

ELECTION AND REFERENDA PROCEDURES

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Scope

- 1.1 Students' Council is given authority to establish procedures for elections and referendum not contrary to the by-laws of the corporation. In the event of discrepancy between this procedure and the by-laws, the by-laws shall always supersede this procedure.
- 1.0 1.2 This procedure governs all elections and referenda of the corporation.
- 1.3 This procedure shall also apply to elections of undergraduate student representatives to the University Senate, subject to Senate By-law X

Definitions

2.1 Nomination forms

2.1.1 Nomination forms must indicate who is being nominated by whom and for what position. Nomination forms must also indicate if an individual is running on a team and what the name of that team is. If more than one team submits a nomination form with the same name, the team that first submitted a completed nomination form shall have right of that name. Nomination forms must match the nomination form provided by the Federation of Students.

2.1.1.1 All team names are subject to approval by the ERO, with the following criteria:

2.1.1.1.1 Team names cannot be similar, to the point where a reasonable voter would confuse with one another.

2.1.1.1.2 Team names cannot include offensive language

2.2 Campaigning

2.2.1 Campaigning may consist of, but is not limited to, activities undertaken by a team and/or individual candidate, ranging from: all forms of advertising or communication by/in any medium, the distribution and/or posting of any materials, and speeches and public forums designed and/or likely to influence voters towards a particular candidate or referendum option.

2.2.2 Publically declaring an intention to run in an upcoming election shall not be considered campaigning.

2.2.3 Wearing a colour associated with a team or referenda position shall not be considered campaigning.

2.3 Fair Market Value

2.3.1 Fair Market Value is the lowest price of a product or service, without special concessions or special discounts, from a set of at least three prices from merchants in Waterloo Region.

2.3.2 Discounts that are allowed must be easily accessible by all other candidates and committees and include, but are not limited to, one day sales and group deals.

2.4 Identifying Mark

2.4.1 An identifying mark is any mark or combination of marks that can be used to clearly identify a candidate or team from other candidates in their election. Identifying marks include, but are not limited to, a candidate's name, URL, design, picture, logo, or team/party affiliation.

2.5 Team

2.5.1 A team is an Elections or Referenda Committee approved group of multiple candidates who wish to be elected together into office. All material branded with a shared Identifying Mark will be equally expensed to all team members.

Personnel

3.1 Electoral and Referenda Officer (ERO)

3.1.1 There shall be an ERO, who shall be hired by and liaise with the Federation of Students' Research and Policy Officer. Students' Council shall be required to ratify the appointment and the ERO shall report to the Council.

3.1.2 The ERO must be a full member of the Federation of Students.

3.1.3 Duties of the ERO shall include:

3.1.3.1 Being familiar with and upholding this procedure and all other relevant by-laws, policies, and procedures of the corporation

3.1.3.2 Adjudicate campaign allegations

3.1.3.3 Maintain personal neutrality in all elections and referenda activities

3.1.3.4 Report to Student's Council with a detailed record of allegations and rulings within sixty (60) days of the conclusion of any elections or referenda.

3.2 Elections and Referenda Appeals Committee (ERAC)

3.2.1 There shall be an Elections and Referenda Appeals Committee (ERAC), with the following membership

3.2.1.1 Three (3) full members of the corporation, elected by Students' Council, at least 1 of whom shall be a voting member of Students' Council. If possible, it is expected that the Council Speaker shall be a member of and chair the committee. Otherwise, Students' Council shall additionally select a chair from the membership of the committee.

3.2.2 Under no circumstance shall any member of ERAC be a candidate for election, join a referendum committee, or campaign for any candidate or referenda position.

3.2.3 Duties of the ERAC are found under section X: Allegations, etc.

Allegations, Decisions, Penalties, Appeals

4.1 Allegations

- 4.0
- 4.1.1 By submitting an allegation form, any individual may privately allege to the ERO that a candidate, team or referendum committee has violated this procedure
 - 4.1.2 The allegation shall be kept confidential by all involved parties until the ruling by the ERO is made public within forty-eight (48) hours.
 - 4.1.3 The ERO reserves the right to dismiss, as superfluous, allegations which do not provide evidence and/or do not explicitly pertain to a section of this procedure.
 - 4.1.4 Candidates and committees shall be immediately notified by the ERO of any allegations made against them, and shall be permitted to present any evidence or defense to the ERO. Evidence and defense shall be required to be submitted within 24 hours of being notified of the allegation.
 - 4.1.5 Submissions of allegations will be accepted by the ERO until the conclusion of the Polling Period. Any complaints submitted after this deadline will be considered at the discretion of the ERO.

4.2 Decisions

- 4.2.1 The ERO shall inform the alleged and the alleged of their decision within two hours of having made said decision.
- 4.2.2 The ERO shall inform the public of their decision after informing the alleged and alleged.

4.3 Appeals

- 4.3.1 After receiving the decision of the ERO, the alleged or alleged may appeal the decision to the ERAC, by submitting an appeals form to the ERAC
- ~~4.3.2~~ The appellant must include in their appeal, their reasoning for disagreement with the decision of the ERO, including all relevant sections of this procedure-
- 4.3.3 Appeals may also include new information relevant to the allegation.
- 4.3.4 Appeals must be submitted to the ERAC within 24 hours of the appellant first receiving notice of the decision of the ERO or within two hours of the end of the polling period.
- 4.3.5 The chair of the ERAC shall immediately notify the ERO, ERAC, the alleged and the alleged of receiving an appeal. The ERO shall be responsible for submitting to the ERAC all supporting information of the decision of the ERO.
- 4.3.6 Within forty-eight hours of receiving the appeal, or three hours after the end of the polling period, whichever is sooner, the ERAC shall make its decision. The ERAC may do any of the following:
 - 4.3.6.1 Uphold the original decision
 - 4.3.6.2 Alter the penalty of the original decision, within the limits of this procedure

4.3.6.3 Refer the ERO to review a decision in light of new information or with consideration to a specific section of this procedure

4.3.6.4 Overturn the decision

4.4 Penalties

4.4.1 The ERO or ERAC shall appoint demerit points for successful allegations made against a candidate, team or referendum committee

4.4.2 Candidates or teams have a maximum of ten (10) demerit points. If a candidate receives eleven (11) demerit points or higher, they shall be disqualified from the election, thereby voiding their candidacy and forfeiting reimbursement.

4.4.3 Referendum committees have a maximum of ten (10) demerit points. If a referendum committee receives eleven (11) demerit points or higher, they shall be disqualified from the referendum

4.4.4 Any committee disqualified for any reason shall not be reimbursed for any referendum expenses and shall not campaign further. This includes all of that committee's posters being removed, the committee not being allowed to participate at public forums, the ERO not setting up interviews with newspapers, and any other forms of campaigning as decided by the ERO. Upon the disqualification and during the polling period, signs will be posted and website updated by the ERO informing voters of the disqualification

4.4.5 The following shall be used to determine demerit points applied

Violation	Penalty
Spending over their allotted budget	1 point for every \$10 over budget, rounded up
Purposefully and significantly misrepresenting the character or statement(s) of another candidate or committee	3 points
Campaigning outside of campaign period	2 points
Speak to or email a class without the permission of the instructor	2 points
Directly providing a method of voting to voters during polling period, or campaigning to a voter while voting	5 points
Distribute money or alcohol for campaign purposes	5 points
Enter into contractual obligations with any groups on or off campus that may affect the Federation of Students during their term in office	5 points
Lying to the ERO, or ERAC regarding matters pertaining to their role(s)	5 points

Make public allegations that other candidates or committees have violated the rules until a decision has been delivered by the ERO or the ERAC	3 points
Serious breach of democratic process* (e.g. intentionally compromising ballots, etc.)	11 points
Minor** violation of these procedures or by-laws	3 points
Major** violation of these procedures	5 points

*This violation requires a super-majority (two-thirds vote) of the ERAC

**The ERO shall have discretion in determining if a violation is minor or major based on the other described violations.

Budgets

5.1 Spending limits for candidates shall be the following

Seat	Spending limit (\$)
Councillor	75
5.0 Councillor Team (2)	90
Councillor Team (3)	100
Councillor Team (4 or more)	100 + 5*(Team Size-3)
Executive	250
Executive Team (2)	300
Executive Team (3)	325
Executive Team (4)	340
Referendum Committee	500
Senate	200

5.2 Candidates and referendum committees must submit to the ERO a budget of all campaign expenditures with accompanying receipts no later than 12 hours after the end of the polling period. Photocopies or non-original receipts of expenditures may be accepted at the discretion of the ERO, but may not be eligible for reimbursement.

5.3 Candidates or referendum committees that do not have any expenditures are still required to indicate to the ERO that no campaign expenses were incurred.

5.4 Donated or significantly discounted campaign materials and gifts-in-kind will not have a monetary cost to the candidate or committee, but must be accounted for with the appropriate Fair Market Value calculation as determined by the ERO. This will be the price that will be used for budget calculation but not for reimbursements.

5.5 The ERO shall have final say as to what will be considered a campaign expense

5.6 Candidates who are ranked first on at least seven per cent of the ballots cast, and all Referendum Boards, will receive a subsidy from the Federation of Students for one hundred per cent of their actual campaign expenses as per their spending limit. Disqualified candidates and committees are not eligible for this subsidy.

Nominations

- 6.0
- 6.1 During the nomination period, nomination forms shall be available in the Federation of Students office and on the Feds website. Also during the nomination period, the online nomination form shall be available on the Feds website.
 - 6.2 In this section “signature” refers to either a written signature on a physical nomination form, or an authenticated nomination on an online nomination form.
 - 6.3 Nominations for Executive positions shall require the signature of the candidate and the signature of one hundred (100) other members of the Federation of Students.
 - 6.3.1 Nominations for an Executive position shall also require the candidate to indicate their agreement to the following statement: “I understand that, as an Executive, I will be expected to balance the best interests of the undergraduate student body and those of the corporation. I understand that, if elected, I will be required to complete Conflict of Interest Declaration forms and to follow all other responsibilities indicated in Council and Board Procedures.”
 - 6.4 Nominations for a Students’ Council position shall require the signature of the candidate as well as the signature of twenty-five (25) other members of the Federation of Students from the appropriate constituency.
 - 6.4.1 Nominations for a Students’ Council position shall also require the candidate to indicate their agreement to the following statement: “I understand that, as a Councillor, I will be expected to act in the best interests of my constituents. I understand that, if elected, I will be required to complete a Conflict of Interest Declaration form and to follow all other responsibilities indicated in Council Procedures.”
 - 6.5 Nominations for a Senate position shall require the signature of the candidate as well as the signature of twenty-five (25) other members of the Federation of Students from the appropriate constituency.
 - 6.6 Submitted nomination forms shall not be open for public inspection. However, the names of nominated candidates shall be public.
 - 6.7 The ERO, or designate, shall check the validity of each Executive and Councillor nomination form. For Executive and Councillor positions, the qualifications for candidate eligibility are set out in section X and section IX of the bylaws of the Federation of Students, respectively.
 - 6.8 The University Secretary or designate shall check the validity of each Senate nomination form. For Senate positions, the qualifications for candidate eligibility are set out in the [bylaws of University of Waterloo Senate](#). The University Secretary or designate shall liaise with the ERO and inform them of the validity of each Senate nomination form.
 - 6.9 If a nomination is invalid, the nomination shall be rejected and the candidate shall be notified. Candidates may correct and resubmit rejected nomination forms. If a nomination form is rejected after the end of the nomination period, the candidate will have two business days to resubmit their nomination form
 - 6.10 Unopposed Candidates

- 6.10.1 If the number of nominations for any position is less than or equal to the number of seats available for that position, all members who submitted valid and complete nomination forms for seats for that position shall be subject to a confirmation vote during the polling period. For such positions, eligible voters shall be given the chance to vote “yes”, “no”, or abstain for each candidate. A candidate shall be elected if the number of “yes” votes exceeds the number of “no” votes.
- 6.10.2 For clarity, all other sections of this procedure shall fully apply to unopposed candidates with the exception of any rules that contradict 6.10.1.

6.11 Exclusivity

- 6.11.1 Nominations are limited to a single position within the Federation of Students. A member of the Federation of Students may run for an Executive position, but may not concurrently run for another position within Students’ Council or the Executive. A member of the Federation of Students may not concurrently run for or hold two positions with Students’ Council under the same academic calendar year.
- 6.11.2 Senator elections are to the University of Waterloo Senate, not for a position within the Federation of Students. Members of the Federation of Students running for an Executive position or Students’ Council may also run for positions of Senate unless prohibited by the Chief Returning Officer of the University.

6.12 Special Rules Concerning Incumbents

- 6.12.1 Executives, Councillors, and all others holding positions within the Federation are expected to continue their duties during elections and referenda.
- 6.12.2 Candidates are not permitted to use their position(s) to gain advantage in elections. This includes, but is not limited to: use of official social media for campaign purposes and abuse of powers of office to influence voters (eg. awarding of prizes or money).
- 6.12.3 It is recommended that no Council or Board meeting be held during the campaign or voting period.
- 6.12.4 Candidates who are members of the Internal Funding Committee and the Internal Administration Committee are expected to take a leave of absence during the Interim, Campaign, and Polling periods, with Council appointing temporary members for said time.
- 6.12.5 The Board of Directors may overturn the above and require an Executive to carry out specific duties pertaining to their role.

Interim Period

- 7.0
- 7.1 During the Interim Preparation Period, the ERO shall hold a compulsory meeting to explain the rules for the election and/or referenda. At this meeting, the Electoral Officer shall distribute relevant Students' Council procedures and other documents to candidates or committees.
 - 7.2 All candidates and/or potential committee members are required to attend this meeting, or send a delegate on their behalf to receive the necessary information and documentation. In the event a candidate or committee member does not attend or send a delegate, they will be prohibited from campaigning until they have satisfied this requirement.
 - 7.3 Only full members of the Federation of Students may be a member or a chair of a referenda committee. Only members of an ERO approved committee may campaign on behalf of a referendum question. The committee Chairs will also disclose a list of official members to the ERO.
 - 7.4 During the Interim Preparation Period, the ERO will add all of the candidates' and committee members' email addresses, as provided on their nomination forms, to the Federation of Students' election email list. Candidates and committee members are to ensure they are receiving communications from the ERO via the Federation of Students election email list by the conclusion of the Interim Preparation Period. It is the responsibility of each candidate and committee member to ensure they are receiving communications and report any problems to the ERO immediately.
 - 7.5 Candidates and committee members are responsible to check their email daily during the Interim Preparation, campaigning, and polling periods for important updates.

Campaigning Period

8.1 Campaign Materials

- 8.0
- 8.1.1 Physical materials such as posters, signs, and banners, are permitted at the discretion of the University's Plant Operations department. As such, there are restrictions to these materials to ensure compliance with Plant Operations. At any time, candidates may be receive notice either directly from Plant Operations or via the ERO that may alterations to physical materials.
 - 8.1.2 All printed campaign materials will not be hung up on walls or surfaces with harmful materials, this includes, but is not limited to, duct tape, glue, etc.
 - 8.1.3 The office of the Federation provides an appropriately dated logo print and this should be used to signify to the University Plant Operations staff that posters with this logo print are authorized and should not be removed until the date marked thereon. Each poster must be individually stamped with this print by the candidate or committee, or designate.
 - 8.1.4 Use of the official Feds election logo and URL, which is normally <vote.feds.ca>, is mandatory on all print materials. The definition of a print material shall be at the discretion of Electoral Officer. Use of the logo and website is encouraged on other campaign materials.
 - 8.1.5 The referendum campaigning rules shall not impede any officer or member of the corporation from carrying out all duties reasonably incident to their portfolio. No publicity attributed to a portfolio shall be applied to a candidate's or referendum committee's budget during the campaign period provided that the committee membership is not mentioned or any association with the campaign noted.
 - 8.1.6 Candidates and committees will be responsible for daily monitoring of all social media postings organized by the candidate, or their committee, to ensure each posting follows the rules of this procedure.

Polling Period

9.1 Each vote will have the value of one (1)

9.2 The Elections & Referenda Committee shall decide where to place online polling stations on the University campus during each election cycle. The ERO will endeavor to place online polling stations in areas frequented by sizeable concentrations of undergraduate students.

9.0

9.3 Ballots

9.3.1 Ballots for elections, whether electronic or paper, shall list the names of the candidate's, surname first, in alphabetical order and where applicable include the Team name in brackets following the name.

9.3.2 The ERO shall cause the electronic ballots to be tested.

9.3.3 Each paper ballot shall be uniformly marked with a distinctive sign that indicates its validity.

9.4 Online voting system

9.4.1 The online voting system shall be usable only by members of the Federation of Students.

9.4.2 The online voting system shall ensure that electors cannot cast more votes than they are entitled to cast.

9.4.3 The online voting system shall use the list of electors prepared by the ERO to validate electors.

9.4.4 The online voting system shall provide immediate feedback to electors about the status of the votes that they have cast.

9.4.5 The online voting system shall allow an elector to decline the ballot.

9.4.6 The online voting system shall store each vote and the time that the vote was cast in an electronic medium.

9.4.7 Votes cast shall not be traceable to the elector who cast them.

9.4.8 The results of the electronic vote shall be stored in a non-electronic medium.

9.5 Number of votes and eligibility

9.5.1 For Executive and Councillor elected position the voting system will be as outlined in the Bylaws.

9.5.2 For Senator elections, each full member of the Federation shall be eligible to vote once in the constituency in which they are registered, and once for any at-large candidates.

9.6 Offline voting

9.6.1 Electors who are not on the list of electors prepared by the Electoral Officer and could not successfully vote online shall, if they can show that they are members of the Federation of Students, be able to vote using paper ballots.

9.6.2 A polling station shall be established at the Federation of Students office for electors who are not on the list of electors prepared by the Electoral Officer.

9.7 Polling stations

- 9.7.1 Polling stations shall be staffed by two polling clerks
- 9.7.2 Polling clerks shall not provide opinions on the candidates or referendum options, even if those opinions are solicited.
- 9.7.3 Online polling stations shall have at least one computer that is connected to the Internet.
- 9.7.4 Online polling clerks may assist electors with online voting, but they cannot vote on behalf of an elector.

9.8 Voting at the polling station

- 9.8.1 Only members who are not on the list of electors and members who could not successfully vote online may vote at the polling station.
- 9.8.2 Paper ballots shall be counted and signed out by the Chief Returning Officer at the start of the polling period and counted upon their return.
- 9.8.3 To vote, students who are not able to vote online must present their student ID card.
- 9.8.4 Polling clerks shall initial ballots for qualified electors.
- 9.8.5 The elector shall mark the ballot in private and place it in the ballot box under the supervision of the polling clerk.
- 9.8.6 An elector who has received a ballot and returns it to the polling officer declining to vote, forfeits the right to vote and the polling officer shall immediately write the word "declined" upon the back of the ballot and preserve it to be returned to the ERO.
- 9.8.7 If an elector marks the ballot incorrectly, the student may request another ballot. The polling clerk must destroy the original ballot immediately, under the scrutiny of the student but must keep a record of destroyed ballots.

9.9 Counting ballots

- 9.9.1 The ERO and Research and Policy Officer shall be responsible for overseeing the counting of paper ballots.
- 9.9.2 Only the ERO, Research and Policy Officer and duly appointed scrutineers of candidates eligible for election or non-disqualified committees shall be present during the counting of paper ballots.
- 9.9.3 A paper ballot shall be considered spoiled if:
 - 9.9.3.1 It is not obvious by means of an appropriate mark which candidate or option was the voter's choice;
 - 9.9.3.2 It is not initialed by a poll clerk;
 - 9.9.3.3 Any marks signifying the identity of the voter are present; or
 - 9.9.3.4 It is not appropriately stamped.
- 9.9.4 All disputes regarding the counting of ballots shall be received by the Elections & Referenda Committee and shall be settled before the election or referendum is declared ended.
- 9.9.5 Any candidate or committee shall be entitled to a recount of the paper ballots if they request it from the ERO within seventy-two hours of the announcement of the election results.

- 9.9.6 The votes will be tallied using the Instant Runoff Voting (IRV) counting system for executive candidates. Votes for the council candidates will be tallied using the Single Transferable Vote (STV) counting system.
- 9.9.7 Votes for referenda will be tallied, with the option receiving the most votes declared the winner.
- 9.10 Ties
 - 9.10.1 In the event of a tie, a run-off vote will be held as soon as is practical, in which only those candidates or options with the most votes will be eligible.
- 9.11 Rules for candidates and committees during the polling period
 - 9.11.1 Candidates, campaign volunteers, and referendum committees may still campaign during the polling period
 - 9.11.2 Candidates, campaign volunteers, and referendum committees are not permitted to provide a mechanism of voting (e.g. laptop, tablet, phone) to any eligible voters
 - 9.11.3 Candidates, campaign volunteers, and referendum committees must make all attempts to not be present while an elector is in the process of voting

