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# SOGS ELECTIONS HANDBOOK

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As Compiled on May 17, 2019

By the Deputy Speaker

**April Morris**

Under the Supervision of the Speaker

L.Y.C. Wong



THE SOCIETY OF GRADUATE STUDENTS

*The University Western Ontario*

LONDON ONTARIO CANADA

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# **Chapter 1**

## **Constitution**

#### 1.6.2.6.1. Term Limits

- 1.6.2.6.1.1. No individual shall serve as a president for more than two (2) consecutive terms even if one of the terms is a partial term
- 1.6.2.6.1.2. No individual shall serve more than twenty-four (24) months as a president in their lifetime
- 1.6.2.6.1.3. No individual who has already served as a president for two consecutive terms or a total of twenty-four (24) months, whichever is earlier, shall be eligible to stand for election as a president

# **Chapter 2**

## **Bylaws**

### **2.4 Elections**

## **2.4.1 Responsibility**

2.4.1.1. The Chief Returning Officer (CRO) in conjunction with the Deputy Chief Returning officer, as per bylaw 2.3, shall be responsible for all aspects of an election or referendum, including but not limited to:

2.4.1.1.1. call for nominations;

2.4.1.1.2. announcement of candidates;

2.4.1.1.3. establishment of an on-line balloting system and the proper functioning of that system;

2.4.1.1.4. announcement of the dates of balloting;

2.4.1.1.5. ruling on the validity of any election or referendum;

2.4.1.1.6. and announcement of official results to candidates, referenda groups, Council, and the media.

## **2.4.2 Appeals Review Commission**

2.4.2.1. The Appeals Review Commission shall rule on appeals relating to presidential elections and referenda.

2.4.2.2. The Appeals Review Commission must abide by the following when making rulings:

2.4.2.2.1. The onus is on the appellant to demonstrate the charge of impropriety was not correct;

2.4.2.2.2. The appellant has the right, but not the obligation, to appear before the Appeals Review Commission at a hearing to present argument or evidence;

2.4.2.2.3. The Appeals Review Commission has the right to initiate and hold an Appeals Review Commission Hearing for an appeal under consideration;

2.4.2.2.4. An Appeals Review Commission Hearing shall request the appearance of individuals relevant to matters of an appeal:

2.4.2.2.4.1. The Appeals Review Commission has the right to demand the presence of the Chief Returning Officer and/or the Deputy Chief Returning Officer at an Election Appeal Hearing;

2.4.2.2.4.2. The Appeals Review Commission may request, but not demand, the presence of any person not mentioned in Bylaw 2.4.2.2.4.1 at an Election Appeal Hearing;

2.4.2.2.4.3. The procedure and handling of evidence at an Appeals Review Commission Hearing is governed by these bylaws and policies as well as Roberts Rules of Order.

2.4.2.3. Members shall be elected to the Appeals Review Commission at the Society's November Council Meeting.

2.4.2.4. Quorum for a meeting of the Appeals Review Commission shall be four (4).

### **2.4.3 Referendum Specific Rules**

- 2.4.3.1. Need for a referendum, as well as the wording of the referendum statement, shall be determined and approved by either a General Meeting of the Society or Council.
- 2.4.3.2. A campaign spending limit shall be established by Council for each referendum group.
- 2.4.3.3. The Chief Returning Officer shall present the decision regarding validity of the referendum to Council for procedural ratification:
  - 2.4.3.3.1. if valid, the results of the voting shall be binding on the Society;
  - 2.4.3.3.2. if invalid, the referendum will be re-run at a date determined by Council.

### **2.4.4 Graduate Student Representative to the Board of Governor and Graduate Student Representative to the Senate Election Rules**

- 2.4.4.1. Timeline for the elections relating to the Board of Governor and University Senate shall be set by the University Secretariat
- 2.4.4.2. All Graduate Students (as defined by the School of Graduate and Postdoctoral Studies) are eligible to vote in this election

### **2.4.5 Presidential Election-specific Rules**

- 2.4.5.1. Timeline for the Presidential Election shall be set by the University Secretariat.
- 2.4.5.2. All full and associate members shall be eligible to vote.

### **2.4.6 Campaigning**

- 2.4.6.1. The campaign period shall begin two business days after nominations close and shall continue up to and including the day preceding the balloting. No campaigning may be undertaken other than during the designated campaign period.
- 2.4.6.2. Prior to the beginning of the campaign period, all parties and their campaign managers shall attend a mandatory all candidates meeting wherein they will be briefed on the terms of the election by the CRO and DCRO.
- 2.4.6.3. Campaigning must cease by midnight (11:59 pm local time) before the day of balloting. All advertising must be removed by this deadline.
- 2.4.6.4. No candidate may address either Council or any other Society-organized meeting of members without the same opportunity being provided to all candidates.

## **2.4.7 Voting**

2.4.7.1. A secret ballot shall be held following the close of the campaign period, for the Presidential election, or during a period determined by Council, for a referendum.

2.4.7.1.1. On-line polling for the Presidential election shall be conducted by the University Secretariat.

2.4.7.1.2. In the event that a second nomination period is required for the Presidential election (see 3.3.2.5.) and nominations are received by the CRO during that second nomination period, the following protocols shall be followed:

2.4.7.1.2.1. On-line polling shall be conducted by the CRO, with assistance from the DCRO;

2.4.7.1.2.2. The polling period shall be determined by the CRO, in accordance with 2.4.7.2. The polling period shall take place no later than the third full week of March;

2.4.7.1.2.3. No access shall be granted to the results of on-line polling during the election, by any member or employee of the Society, with the exception of the CRO and DCRO. The CRO and DCRO must verify daily that the on-line polling station remains operational, with the CRO taking ultimate responsibility.

2.4.7.2. The regular polling period shall consist of thirty-six (36) consecutive hours at the end of the campaign period.

## **2.4.8 Counting Ballots**

2.4.8.1. The Presidential election and all referenda shall have no quorum unless otherwise mandated by council.

2.4.8.2. A plurality of ballots cast will determine the result of any referendum or election.

2.4.8.3. In the event of a tie, the tie shall be broken by a vote by Council.

## **2.4.9 Transition**

2.4.9.1. For the month prior to taking office, the President-Elect shall:

2.4.9.1.2.4.9.1. Be expected to work with the outgoing President, the Executive, and the Office Staff to learn the role of President;

2.4.9.1.2.4.9.2. be considered an ex-officio non-voting member of Council, the Executive, and all of the committees of the Society

2.4.9.1.2.4.9.3. be compensated at the rate of a Vice-President



## **2.4.10 Campaign Impropriety and Appeals**

2.4.10.1. All members of the Society have the right to submit a charge of campaign impropriety.

2.4.10.2. Except in those instances outlined in the Society Elections Policy (under Campaign Impropriety and Appeals), where the CRO has determined that an act of campaign impropriety has occurred, the CRO has the discretion to take the following actions:

2.4.10.2.1. Reduce or eliminate a candidate's/referendum group's subsidy;

2.4.10.2.2. Disqualify the candidate;

2.4.10.2.3. Declare the election to be void.

2.4.10.3. In the event a winning candidate is disqualified, the runner-up will take the place of the disqualified winner.

2.4.10.3.1. In the event that the election is declared void, the election process proceeds as if there were no candidates during the initial candidate nomination period under the Society Elections Policy 4.2.5.

2.4.10.4. Appeals regarding sanctions or disqualifications levied by the Chief Returning Officer shall be made in writing to the Appeals Review Commission, care of the Society's office, within forty-eight (48) hours of the announcement. The Appeals Review Commission shall render a decision and make such decision public within two (2) days following their meeting.

2.4.10.5. The results of the Society's elections/referenda, as accumulated by the on-line polling station shall not be deleted until the deadline for election appeals has passed.

## **2.4.11 Validity**

2.4.11.1. Any full or associate member of the Society may challenge the validity of an election/referendum in a written submission to the CRO within three (3) business days after the announcement of results. Such submission shall contain the appellant's name, student number, telephone number and UWO email address, as well as a detailed account of the alleged reasons for invalidating the election/referendum.

## **2.4.12 Campaign Expenses and Subsidy**

2.4.12.1. The Society shall provide reimbursement for campaign expenses incurred by presidential and referendum campaigns up to 50% of the maximum spending limit, and 100% of expenses incurred by Graduate Student Representative to the Board of Governor and Graduate Student Representative to the Senate campaigns.

2.4.12.2. The CRO shall have the authority to disallow any campaign expenditure.

## 2.8 Elections Table

Position	Month of election	Day of taking office
Appeals Review Commission	November	December 1
President	As established by the University Secretariat	May 1
Vice-President Finance	April	May 1
Vice-President Student Services	April	May 1
Speaker	June	July 1
Ombudsperson	July	August 1
Vice-President Academic	April	May 1
Vice-President Advocacy	April	May 1
Commissioners	October	November 1
Chief Returning Officer	November	January 1
Graduate Representative to the Senate	As established by the University Secretariat	
Graduate Representative to the Board of Governors	As established by the University Secretariat	

# **Chapter 3**

## **Policy**

## **3.3 Elections Policy**

### **3.3.1. Appeals Review Commission**

- 3.3.1.1. Appeals Review Commission (ARC) shall be elected annually at the Society's November Council meeting.
- 3.3.1.2. Appeals Review Commission (ARC) shall have a ranked waiting list
  - 3.3.1.2.1. During the November council meeting, a waiting list of no less than one member shall be created.
  - 3.3.1.2.2. Should a member of the Appeals Review Commission no longer be able to fulfil their duty, the highest ranked member from the waiting list shall take their place.
- 3.3.1.3. Any member who joins the Appeals Review Commission or Appeals Review Commission waiting list must state their intention to not graduate within four (4) months.

### **3.3.2. Presidential Nominations**

- 3.3.2.1. Nominations for the position of President shall be open from the first Monday following January 2nd for ten (10) consecutive business days, closing on the tenth day at the close of business hours.
- 3.3.2.2. Nomination forms must be obtained from the Society office during the Society's business hours. Nominations shall bear the signatures of two full or associate members of the Society as well as that of the nominee, and shall be submitted to the Chief Returning Officer during the Society's business hours.
- 3.3.2.3. Appeals regarding a decision on the validity of a nomination shall be made in writing to the Chief Returning Officer no later than one business day after the announcement nomination. The Chief Returning Officer shall render a decision before the beginning of the campaign period.
- 3.3.2.4. The call for nominations shall be advertised by the CRO one week prior to the opening of nominations.
- 3.3.2.5. In the event that no nominations for the position of President be received by the Chief Returning Officer by the close of nominations, nominations shall be reopened the first Monday in February and close after ten (10) consecutive business days, at the close of business hours.
- 3.3.2.6. In the event that no nominations be received by the end of the second nomination period, the Council shall nominate an eligible member of the Society at the Council meeting following the close of nominations. If Council fails to do so, then the Executive shall nominate an eligible member of the Society as President, subject to ratification at the next Council meeting. If ratification is not forthcoming, Council must appoint a President at that meeting. If Council fails to do so, then the new President shall be selected by the Executive from the Vice-Presidents.

- 3.3.2.7. The new President shall take the following Oath at the Council meeting following their election: "I,[name], do hereby swear to faithfully fulfill my duties as President and to uphold the Constitution and Bylaws of the Society of Graduate Students of the University of Western Ontario." The Oath shall be administered by the Speaker.
- 3.3.2.8. In the event that the elected President is a departmental or part-time representative, Speaker, or another member of the Executive, that person shall not hold the position of departmental representative, Speaker or other Executive member while being President.
- 3.3.2.9. Actual transfer of signing authority and responsibilities of the Office of the President shall take place on the first of May, at which time the retiring President shall formally hand over office to the incoming president. In the event that there is a president to take the office, otherwise it will happen as soon as practicable

### **3.3.3. Campaigning**

- 3.3.3.1. Campaigning is defined as any action by a candidate or campaign manager, or any action undertaken at the behest of the candidate or campaign manager, that is intended to influence any voter to cast their ballot on behalf of the candidate in question.
- 3.3.3.2. Prior to the beginning of the campaign period, all parties and their campaign managers shall attend a meeting wherein they will be briefed on the terms of the election by the Chief Returning Officer and Deputy Chief Returning Officer.
- 3.3.3.3. At that meeting an agreement will be signed by all parties wherein they acknowledge being bound to conduct their campaign in accordance with the Society's Constitution and Bylaws, and define any terms of the election not covered by these Bylaws.
- 3.3.3.4. All forms of media may be used during the campaign period. No media coverage is allowed on the day of balloting.
- 3.3.3.5. Society resources or materials may not be used in the preparation of campaign material, except with the agreement of all candidates and the Chief Returning Officer.
- 3.3.3.6. Society space may not be used in the dissemination of campaign material, except with the agreement of all candidates and the Chief Returning Officer.

### **3.3.4. Advertisements of a Presidential Election or Referendum by the Society**

- 3.3.4.1. Advertisements shall be placed:
- 3.3.4.1.1. on campus bulletin boards one month prior to the final voting date;
  - 3.3.4.1.2. on the Society's Web page and in the monthly newsletter;
  - 3.3.4.1.3. Any other place as the CRO considers appropriate and effective within budgetary constraints.
- 3.3.4.2. Advertisements shall consist of date(s) and place(s) or voting, the candidates' names or referendum statement(s) and the name of the Society.

### **3.3.5. Scrutineer**

- 3.3.5.1. Each candidate/referendum group shall be allowed one scrutineer to be present when the final results of the election/referendum, as recorded by the on-line polling station, are revealed.

### **3.3.6. Campaign Impropriety and Appeals Policy**

- 3.3.6.1. No candidate/referendum group or individual member may, using their own initiative and discretion, attempt to enforce the rules for elections.
- 3.3.6.2. Campaign Impropriety is defined as any action undertaken by a candidate or their representative during the campaign and polling period that can be shown to be violations of any part of the Society's Constitution, Bylaws, or the agreement between the parties reached at the All Candidates Meeting.
- 3.3.6.3. To find that an act of campaign impropriety has occurred, the CRO must be satisfied that the result of the Deputy CRO's investigation shows, on the balance of probabilities, the indicted party did commit the offence with which they have been charged.
- 3.3.6.4. The investigation
- 3.3.6.4.1. All charges of campaign impropriety shall be submitted in writing to the Deputy Chief Returning Officer, (Deputy CRO) at the Society office or by email to the official CRO/DCRO email address;
- 3.3.6.4.2. Within one business day of the charge having been submitted the Deputy CRO will begin an impartial investigation and will also notify the CRO of the pending investigation;
- 3.3.6.4.3. Barring exceptional circumstances, the Deputy CRO shall submit the result of their investigation to the CRO no more than one business day after the start of investigation.
- 3.3.6.5. Should a candidate/referendum group receive a request from the Deputy CRO to provide factual information which wholly pertains to an investigation of campaign impropriety, the candidate/ referendum group must respond within one half of the investigation time or twenty-four (24) hours, whichever is greater. Failure to respond within the time frame will result in a report of nonresponse in the Deputy CRO's written report.
- 3.3.6.6. The Chief Returning Officer shall decide on any charge or campaign impropriety, no more than four (4) business days following the complaint.
- 3.3.6.7. Sanctions
- 3.3.6.7.1. Major Sanctions - Violations of the following nature will result in automatic disqualification of the candidate:
- 3.3.6.7.1.1. Failure of the candidate and their campaign manager to attend the All Candidates' Meeting with the Chief Returning Officer and Deputy Chief Returning Officer;
- 3.3.6.7.1.2. Tampering with other candidates' signs so as to cause their being defaced or removed;

- 3.3.6.7.1.3. Spending 125% or more of the maximum spending limit;
- 3.3.6.7.1.4. Violations of Canadian and Ontario law may result in disqualification at the CRO's discretion.

3.3.6.7.2. Minor Sanctions - The CRO may use the office's authority under Bylaw 4.8.2 in order to rectify the situation in the event of a minor sanction.

### **3.3.7. Appeals**

- 3.3.7.1. The Deputy CRO shall investigate the appeal and present the results of that investigation to the CRO within two (2) business days. The CRO will take appropriate action in response to the investigation results within two (2) business days.
- 3.3.7.2. When the Chief Returning Officer has rendered a decision on the submission, a further written appeal may be taken to the Appeals Review Commission within two (2) business days of the announcement of the decision.
- 3.3.7.3. The onus is on the appellant to appeal the decision of the CRO in writing to necessitate the activation of the Appeals Review Commission.

### **3.3.8. Campaign Expenses and Subsidy Policy**

- 3.3.8.1. The spending limit will be \$150 unless changed at the February Council meeting by a motion which requires a simple majority to pass.
- 3.3.8.2. The Society shall provide full subsidies for campaign expenses incurred by each referendum group or presidential candidate that receive at least 10% of the total unspoiled votes cast in the election.
  - 3.3.8.2.1. Acclaimed presidential candidates are assumed to have passed the 10% threshold in section 3.3.8.2..
- 3.3.8.3. All candidates shall submit to the Chief Returning Officer documentation of all expenditures by the election day.

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