

Elections Policy
Students' Legislative Council (72.88)
Approved: April 7, 2015 (72.34)



Definitions

Active Member means a student at the University of Calgary who meets the qualifications for membership established in section 1 of the Union Bylaw.

All-Candidates Meeting means a meeting scheduled by the CRO that is mandatory for all Candidates or Official Agents to attend.

Campaign Group means an Active Member or group of Active Members registered as the official "yes" or "no" side for a Referendum or Plebiscite question.

Campaigning means all activities related to the promotion of a Candidate.

Candidate means an Active Member who is seeking election for the office of President, Vice President Academic, Vice President External, Vice President Student Life, Vice President Operations and Finance, Faculty Representative, or Board of Governors or Senate Student-at-Large Representative in a Union Election.

Chief Returning Officer (CRO) means the Active Member responsible for administering Union Elections in accordance with this policy.

Elected or Appointed Officials mean current SLC members and the current Board of Governors and Senate Student-at-Large Representatives.

Endorsement means verbal or written support of a Candidate.

Frivolous Complaint means a complaint that has no merit.

Nomination Days refer to the days at the end of the Nomination Period during which the CRO will accept nominations. At the end of Nomination Days, the CRO declares the Candidates, acclamations, and vacancies for each position.

Nomination Package means the package provided to potential Candidates for Union Elections. It includes information about positions up for election, election related policies and procedures, the election calendar, and any election related forms and paperwork.

Nomination Period means the days from when the Notice of Nomination is posted up to and including the Nomination Days.

Notice of Election refers to the CRO declaration confirming the Candidates for each position up for election and Referendum or Plebiscite questions that will appear on the ballot, including the dates and times for voting. The Notice of Election occurs after the final Nomination Day.

Notice of Nomination refers to the day the CRO announces the positions that are up for election and Referendum or Plebiscite questions that will appear on the ballot.

Official Agent means anyone designated by a Candidate and properly registered with the CRO to act as an official representative of that Candidate in all matters related to a Union Election.

Petition means a formal written request, signed by at least ten percent of Active Members, requesting SLC to conduct a vote on and implement any resolution pertaining to the affairs of the Union, including a proposed Referendum or Plebiscite question.

Plebiscite means a general vote of Active Members on a single question that has been referred to them for their opinion on an important proposal. The outcome of a Plebiscite is not binding but as an expression of popular will it can carry considerable weight.

Referendum means a general vote of Active Members on a single question that has been referred to them for a direct decision. The outcome of a Referendum is binding on the Union. Referenda are required to establish or increase fees administered by the Union or to amend the Constitution.

Union Policy means any official statement of values, beliefs, principles or processes of the Union as outlined in the Constitution, Union Bylaw, Policies, Procedures, Resolutions or Terms of Reference which are amenable in the proper form dictated by either the Constitution or Union Bylaw.

Union Elections means a process by which an Active Member is selected to be on SLC or as a Board of Governors or Senate Student-at-Large Representative at a General Election or By-Election.

Vexatious Complaint means a complaint which is brought, regardless of its merits, solely to harass or subdue another person.

Purpose

- 1 (1) The purpose of this policy is to:
 - (a) Fulfil requirements established in the Post-Secondary Learning Act pertaining to the administration of Union Elections;
 - (b) Establish principles for how Union Elections shall be administered;
 - (c) Delegate authority for the management of Union Elections to the Chief Returning Officer (CRO) and General Manager or designate as appropriate;
 - (d) Establish expectations for the conduct of Union Elections; and
 - (e) Outline standards and criteria for the administration of a fair and valid election.

Authority

- 2 (1) Section 93(3) of the Post-Secondary Learning Act (PSLA) legislates that the students association of a public post-secondary institution shall provide for the administration of student affairs at the

public post-secondary institution, including the development and enforcement of rules relating to student affairs.

- (2) Section 95(1)(a) of the PSLA legislates that the businesses and affairs of a student organization of a public post-secondary institution must be managed by a council, the members of which are to be elected by and from the members of the student organization as provided in the Bylaws made by the council.
- (3) Section 95(2)(b) PSLA states that the council of a student organization may make bylaws governing the qualifications for election as a member of the council and the time and manner of conducting the elections.
- (4) In accordance with section 95 of the PSLA, Union Bylaw sections 42-55 establish:
 - (a) Union Elections; and
 - (b) The ability for the Students' Legislative Council to create additional policies and procedures pertaining to the administration and conduct of Union Elections.
- (5) As per Union Bylaw section 88, all Union Policy shall be made in accordance with the Constitution and Union Bylaw.

Principles

- 3 (1) The Students' Union (SU) shall ensure that Union Elections are administered in accordance with the SU's mission, vision, and values. 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.

Statement of Independence

- 4 (1) The SU shall not endorse or support the views of any Candidate in any Union Election. Further, the views of any Candidate during the course of campaigning shall not necessarily represent the views of the SU or current Elected or Appointed Officials.

Eligibility

- 5 (1) In accordance with Union Bylaw section 3, all current Active Members shall be eligible to run in Union Elections.
- (2) An Active Member who wishes to be nominated for an executive position must have completed at least one half-course at the University of Calgary in each of the preceding fall and winter semesters to be eligible for nomination.

- (3) An Active Member who wishes to be nominated for a faculty representative position may only be nominated for the faculty in which he or she is currently registered in a program leading to a degree¹.
 - (4) A current Elected Official or Appointed Official may be nominated in an upcoming Union Election if his or her office will be up for election.
- 6 (1) An Active Member is not eligible to be nominated as a Candidate for any position being contested in any Union Election if he or she is:
- (a) The CRO;
 - (b) A member of the Review Board or Tribunal;
 - (c) Disqualified from eligibility to run in Union Elections by SLC, the Review Board, or the Tribunal;
 - (d) Indebted to the SU for more than \$75.00, unless a written agreement to repay the debt has been entered into with the SU;
 - (e) An SU employee who has not taken a leave of absence; or
 - (f) Party to litigation with the SU.
- 7 (1) To be nominated to run in a Union Election, eligible Active Members shall complete and submit an election Nomination Package during Nomination Days:
- (a) Executive Candidates shall collect 150 signatures of Active Members;
 - (b) Faculty representative Candidates shall collect 50 signatures of Active Members registered in their faculty;
 - (i) Faculty representative Candidates in faculties with fewer than 250 undergraduate students² shall collect the signatures of 20% of the Active Members registered in that faculty; and
 - (c) Senate and Board of Governors Student-at-Large Representative Candidates shall collect 50 signatures of Active Members.
- (2) All Candidates (including Official Agents, if applicable) must attend at least one All-Candidates Meeting before being eligible to run in the given Union Election.

CRO

- 8 (1) As established in Union Bylaw section 44(1), the CRO shall be an Active Member.
- (2) An Active Member shall not be eligible to serve as the CRO if he or she is:
- (a) A current SU Elected or Appointed Official;

¹ The University of Calgary Calendar defines this as a "Regular Student" – a student who has been formally admitted and is registered in a program leading to a degree. Open Studies Students, Visiting Students, and Exchange Students are not eligible for Faculty Representative positions.

² Faculty enrolment data may be obtained from the university's Fact Book published by the Office of Institutional Analysis.

- (b) A member of the Review Board or Tribunal;
 - (c) A Candidate or Official Agent in a Union Election.
- (3) In accordance with Union Bylaw section 63(2), no SU Executive shall be eligible to become the CRO within three years of the Executive's term in office.
- 9 (1) The CRO shall be governed by Conflict of Interest provisions established in Union Bylaw section 137.

Delegation of Authority

- 10 (1) The CRO and General Manager or designate shall be delegated authority for the administration and conduct of Union Elections.
- (2) The CRO shall establish operational rules and procedures regarding Nominations, Campaigning, Expenses and Candidate conduct in accordance with:
- (a) All relevant Union Policy, including but not limited to the Union Bylaw and this Elections Policy;
 - (b) University policies and procedures; and
 - (c) Municipal, provincial, and federal legislation.
- (3) The CRO may make decisions with respect to the administration and conduct of any Union Election, taking into consideration:
- (a) All relevant Union Policy;
 - (b) The SU's mission, vision, and values;
 - (c) Input from the General Manager or designate;
 - (d) Student feedback;
 - (e) University policies and procedures; and
 - (f) Best practices for the administration of elections.
- 11 (1) The General Manager or designate shall have the authority to make decisions regarding staff involvement in Union Elections.

Referendums and Plebiscites

- 12 (1) All Referendum and Plebiscite questions shall be initiated and administered in accordance with the Union Bylaw.
- (2) The Union shall only administer Referendum and Plebiscite questions that:
- (a) Align with the SU's mandate established in the PSLA;
 - (b) Align with the SU's mission, vision, and values; and
 - (c) Permit the General Manager to exercise professional judgment in discharging responsibility for the administration and operations of the SU.
- 13 (1) A Petition of Active Members shall be considered valid if:

- (a) The Petition includes the names, university identification number, phone number, address, and signature of the official representative(s) of the Petition;
 - (b) The proposed Referendum or Plebiscite questions to appear on the ballot appears identically on each page of the Petition;
 - (c) The Petition is signed by at least ten percent of Active Members;
 - (d) Each Active Member who is a signatory to the Petition prints their name and student identification number adjacent to their signature;
 - (e) Each signature to the Petition is witnessed by an official representative of the Petition; and
 - (f) The witnesses submit an affidavit with the Petition attesting to the eligibility of each signatory to sign the Petition as an Active Member.
- 14 (1) In accordance with Union Bylaw section 53(3), SLC may vote to approve a Referendum or Plebiscite question to appear on the ballot during the upcoming Union Election if the question meets the following criteria:
- (a) Referendum questions shall be written in the form of a polar question³;
 - (b) Plebiscite questions shall either solicit preference or ask a polar question;
 - (c) All proposed Referendum and Plebiscite questions shall include:
 - (i) The name of the individual or group sponsoring the question; and
 - (ii) Reasonable background information enabling voters to make an informed choice;
 - (d) All proposed Referendum questions shall include an explanation of each possible outcome;
 - (e) All proposed Referendum and Plebiscite questions calling for a change in the level of a current fee or for the creation of a new fee shall include:
 - (i) Information on the purpose of the fee;
 - (ii) The university sessions during which the fee will be levied;
 - (iii) The level of the fee in all faculties, programs and session in which the fee level may be different;
 - (iv) The duration of the fee;
 - (v) If applicable, the current per student, per session level of the fee; and
 - (vi) The future per student, per session level of the fee in the event of an affirmative vote.
- (2) The CRO and General Manager or designate shall verify the grammatical correctness and clarity of all proposed Referendum and Plebiscite questions and may make non-substantive changes to clarify the intent or correct grammatical errors prior to SLC approval.
- 15 (1) The SU shall remain neutral in regard to all Referendum and Plebiscite questions.
- (2) Notwithstanding section 15(1), SLC may vote by Special Super Majority Resolution to support a side in the event that a Referendum question concerns a fee levied for the maintenance of the association, as established in section 93(2)(e) of the PSLA.
- 16 (1) There may be one Campaign Group registered for each side of a Referendum and Plebiscite question appearing on the ballot during a Union Election.

³ A polar question has only two possible responses, yes or no.

- (a) An Active Member or group of Active Members may register as the official “yes” or “no” Campaign Group on a first come, first served basis for a given question in accordance with procedures established by the CRO.

Election Calendar

17 (1) The CRO and General Manager or designate shall create and make available an annual calendar for the administration of Union Elections, establishing dates for:

- (a) Notice of Nominations;
- (b) Referendum and Plebiscite question submission and approval by SLC;
- (c) Nomination Days;
- (d) Notice of Elections, acclamations, and vacancies;
- (e) All-Candidates Meetings;
- (f) Campaign funding procedure deadlines;
- (g) Campaign periods;
- (h) Voting days; and
- (i) Appeal deadlines.

18 (1) Regular voting days for the annual General Election shall be held no later than two weeks after Reading Week for at least three consecutive business days.

(2) Regular voting days for the annual By-Election shall be held during the second full week of October for at least three consecutive business days.

Nominations

19 (1) The CRO and General Manager or designate shall establish procedures for:

- (a) Submitting valid nominations;
- (b) Registering a Campaign Group;
- (c) Platform submission;
- (d) Withdrawing nominations; and
- (e) Registering Official Agents.

Campaign Managers, Official Agents and Campaign Volunteers

20 (1) Active Members may serve as Official Agents for Candidates subject to the same criteria outlined in section 6.

- (a) Candidates must register the name of their Official Agent in accordance with procedures established by the CRO.

21 (1) Campaign volunteers may work for any Candidate or Campaign Group in a non-official capacity.

- (a) Campaign volunteers may not receive compensation or in-kind gifts.

Campaigning

- 22 (1) All Campaigning shall be positive in nature and in accordance with:
- (a) The rules of fair play outlined in section 27; and
 - (b) The community standards established in section 28.
- 23 (1) Campaigning shall be strictly prohibited in any campus library or residence facility.
- (2) Campaigning shall be strictly prohibited at all campus food vendors; food vendors shall not be permitted to display or distribute campaign materials on behalf of Candidates or Campaign Groups.
 - (3) Candidates and Campaign Groups shall not be permitted to campaign in classrooms without advance written permission from the instructor assigned to a given course section.
 - (a) Candidates and Campaign Groups may not post campaign materials or write on whiteboards, chalkboards, or other surfaces in classrooms for the purpose of campaigning.
 - (4) It shall be strictly prohibited to use SU resources for the purposes of Campaigning. Campaigning, including the storage of campaign materials, is strictly prohibited in any Students' Union operated offices or business.
 - (5) No person may at any time block or obstruct a means of egress including secondary corridors, fire exits, stairways, stairway landings, aisles, or fire escapes.
 - (6) It shall be strictly prohibited to use, in any way, the SU or any University of Calgary logos (including the Dinos and faculty logos) on any campaign materials.
- 24 (1) Slates, real or apparent, shall not be permitted. Candidates shall not:
- (a) Share expenses for campaign materials;
 - (b) Appear on another Candidate's campaign materials;
 - (c) Produce campaign materials that resemble those of another Candidate in colour, branding or design; or
 - (d) Use the same slogan or slogans as another Candidate.
- 25 (1) In consultation with campus stakeholders and in accordance with the principles established in this policy, the CRO and General Manager or designate shall establish and enforce additional rules and procedures regarding:
- (a) What campaign materials shall be permitted during a Union Election;
 - (b) The content of campaign materials; and
 - (c) The display and distribution of permitted campaign materials.
- (2) Candidates and Campaign Groups shall be responsible for understanding what campaign materials are permitted and how those campaign materials may be displayed or distributed during Union Elections.

- 26 (1) During Voting Days all Campaigning shall be prohibited within a 20m radius sightline of all SU voting stations.

Rules of Fair Play in Union Elections

- 27 (1) In accordance with the principles established in section 3(1), Active Members who choose to participate in Union Elections shall be required to conduct themselves in accordance with the following rules of fair play:
- (a) Participants in Union Elections shall demonstrate respect for others. Respect refers to having due regard for the feelings and the rights of others; further, respect may include admiration or acknowledgement of another's abilities, qualities, or achievements;
 - (b) Participants in Union Elections shall engage in fair competition, understanding that legitimate success is earned in accordance with the rules and without cheating or trying to achieve an unjust advantage;
 - (c) Candidates shall compete on equal terms, especially in regard to status, rights, and opportunities, in order for voters to make a fair decision;
 - (d) Candidates shall demonstrate integrity by adhering to a code of moral values, particularly honesty, during Union Elections;
 - (e) Participants in Union Elections shall regard Union Elections with a sense of unity in pursuit of democratic elections and with an ultimate goal of enhancing the welfare of students at the University of Calgary;
 - (f) Participants in Union Elections shall demonstrate an ability and willingness to tolerate opinions, behaviours, and decisions that they may not necessarily agree with; and
 - (g) Candidates shall demonstrate concern for and attach importance to the interests of Active Members and the Students' Union.

Community Standards in Union Elections

- 28 (1) In accordance with the principles established in section 3(1), Active Members who choose to participate in Union Elections shall be required to conduct themselves in accordance with the following community standards:
- (a) As students at the University of Calgary and members of the SU, all participants in Union Elections, including Candidates, volunteers, and voters, shall be required to comply with university and SU policies and procedures, including rules related to harassment, discrimination, and other types of non-academic misconduct.
 - (b) The SU welcomes debate and dissent; however, campaign activities shall not harm the reputation of any individual, the SU, or the university.
 - (c) Campaign activities shall not 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 Union Elections;
 - (d) Campaign activities shall not insult, attack, harass, bully, threaten, demean, or impersonate others;

- (e) Campaign activities shall 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 shall not contain content that is graphic, violent, or obscene. This includes content that is construed to be explicit, overly suggestive, or intentionally shocking;
- (g) Campaign activities shall not promote the excessive consumption of alcohol or drinking games;
- (h) Participants in Union Elections shall comply with municipal, provincial, and federal laws. Campaign activities shall not promote or depict illegal activities; and
- (i) Participants in Union Elections have a right to privacy. Campaign activities shall not reveal the personal information of others without their consent.

Endorsements

- 29 (1) All Endorsements shall be verbal or written only.
 - (2) In accordance with section 24, Endorsements made by Candidates or Campaign Groups may not appear on Campaign Materials.
- 30 (1) Clubs may not provide monetary or material endorsements to Candidates or Campaign Groups (including campaign materials, club room or table rentals, MSC club space, or any other club benefit).
 - (2) Any Endorsement from a club shall be authorized by the club executive; if a Candidate or Campaign Group member is part of the executive he or she shall abstain from such decisions.
- 31 (1) SU Elected or Appointed Officials shall not utilize SU resources, including their title and any established modes of communicating to students on behalf of the SU, to Endorse Candidates or Campaign Groups.
- 32 (1) Emails or mass communications via social media sent to a managed list of more than one person for the purpose of Campaigning or endorsing a Candidate or Campaign Group must be approved in advance and sent by the list administrator. A copy of the email or communication and a statement from the list administrator who authorized the communication must be sent to the CRO.

Voting

- 33 (1) Voting for Union Elections shall be administered through an online system established by the CRO and General Manager or designate. Paper ballots shall be made available at polling stations in the event that the online system is unavailable.
- 34 (1) Candidates and Official Agents shall have the right to observe voting at any polling station during a Union Election.
 - (a) The CRO or General Manager or designate may impose rules regarding where Candidates or Official Agents may observe voting.
 - (b) Candidates and Official Agents shall not interfere with voters before or after a vote is cast.

Campaign Funding

- 35 (1) All Candidates and Campaign Groups shall be eligible to receive funding from the SU to cover campaign expenses equal to a maximum allowable expenditure for the office/position sought, as established by the CRO and General Manager or designate in accordance with the Annual Budget.
- (3) Campaign donations are not permitted.
- (a) Discounts must be available to all Candidates to be considered an eligible expense.
- 36 (1) The General Manager or designate shall have authority over the administration of all Campaign funding and accounting, including the final authority in determining the validity of expenses and accompanying receipts.

Conduct

- 37 (1) All Candidates and Campaign Groups shall act reasonably, in good faith, and in accordance with the rules of fair play during the course of Union Elections.
- (2) Candidates and Campaign Groups shall be responsible for the actions, and violations stemming from such actions, of any volunteer or individual acting on their behalf.
- 38 (1) In accordance with section 10(3) and in consideration of the principles established in section 3, the CRO may make decisions regarding the conduct of any Candidate or Campaign Group in a Union Election.
- (2) Candidates and Campaign Groups who fail to abide by policies and procedures during a Union Election may be subject to sanctions on the following grounds:
- (a) Minor violations shall include but are not limited to:
- (i) Failing to adhere to the policies and procedures related to Campaigning, rules of fair play, community standards, endorsements, campaign funding or conduct established in this policy;
 - (ii) Making Frivolous or Vexatious Complaints;
 - (iii) Failing to comply with policies and procedures established by the CRO.
- (b) Major violations shall include but are not limited to:
- (i) Failing or ceasing to meet Candidate eligibility requirements;
 - (ii) Failing to comply with a CRO decision;
 - (iii) Interfering with voters, ballots, voting procedures, or ballot counting; and
 - (iv) Repeated and willful violation of election policies and procedures.
- (3) The CRO, in consultation with the General Manager or designate, shall investigate the nature of violations and may impose any combination of the following sanctions:
- (a) For minor violations the CRO may:
- (i) Issue a warning;

- (ii) Levy a fine to be counted against campaign expenses;
- (iii) Confiscate or destroy campaign materials; or
- (iv) Impose limits, restrictions, or prohibitions on any Campaign activities for any period of time.

- (b) For major violations the CRO may:
 - (i) Disqualify a Candidate; or
 - (ii) Invalidate an election or referendum.

(4) Sanctions for minor violations shall not necessarily be considered cumulative.

(5) The CRO may establish a schedule outlining how fines may be levied for specific violations.

39 (1) All Active Members may be subject to the University of Calgary's Non-Academic Misconduct Policy for their conduct in Union Elections.

Complaints

40 (1) Any member of the university community may submit a written complaint to the CRO in accordance with procedures established by the CRO and General Manager or designate. Complaints may be made in regard to any perceived violation of this Elections Policy that may impact the validity and fairness of a Union Election.

(2) Upon receipt of a complaint, the CRO shall provide an initial response to the complainant within 24 hours. The CRO may investigate a complaint and make any decision regarding the conduct of elections in accordance with sections 10(c) and 37 of this policy.

Appeals

41 (1) In accordance with Union Bylaw section 56(1), any Active Member may appeal a CRO decision or contest the validity of a Union Election by application to the Review Board, within five SU business days of the last day of voting, in accordance with procedures established by the Review Board.

Reporting

42 (1) The CRO shall provide a written report to SLC at least three SLC meetings prior to the first day of the Nominations Period for each Union Election. This report shall include:

- (a) The elections calendar for the given Union Election; and
- (b) A summary of any changes to election policies or procedures made since the previous Union Election.

(2) The CRO shall provide a written report to SLC no later than three SLC meetings subsequent to the completion of a Union Election. This report shall include:

- (a) A summary of the results;

- (b) A summary of complaints, concerns, and issues that arose before, during, and after the election; and
- (c) Recommendations for amendments to the Union Bylaw or Election Policy, if necessary.