Elections Reform Package

Full Motions

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# Timeline & Procedures

#### The timeline for how these amendments should be considered is as follows:

* Upcoming ERC meeting – September 23rd?, Prior to Sept. board meeting—amendments worded as motions and voted upon.
* September Board Meeting September 27th—board vote to approve ERC decision or send back.
* Nominations open – Sept 30th –amendments implemented for elections period

# Fall Amendments

### Motion to Decrease Vote Percentages Required for Reimbursements

### Formal Motion

**Whereas** the purpose of requiring candidates to obtain a minimum portion of the vote is to ensure that reimbursements go to candidates who actively participate in the election, and

**Whereas** the current schedule of vote percentages and reimbursements, as per EPC Article VI-2-d is too high, and may cause candidates who actively participate in the election to receive less-than-full refunds,

**Be it resolved that** the current refund schedule, as per EPC Article VI-2-d (Page 13),

|  |  |
| --- | --- |
| % of Total Vote | Maximum Reimbursement |
| 25% to 100% | $1200 |
| 10% to 24.9% | $900 |
| 5% to 9.9% | $500 |
| 0% to 4.9% | $0 |

be replaced with the following schedule:

|  |  |
| --- | --- |
| % of Total Vote | Maximum Reimbursement |
| 15% to 100% | $1200 |
| 10% to 14.9% | $900 |
| 5% to 9.9% | $500 |
| 0% to 4.9% | $0 |

#### Notes

* This keeps the lower three increments the same as they were before—it just lowers the top increment by 10%.

### Motion to require CRO to fully inform candidates of available financial resources

### Formal Motion

**Whereas** financial aid and loans are central to the accessibility of the elections for director/division candidates, and

**Whereas** it is desirable to make sure that the CRO proactively ensures that candidate’s financial needs are met, and that candidates understand all of the resources available to them,

**Be it resolved that** the following be added to EPC Article IV-2   
(Page 6: Administration of Elections, “The Chief Returning Officer shall:”)

i. Attempt to obtain a statement from all director/division candidates describing their financial need, done verbally at the time of taking out a nomination package, and in writing prior to the close of the nominations period. The CRO must inform candidates of all financial resources available that could relate to the candidate’s stated needs, and all financial resources generally available, if requested.

#### Notes

* The purpose of this amendment is to formalize that it is part of the role of the CRO to proactively understand the financial needs of candidates and make sure that they are aware of all the financial resources available.
* By compelling the CRO to ask about every candidate’s financial need, this prevents resources from staying unused by candidates who might otherwise avoid asking about what resources are available.

### Motion to use a schedule of common item prices for calculation of expenses

### Inline Changes View

EPC – Article VI – Rules for Elections (Page 12)

1. **Campaign Expenses**
   1. Proof of Campaign Expenses
      1. All candidates must submit original receipts of all campaign expenditures to the CRO within seventy-two (72) hours of the close of voting. The CRO may at any time request from any of the Candidates original receipts for expenditures prior to the close of voting.
   2. Campaign Donations
      1. Sources and amounts of any campaign donations must be disclosed to the CRO and ERC Chair. Candidates will not be reimbursed for this amount.
   3. *Schedule of Costs for Common Items  
      For each election period, the CRO shall create a schedule of costs for common items used in campaigning. The determination of which items to include is up to the discretion of the CRO. For each item, the CRO must list the supplier from where the cost was obtained.*To determine the value of common items, the CRO shall contact no less than three (3) major suppliers in the Toronto area and shall adopt the median-or-higher price quoted as the value of that item. The CRO may not use any non-regular-price quotes, such as those that are based on a sale price or exclusive discount, and may only apply volume discounts up to what a single candidate could purchase with 10% of their applicable spending limit. The CRO may designate a value for an item to be the same as a cheaper type of the same item if the more expensive item is produced or distributed in a more ethical or sustainable way.
   4. Calculation of Campaign Expenditures  
      If an item is included on the schedule of costs for common items, the schedule cost shall be counted towards a candidate’s spending limit, based on the quantity listed on the receipt, and not the actual cost of the item.  
        
      If an item is not on the schedule of costs, then its cost shall be the one listed on the receipt.  
        
      The calculation of candidates’ expenses where there is no receipt shall be made according to the Fair Market Value of all purchases, services, donations and items, which are deemed by the ERC to be used for the purposes of the campaign.
   5. A non-negotiable fee of $50.00 (fifty dollars) shall be charged to any candidate who does not submit their campaign receipts.
      1. Fair Market Value of a product or service is the lowest price, without special concessions or discounts that is available in Toronto.
      2. The ERC must contact three (3) major suppliers in the Toronto area and shall adopt the lowest price as the Fair Market Value. The candidate may dispute the Fair Market Value if the candidate is able to submit receipts from Toronto area merchants that give evidence of a lower Fair Market Value than that determined by the ERC.
   6. Reimbursements of Campaign Expenditures – Executive Candidates  
      The Union shall reimburse Executive Candidates for campaign expenses if they submit proof of expenses. Reimbursements for all items with receipts shall be based on the actual purchase costs listed on the receipts.  
        
      Reimbursements shall be based on the following schedules:  
        
      Candidates for President, Vice-President Internal and Services, Vice-President University Affairs, Vice-President Equity and Vice-President External:

|  |  |
| --- | --- |
| % of Total Vote | Maximum Reimbursement |
| 25% to 100% | $1200.00 |
| 10% to 24.9% | $900.00 |
| 5% to 9.9% | $500.00 |
| 0% to 4.9% | $0 |

All reimbursement payments made to candidates shall include deductions for any fines that have been levied against the candidate.

* 1. Reimbursement of Campaign Expenditures – Director/Division Candidates  
     The Union shall not reimburse a Director Candidate for campaign expenses incurred. The CRO shall reimburse candidates from time to time if that candidate can demonstrate financial need. Reimbursements for all items with receipts shall be based on the actual purchase costs listed on the receipts.
  2. If Candidate’s can demonstrate financial need, the CRO may make funds available during the campaign period to ensure access to seeking Election.
  3. Expense and Reimbursement Limits  
     Expense and Reimbursement limits for all Candidates shall be assessed as follows:

|  |  |
| --- | --- |
| Positions | Expense and Reimbursement Limit |
| Executive Candidates | $1200.00 CAD |
| At-Large Director Candidates | $300.00 CAD |
| All other Director Candidates | $100 CAD |

### Formal Motion

**Whereas** it is preferable to use pre-set costs for common campaign items to ease planning and to ensure a fairer election with regards to candidate expenditures, and

**Whereas** pre-set costs can be used to allow candidates to purchase more ethical or sustainable items without contributing a greater cost to their expense limits,

**(a) Be it resolved that** EPC Article VI-2-c (Page 12), currently:

c. Calculation of Campaign Expenses  
The calculation of candidates’ expenses where there is no receipt shall be made according to the Fair Market Value of all purchases, services, donations and items, which are deemed by the ERC to be used for the purposes of the campaign.

be replaced with the following:

*c. Schedule of Costs for Common Items  
For each election period, the CRO shall create a schedule of costs for common items used in campaigning. The determination of which items to include is up to the discretion of the CRO. For each item, the CRO must list the supplier from where the cost was obtained.*

To determine the value of common items, the CRO shall contact no less than three (3) major suppliers in the Toronto area and shall adopt the median-or-higher price quoted as the value of that item. The CRO may not use any non-regular-price quotes, such as those that are based on a sale price or exclusive discount, and may only apply volume discounts up to what a single candidate could purchase with 10% of their applicable spending limit. The CRO may designate a value for an item to be the same as a cheaper type of the same item if the more expensive item is produced or distributed in a more ethical or sustainable way.

d. Calculation of Campaign Expenditures  
If an item is included on the schedule of costs for common items, the schedule cost shall be counted towards a candidate’s spending limit, based on the quantity listed on the receipt, and not the actual cost of the item.  
  
If an item is not on the schedule of costs, then its cost shall be the one listed on the receipt.  
  
The calculation of candidates’ expenses where there is no receipt shall be made according to the Fair Market Value of all purchases, services, donations and items, which are deemed by the ERC to be used for the purposes of the campaign.

**(b) Be it further resolved that** EPC Article VI-2-d (Page 13), currently:

d. Reimbursements of Campaign Expenditures – Executive Candidates  
The Union shall reimburse Executive Candidates for campaign expenses if they submit proof of expenses. … (etc.)

Have the following added and changed:

e. Reimbursements of Campaign Expenditures – Executive Candidates  
The Union shall reimburse Executive Candidates for campaign expenses if they submit proof of expenses. Reimbursements for all items with receipts shall be based on the actual purchase costs listed on the receipts..… (etc.)

**(c) Be it further resolved that** EPC Article VI-2-e (Page 13), currently:

e. Reimbursements of Campaign Expenditures—Director Candidates  
The Union shall not reimburse a Director Candidate for campaign expenses incurred. The CRO reimburse (sic) candidates from time to time if that candidate can demonstrate financial need.

Have the following added and changed:

**f.** Reimbursements of Campaign Expenditures—Director/Division Candidates  
The Union shall not reimburse a Director Candidate for campaign expenses incurred. The CRO shall reimburse candidates from time to timeif that candidate can demonstrate financial need. Reimbursements for all items with receipts shall be based on the actual purchase costs listed on the receipts.

**(d) Be it further resolved that** for EPC Article VI-2-g (Page 13), all instances of “expense limit” be changed to “expense and reimbursement limit.”

**(e) Be it further resolved that** all other lettering be adjusted in accordance with these changes.

#### Notes

With these changes, there are two numbers to keep in mind: a candidate’s total contribution towards their expense limit (limit contribution) and a candidate’s actual costs (real expenditure). It’s easiest to see how the system would work with the following three scenarios:

1. Real expenditure exceeds expense limit, limit contribution does not.  
   A director candidate spends $140 on posters with recycled paper, which are worth $90 towards their expense limit according to the schedule of costs for common items. The candidate is within their expense limit, and given a (maximum) $100 reimbursement and their environmental conscience is assuaged. They make up the $40 they didn’t get reimbursed tending bar at the Maddy and cleaning up fancy buttons.
2. Real expenditure exceeds limit contribution, both are under expense limit.  
   A director candidate spends $90 on unnecessarily fancy buttons, which are worth $70 towards their expense limit according to the schedule of costs for common items. The candidate is within their expense limit and given a $90 reimbursement. The unnecessarily fancy buttons are later found scattered, unused, around the Maddy.
3. Real expenditure is less than limit contribution, both are under expense limit.  
   A director candidate knows a guy at Kinko’s and gets a sweet discount, only spending $40 on their posters, which are worth $80 towards their expense limit according to the schedule of costs for common items. The candidate is within their expense limit and given a $40 reimbursement. The candidate spends their savings on shots at the Maddy and finds an unnecessarily fancy button on the ground.

### Motion to Narrow the Definition of “Non-Arm’s-Length Party”

### Formal Motion

**Whereas** “Non-Arm’s-Length Party” rules are intended to hold candidates accountable to the actions of their volunteers, and

**Whereas** the current definition of a “Non-Arm’s-Length Party” is too broad, and has resulted in holding candidates accountable for the actions of non-volunteers,

**Be it resolved that** EPC Article I – “Non-Arm’s-Length Party,” currently:

**Non-Arm’s-Length Party** means an individual or group that a Candidate knew, or reasonably ought to have known, would assist that candidate in their campaign.

Be replaced with the following:

**Non-Arm’s-Length Party** means an individual or group that can be shown to have:  
 - publicly campaigned with a candidate  
 - campaigned using a candidate’s approved physical materials  
 - performed campaign-related tasks that are not campaigning on behalf of the candidate  
 - had their actions which are deemed in violation of the code publicly defended by the candidate  
  
This does not apply if the candidate has publicly stated that they do not desire or condone the party performing such tasks.

#### Notes

The following could be used as evidence in support of declaring someone a Non-Arm’s-Length Party according to the new definition:  
 - written testimony or video showing a person campaigning with the candidate or with their materials  
 - the person came to pick up materials from the CRO’s office for the candidate  
 - the person is an admin on the candidate’s social media page  
 - the person communicates to the CRO regarding appeals etc. on behalf of the candidate  
 - the candidate posts a rant on facebook saying “I think person x is totally right and justified in saying y awful thing.”

This narrowing of the definition is needed to help prevent some of the problems that have occurred in the past, notably in the 2012 election, where non-arm’s length party was taken by the CRO to mean any party in support of a candidate or even against their opponents. Many of the rulings that were made with this interpretation of the rules were dismissed by the higher appeals bodies. Furthermore, the broadness of this definition, and the way that it was interpreted were the subject of much of the criticism of our elections, and fixing this definition will do much to restore confidence in our election rules.

It is not the jurisdiction of this code to regulate the entire student body involved in the election. Its purpose is to ensure that candidates follow the rules and campaign in a positive, constructive way. While there may be incidents where students or other parties act in a way that we may deem inappropriate for the election, dealing with this problem through the elections code does little to rectify the behaviour of such parties, unfairly punishes candidates, and compromises the reputation and smooth function of our elections rules.

It is a reasonable expectation to ask candidates to moderate those who they directly enlist to help them, and these parties should be the target of this definition. For actions of public significance, this is easily identifiable through actions of the non-arm’s length parties which show that they are “insiders” to a candidate’s campaign, which is why the definition is written in the way I have presented it in the motion. Because it is based on identifiable and specific actions, I believe this definition is very clear and easy for the CRO to use, and fixes the over-broad nature of our current definition.

### Motion to Clarify Rulings and Evidence Procedures

### Inline Changes View

EPC – Article VI – Rules for Elections (Page 14)

1. **Violation of Campaign Rules**
   1. Elections and Referenda Authority
      1. The CRO has the sole authority to enforce the provisions of this Code. The ERC may enforce this Code where no ruling is given by the CRO.
      2. The ERC and ERAC reserve the right to modify any ruling of the CRO.
      3. The CRO and the ERC both have the power to make decisions about issues and events not otherwise covered by this Code.
   2. Allegations of Violations  
      Any allegations of violations of this Code must be submitted to the CRO. Allegations must be made within forty-eight (48) hours of the violation, and within forty-eight (48) hours of the close of the voting period.
   3. Committee Initiative  
      Where the CRO or a member of the ERC finds evidence of a violation, the ERC or CRO may charge a candidate with a violation of campaign rules.
   4. CRO Rulings  
      The CRO shall make a ruling on a violation, within forty-eight (48) hours of receiving the complaint, in writing.
   5. Evidence for Rulings
      1. For a ruling to find a candidate in violation of the code, there must be evidence which gives due cause to believe that the violation has occurred.
      2. If this evidence is personal testimony, then it must be submitted to the CRO in writing, and the CRO must know the identity of the person giving the testimony. The CRO may withhold the identity of the person giving testimony from any other party, including the ERC and the ERAC, and must withhold that person’s identity if requested.
      3. Evidence that is used in making a ruling must be made available to any candidate that a ruling finds in violation of the code, within twenty-four (24) hours of the ruling being made.
   6. Appeals of CRO’s Ruling
      1. All CRO rulings may be appealed to the ERC. Appeals must be made in writing and submitted to the CRO.
      2. Any appeal of a CRO ruling decision must be submitted in writing within forty-eight (48) hours of the Candidate being informed of the CRO ruling.
      3. Individuals may attend the ERC meeting at which their appeal will be considered. The Candidate may make oral statements and/or deliver a written statement to present their case.
      4. An individual is deemed to be informed of an ERC decision six (6) hours after the decision is posted on the designated elections space in the Union office(s), and six (6) hours after being sent notice of the decision to their preferred email address, whichever is later. Any decisions shall indicate the time posted.
   7. Candidate’s Responsibility of Knowledge of Decisions  
      It is the responsibility of each Candidate to be aware of every decision made by the CRO, ERC and ERAC, especially decisions regarding violations committed by that Candidate.
   8. Publication of Violation  
      Where the CRO or ERC finds there has been a violation of the Code, the CRO or ERC Chair must publish the details of the violation in a designated elections space in the Union office and on the union website.

### Formal Motion

**Whereas** the code does not specify that evidence is needed to justify rulings, that candidates should be able to see evidence used against them, and that personal testimony should be in writing, and non-anonymous to the CRO at least, and

**Whereas** implementing these things would ensure that rulings are properly and fairly made,

**(a) Be it resolved that** the following be added after EPC – Article VI – Rules for Elections 3-c (Page 14)

Evidence for Rulings

i. For a ruling to find a candidate in violation of the code, there must be evidence which gives due cause to believe that the violation has occurred.

ii. If this evidence is personal testimony, then it must be submitted to the CRO in writing, and the CRO must know the identity of the person giving the testimony. The CRO may withhold the identity of the person giving testimony from any other party, including the ERC and the ERAC, and must withhold that person’s identity if requested.

iii. Evidence that is used in making a ruling must be made available to any candidate that a ruling finds in violation of the code, within twenty-four (24) hours of the ruling being made.

**And Whereas** the current rules surrounding information candidates that rulings have been made do not incorporate email or websites,

**(b) Be it further resolved that** EPC – Article VI – Rules for Elections 3-e-iv (Page 14), currently:

iv. An individual is deemed to be informed of an ERC decision six (6) hours after the decision is posted on the designated elections space in the Union office(s). Any decisions shall indicate the time posted.

be replaced with the following:

iv. An individual is deemed to be informed of an ERC decision six (6) hours after the decision is posted on the designated elections space in the Union office(s), and six(6) hours after being sent notice of the decision to their preferred email address, whichever is later. Any decisions shall indicate the time posted.

**(c) Be it further resolved that** EPC – Article VI – Rules for Elections 3-g (Page 14), currently:

Publication of Violation  
Where the CRO or ERC finds there has been a violation of the Code, the CRO or ERC Chair must publish the details of the violation in a designated elections space in the Union office.

be replaced with the following:

Publication of Violation  
Where the CRO or ERC finds there has been a violation of the Code, the CRO or ERC Chair must publish the details of the violation in a designated elections space in the Union office and on the Union website.

#### Notes:

This motion does several things that work together to make sure that the rulings process is rigorous.

First of all, it might seem silly to say that evidence should be used when making rulings—this has been past practice, and is just common sense. However, putting it in our rules shows that the students union is committed to following a due process when making rulings, which is important if we want to improve member confidence in our election rules. It also makes the other changes in this motion clearer to understand in the rules.

Second, it’s just good practise to make sure that when the CRO or any other body is using testimony as evidence in a ruling they have it written down. That way, there is a precise record of what the testimony was, which will help the CRO and the appeals bodies do their job in a thorough and professional manner. The language surrounding protection of witness identity is supposed to allow the CRO to verify that the person testifying is a real person acting in good faith, while making sure that the person testifying can protect their identity and therefore protect themselves from retribution.

Third, it might seem bizarre that candidates would need to have the right to request to see evidence, but I remember trying to write appeal responses for violations made during the 2012 elections, and having to guess what exactly what it was that some of the rulings were talking about. For a candidate to write an appeal, they have to know what it is that they’re specifically appealing against, which is why I’ve included the right to see evidence used against a candidate.

Last, there are some other changes in here that just bring this section into the 21st century, adding email notification and postings on the union website into the rules.

### Motion to forbid any person from campaigning to a voting student

### Formal Motion

**Whereas** it is undesirable for any person to interfere with a student voting online by campaigning to them while they are voting online,

**Be it resolved that** the following be added to EPC Article VI (Rules for elections) 3-j-ii  
(Violation of campaign rules-demerit points-campaigning, page 15)

Violation: Personally campaigning to a student while they are voting online  
Demerit Points: 10

**Be it further resolved that** the following be added to EPC Article VI (Rules for elections) 1-s  
(Restrictions on campaigning during the voting period, page 12)

iii. Candidates are not permitted to personally campaign to a student while they are voting online.

#### Notes

The number for demerit points in this motion makes the offence equivalent to “campaigning in an unauthorized area” which is the nearest equivalent rule we currently have. Unfortunately, this behaviour does not easily translate into “unauthorized area” language without being too complicated, so the easiest way to implement this rule is with a violation for an action under specific circumstances.

The wording “personally campaign” is intended to convey that this rule is intended for encounters where the candidate or a non-arm’s-length party would have undue influence on how someone is voting by hovering over their shoulder and campaigning to them. The word “personally” helps show that this is most likely a one-on-one type situation.

### Motion to forbid any campaigner from providing a computer/device

### Formal Motion

**Whereas** it is undesirable for the integrity of the elections and the secrecy of voting for any candidate to provide a device for a student to vote with online, or to attempt to collect credentials that are used in the process of online voting,

**Be it resolved that** the following be added toEPC Article VI (Rules for Elections) 1. (Campaigning)  
(Page 12)

t. Prohibitions on Candidate-Provided Devices  
Candidates are not permitted to provide a device to a student for the purpose of online voting, or where it may be reasonably expected that the student would use the device to vote online.

### Motion to forbid collection of credentials that may be used for online voting

### Formal Motion

**Whereas** it is undesirable for any candidate or non-arm’s length party to attempt to collect UTorIDs and Passwords, or any equivalent online voting sign in credential,

**Be it resolved that** the following be added to EPC article VI (Rules for Elections) 1. (Campaigning)  
(Page 12)

u. Prohibitions on collecting online voting credentials  
Candidates are prohibited from collecting any credential from students that is used to verify a student’s identity when they vote online.