

## THE ELECTORAL CODE POLICY Preamble

Carleton University Students Association (the Association, or CUSA) is a democratic body which exists for the benefit of its members.

Elections, recalls and referenda conducted by the Association should always be conducted with this aim in mind and therefore must be, and be seen to be, transparent, free and fair.

The conduct of elections and the electoral process must be honest and not favour or hinder any Candidate or group.

To this end, CUSA Council adopts the following rules to govern the electoral process.

### Definitions

- 1.1 “Electoral activities” means any activity related to an election, a recall or a referendum, including, without limiting the generality of the foregoing, voting, communications by any means whatsoever (including social media), and organizing or campaigning of any kind.
- 1.2 “CEO” refers to the position of Chief Electoral Officer. [SEP]
- 1.3 “DEO” refers to the position of Deputy Electoral Officer. [SEP]
- 1.4 “Elections Office” refers to the CEO, DEOs, Electoral Board, and Poll Management [SEP]Supervisors collectively. [SEP]
- 1.5 “Candidate” shall, for the purposes of this policy, refer to: an individual seeking the office of the President, Vice President Finance, Vice President Internal, Vice President Student Life, Vice President Student Services, Vice President Student Issues, or any other of the Constituency Representative positions of CUSA Council; or the Chair of a YES or NO committee for any referenda. [SEP]

- 1.6 “Polling period” refers to the period from when polls open on the first day of voting to when polls close on the last day of voting. <sup>[L]</sup><sub>[SEP]</sub>
- 1.7 “Campaigning” shall be defined as the process of distributing, advertising, exhibiting, presenting, broadcasting, soliciting, or making any sign or gesture so as to exhort or convince any member of the Association to support by ballot or any other means, any candidate in an election, by-election, recall, or referendum. Advertising is interpreted to include any type of publicity that directly promotes or opposes the election of a candidate. <sup>[L]</sup><sub>[SEP]</sub>
- 1.8 A “Majority” shall be defined as an election result where one candidate receives 50% of all votes plus at least one additional vote <sup>[L]</sup><sub>[SEP]</sub>
- 1.9 A “Fair and free election” is one that is democratic, inclusive, and allows for certain civil liberties such as freedom of expression, freedom of association, and freedom of peaceful assembly. <sup>[L]</sup><sub>[SEP]</sub>
- 1.10 “Member” shall, within this Code, refer to all Active Members of the Association as set out in The Constitution of The Carleton University Student’s Association.
- 1.11 “Interested Party” will refer to a campaign worker, the candidate or referendum committee for whom they are campaigning.
- 1.12 “Egregious” will be used to described an electoral offence if it seriously impaired the integrity of the electoral process, or created a reasonable apprehension of such if impairment. Without limiting the generality of the foregoing, an offence is egregious if it altered, or had the potential to alter, the outcome of an election or referendum.

## **2 The CUSA Electoral Code**

- 2.1 The following rules shall be known as the “CUSA Electoral Code”.
- 2.1 All elections, recalls and referenda held by CUSA shall be governed by this Code, <sup>[L]</sup><sub>[SEP]</sub>including elections, and recalls for the following positions:

- i. President of CUSA
- ii. Vice President Finance
- iii. Vice President Internal
- iv. Vice President Student Life
- v. Vice President Student Services
- vi. Vice President Student Issues
- vii. CUSA Council Constituency representatives <sup>[[L]]</sup><sub>[SEP]</sub>

2.3 The Code applies to candidates, referendum committees, slates, and all members of the Association engaged in electoral activities.

2.4 The Hiring of the CEO and DEOs shall take place no later than November 30 of each year. <sup>[[L]]</sup><sub>[SEP]</sub>

### **3 Chief Electoral Officer** <sup>[[L]]</sup><sub>[SEP]</sub>

3.1 There shall be a Chief Electoral Officer (“CEO”), who shall be appointed by resolution of CUSA Council. <sup>[[L]]</sup><sub>[SEP]</sub>

- i. The term of the CEO shall be from ratification by CUSA Council until the subsequent April 30th, or until such time as the CEO resigns or is removed from office by CUSA Council for cause.

3.2 CUSA Council may, following a two-thirds majority vote, remove the CEO for cause, including conflict of interest.

3.3 The term of the CEO may be renewed by CUSA Council.

3.4 The CEO shall be a member of the Association.

3.5 The CEO may not hold any other position within the Association other than membership.

3.6 A person may not be appointed CEO if they currently hold a paid position with CUSA Inc  
[SEP]or the Association.

3.7 The CEO shall be selected from amongst the individuals recommended by the Electoral  
[SEP]Hiring Board in accordance with Part 5.0 of this Code.

3.8 At any time during the term of their appointment, the CEO shall immediately notify the  
[SEP]President and CUSA Council of any potential conflict of interest that could compromise  
[SEP]their ability to discharge the duties of the office.

3.9 The Chief Electoral Officer shall:

- i. exercise general direction and supervision over the conduct of elections, recalls and referenda;
- ii. ensure that all election officers act with fairness and impartiality and in compliance with this Code;
- iii. issue to election officers the instructions that the Chief Electoral Officer considers necessary for the administration of this Code;
- iv. exercise the powers and perform the duties and functions that are necessary for the administration of this Code;
- v. ensure that appropriate steps are taken to notify the University Community of any election, by-election, recall or referenda;
- vi. ensure that any directives from CUSA Council are incorporated into the electoral process;
- vii. ensure that the Elections Office be made available to Elections' Officials and candidates on official business only. [SEP]
- viii. ensure that the location and the amount of poster areas available for candidates' use is made public:
  - a. before the closing of nominations; and
  - b. at the all candidates meeting.

- ix. ensure that sufficient space is provided for all candidates to hang posters, <sup>[11]</sup><sub>SEP</sub> and that no candidate is denied space to place their poster; and provide each candidate and referendum committee with an up to date copy <sup>[11]</sup><sub>SEP</sub> of the Voting Day Policy.
- x. make appropriate accommodations for students with disabilities.
  - a. The CEO may seek the assistance of the Paul Menton Centre and Carleton Disability Awareness Centre to select and provide appropriate accommodations.
- xi. Publish on the CUSA website the expected dates of:
  - a. The writ being presented to council; The nomination period;
  - b. The campaign period;
  - c. The voting period on the business day following ratification of the writ by council.

3.10 The CEO shall have all powers necessary to discharge the duties set out in the Code and is empowered to:

- i. Contract for any good or service needed to discharge the duties of the office, including hiring such additional employees, including poll management supervisors, as are deemed necessary to conduct the affairs of the elections office; ii. Exercise and delegate all powers of the Tunnel Authority as they relate to election, by-election, recall or referendum; and iii. Grant refunds to candidates.

3.11 If the CEO is removed from office, resigns, or becomes otherwise incapacitated during an electoral period, CUSA Council shall appoint a DEO to the position for the duration of the election, recall or referendum.

- i. If CUSA Council cannot agree on a replacement within three (3) days, the Electoral Board shall appoint a DEO to fill the position. <sup>[11]</sup><sub>SEP</sub>
- ii. If no DEO is available to replace the CEO, a member of the Association who meets the eligibility criteria for the position can be appointed following section 5.3 of this Code.

#### **4 Deputy Electoral Officers**

4.1 Council shall approve one or more members of the Association to the position of Deputy Electoral Officer.

- 4.2 The position of DEO is subject to the same eligibility criteria as apply to the position of CEO.
- 4.3 A DEO may, for cause, be dismissed by the CEO.
- 4.4 At any time during the term of the appointment, a DEO shall immediately notify the President and CUSA Council of any potential conflict of interest that could compromise their ability to discharge the duties of the office.
- 4.5 A DEO shall assist the CEO in discharging their duties under this Code, and under the CEO's direction shall;
- i. perform any of the duties of the CEO in the event of absence or incapacity of the latter, subject to any written directives of the CEO.
  - ii. supervise any election staff which may be required to fulfill the specific requirements of the Electoral Code.

## **5 Electoral Hiring Board**

- 5.1 CUSA Council shall establish a hiring board, pursuant to the CUSA HR Policy, for the purpose of recommending individuals for the position of CEO and/or DEO. This board shall be known as the Electoral Hiring Board.
- 5.2 The term of an Electoral Hiring Board shall be fixed by CUSA Council at the time of its creation.
- 5.3 Upon vacancy of the office of CEO or DEO, or whenever such vacancy is anticipated, the Electoral Hiring Board shall recommend to CUSA Council no more than three individuals for each vacant position. [SEP]
- 5.4 In making its recommendations, the electoral hiring board will indicate to CUSA Council which candidate it believes is most qualified for each vacant position.
- i. If the decision of the Hiring Board is not unanimous, and at least two members of the Board disagree, then the Board's findings will include a minority recommendation.

5.5 The Electoral Hiring Board will submit, to Council, a summary of the hiring process. This summary will include:

- i. Key points raised in favour or against each of the candidates recommended to Council;
- ii. This summary will be considered as an In-Camera document and will not be made available outside of CUSA Council.

5.6 If CUSA Council does not approve of any of the candidates recommended by the electoral hiring board, the hiring process shall begin anew, including a new posting.

## **6 Electoral Board**

6.1 For every election, recall, or referendum there shall be an Electoral Board, which shall have the following composition:

- i. The Chair, being the Carleton University Ombudsperson; and
- ii. The Members, being five (5) individuals appointed by CUSA Council.

6.2 The Electoral Board shall be convened by CUSA Council no later than the day of the presentation of the writ of election, recall or referendum.

6.3 The Electoral Board shall remain convened until the election, recall or referendum is complete and all potential complaints arising out of it have been decided or become time-barred.

6.4 The members of the Electoral Board shall be appointed from among the membership of the Association.

- i. No one who currently holds a position on CUSA Council or in the Executive, or who is or expects to be a candidate for such a position during the term of the Electoral Board, may hold the position of member therein. 6.5 Decisions of the Electoral Board are taken by majority vote of the members.

ii. The Chair shall not vote on any matter before the Electoral Board.

6.6 Quorum for the Electoral Board shall be three (3) members plus the Chair.

6.7 Members shall be entitled to an honorarium as set out by Council. [SEP]

## **7 General Elections**

7.1 The CEO shall present the Writ of General Elections to CUSA Council announcing the intention to conduct the General Elections on the dates set forth therein.

7.2 The nomination period will start no earlier than a week after the presentation of the writ to council.

7.3 The Writ of General Elections shall also contain:

- i. budget information for the elections;
- ii. an announcement of expense limits for candidates; and
- iii. a complete schedule for the election period.

7.4 CUSA Council shall consider this Writ as the first item of regular business after passage of the agenda.

7.5 The Writ shall stand unless altered by CUSA Council.

7.6 The Writ of General Election shall be adopted

7.7 The President will ensure that all members have been notified via campus announcements on the CU Portal page, as well as a graphic on the students.carleton.ca website when the nomination period begins.

## **8 By-Elections**

8.1 The CEO shall conduct a By-Election to fill vacancies in the seats of President, Vice President Finance, Vice President Internal, Vice President Student Life, Vice President Student Services, or Vice President Student Issues.

8.2 By-Elections may not be held in the Summer term.

8.3 Vacancies:

- i. Vacancies occurring in the Summer term shall be filled in a September By- Election.
- ii. Vacancies occurring after the beginning of the Fall term shall be filled <sup>[[1]]</sup><sub>[SEP]</sub> through a By-Election held within one month of the vacancy.
- iii. Vacancies occurring during the Winter term shall be automatically filled by the incoming Executive elected during the General Election.

8.4 By-Elections shall be announced and scheduled in the same manner as General Elections. <sup>[[1]]</sup><sub>[SEP]</sub>

8.5 By-Elections shall be scheduled so as not to conflict with the examination period.

## **9 Recall**

9.1 The CEO shall present the Writ of Recall to CUSA Council announcing the intention to conduct a recall election on the dates set forth therein.

9.2 The Writ of Recall shall also contain:

- i. budget information for the election;
- ii. an announcement of expense limits for candidates; and
- iii. the dates of the opening and closing of nominations.

9.3 CUSA Council shall consider this Writ as the first item of regular business after passage of the agenda. <sup>[[1]]</sup><sub>[SEP]</sub>

9.4 The Writ shall stand unless altered by CUSA Council.

9.5 The Writ of Recall shall state the question to be asked.

- i The question shall read: “Shall (name of person) continue to hold the office of (name of office) on CUSA Council?”
- ii The question shall be answerable by a YES or a NO.

## **10 Referenda**

- 10.1 The CEO shall present the Writ of Referendum to Students’ Council announcing the intention to conduct a referendum on the dates set forth therein.
- 10.2 The Writ of Referendum shall also contain:
  - i. estimated budget information for the referendum.
- 10.3 CUSA Council shall consider this Writ of Referendum as the first item of regular business after passage of the agenda.
  - i. If the first item of business is a Writ of Election or a Writ of Recall, the Writ of Referendum shall be the second item.
- 10.4 The Writ shall stand unless altered by CUSA Council.
- 10.5 Referenda questions must be submitted to the Chair of the Constitution and Policy Committee on or before December 31st.
  - i. The Constitution and Policy committee shall consider the questions and make recommendations to the CEO, who shall then present both the writ of referenda and the recommendations of the Constitution and Policy Committee to CUSA Council.
- 10.6 The question shall be stated in such a way that it can be answered YES or NO.
- 10.7 Any referendum question dealing with the collection, alteration, and / or reimbursement of student fees shall require a nomination supporting such a referendum question signed by:
  - i. no less than one thousand (1000) students; or

- ii. 10% of those eligible to vote on the question, whichever is less; or
- iii. A majority vote from CUSA Council

### **11 YES and NO Committees for Recall and Referendum Votes**

- 11.1 There shall be only one (1) YES committee and one (1) NO Committee, for each referendum and/or recall question
- 11.2 The CEO shall announce the date and time of the first meetings of the YES and NO committees through campus media and by any other means they deem necessary.
- 11.3 YES committees for questions dealing with a CUSA-based levy are to be managed by the area manager of the group that would receive the levy.
- 11.4 All members of YES and NO committees must be members of the Association.<sup>[SEP]</sup>
  - i. If a referendum question deals with an organization outside of CUSA, that organization may select a member of the Association to act on its behalf for the purposes of the referendum.

### **12 Nominations**

- 12.1 Nominations shall be entered on a form specified by the CEO and shall be submitted to the CEO by the end of the Nomination Period.
- 12.2 The Nomination Period for any election shall be comprised of three (3) consecutive business days, and shall commence as published in the Writ of Election.
- 12.3 A nominee must be a member of the constituency to which they are being nominated and the nomination form must include:
  - i. Their student number;
  - ii. Contact information;
  - iii. And the name of the nominator who must be a student from the same constituency as the nominee

- 12.4 Nominees must accept nomination at the all-candidates meeting by placing their signature at the bottom of a nomination confirmation letter provided by the CEO.
- 12.5 To be eligible for nomination for any position in CUSA, nominees must not be indebted to CUSA.<sup>[1]</sup><sub>[SEP]</sub>
- 12.6 Each nominee must be nominated by the requisite number of nominators in their constituency, all of whom:
- i. Can nominate as many individuals for any position in their constituency as they wish.
  - ii. Be registered such that, at that time, they are a bona fide member of that constituency, and;
  - iii. Clearly and legibly place their name and correct student number on the nominator form.
- 12.7 No nominator may withdraw their nomination of a nominee after they have signed that nominee's form, unless:
- i. Between the time they signed the form, and the end of the Validation Period, they cease to qualify as a valid nominator.
  - ii. The Nominee agrees to allow the student to withdraw their nomination.
- 12.8 Nominations for President, Vice President Finance, Vice President Internal, Vice President Student Life, Vice President Student Services, and Vice President Student Issues shall contain one hundred (100) signatures of Members of the Association.
- 12.9 Nominations for the Constituency Representatives shall contain the equivalent of two (2) signatures for every seat allotted to the constituency (i.e. for 10 Arts and Social Science seats, 20 signatures would be required).
- 12.10 Special Students need only submit an application to become a candidate.

### **13 Validation Period**

- 13.1 A maximum of two (2) business days occurring after the end of the Nomination Period and before the Campaign Period shall be known as the Validation Period. 13.2 On the final day of

the Validation Period, the CEO shall declare which nominees have been validated. These people shall comprise the candidate list.

- i. The CEO, or their designate, shall supervise the validation process in cooperation with the registrar's office.
- ii. Only nominees with sufficient number of valid signatures shall be declared valid candidates.

13.3 Upon the declaration of the candidate list by the CEO, the campaign period shall be considered open.

## **14 Campaigning**

14.1 There shall be a period of five (5) business days in the campaign period before the polls open.

14.2 The CEO must hold two (2) public debates, both of which shall include an Executive debate, and one of which will allow time for a Council debate if there is sufficient interest.

14.3 The CEO shall ensure that an Election Supplement is published by the Charlatan and other media (where applicable) in print, or online, and distributed before the first day of polling.

- i. The CEO shall refuse any submission to the Election Supplement that violates the CUSA constitution, Bylaws, or Policies.

14.4 All campaign materials used in the election shall clearly indicate the Candidate's name and the position they are running for.

14.5 All campaign material shall be submitted first for approval of the CEO. [L]  
[SEP]

- i. Approval of the CEO shall be denoted by a stamp of the Office of the CEO, which shall appear on all material.

14.6 The CEO shall refuse any item if, in the opinion of the CEO, the material contravenes the CUSA Constitution, Bylaws or Policies, is libelous, or if the material does not clearly identify its originator(s).

14.7 Posters shall be restricted to areas determined by the CEO. The poster areas shall:

- i. be clearly marked by the CEO;
- ii. be large enough to accommodate one (1) poster from each candidate per race; and;
- iii. contain designated spaces reserved for each of the Executive positions.

14.8 No candidate may have more than one (1) poster in each designated area at a time. [SEP]

14.9 Campaign material in the form of stickers may not be used at any point during the campaign. The use of Audio/Video campaign material is permitted. This includes but is not limited to YouTube videos, flash on websites, campaign songs, etc. This is subject to the discretion of the CEO.

14.10 The CEO, at their discretion, is to make use of a list of set minimum prices for all campaign material. Tape and other basic office supplies are exempt.

14.11 Email contact lists

- i. Personal e-mail contact lists need not be shared with the Elections Office.
- ii. E-mail contact lists obtained by professional means may not be used for campaigning.

14.2 Candidates are to campaign in a fair and respectable fashion, as defined by the Carleton University Human Rights Code.

14.3 Professors and other non-student university employees are respectfully requested to not directly endorse or support any Candidate or Referendum Committee or use their position of authority to unduly influence the electoral process.

## **15 Slates**

15.1 Candidates for Executive positions (President, Vice-President Finance, Vice- President for Internal Affairs, Vice-President for Student Life, Vice-President for Student Services, and Vice-President for Student Issues) are permitted to work together and organize a slate to further their individual campaigns.

- 15.2 A slate will be defined as a group of two (2) to six (6) individuals, campaigning for different Executive positions, who share a common vision.
- 15.3 Slates are prohibited in elections for Constituency Representatives. <sup>[L]</sup><sub>[SEP]</sub>
- 15.4 Candidates must inform the CEO of their membership in a slate on their nomination forms.
- 15.5 Candidates may make reference to the slate to which they belong in their campaign materials.
- 15.6 In the event of a breach of the present Code, each member of a slate shall be disciplined on an individual basis.
- 15.7 A single electoral offence can result in a conviction for more than one member of a given slate.
- 15.8 All members of a slate may share common campaign materials.

## **16 Electoral Offences**

- 16.1 Candidates and those members working under their direction must, at all times, comply with the requirements of this Code. Failure to do so constitutes an electoral offence.
- 16.2 It is an electoral offence to undermine the integrity, fairness and freedom of any electoral process governed by this Code. Without limiting the generality of the foregoing, actions that do so include:
- i. Voting Day Policy violations (See section 16.4)
  - ii. Interfering with the operation of seminars, laboratories, offices, other normal functions of the University or addressing a class without prior permission of the instructor.
  - iii. Campaigning within the CUSA Main Office, the Associations' Service Centres or CUSA Businesses.

- iv. Campaigning within the Graduate Student's Association's Main Office or Business.
- v. Campaigning in the CUSA hallways on the fourth floor University Centre.
- vi. Damaging or defacing the property of another candidate, another campaigner, or of CUSA.
- vii. Disrupting the operation of any part of the Residence complex.
- viii. Use of physical violence against any person on campus.
- ix. Disrupting any Rideau River Residents' Association operation, service, or activity.
- x. Campaigning within Residence Buildings.
- xi. Campaigning, or deliberately leaving campaign materials, in any commercial area on campus.
- xii. Disrupting the operations of the Electoral Office. xiii. Campaigning within fifteen (15) meters of a polling station.
- xiii. Postering outside of the designated postering area without the permission of the CEO.
- xiv. Distributing campaign material during the polling period. xvi. Breaching the Carleton University Human Rights Code.
- xv. Using campaign materials that violate this Code.
- xvi. Allowing individuals who are not members of the Association to campaign, on campus, on their behalf.
- xvii. Campaigning, either as a candidate or on their behalf, while wearing CUSA branded apparel.

## **17 Voting Day Policy**

- 17.1 There shall be a Voting Day Policy, which will consist of the rules set out in the present section.
- 17.2 The Voting Day Policy is subject to any additional provisions as set out by the CEO and as approved by the Electoral Board.
- i. If the Electoral Board cannot be convened in a timely manner, the Chair can solicit a vote from among its members using Voting sheets. Voting sheets shall:
    - a. include a printed copy of the proposed additions;
    - b. name each member of the Board with space for their signature indicating their approval;
    - c. be held in the Electoral Office;
    - d. be witnessed by an Electoral Officer; and
    - e. be kept on file by the CEO and made available to CUSA Council upon request.
  - ii. Provisions can be added to the Voting Day Policy at any point until seven (7) days prior to the first voting day.
- 17.3 The CEO shall post the Voting Day Policy on the CUSA website and provide all Candidates and Referendum Committees with a copy within 24 hours of the Writ of Election or Writ of Referendum being adopted by Council.
- i. If the CEO adds provisions to the Voting Day Policy after an election or referendum period has commenced, an updated copy will be published on the CUSA website and sent to all candidates and referendum committees.
- 17.4 Permitted activity
- ii. Candidates may encourage students to vote during the two voting days, as specified by the CEO, through in-person or online means.
  - iii. Candidates may speak to students about campaign points, however they may not introduce new campaign points during the voting period.
- 17.5 Prohibited Activity
- i. Class talks of any kind are not permitted.

- ii. Distribution or display of campaign material is not allowed during the polling <sup>[[ ]]</sup><sub>[SEP]</sub> period, with the exception of:
  - a. posters in their designated areas; and
  - b. online campaigning.
- iii. Introducing new campaign points during the voting period which were not discussed during the dedicated campaign period is prohibited.
- iv. Candidates and campaign workers may not attempt to persuade students to vote on candidates' or campaign workers' personal technology. This includes, but is not limited to, laptops, smartphones, and tablets.
- v. Candidates and campaign workers may not attempt to persuade students to vote while they are in a classroom, either on personal devices or on lab computers.
- vi. All emails distributed by candidates and campaign workers must comply with the requirements of this Policy.

#### 17.6 Other requirements

- i. Campaign budgets shall be submitted to the Elections Office by a deadline <sup>[[ ]]</sup><sub>[SEP]</sub> specified by the CEO. Candidates who do not submit a budget, even if no <sup>[[ ]]</sup><sub>[SEP]</sub> expenses are planned, will be disqualified.
- ii. All posters and other campaign materials, including online accounts, must be <sup>[[ ]]</sup><sub>[SEP]</sub> removed or deleted by a deadline specified by the CEO.

### **18 Procedures for Disqualification**

- 18.1 The CEO may receive complaints from all persons, regardless of whether or not they are members of the Association, alleging that this Code has been violated.
- 18.2 Unless authorized by the CEO, complaints must be made within 24 hours of the moment at which the complainant became aware of the alleged electoral offence.
- 18.3 Complaints must be made in writing.
- 18.4 The CEO shall investigate all potential electoral offences. and document their investigation.

- 18.5 If the CEO finds that the complaint is without merit, they shall disregard the complaint.
- 18.6 If the CEO concludes that a person has contravened this Code, they CEO will find them guilty of an Electoral Offence.
- 18.7 The CEO has discretion in determining the procedure to be followed when investigating a potential electoral offence. However, the CEO may only find a person guilty of an Electoral Offence if:
- i. The person has been informed of the allegation against them;
  - ii. The person has had the opportunity to seek the advice of a third party;
  - iii. The person has been provided with the opportunity to make submissions to the CEO;  
and
  - iv. All other interested parties have had the opportunity to make submissions <sup>[1]</sup>~~[SEP]~~ to the CEO.
    - a. The CEO shall receive submissions in writing.
- 18.8 If a person has been found guilty of an Electoral Offence, they shall immediately be provided with written notice of that decision by the CEO.
- 18.9 The CEO shall publish a notice of any finding that there has been an Electoral Offence on the CUSA website within thirty-six (36) hours of the ruling.
- 18.10 A candidate may not be found guilty of the same Electoral Offence more than once unless they have already been found guilty of that offence, been provided with notification thereof, and been afforded sufficient time to take any appropriate corrective measures.
- 18.11 Electoral Offences committed by campaign workers are attributed to the candidate or referendum committee for whom they are campaigning.

- i. If a campaign worker is found guilty of an Electoral Offence, the CEO shall, in addition to providing notice to that individual, also provide notice to the candidate or the Chair of the referendum committee for whom they are campaigning.
- 18.12 A candidate or referendum committee who commits two Electoral Offences shall lose the right to obtain a refund of campaign expenses, subject to section 20 of this Code.
- 18.13 A candidate or referendum committee who commits three Electoral Offences shall be disqualified.
- i. Written notice of a third offence shall also include a notice of disqualification.
- 18.14 If the members of a slate have collectively been found guilty of three or more Electoral Offences, the CEO shall disqualify the entire slate.
- 18.15 In the event a winning candidate is disqualified the winner becomes the next ranked candidate

## **19 Immediate Disqualification**

- 19.1 Notwithstanding the provisions of section 17.5, immediate disqualification shall result if a Candidate or Referendum Committee:
- i. Fails to present a final report of expenditures to the CEO.
  - ii. Exceeds the maximum allowable expenditures.
  - iii. Presents a fraudulent or inaccurate final report of expenditures to the CEO.
  - iv. Attempts to, or tampers with the ballots or electronic polling system.
  - v. Attempts to, or solicits the aid of any member of the Electoral Office to tamper with the ballots or electronic polling system.
  - vi. Commits an offence which is deemed to be egregious by the CEO. <sup>[1]</sup><sub>[SEP]</sub>

## **20 Disciplining of Referenda Committees**

- 20.1 YES Committees that deal with a requested levy:
- i. The first offence will result in a warning.

- ii. The second offence will result in the withholding of five (5) percent of the requested levy.
- iii. The third offence will result in the withholding of ten (10) percent of the requested levy.
- iv. The fourth offence will result in the withholding of thirty (30) percent of the requested levy.
- v. The fifth offence will result in the withholding of sixty (60) percent of the requested levy.
- vi. The sixth and final offence will result in:
  - a. the withholding of one hundred (100) percent of the requested levy;
  - b. immediate disqualification; and
  - c. loss of re-imburement of funds spent campaigning.

## 20.2 All other Referenda Committees:

- i. The first offense will result in a warning.
- ii. The second offense will result in the loss of fifty (50) percent of any possible reimbursement.
- iii. The third offense will result in the loss of approved campaign materials up to fifty (50) percent of the agreed upon flyers and posters.
- iv. The fourth offense will result in the withholding of five (5) percent of votes favourable to the offending referenda campaign.
- v. The fifth offense will result in the withholding of ten (10) percent of votes favourable to the offending referenda campaign.
- vi. The sixth and final offense will result in:
  - a. the withholding of one hundred (100) percent of the reimbursement of funds spent campaigning; and
  - b. immediate disqualification.

## **21 Appeals**

- 21.1 An appeal lies to the Electoral Board from all decisions of the CEO with respect to Electoral Offences.

- 21.2 Appeals to the Electoral Board must be made within seven (7) days of receiving the written notice of the electoral offence, unless the Chair of the Electoral Board grants an extension in writing.
- 21.3 A disqualified Candidate's name may not be removed from the final list of candidates unless the candidate has exhausted the entire appeal process for the disqualification in question.
- 21.4 There is no obligation on the part of a Candidate or Referendum Committee to cease their campaign until all avenues of appeal have been exhausted.
- 21.5 The CEO shall not make a finding that an Electoral Offence has been committed more than seventy-two (72) hours after the end of the polling period.

## **22 Expenses**

- 22.1 The CEO, prior to each election period, shall determine total allowable expenditures for each position or Referenda Committee.
- 22.2 Each Candidate shall account for all their expenses in support of their campaign.
- 22.3 All election expenses shall be accounted for in actual Canadian dollars including tax.
- 22.4 The CEO shall be empowered to grant refunds to Candidates for their election expenses, following the receipt of all financial documents from the candidates and the declaration of the election results.
- i. Such a refund shall be 50% (fifty percent) of the candidate's actual expenses.
- 22.5 The CEO shall be empowered to grant each Referendum Committee a refund not exceeding 100% (one hundred percent) of the total expense limit.<sup>[SEP]</sup>
- 22.6 A final, complete, and accurate report of all expenditures, including all receipts and other evidence of expenditures shall be presented to the CEO before the polls close on the final day of voting.<sup>[SEP]</sup>
- 22.7 If the candidate has incurred no expenses, then their report shall state such.

## **23 Voting Entitlement**

23.1 An eligible voter is entitled to one ballot for each of the positions of:

- i. President;
- ii. Vice President Finance;
- iii. Vice President Internal;
- iv. Vice President Student Life;
- v. Vice President Student Services;
- vi. Vice President Student Issues; and
- vii. as many Constituency Representative seats allotted to the voter's <sup>[ ]</sup><sub>SEP</sub> Constituency at the time of the elections.

23.2 In a vote of Recall, only members of the Association in the affected Constituency shall be considered eligible to vote unless the Writ of Recall refers to a position within the Executive.

23.3 Only members of the Association who present their valid Carleton University Student Identification Card or, in the case of electronic voting, sign in to the correct voting software are eligible to cast their votes.

## **24 Ballots**

24.1 All ballots shall be electronic.

24.2 All ballots shall be compliant with the Accessibility for Ontarians with Disabilities Act.

24.3 Ballots must be clearly presented so that the voter can rank Candidates running for Executive and/or single-seat Constituency positions in order of preference by the voter.

- i. The voter will have the option to leave their ballot blank
- ii. The voter may rank as many, or as few, Candidates as they prefer.

24.4 A Candidate who receives a majority (50% +1) of the first preference votes is elected to that position.

24.5 If no Candidate receives a majority of the first preference votes, the Candidate with the fewest first preference votes is eliminated from the count.

- i. The ballots from the first round of eliminations shall then be redistributed to the other candidates based on the secondary preference listed on each specific ballot.
- ii. This process is repeated until either one candidate has a clear majority, or only one candidate remains to be eliminated.
- iii. If two candidates are tied for last place on a ballot, they are both eliminated.

24.6 Ballots which are either submitted blank or in which all selected preferences are eliminated are to be considered as abstentions for successive ballot counts.

25.7 Candidates may voluntarily withdraw from the ballot until forty-eight (48) hours before balloting begins.

- i. Withdrawals must be submitted in writing. Notice of the withdrawal must be included on the voting system before or on the voting page.<sup>[SEP]</sup>

24.8 Names of all candidates shall appear on the ballot in alphabetical order of their legal surnames.

- i. The use of commonly used middle, shortened given, or other parental surnames shall be allowed.
- ii. At the discretion of the Electoral Board, names different from given names or surnames shall be allowed for clarity because of cultural reasons or gender identity or expression.
- iii. Acronyms shall not be allowed as names. Acronyms of given names may be appended in parenthesis after the given name on the ballot.

24.9 The ballot shall:

- i. clearly indicate how many positions are for election; and
- ii. inform the voter on the number of candidates for whom they may vote.

## **25 Polling**

25.1 On-campus polling shall take place on two (2) consecutive business days, for all elections and/or referenda.

25.2 There shall be two (2) Poll Management Supervisors at each polling location.

- 25.3 The Poll Management Supervisor shall be responsible for conduct of the polling station
- 25.4 The location and number of polling stations for a General Election or Referendum shall be set according to the discretion of the CEO.
- 25.5 The polling locations for Recall Election shall be created at the discretion of the CEO or by the direction of Council.

## **26 Tabulation**

- 26.1 All tabulations of election results shall be carried out at the discretion of, and under the personal supervision of, the CEO or their designate.
- 26.2 Tabulation shall occur at a place on campus.
- i. CUSA, RRRRA, or GSA main offices shall not be used for the tabulation.
- 26.3 Tabulation of the ballots cast during the polling period shall be conducted within twenty-four hours of the final close of polls.
- 26.4 Scrutineers will be allowed to observe the tabulation of votes; no Candidates or other unauthorized persons shall be permitted in the room.
- i. The CEO and other Election Staff shall invite scrutineers to confirm the poll results prior to public release
  - ii. Each candidate shall be allowed one (1) scrutineer to monitor balloting and the electronic polling systems in use.
  - iii. Scrutineers may not interfere with the electoral process but may report inconsistencies, errors, and violations of the Electoral Code to the Electoral Board. iv. Any scrutineer who attempts to disrupt the electoral process shall, at the request of the CEO, be replaced by the Candidate.
    - a. This request may be appealed to the electoral board.
- 26.5 In accordance with the number of votes representatives determined for each constituency or other position, the Candidate, or Candidates (as the case may be), receiving the largest number of votes shall be declared elected.

26.6 In case of ties, a run-off vote shall be held no more than one (1) week after election results are announced.

26.7 Candidates who are acclaimed shall be considered elected when the Electoral Board declares official election results.

### **27 Appeals to the Electoral Board**

27.1 Appeals to the Electoral Board shall be conducted in writing, unless the appeal concerns a disqualification, in which case the Board shall have an oral hearing.

27.2 The Electoral Board is not bound by the decision of the CEO and may make its own findings on questions of fact, as well as address questions relating to the interpretation of this Code and/or the application of this Code to the facts at hand.

27.3 In the case of an oral hearing, the Electoral Board shall have the power to determine the procedure to be followed, subject to general principles of fairness as well as the following principles:

- i. All interested parties shall have the right to make submissions; and
- ii. All interested parties shall have the right to address the Board through representatives; and
- iii. All interested parties shall have the right to present evidence, including evidence not before the CEO.

27.4 The CEO shall have the right to make submissions to the Electoral Board.

27.5 The Electoral Board shall only make findings that were requested by a party and which all parties to the proceeding have had the opportunity to comment upon.

### **28 Appeals to the Constitutional Board**

28.1 An appeal as of right lies to the Constitutional Board against a decision of the Electoral Board in relation to the interpretation of this Code or the application of the latter to the facts at hand.

- 28.2 In hearing an appeal under section 24.1, the Constitutional Board is bound by the findings of fact of the Electoral Board and may not hear any new evidence.
- 28.3 An appeal with leave can be made to the Constitutional Board against a decision of the Electoral Board in relation to a question of fact on the basis of new evidence not before the Electoral Board.
- 28.4 The Constitutional Board shall grant leave if the evidence could not have been obtained with reasonable diligence at the time of the Electoral Board hearing; it is credible; and it could have changed the outcome of the Electoral Board appeal.
- 28.5 Applications for leave are decided in writing by a panel of three members of the Constitutional Board, including the Chair.
- 28.6 Appeals under section 24.1 must be commenced within seven (7) days of the Electoral Board decision.
- 28.7 Applications for leave to appeal under section 24.3 must be filed within seven (7) days of the discovery of the new evidence on which the application is based, and in any event not later than ten (10) days after the Electoral Board has rendered its decision.
- 28.8 The Constitutional Board shall have the power to determine the procedure to be followed on all appeals, subject to the general requirements of fairness and the following principles:
- i. All appeals before the Constitutional Board shall be heard orally;
  - ii. Interested parties shall make written submissions; and
  - iii. The Electoral Board shall only make findings that were requested by a party and which all parties to the proceeding have had the opportunity to comment upon.
- 28.9 A decision of the Constitutional Board under this Code shall be final and binding, with no appeal therefrom.

## **29 Chief Electoral Officer Documents**

- 29.1 Writs shall be used solely for the announcement of General Election, By-election, Recall or Referenda. Writs must be published and posted on the election's website within twenty-four (24) hours.
- 29.2 Declarations shall impart a state of affairs as perceived by the CEO and pursuant to their duties. All Declarations shall be in writing and must be published and posted on the elections website within twenty-four (24) hours.
- 29.3 Rulings shall stand as written in answer to a question. All rulings must be published and posted on the election's website within thirty-six (36) hours.
- 29.4 Electoral Warnings shall stand as a written decision of a charge and record of progress through the disciplinary process of the Elections Office. All Electoral Warnings must be published and posted on the election's website within thirty-six (36) hours.
- 29.5 Receipts shall be issued upon receiving any official documents with relevance to the Writ of Election, By-election, Recall, or Referendum.
- i. These receipts shall be stamped, distinctly by the CEO, and shall have the time of receipt noted upon them.
  - ii. All parties involved in the transfer of documents shall sign the receipt and retain a copy of the receipt.
- 29.6 The CEO shall produce a final report after the CUSA Elections and Electoral Disputes are settled, to be submitted to Vice-President Internal.

## **30 Declaration of Results**

- 30.1 Once the ten-day period after the end of polling has passed, and the Constitutional Board has ruled on all outstanding electoral challenges, the Electoral Board will declare the official election results.

30.2 The Official Declaration of Results shall be made to CUSA Council verbally and in writing, and shall be published in the campus media. Results shall also be posted on the elections website within twenty-four (24) hours of the official declaration.