

BYLAW 3
THE ELECTIONS BYLAW
THE UNIVERSITY OF TORONTO ENGINEERING SOCIETY

ADOPTED: October 24, 2015
LAST REVISED: May 12, 2017



CHAPTER 0 - General

0.0. General

- 0.0.1. In any situations where this Bylaw contradicts Bylaw 1, Bylaw 1 shall have precedence.
- 0.0.2. The Chief Returning Officer, henceforth referred to as CRO, shall give notice of the opening of a Nomination Period, and the positions to be elected, prior to the commencement of the Nomination Period.
- 0.0.3. The CRO shall give notice of any referendum or election.
- 0.0.4. Notice shall be given at least 7 days in advance, as referred to in 0.0.2. and 0.0.3., and shall consist of:
 - a. Posters put up; and/or
 - b. Information mass-emailed to all Members.
- 0.0.5. Notice as referred to in 0.0.2 and 0.0.3 shall include all information necessary to form a complete nomination, or shall reference where this information may be obtained.
- 0.0.6. If the submission of a nomination form is not sufficient to form a complete nomination, or if the election rules of that election impose any required actions the candidates must take after nomination to remain eligible for election, this information shall be included on the nomination form. This includes but is not limited to the All Candidates Orientation meeting as per Section 2.0.6.
- 0.0.7. Electronic voting shall be made available over the entirety of a given voting period for an election cycle.
- 0.0.8. For a given election cycle, counting shall commence immediately once the voting period ends, and a declaration of election shall be given by the CRO upon his completion of the Statement of Results.
- 0.0.9. Candidates may nominate a scrutineer to observe the counting of ballots.
 - a. A scrutineer may not be a candidate in the election.
 - b. The candidate must send a notification 24 hours before the end of the voting period notifying the CRO that they are nominating a scrutineer.
 - c. The scrutineer must also give consent for this nomination to the CRO and candidate 24 hours before the end of the voting period.
 - d. A scrutineer cannot represent more than one candidate.
- 0.0.10. No one shall be allowed inside the room where ballots are being counted except the CRO, any DROs, any scrutineers, and the Business Manager.
- 0.0.11. For a given election cycle, all elections shall follow the Official Election Rules as outlined in Chapter 8.
- 0.0.12. The caucus comprising the CRO and the Deputy Returning Officers (DROs) shall be named "The Office of Returning Officers (ORO)".



CHAPTER 1 - CRO

1.0. Roles and Responsibilities

- 1.0.1. There shall be a CRO elected each year, whose election shall take place each year during the Joint Council Meeting following the election of all other positions.
- 1.0.2. The CRO shall be elected through the same election procedure as Project Directors, as per Bylaw 3, CHAPTER 4.
- 1.0.3. Unless otherwise stated, conducting elections shall be the sole responsibility of the CRO.
- 1.0.4. The CRO shall not hold any other official elected position of the Society during his term of office.
- 1.0.5. The CRO shall not be a candidate for any Engineering Society position, elected under his oversight, during their intended term of office.
- 1.0.6. The CRO shall only be recalled by a majority vote at a Board of Directors meeting.
- 1.0.7. The CRO shall not resign during a Nomination Period (in either Officer or Director Elections).
- 1.0.8. The CRO may appoint, at any point in time, Deputy Returning Officers (DROs) to assist in the effective and faithful discharge of the duties of his office.
- 1.0.9. The Office of Returning Officers and all officials of the elections process including polling clerks and other designates of the CRO must remain neutral during both the campaign and voting periods.
- 1.0.10. In cases of infirmity, death, resignation, vacancy, or other form of ineligibility of the CRO, the Speaker shall act as the interim CRO until a new CRO is elected at a meeting of the Board.
- 1.0.11. In the event that the Speaker declares he is unable or unwilling to execute the role of interim CRO faithfully, the role of interim CRO shall be passed to a director from the Board elected in a special election which is to be held immediately after the Speaker is declared unable or unwilling.
 - a. Holding another position within the Society does not preclude any Member from holding the position of Interim CRO, regardless of Section 1.0.4.
- 1.0.12. The term of office of the CRO shall commence when he takes the Oath of Office, and shall end upon election of the new CRO.
- 1.0.13. The CRO shall adjudicate any violation of the Official Election Rules. Consequences of non-compliance will be determined in the Official Election Rules.
- 1.0.14. The CRO shall inform all candidates of the appeal process at the end of an election and following any rulings.
- 1.0.15. The CRO shall be overseen by the Speaker.



CHAPTER 2 - OFFICERS

2.0. Officers

- 2.0.1. The Nomination Period for the election of Officers shall commence at 9:00 am on the Monday before Reading Week of the Winter semester, and shall close at 5:00 pm on the Friday of Reading Week.
- 2.0.2. A Member shall be considered nominated upon receipt by the CRO, during the Nomination Period, of a completed Nomination Form, which shall include:
 - a. The Member's name, student number, contact information, and signature;
 - b. The names, student numbers, and signatures of twenty-five (25) Nominators, all of whom shall be Members; and
 - c. A fifty dollar (\$50) deposit.
- 2.0.3. The CRO shall produce a certified list of candidates by 9:00 am of the Monday following the closure of nominations.
- 2.0.4. No Member may be nominated for more than one Officer position.
- 2.0.5. In the event that no one is elected for any given position, the CRO shall re-open nominations when he sees fit.
- 2.0.6. The CRO shall hold an All Candidates Orientation meeting on a day to be specified in the election rules as defined by the Election Rules Committee, which shall not be later than the Wednesday after the day the certified list of candidates is produced.
 - a. All candidates must attend the All Candidates Orientation meeting or send an official representative.
 - b. All candidates (or an official representative) must sign in at the All Candidates Orientation meeting.
 - c. All candidates (or an official representative) must sign off that they understand the rules/regulations of the election process.
 - d. The meeting shall be held after 6:00pm and shall end before 9:00pm.
 - e. An official representative may represent only one candidate.
- 2.0.7. Campaigning shall commence on the Thursday after the All Candidates Orientation meeting at 9:00pm and shall continue until the following Tuesday at 9:00pm.
- 2.0.8. Voting shall take place from the 9:00am Wednesday to 3:00pm Friday the week following the All Candidates Orientation meeting.
- 2.0.9. Candidates shall record their expenses, and submit a brief statement of expenses, including receipts, to the CRO by 5:00pm on the Monday following voting.
- 2.0.10. Candidates shall not exceed \$100 spent on their campaign. This shall include any material purchased or donated, and any paid labour, but not any labour that is deemed to be volunteer by the CRO.
- 2.0.11. Upon application, the Society may reimburse up to \$20 of the candidate's expenses.
- 2.0.12. Candidates who receive at least 5% of the votes cast for their position shall have their deposits returned, subject to the CRO's approval.



CHAPTER 3 - BOARD OF DIRECTORS

3.0. Board of Directors

- 3.0.1. The Nomination Period for Board of Directors shall commence no later than 9:00 am on the Monday of the fourth week after Reading Week in the Winter Term, and shall close at 5:00 pm on the Friday of the same week.
- 3.0.2. The Nomination Period for First Year Representatives of the Board of Directors shall commence at 9:00 am on the Wednesday of the first full week of class in the Fall Term, and shall close at 5:00 pm on the following Monday.
- 3.0.3. A Member may only be nominated for a position on the Board of Directors for the Constituency he belongs to or has declared intent to transfer into.
- 3.0.4. A Member who currently holds a seat on the Board of Directors may not seek another seat with the same term without first resigning his current seat.
- 3.0.5. Members shall not be nominated for more than one Board of Directors position.
- 3.0.6. A Member shall be considered nominated upon receipt by the CRO, during the Nomination Period, of a completed Nomination Form, which shall include:
 - a. The Member's name, student number, contact information, and signature;
 - b. The names, student numbers, and signatures of ten (10) Nominators, all of whom shall be from the same Constituency that the Member intends to represent.

3.1. Speaker of the Board of Directors

- 3.1.1. The Nomination Period for the Speaker of the Board of Directors shall commence at 9:00am on the Monday two (2) weeks prior to the May meeting, and shall close on the Friday of the same week.
- 3.1.2. A Member shall be considered nominated upon receipt by the CRO, during the Nomination Period, of a completed Nomination Form, which shall include:
 - a. The Member's name, student number, contact information, and signature;
 - b. The names, student numbers, and signatures of ten (10) Nominators, all of whom shall be members.
- 3.1.3. At the May meeting of the Board, each candidate shall be given the opportunity to speak before the election for this position.
- 3.1.4. Each Board member shall have one (1) vote to elect the Speaker of the Board.
- 3.1.5. Other details of the elections shall be at the discretion of the CRO.



CHAPTER 4 - PROJECT DIRECTORS

4.0. Project Directors

- 4.0.1. Unless stated otherwise in the Bylaws, all Project Directors shall be elected at the Joint Council Meeting, henceforth referred to as the JCM.
- 4.0.2. The Nomination Period for Project Directors shall be as follows:
 - a. For Project Directors elected at the JCM, the Nomination Period shall commence no later than 9:00 am on the Monday of the fourth week after Reading Week of winter term and shall close no earlier than four (4) business days later;
 - b. For all other Project Directorships, the Nomination Period shall be described in their position description in Bylaw 2 (Directors), Chapter 1 (Project Directors); or
 - c. In the event that a Project Director position is vacant, the Nomination Period shall be five (5) business days and the election shall occur at the first Board meeting thereafter.
- 4.0.3. Members may be nominated for more than one Project Director position.
- 4.0.4. A Member shall be considered nominated upon receipt by the CRO, during the Nomination Period, of a completed Nomination Form, which shall include but not be limited to:
 - a. The Member's name, student number, contact information, and signature; and
 - b. The names, student numbers, and signatures of ten (10) Nominators, all of whom shall be Members.
- 4.0.5. The CRO shall determine the order in which positions are elected. However, no elections shall be held after the CRO is elected at any given meeting.
- 4.0.6. Each candidate shall be given the opportunity to speak for two (2) minutes before the election in which he is nominated.
- 4.0.7. If a Member wins an election for a position, he shall be removed from consideration for any others.
- 4.0.8. Each Project Director shall be elected by a show of hands:
 - a. Candidates shall be sent out of the room.
 - b. Votes for each candidate shall be counted.
 - c. The candidate with the fewest votes shall be removed from consideration.
 - d. Another vote shall be held, and the process shall continue until one candidate receives a majority.
 - e. In all cases of ties, the CRO shall cast the deciding vote.
 - f. When only one candidate is nominated, voters shall vote either 'yes' or 'no'.
 - g. In the event that there is more than one (1) director sought for a project, the process shall be repeated with the winner of the previous election removed.



CHAPTER 5 - REFERENDA

5.0. Governing Regulations

- 5.0.1. A referendum shall be called by either:
 - a. A motion of the Board of Directors; or
 - b. A Referendum Form consisting of a list of signatures of Full Time Members and Part Time Members, which contains:
 - i. Each signer's name, year of study, student number, and discipline;
 - ii. A number of signatures of students from each discipline (including TrackOne) equal to or greater than 10% of the number of students reported to be enrolled in the discipline in the most recent Faculty Annual Report; and
 - iii. A \$100 deposit.
- 5.0.2. Completed Referendum Forms must be submitted to the CRO.
- 5.0.3. Any referendum concerning student fees shall require a Special Resolution of the Board.
- 5.0.4. The Society may fund a "yes" campaign and a "no" campaign for each referendum question to a limit of \$200. The campaign funding is limited to this stipend provided by the Society.
 - a. In the event of multiple registrations for a "yes" or "no" campaign, it is up to the discretion of the CRO to determine to which party to release funding.
- 5.0.5. No campaign or campaigner may:
 - a. Campaign or seek endorsement (e.g. mass email, Facebook, in-class speeches, posters, etc.) in any way or at any time other than as stipulated by the CRO in accordance with the Election Rules as defined by the Election Rules Committee;
 - b. Put up more than 250 8.5" x 11" posters;
 - c. Hang more than 2 banners each with outside dimensions that should not exceed 4 square meters for a one-sided banner, or two (2) square meters per side for a two-sided banner;
 - d. Use a megaphone inside a building;
 - e. Leave banners or posters for longer than 1 week after the referendum;
 - f. Campaign during the voting period;
 - g. Campaign before the All Candidates Orientation meeting;
 - h. Campaign in any other way deemed to be obnoxious by the CRO; and
 - i. Make use of the services of volunteers that are not Members.
- 5.0.6. The CRO shall hold an All Candidates Orientation meeting at least seventy-two (72) hours before the campaigning period opens.
 - a. All campaigns must send an official representative to attend the All Candidates Orientation meeting.
 - b. The official representative must sign in at the All Candidates Orientation meeting.
 - c. The official representative must sign off that they understand the rules/regulations of the referendum.
 - d. The official representative may only represent one referendum at the meeting.
- 5.0.7. The CRO shall adjudicate any violations of these rules. Consequences of non-compliance may include, but may not be limited to:
 - a. Forfeiture of the campaign's deposit;
 - b. Withholding of reimbursements for the campaign expenses; and
 - c. Removal of campaign's posters or banners.



- 5.0.8. A referendum must be positively phrased, so that a vote of "yes" signifies agreement with the initiative proposed, and a vote of "no" signifies disagreement with it.
- 5.0.9. Quorum required for a referendum shall be no less than five percent (5%) of Members.
- 5.0.10. The “yes” or “no” vote shall win only when it has accumulated 51% or more of the total votes.
- 5.0.11. A referendum result shall be considered a recommendation and not legally binding.
- 5.0.12. A referendum shall not interfere with the Constitution of the Society, University Policy, or any Municipal, Provincial or Federal Legislation.
- 5.0.13. If the referendum reaches quorum, the \$100 deposit shall be returned, subject to the CRO’s approval.



CHAPTER 6 - CLASS REPRESENTATIVES

6.0. Discipline Clubs

- 6.0.1. The constitution of each Discipline Club shall:
 - a. Determine the structure of each Discipline Club Executive Committee;
 - b. Clearly state that the Discipline Club Chair shall be elected through the Society; and
 - c. Indicate the means of appointment of all other Executive Committee members.
- 6.0.2. The Nomination and Voting Periods, and campaigning rules, for all Discipline Club Executive Committee members elected through the Society shall be the same as those for the Board of Directors election.
- 6.0.3. Discipline Club Chairs shall be elected by members of that Constituency.

6.1. Class Representatives

- 6.1.1. Class Representatives shall be elected by a vote of the Members of each Constituency
- 6.1.2. The nomination and voting periods, and campaigning rules, shall be the same as those for the First Year Board of Directors election.
- 6.1.3. Discipline Clubs may opt to elect third and fourth year Class Representatives in the fall term, with the same nomination and voting period as First and Second Year Representatives (First Year Board of Directors), or in the winter term concurrent with the Board of Directors election.
- 6.1.4. The job description for Class Representatives shall be determined by each Discipline Club, but must make mention of Faculty Council membership as a key aspect of the role.



CHAPTER 7 - Appeals and Complaints

7.0. Appeals and Complaints

- 7.0.1. Any appeals or complaints related to elections shall be brought in writing to an Election Appeals Committee comprising:
 - a. The President;
 - b. A representative from the Engineering Alumni Association; and
 - c. The Registrar of the Faculty of Applied Science and Engineering.
- 7.0.2. In the event that one of the members above is unable to serve on the committee, reserve members will be selected from:
 - a. The Speaker of the Board;
 - b. The Chair of the Academic Appeals Board of Faculty Council;
 - c. A graduating Officer.
- 7.0.3. The Election Appeals Committee shall report to the Board of Directors all matters brought to them and any recommended action.
- 7.0.4. The Election Appeals Committee's jurisdiction on any appeal shall be limited to the election(s) which the appeal concerns.
- 7.0.5. The Election Appeals Committee may consider only those arguments submitted to them by the Office of Returning Officers and by the appellant in making their ruling. If the EAC wishes to consider any additional argument they shall either remit the decision to the CRO or give both parties reasonable opportunity to submit additional evidence and arguments.
- 7.0.6. Any ruling of the Election Appeals Committee that upholds the ruling of the CRO in part or in full, or grants the requests of the appellant in part or in full shall be binding, unless opposed by a unanimously approved motion of the Board, wherein any member of the Election Appeals Committee shall not have a vote.
- 7.0.7. Any other ruling of the Election Appeals Committee shall be binding unless opposed by a regular motion of the Board.
- 7.0.8. Any recommendation of the Election Appeals Committee that does not pertain directly to the submitted Appeal, or any ruling beyond its jurisdiction shall not be binding.
- 7.0.9. No ruling shall be binding when any provision of this Chapter of By-law 3, or any principle of natural justice was breached during the appeal process, as determined by a majority vote of the Board.

7.1. Elections Appeals Process

- 7.1.1. If an appellant intends to submit an appeal more than twenty-four (24) hours prior to the beginning of the voting period, the appellant shall meet with the CRO and at least one of the Ombudsperson or the Speaker in an attempt to resolve the issue. After this meeting, the appellant may submit the appeal to the Election Appeals Committee.
- 7.1.2. If an appeal is submitted between twenty-four (24) hours prior to the beginning of the voting period and 7 days after the announcement of election results, to the minute, then the appeal shall be brought directly to the Election Appeals Committee.
- 7.1.3. No appeals submitted seven (7) days after the announcement of election results, to the minute, shall be considered.
- 7.1.4. All Election Appeal Committee rulings shall be released after the announcement and prior to the ratification of election results.



CHAPTER 8 - Election Rules Committee

8.0. Election Rules Committee

8.0.1. There shall be an Election Rules Committee, comprising:

- a. The CRO;
- b. The President;
- c. The Speaker of the Board; and
- d. Two (2) Directors of the Board.

8.0.2. The CRO shall serve as the Chair.

8.0.3. Any vacancy on the committee will be filled by a majority vote of the Board of Directors.

8.0.4. The committee shall meet to determine the Official Election Rules for any election cycle occurring during the CRO's term. The committee shall report to the Board at its August meeting for approval of the Official Election Rules.

8.0.5. In the event that the Board fails to approve the Official Election Rules as proposed by the committee, the latest Board-approved version shall remain in force.



CHAPTER 9 - VOTING PROVISIONS

- 9.0.1. Voters shall rank candidates on their ballot in order of preference. Voters may rank as many candidates as they prefer.
- 9.0.2. There shall be a "Re-Open Nominations" option on each ballot.
- 9.0.3. Ballots that contain a mark for only one candidate shall be considered to contain a single first-place vote for that candidate.
- 9.0.4. The following elections shall be held under a Gregory method of Single Transferable Vote system: Officer elections, Board of Directors elections, Discipline Club Chairs, Class Representative elections, and any other electronic elections at the discretion of the CRO, as follows:
- a. Each voter's first preference candidate receives one (1) vote.
 - b. The quota of votes needed to win is calculated using the Droop quota, $(N/(S+1)) + 1$, where N is the number of valid first preference votes and S is the total number of seats needed to be filled in the election (i.e., fractional votes are dropped).
 - c. If, after all the votes have been transferred, a candidate achieves the quota, then
 - i. He is elected to a seat and is ineligible to receive any additional votes.
 - ii. His votes are transferred to the voter's next preference at a value of $V(C-Q)/C$ where V is the value of the vote when the candidate was elected, C is the candidate's vote-total when elected, and Q is quota.
 - d. If, after all the votes have been transferred, no candidate achieves the quota, then:
 - i. Each candidate with the least vote-total is eliminated, and he is ineligible to receive any additional votes. If there is a tie in the process of elimination, a backwards tiebreaking procedure will be performed to determine the candidate that is eliminated. A backwards tiebreaking procedure views the previous stages in a sequential order and eliminates candidates based on those vote totals.
 - ii. Each voter's vote (which was cast for these candidates) remains at its present value.
 - e. Each vote that belonged to the eliminated or elected candidate(s) is transferred to the voter's next preference at its present value.
 - i. If this candidate is one who was previously eliminated or elected, Section 9.0.4.e. is repeated.
 - ii. If the voter has not listed any additional preference or was unable to do so, his ballot is exhausted.
 - f. Section 9.0.4.c. through 9.0.4.e. are repeated until:
 - i. All of the seats are filled by election; or
 - ii. At the end of Section 9.0.4.d., if the number of eligible candidates is equal to or less than the number of unfilled seats and there is no candidate who can reach the quota, then the election is stopped and those seats are considered vacant and a by-election is held immediately following with the timeline at the CRO's discretion.
 - g. If "Re-Open Nominations" receives equal to or more than Q votes, the election iterations are stopped and the unfilled seats are reopened in a by-election.



APPENDIX

The following changes were made from the previous version (Revised on September 2, 2016):

1. Amended Bylaw 3 as per October 2015 BoD decision.
2. Amended Bylaw 3 as per July 2016 BoD decision.
3. Amended Bylaw 3 as per March 2017 BoD decision.
4. Amended Bylaw 3 as per April 2017 BoD decision.