



Bylaw 7/A – Electoral Procedures

1. Purpose

- 1.1. To define the procedures according to which McMaster Students Union (MSU) elections-at-large and referenda are to be administered.
- 1.2. Relevant elections include:
 - 1.2.1. MSU President;
 - 1.2.2. Student Representative Assembly (SRA);
 - 1.2.3. First-Year Council (FYC).

2. Proclamation

- 2.1. The Chief Returning Officer (CRO) or Deputy Returning Officer (DRO), on behalf of the Elections Committee, shall issue a proclamation through available communicative channels including campus media no later than the day nominations open, indicating:
 - 2.1.1. The fixed place and time for the nomination of candidates in the case of an election;
 - 2.1.2. The general nature on the issue pending in a referendum and the time and place fixed for sign-up of official referendum side representatives;
 - 2.1.3. The day(s) on which the poll is to be held;
 - 2.1.4. Any additional information deemed appropriate by the Elections Committee.

3. Candidate Nomination & Referendum Voting Procedures

- 3.1. Nomination forms must be signed by the nominee and fifteen (15) members in good standing with the MSU, from the applicable constituency;
 - 3.1.1. Members in good standing are considered those **Bylaw 2 – MSU Membership, Section 2** without outstanding elections fines;

Approved 09R
Revised EB 10-09, 10K, 11O, 14K, 18G, 20P

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- 3.1.2. Constituency for FYC elections shall consist of MSU members registered in Level I of their program of study, or specific residence;
 - 3.1.3. Constituency for an SRA election shall consist of MSU members from within the same academic division as the candidate;
 - 3.1.4. Constituency for a Presidential election shall consist of all MSU members.
- 3.2. Eligible nominees shall submit nomination forms to the Returning Officers, who shall validate the signatures of the nominators;
- 3.2.1. Members of the Elections Committee shall assist in the validation of signatures at the discretion of the Returning Officers;
 - 3.2.1.1. Any candidate whose nomination form is complete, but does not meet the validation requirements, shall be given one (1) school day after the close of nominations to amend and resubmit the nomination form for final validation;
 - 3.2.1.2. The content of nomination forms shall be treated as information privileged to the Returning Officers, Elections Committee members designated by the Returning Officers, and the Administrative Services Coordinator until the finalized list of valid candidates has been posted.
- 3.3. Nomination forms, deposits and referendum registration shall be accepted for a 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;
- 3.3.1. The following procedure will be followed if seats have not been filled within the original timeline:
 - 3.3.1.1. If the position of MSU President is not filled, the nomination period shall be extended for up to two (2) weeks at a time until a candidate is nominated;
 - 3.3.1.2. For all other elections, nominations for any remaining seats shall remain open for a period of up to two (2) weeks at the discretion of the Elections Department;
 - 3.3.1.2.1. If a seat on the SRA or FYC is still not filled, the nomination period shall be reopened at the next scheduled by-election as outlined in Bylaw 7 – Elections, Section 3.4.2.
- 3.4. A candidate may withdraw at any time after nomination and prior to the opening of polls by delivering written notice of their decision to withdraw to the Returning Officers;

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- 3.4.1. If, after the withdrawal, there remain a number of candidates equal to or less than the number of elected positions available, the CRO shall grant a poll for a vote of confidence.

4. Grant of Poll

- 4.1. If the number of candidates nominated exceeds the number of elected positions available, the CRO shall grant a poll for the taking of votes;
- 4.2. If the number of candidates nominated is less than or equal to the number of elected positions available, the CRO shall grant a poll for a vote of confidence;
 - 4.2.1. If a vote of confidence is declared for any FYC or SRA positions the CRO shall issue a Notice of Poll to be held within three school days of nominations being closed.
 - 4.2.2. If the Candidate does not pass the vote of confidence then the election cycle will begin again.
 - 4.2.2.1. For SRA and FYC elections these will be treated as a by-election.
- 4.3. The CRO shall issue a Notice of declaring the link to the polls (if applicable), location of poll stations, dates, and times of poll at least three (3) school days prior to the first polling day.

5. Preparation of Ballots

- 5.1. Voting will take place through online voting software;
 - 5.1.1. If any constraints prohibit online voting, the elections will move to paper balloting at the earliest time possible;
 - 5.1.2. The Elections Committee will make a technical complaint form available online and at the MSU front desk;
 - 5.1.3. All concerns regarding the electronic voting system must be made through this form;
 - 5.1.4. The Returning Officers will make a decision within twenty-four (24) hours after receiving the complaint;
 - 5.1.5. Any decisions must be conveyed to eligible voters within twelve (12) hours of making the decision;
 - 5.1.5.1. All decisions made by the Returning Officers regarding technical complaints shall be subject to ratification by the Elections Committee;
 - 5.1.5.2. A hyperlink to the polls will be displayed on the MSU homepage for the duration of polling.

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- 5.1.6. In an election using paper balloting, the sections of **Bylaw 7/A – Electoral Procedures** specifically pertaining to online voting procedures will be inoperative and **Section 8, Paper Balloting** shall take effect.
- 5.2. The appropriate voting system, single transferable vote or plurality ballots, will be used according to **Bylaw 7 - Elections, Section 7**;
- 5.3. Each ballot shall state the name of the office for which the election is being held and shall provide appropriate instructions;
 - 5.3.1. In elections in which a single transferable vote system is employed, ballots shall allow voters to indicate their candidate preferences sequentially;
 - 5.3.2. In elections in which the plurality system is employed, ballots shall state the number of candidates for which the elector may vote;
 - 5.3.3. The names of the candidates shall be shown alphabetically by surname on the ballot;
 - 5.3.3.1. The preferred name, (as submitted on the nomination papers), shall follow the surname;
 - 5.3.3.2. In cases where a discrepancy exists between the Registrar's records and the submitted names for a candidate, the preferred name shall appear on the ballot.

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6. Ties & Declinations

- 6.1. In the case of a candidate declining their elected position within three (3) business days of the announcement of electoral results, the ballots shall be recounted and the declining candidate's name shall not be read;
- 6.2. In the event of a tie in an election or referendum, the poll(s) shall be extended for one (1) additional day to be scheduled two (2) school days following the last day of polling.
 - 6.2.1. The extension shall apply only to referenda, the two leading Presidential candidates, the two (2) leading candidates for a FYC position, or those candidates who are tied for the last SRA seat in an academic division.

7. Ballot Report Procedures

- 7.1. Each candidate may appoint one (1) scrutineer to oversee the ballot report approval for an SRA election, or up to three (3) scrutineers to oversee the ballot report approval for a Presidential election;

- 7.1.1. Each referendum side may appoint up to three (3) scrutineers to oversee the ballot report approval;
- 7.1.2. The absence of a scrutineer shall not invalidate any procedure of an election or referendum.
- 7.2. Only members of the Elections Committee, (including official observers of the Elections Committee who are not in a conflict of interest), and scrutineers may be present during the ballot report approval;
 - 7.2.1. Entry and exit shall be restricted;
- 7.3. The ballot report shall be approved, and the results posted within forty-eight (48) hours of the close of the polls;
 - 7.3.1. If this is not possible as a result of extenuating circumstances, the CRO shall extend the period to such time as a quorate Elections Committee meeting can be held.

8. Appeal Procedures

- 8.1. Any decisions of the Elections Committee or CRO may be appealed. Notice and grounds for appeal shall be submitted in writing to the Returning Officers no later than 4:30 PM, five (5) business days after the Committee or CRO's ruling;
 - 8.1.1. Candidates who choose to appeal will be required to submit all documentation for circulation within the Elections Committee minimum forty-eight (48) hours prior to the scheduled appeal meeting.
- 8.2. The Elections Committee shall first reconsider its initial decision as well as those made by the CRO;
 - 8.2.1. If the complaint is not satisfactorily resolved, notice of intent to proceed with the appeal must be received in writing to the Returning Officers within five (5) business days of the Committee's ruling;
 - 8.2.2. The Electoral Appeal Board shall then consider the case and its decision shall be final.
- 8.3. Appeals for a recount must be received in writing by the Returning Officers by 4:30 PM, two (2) business days after the initial counting of ballots;
- 8.4. Immediately after the resolution of all pending appeals, the CRO shall proclaim the successful candidate(s) duly elected.

9. Paper Balloting

- 9.1. If the Elections Committee decides that online voting has been compromised:
 - 9.1.1. The Elections Committee must decide whether to invalidate the election and proceed with paper balloting beginning at nomination period or to continue with the election cycle with a notice of poll for paper balloting;
 - 9.1.2. The decision must be disseminated to all eligible voters within twelve (12) hours.
- 9.2. All ballots for election to the same office shall be of the same description and as nearly alike as possible;
 - 9.2.1. Ballots for election to different office shall be printed on paper of different colours;
 - 9.2.2. Ballots shall be issued in groups of fifty (50) in numbered, sealed envelopes.
- 9.3. There shall be at least one (1) polling station per electoral constituency in the case of SRA elections;
 - 9.3.1. In the case of Presidential elections or referenda, the number of polls shall not be less than the maximum number granted in a SRA General Election;
 - 9.3.2. In the case of FYC elections, the number of polls shall not be less than the number of positions being elected.
- 9.4. Each poll shall be supplied with one (1) ballot box per election or referendum;
 - 9.4.1. Each ballot box shall be made of durable material and constructed so that ballots can be deposited therein but cannot be withdrawn without unlocking or otherwise disrupting the integrity of the ballot box.
- 9.5. When an elector declines to accept the ballot, the poll clerks shall write, "Declined" on the ballot and place it in the ballot box;
- 9.6. All eligible electors in line when the polling station is scheduled to close shall be permitted to vote;
- 9.7. For the period between the closing of polls and the counting of ballots, the ballot boxes shall be taken by the Returning Officers, Poll Clerks, and the scrutineers to be stored in the McMaster Security Office or another secure area as designated by the Elections Committee;
 - 9.7.1. Under extenuating circumstances, the CRO may make this decision on behalf of the Elections Committee;
- 9.8. Ballot boxes shall be inspected by the Elections Committee prior to the counting of ballots;

- 9.8.1. The Committee shall ensure that all seals are intact and that the ballot box number corresponds to the recorded issue number.
- 9.9. If a candidate withdraws after ballots have already been printed, notice of the candidate's withdrawal shall be posed to all appropriate polls by the Returning Officers;
- 9.10. Should the Elections Department require the hiring of Poll Clerks, said Poll Clerks shall:
 - 9.10.1. Remove all campaign material from within sight of the polling station before opening the polling stations on campus;
 - 9.10.2. Be supplied with all the necessary materials, prior to the opening of polls, by the Returning Officers;
 - 9.10.2.1. Upon receipt, the Poll Clerks shall be responsible for the security and proper use of election materials, until they are returned to the Returning Officers at the designated time and place;
 - 9.10.3. Not provide instruction to voters regarding voting procedures or who to vote for;
 - 9.10.3.1. All inquiries shall be directed towards the written instructions provided and/or the Returning Officers;
 - 9.10.4. Not discuss any matter pertaining to an election or referendum with anyone except the Returning Officers.
- 9.11. Written instructions regarding voting procedures shall be posted in a visible location at all polling station on campus;
- 9.12. Each candidate or referendum side may appoint one (1) scrutineer to observe the balloting procedure at each poll on campus;
 - 9.12.1. Nominations for scrutineers must be submitted to the Returning Officers two (2) business days prior to the opening of polls and must receive written certification from the CRO.
- 9.13. In order for a polling station on campus to be open, there must be two Poll Clerks in attendance;
- 9.14. Candidates are not to be seen or heard at any polling station on campus other than for the purpose of casting their own ballot;
- 9.15. No more than one (1) scrutineer per candidate or referendum side shall be permitted to remain at the poll on campus at any one time while the poll remains open;
 - 9.15.1. Should the scrutineer contravene any election rule, the Returning Officers shall confiscate the scrutineer's certification.

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- 9.16. Voters that require assistance shall indicate their preference to one of the Poll Clerks and the ballot shall be so marked;
- 9.17. If by any reason of emergency, a polling station does not open at the designated hour, or voting is interrupted during operation, the CRO shall extend polling hours or open the polling station of the following school day until a fair opportunity has been given for all eligible electors to vote.