, 14, and 15 with such necessary modification as the Elections Committee deems appropriate.
17. No person shall engage in campaigning in a Referendum or Plebiscite unless they have registered with the Elections Committee.
18. The use of Union Media in a Referendum or Plebiscite is subject to Article 16 with such necessary modification as the Elections Committee deems appropriate.
19. The investigation of complaints of violations of Article 24 shall be conducted in the same manner as provided in Article 21 with such modifications as the Elections Committee deems appropriate.

20. Any person found to have violated any of the provisions of Article 24 by the Elections Committee shall be subject to the sanctions provided in Article 22 with such necessary modification as the Elections Committee deems appropriate.

21. Subject to Section 4 (above), all Referenda, except for those described in the Constitution, Article III, Section 3, shall be determined by a simple majority of the eligible votes cast.

22. The provisions for overturning an Election Result as provided in Article 23 shall apply in the case of Referendum or Plebiscites with such necessary modifications as the Elections Committee deems appropriate.

### Article 25: Amendments

1. No amendments to this agreement will be made by Council during the nomination period, campaign period, or voting period of any Union Election, Referendum, or Plebiscite.

### Article 26: Schedule of the Agreement

1. The agreement is valid during the Election Periods for the ASU General Election Winter 2022, until March 3<sup>rd</sup>, 2022.

### Signature

By signing/typing my name and today's date below, I am agreeing the above listed obligations and the ASU General Election procedures under this agreement.

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Candidate Signature

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Date

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ASU Signature

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Date

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ASU Signature

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Date