



## Bylaw 7 – Elections

### 1. Purpose

- 1.1 To ensure all MSU elections and referenda are carried out in a fair and equitable manner.

### 2. Personnel Structure

#### 2.1 The Chief Returning Officer (CRO) shall:

- 2.1.1 Be the chief electoral officer of the MSU, ratified by the SRA no later than September 30;
- 2.1.2 Not be a voting member of either the SRA or the Elections Committee;
- 2.1.3 Not seek office in an election, support or denigrate any candidate, or endorse a position in a referendum administered by the Elections Department during their term of office;
- 2.1.4 Report to the SRA, no later than September 30, the timetable (denoting proclamation periods, campaign periods, and polling dates) for the MSU Presidential election, SRA General Election, and all scheduled SRA by-elections;
- 2.1.5 Report to the SRA the results of each electoral period, including recommendations of the Elections Committee;
- 2.1.6 Annually determine the allocation of SRA seats according to **Bylaw 3 – Student Representative Assembly** and report same in writing to the SRA no later than January 31;
- 2.1.7 Provide the Speaker of the MSU with a written copy of the official SRA General Election results before the end of March.

#### 2.2 The Deputy Returning Officer (DRO) shall:

- 2.2.1 Be ratified by the SRA no later than September 30;
- 2.2.2 Not be a voting member of either the SRA or the Elections Committee;
- 2.2.3 Not seek office in an election, support or denigrate any candidate, or endorse a position in a referendum administered by the Elections Department during their term of office;
- 2.2.4 In the case of the resignation, or recall of the CRO, act in that capacity under the direction of the Elections Committee until the position is permanently filled;

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Revised 73A, 74Q, 75H, 76Q, 79H, 87L, 88V, 89F, 89P, 93F, 94F, 95U, 96Q, 97R, 98R, 99L, 00O, 00Q, 01Q, 02K, 02Q, 07Q, 09Q, 09R, 10P, 11F, 11O, 12K, 14K, 15G, 16Q, 18G

- 2.2.4.1 In the case of a Leave of Absence, act in that capacity until the CRO returns to their duties;
- 2.2.5 Be responsible to the CRO and assist with the CRO's duties as assigned.
- 2.3 The Elections Committee shall adjudicate MSU elections and referenda in a fair and just manner and shall fulfill other duties as set out in MSU operating policy.
- 2.4 The Electoral Appeal Board shall:
  - 2.4.1 Be struck at the beginning of each SRA's term;
  - 2.4.2 Consist of the MSU Speaker, the Secretary of the University Senate, and a member of the non-SRA McMaster community, with two (2) additional member of the non-SRA McMaster community designated as alternatives;
    - 2.4.2.1 Members of the McMaster community shall be defined as registered students, professors, university staff, and employees of the MSU, GSA, and MAPS
    - 2.4.2.2 Applications shall be solicited in March by advertisement in *The Silhouette*, and MSU Website for the non-SRA McMaster community positions on the Electoral Appeal Board. The Elections Committee shall review applicants and recommend candidates to the SRA no later than September 30.
  - 2.4.3 Be ratified by the SRA no later than September 30, based on nominees recommended by the Elections Committee;
  - 2.4.4 Have minutes taken of all proceedings;
  - 2.4.5 Members of the Electoral Appeal Board shall not seek office in an election, support or denigrate any candidate, or endorse a position in a referendum administered by the Elections Committee during their terms of office.
- 2.5 Poll Clerks shall:
  - 2.5.1 Not be members of the SRA, the Elections Committee, or the Electoral Appeal Board;
  - 2.5.2 Not seek office in an election, support or denigrate any candidate, or endorse a position in a referendum administered by the Elections Committee during his or her term of employment;
  - 2.5.3 Ensure that the voting stations are clean, free from obstruction, and are run in an efficient manner;
  - 2.5.4 Ensure that there is neither campaigning nor campaign materials within sight or sound of the polling station;
  - 2.5.5 Be responsible for other duties set out in the full job description, approved by the Executive Board.

### 3. Election/Referenda Schedule

- 3.1 Polling for the election of the First Year Council shall begin no later than September 30.
- 3.2 Polling for the election of the MSU President shall begin no later than February 13.
- 3.3 Polling for the election of divisional representatives on the Student Representative Assembly shall begin no later than March 13.
- 3.4 Vacancies on the SRA shall be filled through by-elections administered by the Elections Department.
  - 3.4.1 The unsuccessful candidate(s) in the SRA General Election from the same academic division shall fill vacancies prior to April 30. The written offer of SRA seat succession, from the Speaker to the candidate(s), shall be made in order of the largest number of votes received by the candidate(s) in the General Election. The reply from the candidate shall be made in writing. Where there is no such candidate, the seat shall be considered vacant until August 31.
  - 3.4.2 Vacancies on the SRA shall be considered effective upon declaration by the Speaker, which shall occur as per this schedule:
    - 3.4.2.1 Vacancies occurring between May 1<sup>st</sup> and October 1<sup>st</sup> shall be declared vacant at the first SRA meeting on or after October 1<sup>st</sup>.
    - 3.4.2.2 Vacancies occurring between the first SRA meeting on or after October 1<sup>st</sup> and November 1<sup>st</sup> shall be declared vacant at the first SRA meeting on or after November 1<sup>st</sup>.
    - 3.4.2.3 Vacancies occurring between the first SRA meeting on or after November 1<sup>st</sup> and January 1<sup>st</sup> shall be declared vacant at the first SRA meeting on or after January 1<sup>st</sup>.
    - 3.4.2.4 The SRA may, by a majority affirmative vote, direct the Speaker to declare vacancies at a meeting prior to those specified on this schedule.
- 3.5 A call for referendum shall be triggered by an SRA resolution, a General Assembly quorate resolution, or the validation of a petition calling for a referendum pursuant to Article VII of the MSU Constitution.
  - 3.5.1 The call for referendum shall be subject to the restriction that a valid referendum has not been held on the same or a similar question within the current or previous academic year.
    - 3.5.1.1 This restriction may be suspended by a two-thirds affirmative vote of the SRA.

- 3.6 Referenda shall be held concurrent to October by-elections, the Presidential election, or the SRA General election. Upon a call for referendum, the Elections Committee shall grant a poll concurrent to the next scheduled election.
  - 3.6.1 Referenda may be held outside this schedule by a two-thirds affirmative vote of the full SRA, no later than March 15. The timetable for each special referendum shall be determined by BYLAW 10, section 8.

#### 4. Nominee Qualifications

- 4.1 Every person who, at the time of Proclamation, is a member in good standing of McMaster Students Union as defined in **Bylaw 2 – MSU Membership**, and is a member of the applicable electoral constituency, is qualified to seek office.
  - 4.1.1 MSU members exempted from **Bylaw 2 – MSU Membership** from being required to be enrolled in academic courses shall be considered to be in the academic division on file with the Office of the Registrar.
  - 4.1.2 Students who are enrolled as students at McMaster University at the time of proclamation and are not MSU members as defined in **Bylaw 2 – MSU Membership**, shall be eligible to seek office if;
    - 4.1.2.1 They are registered in a University sanctioned work placement, and have provided written evidence of such, from their respective faculty's office of experiential education, to the Elections Committee and where the Elections Committee has deemed such evidence as adequate;
    - 4.1.2.2 They were an MSU member in the year prior to entering their work placement, and;
    - 4.1.2.3 They will be returning as an MSU member in September of the academic year they would serve in office, and have provided evidence of such, from the Office of the Registrar, to the Elections Committee and where the Elections Committee has deemed such evidence as adequate.
- 4.2 Nominees with outstanding election fines will be considered to be in bad standing for the purposes of elections and/or referenda and shall not be eligible to be a candidate or referendum side representative

#### 5. Elector Qualifications

- 5.1 In any electoral constituency in which an election or referendum is held, every person, who at the time of Proclamation is a member in good standing of the McMaster Students Union, as defined in **Bylaw 2 – MSU Membership** and is a member of the applicable electoral constituency, shall be eligible to cast one ballot.
  - 5.1.1 MSU members exempted by **Bylaw 2 – MSU Membership** from being required to be enrolled in academic courses shall be considered to be in the academic division on file with the Office of the Registrar.

- 5.2 The Returning Officers shall requisition, from the Office of the University Registrar, a list of eligible electors as required for elections and/or referenda.
  - 5.2.1 The list of electors having cast ballots is privileged and is not open to perusal by any individual or group inside or outside the MSU;
  - 5.2.2 Any irregularities in the preparation of polling lists shall not be considered grounds for invalidating an election/referendum.

## 6. Scrutineer Qualifications

- 6.1 Eligible electors (excluding candidates themselves, members of the Elections Committee [voting members and official observers] or Electoral Appeal Board, and poll clerks) are eligible to serve as scrutineers.

## 7. Violations, Penalties, And Enforcement

- 7.1 The Elections Committee, in conjunction with the Elections Department shall establish rules on the following: spending allowance, volume of materials, and permissible areas for posting of campaign materials, establishing a fine structure and consequences for violations, setting time limits for campaign period, campaigning in residence, the use of email, Internet, and other technologies.
  - 7.1.1 The Elections Committee may also establish additional rules at its discretion;
    - 7.1.1.1 Any additional rules or rulings on the rules will be published on the MSU website and distributed to all candidates within 24 hours.
- 7.2 The Elections Committee and Chief Returning Officer is responsible for ensuring that all candidates, representatives and voters comply with this bylaw and any supplementary rules established by the committee. Each candidate in an election and each side in a referendum shall be provided with a copy of **Bylaw 7 – Elections** (and any subsidiary bylaws), relevant campaign rules, and other materials prior to the opening of the campaign period.
- 7.3 Non-compliance with this bylaw or supplementary rules established by the Elections Committee shall be viewed as violations. The committee shall assess the nature and number of violations and may exercise any combinations of the following:
  - 7.3.1 Issue a warning;
  - 7.3.2 Levy a fine;
  - 7.3.3 Disqualify a candidate/side;
  - 7.3.4 Invalidate an elections/referendum;
  - 7.3.5 Recommend to the SRA, the suspension of MSU privileges.
- 7.4 The Chief Returning Officer shall assess the nature and number of violations during the campaign period and may exercise any combinations of the following:

- 7.4.1 Issue a warning;
- 7.4.2 Levy a fine.
- 7.5 The Elections Committee shall set specific fines for election and referendum violations before the campaign period.
  - 7.5.1 Candidates and referendum sides exceeding the spending limit shall be fined 100% of the amount that exceeds the spending limit.
  - 7.5.2 No single fine shall be greater than \$100, except where the violation involved exceeding the spending limit.
- 7.6 The Elections Committee and Chief Returning Officer shall reserve discretion in assessing extenuating circumstances for violations.
- 7.7 All individuals shall be required to bear the onus of responsibility for their participation in a democratic process.
- 7.8 The Chief Returning Officer may choose to delegate any or all of the above responsibilities to the Deputy Returning Officer.

## 8. Nominations & Campaigning

- 8.1 There shall be a nomination period of at least five (5) school days for by-elections and referenda held concurrent to by-elections, and ten (10) school days for all other elections and referenda;
  - 8.1.1 Please refer to **Bylaw 7/A – Electoral Procedures** section 3 for nomination procedures.
- 8.2 There shall be a minimum of four (4) school days of campaigning for by-elections and referenda held concurrent with by-elections, and there shall be a minimum of six (6) school days of campaigning for all other elections and referenda.
- 8.3 Campaigning shall be defined as, but not necessarily limited to:
  - 8.3.1 Distribution or display (excluding design) of campaign materials;
  - 8.3.2 Speaking to classes, residences, student groups, or individuals for the purpose of presenting a platform as a representative of a candidate or referendum side.
- 8.4 Individuals asking to have their nomination forms signed shall not be considered to be campaigning.
- 8.5 No one shall cause a willful disturbance at a polling station, interfere, or attempt to interfere with an individual's right to vote.
- 8.6 Candidates may campaign off-campus under the following restrictions:
  - 8.6.1 Candidates may not campaign door-to-door off campus.

- 8.6.2 Candidates may only post campaign material off campus in their own personal space and that of consenting McMaster students.

## 9. Voting Systems

- 9.1 In elections for the office of MSU President, elections for the MSU First Year Council, or referenda in which the ballot offers more than two (2) options, a single transferable vote system shall be employed for the counting of ballots.
  - 9.1.1 Electors shall mark their choices in order of preference.
  - 9.1.2 All first choice votes shall be counted and separated by candidate.
  - 9.1.3 If no candidate receives a majority of the total vote, the candidate with the least votes shall be declared “out of race” and the first choice ballots of that candidate shall be recounted in accordance with the second choice indicated on the ballot.
  - 9.1.4 This system of dropping off the lowest candidate and redistributing ballots according to the next choice of remaining candidates shall continue until one (1) candidate achieves a majority.
  - 9.1.5 If a candidate or referendum side is disqualified or chooses to withdraw after polling has taken place, the disqualified or withdrawn candidate shall be declared “out of race” and his or her first choice ballot recounted in accordance with the second choice indicated on the ballot. Any ballot with no second choice shall be counted as an abstention.
  - 9.1.6 Abstentions, declined, and spoiled ballots shall not count in the calculation of majority.
- 9.2 In all other elections or referenda, a plurality voting system shall be employed for the counting of ballots.
  - 9.2.1 Electors shall mark a number of choices not exceeding the number of open positions.
  - 9.2.2 Votes shall be counted for each candidate, and the candidate(s) with the most votes shall be declared duly elected.
  - 9.2.3 If a candidate or referendum side is disqualified or chooses to withdraw after polling has taken place, any ballot cast for that candidate or referendum side shall be counted as an abstention.
- 9.3 If a disqualification is overturned on appeal, the ballots shall be recounted as if the candidate or referendum side had never been disqualified.
- 9.4 Abstentions, declined, and spoiled ballots shall count toward the establishment of quorum for a referendum.

## 10. Invalidation of an Election/Referendum

- 10.1 Where the number and/or degree of violations and improprieties are deemed sufficient, the Elections Committee may invalidate an election or referendum. Invalidation may also be considered by the Elections Committee on receipt of a formal complaint by an MSU member received by the Returning Officers within five (5) business days of the counting of ballots.

- 10.2 Invalidation shall be subject to appeal, directly to the Electoral Appeal Board, when a written appeal has been received by the Returning Officers within five (5) business days of an invalidation decision by the Elections Committee.

## 11. Campaign Reimbursement

- 11.1 First Year Council candidates, MSU Presidential candidates, registered referendum sides, and SRA candidates shall be eligible for reimbursement up to a pre-designated limit established by the Elections Committee, less penalties:
  - 11.1.1 Candidates who are disqualified shall not be eligible for reimbursement.
  - 11.1.2 In order to qualify, a candidate or referendum side shall submit an itemized list of expenses including invoices and receipts covering all campaign materials. This information, accompanied by a copy of all campaign material, shall be submitted to the Returning Officers by noon on the business day prior to the initial day of polling.
  - 11.1.3 Candidates and referendum sides that do not spend money in the course of their campaign shall be required to notify the Returning Officers of non-expenditure by submitting a written declaration by noon on the business day prior to the initial day of polling.
  - 11.1.4 Expenses must reflect the fair market value of each item. If material from a previous campaign which would normally be produced during the current campaign period is used as campaign material, it shall be counted as part of the spending limit but shall not be calculated as an expense eligible for reimbursement.
  - 11.1.5 Photography and masking tape shall not be counted in the calculation of campaign expenses;
  - 11.1.6 Candidates and referendum sides receiving at least ten percent (10%) of the vote on any ballot shall be fully reimbursed up to the limit, less penalties. Those candidates receiving less than ten percent (10%) of the vote shall receive reimbursement equal to the exact percentage of votes received, multiplied by ten (10), less fines.
- 11.2 An MSU Presidential candidate or referendum side may obtain an interest-free loan for up to the amount of the spending limit established by the Elections Committee, by applying to the Vice-President (Finance).
  - 11.2.1 The candidate or campaign side may submit an application to the Vice-President (Finance) during the nomination period. The Chief Returning Officer will inform the Vice-President (Finance) of all official registered candidates and sides at the close of the nomination period.
  - 11.2.2 Funds shall be released by the Vice-President (Finance) to all candidates and campaign sides at the same time, no later than the first day of campaigning.
  - 11.2.3 Fifty percent (50%) of the funds shall be issued as a credit at the MSU Underground Media + Design and the remaining fifty percent (50%) shall be issued via cheque to the candidate or campaign side for other campaign expenses.



- 11.2.4 Any loans granted pursuant to this section must be repaid, within thirty (30) business days from the close of polls, subject to any amount reimbursed and fines issued.
- 11.2.5 Any loan which is not repaid within this time period will be pursued legally and will be subject to an interest rate as provided for in the Courts of Justice Act, RSO 1990.
- 11.2.6 Failure to repay a loan within thirty (30) days will result in the Vice-President (Finance) recommending to the SRA the suspension of MSU membership (as per **Bylaw 2 – MSU Membership**) until such time that the loan is paid in full including interest and any applicable legal fees.
- 11.2.7 Any Presidential candidate or referendum side that is disqualified or withdraws must still repay the loan in full.

## 12. Conflict of Interest

- 12.1 Any member of the Elections Committee (including official observers) or Electoral Appeal Board, who runs for election, supports or denigrates a candidate, or endorses a position in a referendum administered by the Elections Committee, or declares intention thereof, shall be in conflict of interest.
  - 12.1.1 Voting members of the Elections Committee or Electoral Appeal Board in conflict of interest must declare it and shall relinquish their seats.
  - 12.1.2 Official observers in conflict of interest shall lose all privileges as observers for the duration of the Proclamation, Campaign, and Appeals periods for that election or referendum.
- 12.2 Using a position with the campus media to promote or denigrate a referendum side or candidate shall be considered illegal campaigning (editorials excepted). Persons seeking office, supporting a candidate, or supporting a side in a referendum shall not be required to forego a consistent media credit (established at least six (6) weeks prior to the Proclamation) during the campaign period unless the position is used in the interest, or to the detriment of, a candidate referendum position.
- 12.3 All student media have a responsibility to present the news in a fair and unbiased manner. The publishing or broadcasting of opinions in relation to election or referenda will not be considered illegal campaigning as long as they are clearly marked or defined as Editorial, and the campaign affiliation of the author is clearly stated in the byline.

## 13. Retention of Documents

- 13.1 Records retained of each election and referendum, under the direction of the Returning Officers, shall include, but not be limited to:
  - 13.1.1 A copy of the Campaign Rules set by the Elections Committee, and any other regulatory documentation in force for that electoral period;
  - 13.1.2 A soft copy of each piece of candidate or referendum side campaign material;

- 13.1.2.1 If a soft copy is not available, just a hard copy will be retained.
- 13.1.3 Candidates' receipts, which shall be retained until the end of the appeals period;
- 13.1.4 A soft copy of any Elections Committee-sponsored advertisements/notices including, but not limited to:
  - 13.1.4.1 Proclamations, Notice of Poll, Declaration of Return, copy of the ballot.
- 13.2 All records for a given year shall be submitted by the Returning Officers to the MSU Archives no later than March 31st, and shall be retained indefinitely unless otherwise specified.