

# Election and Referendum Manual of the University of Manitoba Graduate Students' Association

## **Index Page**

<b>ARTICLE I: ELECTION AND REFERENDUM DEFINITIONS</b>	<b>3</b>
<b>ARTICLE II: AMENDMENT OF RULES</b>	<b>4</b>
<b>ARTICLE III: CRO AND DRO SELECTION</b>	<b>4</b>
<b>ARTICLE IV: CRO AND DRO RESPONSIBILITIES</b>	<b>4</b>
<b>ARTICLE V: INITIATION AND PHRASING OF REFERENDUM QUESTIONS</b>	<b>5</b>
<b>ARTICLE VI: SCHEDULING</b>	<b>5</b>
<b>ARTICLE VII: NOTICE</b>	<b>6</b>
<b>ARTICLE VIII: NOMINATIONS</b>	<b>6</b>
<b>ARTICLE IX: NOMINATION REQUIREMENTS</b>	<b>7</b>
<b>ARTICLE X: SLATES</b>	<b>7</b>
<b>ARTICLE XI: REGISTRATION OF SIDES</b>	<b>8</b>
<b>ARTICLE XII: CAMPAIGN MATERIALS</b>	<b>8</b>
<b>ARTICLE XIII: APPROVAL PROCESS</b>	<b>9</b>
<b>ARTICLE XIV: PROHIBITIONS AND VIOLATIONS</b>	<b>9</b>
<b>ARTICLE XV: FAIR MARKET VALUE</b>	<b>10</b>
<b>ARTICLE XVI: CAMPAIGNING</b>	<b>11</b>
<b>ARTICLE XVII: CAMPAIGNING STANDARDS AND PROHIBITIONS</b>	<b>11</b>
<b>ARTICLE XVIII: ELECTION FORUM</b>	<b>12</b>
<b>ARTICLE XIX: CAMPAIGN EXPENSES</b>	<b>12</b>
<b>ARTICLE XX: EXPENSE SUMMARIES AND OVERSPENDING</b>	<b>13</b>
<b>ARTICLE XXI: CANDIDATE AND SIDE REIMBURSEMENT</b>	<b>13</b>
<b>ARTICLE XXII: COMPLAINTS AND APPEALS</b>	<b>13</b>
<b>ARTICLE XXIII: COMPLAINT PROCEDURE</b>	<b>14</b>
<b>ARTICLE XXIV: APPEAL PROCEDURE</b>	<b>14</b>
<b>ARTICLE XXV: DEMERITS AND PENALTIES</b>	<b>16</b>
<b>ARTICLE XXVI: DEMERIT SYSTEM</b>	<b>16</b>
<b>ARTICLE XXVII: SCHEDULING OF POLLS</b>	<b>17</b>
<b>ARTICLE XXVIII: BALLOT DESIGN</b>	<b>17</b>
<b>ARTICLE XXIX: VOTING</b>	<b>18</b>
<b>ARTICLE XXX: BALLOT COUNTING AND RATIFICATION OF FINAL RESULTS</b>	<b>18</b>
<b>ARTICLE XXXI: TIES</b>	<b>18</b>
<b>ARTICLE XXXII: REFERENDUM RESULTS</b>	<b>19</b>

## **Article I: Election and Referendum Definitions**

1. Unless otherwise specified, the following definitions apply to this Election and Referendum Manual:

- a. “Annual General Election” is the election held during February and March to elect the Executive for the following academic year.
- b. “Association” is the University of Manitoba Graduate Students’ Association (UMGSA).
- c. “Ballot” means an electronic mechanism where a singular position is voted for.
- d. “Campaign” or “Campaigning” is any act that has the intention of soliciting support or opposition for a particular Candidate, Slate, or Side.
- e. “Campaign Expense” means any and all expenditures by or on a Candidate’s or Side’s behalf for the production or distribution of Campaign Materials, costs directly associated with campaigning, fees or charges incurred as part of campaigning, or other expenditures associated with the campaign.
- f. “Campaign Materials” includes anything created (physical or digital) that solicits support or opposition for a particular Candidate, Slate, or Side.
- g. “Candidate” means any Member of the Association whose nomination is accepted under procedures established in this Manual.
- h. “Council” means the UMGSA Council.
- i. “CRO” means the Chief Returning Officer of the Association.
- j. “DRO” means the Deputy Returning Officer of the Association.
- k. “Elections and Referendum Committee” is the UMGSA Elections and Referendum Committee.
- l. “Electronic Campaigning” means any use of social media, messaging services, websites, etc, for the purpose of campaigning.
- m. “On The Floor Campaigning” means any in-person campaigning on or off campus.
- n. “Referendum” means a decision to be made by the Members of the Association in a balloted vote as approved by the UMGSA Council.
- o. “Scrutineer” means a person designated to oversee the release of voting results and/or election and referendum expense summaries on behalf of a Candidate or Side.
- p. “Side” means any recognized group of individuals representing a particular position on a referendum question.
- q. “Slate” means candidates who are members of a single campaign, each running for a different position.
- r. “Volunteer” means any individual who engages in campaigning or scrutineering on behalf of a Candidate, Slate, or Side.

## **Article II: Amendment of Rules**

1. The Election and Referendum Manual may be amended by a motion of Council, providing it meets the following requirements:
  - a. The exact wording of the change must be provided to Councillors with at least 1 week of notice to review the changes.
  - b. No changes may be made starting from the opening of the nomination period and lasting until the final results are ratified by the UMGSA Council.
  - c. An amended version of this document must be made available to the membership of the UMGSA within one week of its approval by the UMGSA Council.

## **Article III: CRO and DRO Selection**

1. The selection process for the CRO and the DRO will be conducted by a Selection Committee, as outlined in the Selection Committee section of the UMGSA Governance and Operations Manual.
2. The CRO and DRO will be confirmed by the UMGSA Council at the November Council meeting.
3. If a by-election or referendum occurs at another time of year, then the CRO and DRO will be confirmed by the UMGSA Council at the preceding Council meeting.
4. If an Executive or other member of the CRO and DRO Selection Committee intends to run in the UMGSA election, they may participate in interviews and questioning, but may not participate in final deliberations and voting for both the CRO and DRO.

## **Article IV: CRO and DRO Responsibilities**

1. The CRO and DRO must ensure a fair and reasonable election process in accordance with the UMGSA Election and Referendum Manual.
2. The CRO and DRO must communicate with the HSGSA CRO for the planning of the Bannatyne Campus Election Forum.
3. The CRO and DRO must respond promptly to questions and requests by e-mail.
4. The CRO and DRO shall report to Council as stipulated in the Election and Referendum Manual.

## **Article V: Initiation and Phrasing of Referendum Questions**

1. Referendum questions may be initiated by:
  - a. A resolution of the UMGSA Executive Committee.
  - b. A resolution passed by a minimum of two-thirds of the UMGSA Council.
  - c. A petition signed by at least fifty (50) members of the Association.
2. Referendum questions will be phrased by the UMGSA Executive Committee, but if initiated by petition, the phrasing will not alter the original intent of the petition.
3. The final wording of any referendum question will be ratified at the January Council meeting, or at least two weeks in advance of the start of Week 1 if a vote is to be held outside of the normally scheduled General Election period.

## **Article VI: Scheduling**

1. The following is the schedule used for UMGSA Elections and Referenda:
  - a. Week 1 (Six weeks prior to Voting Week): Nominations and Registrations open on Monday at 9:00. This week is part of the pre-campaigning period.
  - b. Week 2 (Five weeks prior to Voting Week): Nominations and Registrations close on the Friday at 16:00. This week is part of the pre-campaigning period.
  - c. Week 3 (Four weeks prior to Voting Week): This week will normally coincide with the Winter Term Break. This week is part of the pre-campaigning period.
  - d. Week 4 (Three weeks prior to Voting Week): This week is set aside for campaign preparation. This week is part of the pre-campaigning period.
  - e. Week 5 (Two weeks prior to Voting Week): This week is set aside for campaign preparation. This week is part of the pre-campaigning period.
  - f. Week 6 (One week prior to Voting Week): Campaigning begins at 9:00 on Monday and extends through the following weekend.
  - g. Week 7 (Voting Week): Polls are open from 9:00 Monday to 17:00 Tuesday.
    - i. There shall be no ‘on the floor campaigning’ on voting days.
    - ii. Electronic campaigning may continue until the close of the polls on the last day of voting.
    - iii. Election results will be reviewed for the first time by the CRO, DRO, and all candidates (or their scrutineers) on Tuesday at 17:00 in the UMGSA Office or alternative methods, in the event that the UMGSA office is inaccessible.
    - iv. The submission deadline for complaints is 48 hours following the close of voting.
    - v. All complaints must be addressed no later than 24 hours and resolved within 48 hours after the submission deadline.
    - vi. The submission deadline for appeals is 48 hours following the resolution of the complaint
    - vii. All appeals must be addressed no later than 24 hours and resolved within 48 hours after the submission deadline

2. In the event of run-off elections, by-elections or referenda being held outside of the Annual General Election period, Week 3 will be skipped, with campaign preparation beginning the week following the close of nominations. If any UMGSA Executive position is vacant prior to October, that position will be filled by a by-election, following all other normal election rules. If any Executive position is vacant from the beginning of October to the end of a given Executive term, the position will instead be filled by appointment. Such an appointment is optional, would be on the recommendation of the UMGSA Executive Committee, and requires ratification by the UMGSA Council.

## **Article VII: Notice**

5. The CRO shall advertise to all graduate students in a dedicated email, and in any other manner they deem fit for:
  - a. The nominations of candidates and the registration of sides two weeks prior to the nomination/registration period and at least once during the nomination period.
  - b. The names of all Candidates and Slates at the close of the nomination period.
  - c. A reminder of the upcoming election at the close of the nomination period.
  - d. The associated campaigning and voting periods.

## **Article VIII: Nominations**

1. Prior to advertising for nominations, the CRO shall distribute information which will be available to any Member of the Association on the UMGSA Website, as well as sent by email to all graduate students, at least one week prior to the opening of the Nomination Period, and will include:
  - a. Current copies of the UMGSA Bylaws, the Election and Referendum Manual, the Governance and Operations Manual, and Supplementary Rules related to Elections, Referenda, the CRO, and the Elections and Referendum Committee.
  - b. Nomination forms for Candidates.
  - c. Registration forms for Sides.
  - d. A list of all nomination requirements and deadlines.
  - e. Any other forms required of nominees.
  - f. Information on how to contact the CRO and DRO.
2. The CRO shall send a reminder email one week prior to the close of nominations.
3. Complete nominations, containing all material required by this Manual, must be received by the UMGSA's Office Manager no later than 16:00 on the last day of the nomination period. The Office Manager will date-stamp the nomination forms and verify their completeness.
4. It is the sole responsibility of nominees to ensure the completeness and accuracy of their nominations. The CRO can, at their discretion, allow a reasonable extension to correct any accidental or unavoidable errors or omissions in a nomination package.
5. No later than 17:00 on the last day of the nomination period, the CRO shall post outside the UMGSA Office, unless inaccessible, and distribute by email to all graduate students, the names of all candidates who shall appear on the ballot.

6. Following the closing of nominations, the CRO shall immediately convene a meeting for all candidates and authorized representatives of Sides (referred to as the “All Candidates Meeting”).
7. All candidates and representatives of Sides shall attend the All Candidates Meeting in its entirety. The CRO may exempt individuals from attendance under extenuating circumstances, but only if the person requesting an exemption does so in writing at least 24 hours prior to the All Candidates Meeting or informs the CRO of an emergency for which no notice could reasonably be given.
8. At the All Candidates Meeting, the CRO shall:
  - a. Review the relevant governing documents.
  - b. Take attendance.
  - c. Deal with any other topics deemed necessary by the CRO.
  - d. Answer any candidate or representative questions.

## **Article IX: Nomination Requirements**

1. In order to be nominated as a candidate, a person must:
  - a. Be a Member of the Association.
  - b. Be nominated under their legal name or a reasonable derivative thereof.
  - c. Have provided a completed nomination package to the UMGSA’s Office Manager no later than the end of the nomination period, which shall include:
    - i. Basic information about the candidate, including their name and contact information.
    - ii. The first and last names, signatures, and student identification numbers of at least 10 nominators who are current Members of the Association. This information may be acquired digitally or physically.
2. Any Member of the UMGSA including members of the Executive and Council may run as candidates in any General Election, provided they meet all other criteria required of any other nominated candidate.
3. A Candidate may only accept nomination for a single elected position.

## **Article X: Slates**

1. Candidates for Executive positions may run in Slates, each running for a different position.
2. Candidates who are running alone are considered to be running as a Slate of one for the purposes of this Manual.
3. No candidate may simultaneously run as part of more than one Slate.
4. Slate names require approval by the CRO, and must be submitted in writing to the CRO.
5. No Slate shall choose a Slate name which is the same as that of a registered federal or provincial political party, or derivation thereof. Where two or more similar Slate names are submitted, each Slate will be given the opportunity to change their Slate name.

## **Article XI: Registration of Sides**

1. No later than 16:00 on the Friday of Week 2, each Side shall present its registration forms to the UMGSA's Office Manager.
2. In order to become registered, a Side must have:
  - a. An organized committee of Members of the Association (the "Side Committee") that supports the position of the Side.
  - b. The first and last names, signatures, and student identification numbers of the members of the Side Committee.
3. The Side Committee shall have as part of its structure an authorized representative, authorized to represent the Side to the CRO.
4. A Side Committee cannot restrict membership to the Committee from any Member of the Association provided they have joined the Side and support the position of the Side honestly and in good faith.
5. Members of the Executive and Council as well as candidates for Executive positions may participate as Members on a Side Committee, provided they meet all other criteria required of any other Member of the Committee.
6. Each Side shall provide the CRO with a list of those who are currently members of the Side Committee.
7. Any Member of the Association wishing to join a Side may register with the CRO. The CRO shall forward the name and contact information of the member to the appropriate authorized representative.
8. The name of a Side may not include a federally or provincially registered political party name, or derivation thereof.

## **Article XII: Campaign Materials**

1. All Campaign Materials must be approved by the CRO before they may be used in a campaign.
2. The CRO may choose to exempt, at any time, any type of Campaign Materials from the approval process. Any such exception must be:
  - a. Clearly defined.
  - b. Consistently applied to all Candidates, Slates, Sides, and UMGSA Members.
  - c. Communicated fairly to all Candidates, Slates, and Sides.
3. Communication that is private and solicited by non-candidates, whether it is by a digital system or not, shall not be considered Campaign Materials.
4. Candidates, Slates, and Sides may request a written ruling from the CRO about whether any proposed materials fall within the definition of Campaign Materials. The CRO must reply in writing within 24 hours.
5. Candidates or Sides shall be held solely responsible for adhering to all rules and regulations set out in the UMGSA's governing documents regarding the application of posters. Upon notification by the CRO or DRO of violation of these rules or regulations, the candidate or side must correct the violation within twelve (12) hours or be subject to the application of demerit points.



6. Upon the introduction of unapproved promotional materials in the course of a general election or referendum campaign, the CRO shall communicate to the electorate that these materials are not legitimate campaign materials, that they are the product of influences attempting to interfere with and bias the campaign and subsequent vote, and that these materials should be disregarded. This statement from the CRO shall be distributed to members via e-mail before the voting period.
7. All physical Campaign Materials should be removed no later than midnight of the second full business day following the close of polls on the final day of voting.

### **Article XIII: Approval Process**

1. Campaigns must provide the CRO with a digital copy of any proposed Campaign Material to be approved.
2. The CRO will provide in confidence a written approval or refusal of Campaign Materials, and will respond within 24 hours of receiving a complete request.
3. If the Campaign Material is approved by the CRO, the Candidate, Slate, or Side can print, post, or otherwise distribute it.

### **Article XIV: Prohibitions and Violations**

1. No Candidate, Slate, or Side may distribute or use, and the CRO cannot approve, Campaign Materials which:
  - a. Have more than a nominal value when distributed.
  - b. Contain libel or slander (based on consultation with legal counsel if necessary).
  - c. Are factually incorrect.
  - d. Violate any federal or provincial statute, or any University rule, regulation, policy, or procedure.
  - e. Are discriminatory or derogatory towards any person(s) based on the characteristics listed in Article 9 (2) of the Manitoba Human Rights Code.
  - f. Contain logos associated with the UMGSA, HSGSA, or the University of Manitoba.
2. Where the CRO determines that Campaign Material which requires the approval of the CRO is being distributed, displayed, or used by a campaign without the CRO's approval, then the CRO shall:
  - a. Order the material immediately withdrawn or removed.
  - b. Assign a penalty, which may include (but is not limited to) any or all of the following:
    - i. Destruction of the material.
    - ii. A campaign penalty based on the demerit and penalty guidelines specified in this Manual, provided that the penalty is balanced against the volume of material distributed or its effect.
3. Each Candidate, Slate, or Side must comply with any building regulations of the University, in addition to the following:

- a. No more than 1 poster per Candidate, Slate or Side may be affixed to any one bulletin board.
  - b. No more than 1 poster per Candidate, Slate or Side may be affixed to the same pillar.
  - c. No poster may be affixed so as to obscure or cover another Candidate, Slate, or Side's campaign material.
  - d. No poster may be affixed in any other prohibited locations in accordance with building regulations.
4. Where posted Campaign Materials are in violation of any rules, they may be removed by the CRO or DRO. The CRO may authorize another individual, Candidate, Slate, or Side to make the removal.
  5. No individual may remove Campaign Material without the authorization of the CRO.
  6. Each Candidate is limited to a maximum of 75 posters on display at any one time.
  7. No Candidate, Slate or Side may send, nor allow other members to send private correspondence to students regarding the election through any medium. Exceptions to this include the following: correspondence within slates or sides, with volunteers, administrative staff, councillors, with the CRO or DRO, and in direct response to specific inquiries or requests from the public when solicited.

## **Article XV: Fair Market Value**

1. A Candidate, Slate, or Side that receives a product or service for free or at a reduced price shall use the fair market value of the product when calculating their total campaign expenses if the product or service cannot be reasonably obtained by all competing campaigns at the same price.
2. Fair market value shall be determined by the CRO using the following factors and the CRO shall notify the campaign which method of valuation has been used:
  - a. The price another campaign would have to pay for the same product or service provided by that supplier, or another similar supplier, in which case that amount shall be assessed.
  - b. Whether the product or service is reasonably available to all campaigns at no charge, in which case no charge shall be assessed.
3. For certainty of budgeting purposes, a campaign may request in writing a declaration from the CRO of a product or service's fair market value, but must include in that request:
  - a. A full and accurate description of the product or service.
  - b. The supplier of the product or service, their address, and their contact information.
  - c. The campaign's estimate of fair market value and their method of deriving that value.
  - d. Where a product or service is to be claimed as free, reasonable evidence of that fact.
  - e. Where a product or service is to be claimed as free, reasonable evidence that the product or service is reasonably available free of charge to other campaigns.
4. The CRO shall provide a written response to any such complete request within 48 hours of the request being received.

## **Article XVI: Campaigning**

1. Candidates or volunteers may not engage in “on the floor campaign” to promote any Slate, Side, or Candidate during voting days.
2. No Member of the Association shall campaign either for or against a Candidate, Slate, or Side before the campaign period. The following will not count as campaigning:
  - a. Private campaign organizing meetings involving campaign volunteers.
  - b. The collection of signatures for nomination forms and referenda petitions.
  - c. The normal duties required of the current members of the UMGSA Executive and Council.
  - d. Private conversations to recruit Volunteers.
3. Any campaigning performed by a Candidate, Slate or Side that does not fall within the boundaries of the aforementioned rules is subject to punishment by the CRO.

## **Article XVII: Campaigning Standards and Prohibitions**

1. Each campaign shall:
  - a. Ensure that all Candidates and Volunteers are aware, understand and comply with the Election and Referendum Manual, and CRO rulings.
  - b. Be responsible for the conduct of its Volunteers.
  - c. Report any breach of a ruling, order, or governing document.
  - d. Comply with any University rules, regulations, policies, and procedures.
  - e. Comply with all municipal, provincial and federal laws.
2. No Candidate, Slate, or Side may collude with another campaign, either prior to, during, or following the campaign period. Specifically, no campaign, volunteer, or candidate shall:
  - a. Appear jointly in any campaign material, except in reference to Slate members as approved by the CRO.
  - b. Produce campaign materials whose appearances could cause a reasonable person to associate that campaign with another Slate or Candidate who is not on a Slate.
  - c. Distribute the campaign materials of an opposing Slate, Candidate or Side.
3. No paid advertising is permitted.
4. No Candidate, Side or volunteer may campaign:
  - a. In the UMGSA Office.
  - b. In a University library.
  - c. In a classroom during a class period without first obtaining permission from the instructor responsible for the class.
  - d. At an organized event without first obtaining permission from event organizers.
5. For the duration of both Weeks 6 and 7, all current UMGSA Executives running for election must take a paid leave of absence, and must surrender their UMGSA Office keys to the UMGSA Office Manager.
6. In the event of referenda being held during an Annual General Election, candidates and volunteers may speak to, volunteer for, and/or endorse a Side.

## **Article XVIII: Election Forum**

1. The CRO shall adequately advertise the date, time and location of any Election Forum.
2. There shall be at least one Election Forum at each of the Fort Garry and Bannatyne campuses during the campaign.
3. In the event that in person forums cannot be held, one forum will be held virtually for both campuses.
4. All Candidates and Sides shall be provided with the opportunity to participate in all Election Forums during the campaign period.
5. Members of the Association shall be provided with the opportunity to ask all Candidates and Sides questions from the floor at an Election Forum.
6. The Election Forum shall be chaired by the CRO.
7. Each Candidate or Side has the opportunity to give a statement no longer than 5 minutes.
8. If there is a question from the audience at the Election Forum, each Candidate or Side shall have the opportunity to provide a response no longer than 3 minutes.
9. Each speaker shall have the same fixed period of time in which to speak as their opponents have.
10. Any person who attempts to disrupt the orderly conduct of the Election Forum shall be removed from the Forum.

## **Article XIX: Campaign Expenses**

1. Candidates, Slates, and Sides must include the cost of all created Campaign Materials whether or not those materials are used or distributed.
2. Each Candidate, Slate, and Side must keep an up-to-date and accurate account of all campaign expenses, and they are responsible for answering any inquiry from the CRO or the Election and Referendum Committee regarding expenses.
3. All expenses incurred by a Candidate, Slate, or Side in the course of campaigning must be included in their campaign expenses.
4. Educational materials may be distributed by the UMGSA to Members of the Association during a referendum and shall not be considered part of the campaign expenses provided that the materials:
  - a. Are approved by the CRO.
  - b. Are non-partisan in nature.
  - c. Provide education and context to all Members of the Association.
5. Each Candidate or Side is permitted expenses up to a maximum of \$65.00. Slates of candidates may combine their allowed maximum expenses, and may submit a combined account of campaign expenses to the CRO.

## **Article XX: Expense Summaries and Overspending**

1. The CRO and all candidates (or their scrutineers) shall review all submitted campaign expense summaries by 16:00 on the last weekday before voting begins.
2. Where a Candidate, Slate, or Side has exceeded the spending limit by any margin or has falsified documents, the campaign shall be automatically disqualified.

## **Article XXI: Candidate and Side Reimbursement**

1. The Association shall reimburse a Candidate or Side for the full value of its campaign as evidenced by its campaign expense summary.
2. Candidates, Slates, and Sides must submit receipts in order to qualify for reimbursement of any expenses incurred.
3. In cases where the campaign paid less than fair market value for a product or service, the campaign's reimbursement shall be limited to the amount actually paid for the product or service and not the fair market value thereof.
4. Qualifying expenses shall be reimbursed within seven (7) days of the declaration of final results.
5. Candidates who do not hand in their expense summaries by the deadline shall be automatically disqualified.
6. Any disqualified Candidate, Slate or Side will lose their right to be reimbursed for election expenses.
7. Reimbursement of campaign expenses for Candidates who withdraw from the election shall be at the discretion of the CRO.
8. The Authorized Representative of a Side shall be responsible for distributing reimbursed costs to individual members of the Side.

## **Article XXII: Complaints and Appeals**

1. Complaints shall be allegations of a breach of the stipulations in the Election and Referendum Manual against Members of the Association other than the CRO or DRO.
2. Appeals shall be a disagreement related to a decision made by the CRO or allegations of a breach of the Election and Referendum Manual by the CRO or DRO. These will be adjudicated by the Election and Referendum Committee, who will conduct a hearing and provide a ruling.
3. A ruling of the Election and Referendum Committee shall be final and can not be appealed.
4. Rulings of the CRO not as a result of a Complaint shall be treated as Complaints for the purposes of posting the ruling.
5. All Members of the Association should cooperate with any investigations by the CRO or by the Election and Referendum Committee, unless otherwise prohibited by law or the governing documents of the Association.

## **Article XXIII: Complaint Procedure**

1. Any Member of the Association, other than the CRO or DRO, may file a Complaint regarding an alleged breach of the Election and Referendum Manual.
2. The following shall be the process by which Complaints are filed, received, and ruled upon:
  - a. The Complainant must submit a Complaint to the CRO and the UMGSA Office Manager using the prescribed form.
  - b. If the Complaint is validly submitted, the CRO shall send a copy to any other parties named in this Complaint.
  - c. The CRO shall investigate the Complaint using whatever means are at their disposal. This investigation shall include requesting a written response to the Complaint from any party alleged to have committed a breach of the Election and Referendum Manual.
  - d. The CRO shall issue a written ruling on a Complaint. This written ruling shall:
    - i. Be sent to all parties to the Complaint via e-mail.
    - ii. Be posted as soon as possible outside the UMGSA Office and on the UMGSA website.
  - e. Written rulings on a Complaint must be issued by the CRO within forty-eight (48) hours of complaint submission.
  - f. Any ruling made by the CRO shall take effect immediately unless otherwise explicitly stated.
3. Incomplete complaints may be resubmitted.
4. All Complaints should be submitted by email.
5. Any posted ruling of the CRO on a Complaint shall contain:
  - a. A summary of the allegation.
  - b. A list of the parties to the complaint.
  - c. A list of all applicable points from the UMGSA's governing documents.
  - d. The CRO's ruling regarding the alleged breach.
  - e. A summary of the rationale for the CRO's ruling.
  - f. The demerits or penalties assigned, if any.
  - g. The complaint submission.
  - h. The time and date the ruling was posted.
  - i. The time and date limit on any appeal.

## **Article XXIV: Appeal Procedure**

1. Any Member of the Association may file an Appeal addressing disagreement regarding a CRO decision or alleging a breach of the Election and Referendum Manual by the CRO or DRO.
2. The following shall be the process by which Appeals are filed, received, and ruled upon:
  - a. The Appellant must submit an Appeal to the Chairperson of the Election and Referendum Committee, as well as to the UMGSA Office Manager, using the prescribed form.

- b. If the Appeal is validly submitted, the Chairperson of the Committee shall send a copy to any other party named in the Appeal, including the CRO and DRO.
  - c. The Chairperson of the Elections and Referendum Committee shall set aside meeting times, before the election week, on the Wednesday and the Friday of the election week, if an appeal were to occur.
  - d. The Chairperson shall send the appeal and communicate the time and place of this hearing to all parties named in the Appeal, including the CRO and DRO.
3. Incomplete appeals may be resubmitted.
  4. The Appeal hearing shall use the following process:
    - a. The Chairperson shall ask:
      - i. The members of the Election and Referendum Committee if any perceived conflict of interest exists between them and any party to the Appeal.
      - ii. The parties to the Appeal if they wish to challenge any Committee member based on a conflict of interest.
    - b. The Committee may call a recess to consider any Conflicts of Interest raised at the beginning of the hearing.
    - c. The Chairperson shall then explain any procedures to be followed to the parties present, including any time limits on presentations or discussion.
    - d. The Chairperson shall invite the Appellant to present their case.
    - e. The Chairperson shall invite the Respondent to present their case.
    - f. The Election and Referendum Committee shall investigate the case as they deem appropriate and may call a recess of no more than twelve hours in duration.
    - g. The Chairperson shall offer first the Respondent then the Appellant the opportunity to make a closing statement.
    - h. The Committee shall meet in private for deliberations.
    - i. The Committee shall tell the parties to the Appeal who are present at the hearing their ruling immediately after deliberations.
    - j. The Chair shall issue the written ruling of the Election and Referendum Committee as soon as possible, and shall:
      - i. Send the ruling to all parties to the Appeal via e-mail.
      - ii. Post the ruling as soon as possible outside the UMGSA Office and on the UMGSA website.
  5. Any penalties or demerits assigned or modified by the Election and Referendum Committee as a result of their ruling shall take effect immediately unless stated otherwise in the Committee's ruling.
  6. The Committee may request any person to appear at an Appeal hearing whose evidence would assist the Committee in making a decision.
  7. The Committee may uphold, modify, or overturn any ruling made, or any penalties or demerits assigned, by the CRO. Additionally, the Election and Referendum Committee may overturn all or part of the preliminary election results by applying penalties outlined in these documents within the spirit of good governance for elections.

## **Article XXV: Demerits and Penalties**

1. Where a breach has occurred, the CRO shall assign a penalty that:
  - a. Penalizes the campaign for committing a violation.
  - b. Penalties available to the CRO include, but are not limited to:
    - i. Assignment of Demerits.
    - ii. A reduction in reimbursements.
    - iii. The confiscation of campaign materials.
    - iv. Disqualification.
2. A penalty may be assessed for an individual breach, or for a series of repeated violations.
3. A candidate shall only be disqualified for one or more of the following reasons:
  - a. If they exceed their election budget or do not submit an expense summary by the deadline.
  - b. If they commit voting interference.
  - c. If they receive 10 or more demerits.
  - d. Due to serious repeated violations for which lesser penalties have already been imposed.
4. Where candidates are part of a Slate, any disciplinary action, including disqualification, taken by the CRO against any Candidate shall not affect other members of the Slate unless they are named in the complaint and the CRO determines they are also at fault. Each infraction by a member of a Slate shall be considered a violation by that individual Candidate.
5. Where a serious contravention of the election or referendum occurs, such that the results of the election or referendum could not reasonably be deemed to indicate the actual preference of the voters, that election, referendum, or part related to the contravention, may be declared void if:
  - a. The Election and Referendum Committee receives a formal written request from the CRO or from the Council, or initiates the process themselves.
  - b. The Election and Referendum Committee holds a hearing using the Appeal process as closely as possible, with all Candidates and/or Authorized Representatives of Sides who would be affected considered to be the Respondents.
  - c. The Election and Referendum Committee rules that such a request is justified.
6. If all or part of an election or referendum is voided, they should be repeated at the earliest opportunity by which the Election and Referendum Committee feels the actual preference of the voters can be determined. The UMGSA Council will vote to confirm the timing.

## **Article XXVI: Demerit System**

1. The CRO shall assign demerits to Candidates or Sides for violations of the Election and Referendum Manual. If a Candidate or Side obtains 5 or more demerit points they shall not be reimbursed for their campaign expenses. If a Candidate or Side obtains 10 or more demerit points they shall be automatically disqualified, and if the voting period has not occurred their name shall be struck from the ballot. A candidate or Side has the right to appeal demerits and penalties to the Election and Referendum Committee.
2. Every Candidate or Side starts with 0 demerits and receives demerits for infractions.



3. Offences and infractions committed by an entire Slate shall be applied to all members of the Slate.
4. A table outlining potential infractions and their respective number of demerits is provided below. This table shall not be expected to be exhaustive, and in the case of uncategorized infractions or extenuating circumstances demerits other than those recommended in the tables may be assigned.

**Demerit Tiers and the Severity of Infractions Associated With Each Tier**

<b>Recommended # of Demerits</b>	<b>Severity of Infraction</b>
10 Demerits	Severe Infraction (e.g., property damage, defamation of opponent in physical or online context (libel), severe illegal content in campaigning materials)
8 Demerits	Severe-Moderate Infraction (e.g., offensive or inappropriate content in campaigning materials, defamation of opponent in verbal or isolated context (slander))
5 Demerits	Moderate Infraction (e.g., failure to attend scheduled election forum without a valid reason)
2 Demerits	Minor-Moderate Infraction (e.g., early campaigning, campaigning with a poster that was not approved by the CRO)
1 Demerit	Minor Infraction (e.g., campaign posters in unapproved location)

**Article XXVII: Scheduling of Polls**

1. Polls will be held from 9:00 Monday to 17:00 Tuesday during Week 7 of the Election and/or Referendum period.
2. Voting shall be conducted online.
3. One electronic polling station will be available at the UMGSA Office, unless inaccessible.
4. The CRO shall ensure that assistance is provided to any voter who requests assistance with online voting.

**Article XXVIII: Ballot Design**

1. Ballots shall be electronic ballots.
2. Each ballot shall be identical to the next with the possible exception of the ordering of ballot options.
3. If a ballot question is a ‘Yes/No’ choice, the options shall be ‘Yes’ followed by ‘No’.

4. Slate names will appear on the ballots, following candidate's names, which must be the same as submitted during the Nomination period. Those names will appear either in random order or alphabetically by candidate family name.

## **Article XXIX: Voting**

1. Each Member of the Association shall be allowed to cast one secret, non-transferable ballot, and the ballot shall entitle each voter to make one choice for each available position or referendum question for which they are eligible to vote.
2. In the case where there is only a single Candidate for a particular Executive position, the vote options for that position will be a 'Yes/No' choice. If the 'No' votes exceed the 'Yes' votes in the voting results, the position will remain vacant, and a by-election may be held to fill the vacant position.

## **Article XXX: Ballot Counting and Ratification of Final Results**

1. Under no circumstances should the election be ended earlier than what is advertised.
2. The results of the election should only be accessed after the conclusion of the election no later than 17:30 on the final day of voting. Results shall be accessed simultaneously by the CRO and interested candidates (or their scrutineers).
3. The Certified results from the online voting system provider should be accessed and published on the UMGSA website, and/or posted outside the UMGSA Office, no later than 18:00 on the final day of voting. These results will specify the total votes cast for each Candidate or Side.
4. The Certified results from the online voting system provider shall serve as the preliminary results for the UMGSA Election.
5. Election results (including the final vote count for each Candidate or Side) as well as voter turnout shall be made publicly available to Members of the Association, and results of elections and referenda shall be archived by the Association and accessible to Members.
6. The results of a referendum or election shall be finalized and posted within 24 hours of all complaints and appeals being resolved.
7. The final voting results will be ratified by the UMGSA Council after all complaints and appeals have been resolved, no later than the next scheduled Council meeting.
8. The CRO will provide a report to Council including the number of votes cast for each Candidate or Side. This report will also include a summary of violations, complaints, appeals, and how each of these were resolved.

## **Article XXXI: Ties**

1. In the event that two or more competing candidates for a single Executive position receive an equal number of votes and also have the highest number of votes, the tie-breaking method shall be as follows:

- a. There shall be a run-off election between the tied Candidates conducted in accordance with the Election and Referendum Manual, scheduled for soon thereafter.

## **Article XXXII: Referendum Results**

1. The choice in each referendum question that achieves a plurality of votes cast will be adopted by the Association.
2. The UMGSA Council does not have the power to void a valid referendum.
3. In the event that a referendum involves less than 5% of eligible voters, the results of the referendum shall be announced as non-binding results to be considered as advice to Council.