



DURHAM  
COLLEGE  
STUDENT  
ASSOCIATION

DURHAM COLLEGE STUDENT ASSOCIATION

POLICIES OF DURHAM COLLEGE STUDENT ASSOCIATION, 2022

CHAPTER A-4

## ELECTIONS POLICY, 2022

OFFICIAL CONSOLIDATION

Current as of

May 1, 2022

## **NOTES ON OFFICIAL CONSOLIDATION**

This consolidation is current as of May 1, 2022.

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

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Durham College Student Association.  
(hereinafter the "Corporation")

## ELECTIONS POLICY

### PART 1: INTERPRETATION AND DEFINITIONS

#### *Short Title*

1. This policy may be cited as the Durham College Student Association Elections Policy.

#### *Definitions*

2. Any capitalized terms that are not defined herein shall have the same meaning as those defined in the By-Laws. The following definitions shall apply to this Policy:

"**All-Candidates Meeting**" means the meeting between the CRO and the candidates desirous to run in the elections

"**Board**" means the Corporation's Board of Directors, as defined in the By-Laws;

"**By-Laws**" means the Corporation's By-Law No. 1 effective July 13, 2017 and any subsequent amendments.

"**Campaign Period**" means the period of time during which the candidates can campaign on the campuses of the College, as described in section 35.

"**Candidate**" means a Member that submits a nomination form and is accepted as a candidate by the CRO.

"**Chair**" means the Chairperson of the Elections Committee;

"**Chairperson**" means the Chairperson of the Corporation, as defined in the By-Laws;

**“College”** means the Durham College of Applied Arts and Technology;

**“CRO”** means the Chief Returning Officer, as described in By-Laws.

**“DCRO”** means the Deputy Chief Returning Officer, as described at section 18.

**“Director”** means an elected director of the Corporation as outlined in the By-Laws.

**“Elections Office”** means the office made up of the Chief Returning Officer, as defined in By-Laws, as well as the administrative agent, poll clerks, or other employees.

**“Elections”** means any general election, by-election or appointment by a class of the membership.

**“Election period”** means the period of time from the day which notice was given under section 14 until the day which the notice of results are given under section 61.

**“Executive”** or **“executive member”**, means elected executive officers of the Corporation as outlined in By-Laws.

**“By- Election”** means a By-election for any vacant positions left by the General Elections of the same year.

**“General Elections”** means the election in the winter of the year to elect the Executive Officers and the Directors of the Corporation.

**“Member”** means a Member, as described in By-Laws.

**“Nomination Period”** means the period which nomination can be received. .

**“Nomination”** means the solicitation of support for a Members candidacy in the Corporation’s elections.

**“Start Date”** means May 1<sup>st</sup> of each year in case of an election or 10<sup>th</sup> days after the election in case of a by-election.

**“Voting Days”** means the period of time during which voting takes place.



### *Computation of Time*

3. (a) The time limits and other specified time that would otherwise land on a holiday or other day which the offices of the Corporation would be closed is extended to the time specified on the next business day which the offices of Corporation would be opened. For greater clarity, a reference to a number of days between two events excludes the day on which the first event happened, and includes the day on which the second event happened.

### *Computation of Time – Leap Year*

- (b) On a year where February has 29 days, the policy shall be read to ensure the day of the week is appropriate for the action which takes place before and after the 29<sup>th</sup> day of February.

### *Amendments in the Course of Accommodations for Disabilities*

4. Notwithstanding any relevant provisions in the By-Laws or accessibility related Policies, the CRO may at their discretion amend this Policy, as required from time to time, to accommodate the needs of electors and candidates with disabilities, as long as those adaptations are consistent with the principles and intent of this Policy and the By-Laws.

### *Authority in unproven cases*

5. In all contingencies not provided for in the Elections Policy, or by resolution of the Elections Committee shall be decided by the Chief Returning Officer and, in making the ruling the Chief Returning Officer shall base the decision on the democratic rights of members. In doing so the Chief Returning Officer shall have regard to any applicable usages and precedents of as contained in the *Canada Elections Act, Elections Act (Ontario), and the Municipal Elections Act*.

### *Authority of the By-laws and the Acts*

6. The *Canada Not For Profit Corporations Act and the By-laws of Durham College Student Association* have supremacy over this policy, and any provision of this policy that is inconsistent with the provisions of the *Canada Not For Profit Corporations Act or the By-laws of Durham College Student Association* is, to the extent of the inconsistency, of no force or effect

### *Authority of the Membership*

7. Nothing in this policy affects the power of a duly called Membership Meeting to appoint directors of the Corporation under the *Canada Not For Profit Corporations Act* which can be done in accordance with Division 10 of this policy.

## **DIVISION 2: THE AUTHORITY TO ADMINISTER THE ELECTION**

### *Authority of the Elections Committee*

8. The Elections Committee is authorised, empowered, and commanded under this policy to administer the elections in accordance with this policy.

### *Elections Committee - Composition*

9. The Elections Committee shall, unless otherwise determined by the Board, be comprised of:
  - (a) Three (3) Directors or/and Executive Officer or two (2) Director or/and Executive Officer and one (1) member who is not an officer or director, elected by the Board.
  - (b) The CRO, Secretary of the Board and the General Manager or designate as a non-voting members.
  - (c) A vacancy in a membership does not invalidate an act in the election proceedings of the Elections Committee.

### *Responsibilities*

10. The Election Committee, and its members, shall:
  - (a) Act autonomously from any external or internal influences;
  - (b) Oversee the planning, development and execution of the Corporation's elections in accordance with the provisions of this Policy;
  - (c) Develop, maintain and make public a clear set of criteria and considerations to be used by the Elections Committee when making decisions relating to elections;
  - (d) Act impartially during the election process;
  - (e) Conduct the election in a fair manner;

- (f) Meet regularly during the academic year to plan and discuss the upcoming election; and
- (g) Supervise, consult, assist, advise and caution the CRO as necessary.

#### *Meetings of the Election Committee*

- 11. The Election Committee will hold meetings at the call of the Chair as required during the election period. The Elections Committee may meet in a private and closed session to address sensitive issues and/or confidential matters, including matters regarding identifiable individuals, disciplinary matters, or consultations with the Corporation's legal counsel; however, all decisions will be made public and recorded in the minutes.

#### *Quorum*

- 12. Quorum for the Election Committee's meetings shall be two members.

#### *Chair of the Elections Committee*

- 13. The Chair of the Election Committee selected by the committee, from among the voting and non-voting members of the committee.

#### *Votes at the Elections Committee*

- 14. The Chair of the Elections Committee shall have a vote (if a voting member of the committee), and when a vote is tied the questions shall be deemed returned in the negative.

#### *Chief Returning Officer -Term of Office*

- 15. (a) The Election Committee may either:
  - (i) appoint a Chief Returning Officer who shall hold office during the election period; or
  - (ii) after consultation with the General Manager appoint the Secretary of the Board to be the Chief Returning Officer.
- (b) When an employee of the corporation is appointed as Chief Returning Officer, the normal remuneration of that employee shall be the remuneration of the Chief Returning Officer.

- (c) When a Chief Returning Officer is appointed the hourly salary of the Chief Returning Officer shall be \$25.00 per hour.

#### *Chief Returning Officer Duties*

16. The Chief Returning Officer shall act impartially in all matters relating to the administration of the Election and is responsible for managing the Elections Office and facilitating Elections. Further the Chief Returning Officer shall:

- (a) Oversee any elections that take place in their contract term;
- (b) Be the principal officer and manager of the Election Office;
- (c) Hold regular office hours before and during the Election;
- (d) Review and approve all campaign materials produced by Candidates;
- (e) Recruit and train any volunteers/staff necessary to conduct the election;
- (f) be the primary adjudicator of any complaints made during the process of an election unless such complaint shall be regarding the conduct of the CRO. In adjudicating such complaints, the CRO shall act fairly, honestly, and dispassionately in seeking the facts of such complaint. In resolving such complaint the CRO must act to promote a just and fair election and take such action to get a just result for the electoral system;
- (g) Schedule and oversee: (i) the All-Candidates' Meetings; (ii) at least one candidate forum for Candidates at each campus; and (iii) other events as necessary;
- (h) Ensure that this Policy and all relevant By-Laws related to Elections are enforced;
- (i) Authorize all Election notices, publicity, and campaign materials regulated by this Policy; and
- (j) Present a final report of the Elections to the Election Committee and the Board following the election results.

#### *Special powers of the CRO*

17. When in the opinion of the CRO, by reason of mistake, miscalculation, emergency, unusual, or unforeseen circumstances, a situation arises where there is no provision made under this Policy, and the CRO is satisfied that if adaptations are not made a substantial numbers of voters would not be able to vote, or for those votes to be counted, the Chief Returning

Officer shall give such directions as the Chief Returning Officer considers proper and necessary, for the sole purpose of enabling elections to exercise their right to vote, or for the enabling of counting those votes. Such directions include, but are not limited to changing the dates for the elections, the timeframe of the elections, the method of voting, or the place where voting is taking place. The Chief Returning Officer shall immediately give notice of such direction to all the candidates, all members of the Board, and post it in such a way that is visible for all electors.

#### *Deputy Chief Returning Officer*

18. The Elections Committee may appoint a Deputy Chief Returning Officer and shall hold office during an electoral period on good behaviour. The Deputy Chief Returning Officer shall not be an Officer or Director of the Corporation. The Deputy Chief Returning Officer may only be removed with caused by the Board of Directors, on the recommendations of the Elections Committee.

#### *Deputy Chief Returning Officer - Duties*

19. The Chief Returning Officer shall set forth in the appointment letter the duties and powers of the Deputy Chief Returning Officer.

#### *Poll Officials*

20. The Chief Returning Officer shall have the authority to appoint poll officials as is necessary and proper to facilitate the election.

#### *Elections Compliance Oversight Committee*

21. The Election Compliance Oversight Committee shall be composed of the voting members of the Elections Committee, and two other members of the Durham College Community, appointed by the Board of Directors. The committee shall appoint the Chair from among its members. The Secretary of the Board or designate is the Clerk of the Committee.

## **PART 3 – THE CONDUCT OF AN ELECTION**

#### *Calling of a General Election*

22. General Elections shall be held the second Tuesday, Wednesday, and Thursday in March, unless otherwise set by two-thirds of the Board of Directors. Should the Elections Committee believe that the day prescribed for an election is not suitable for that purpose,

including because of its being in conflict with a day of cultural or religious significance or a federal, provincial or municipal election, the Elections Committee may choose other days within 14 days before or after the dates prescribed.

#### *Calling of a by-election*

23. A by-election may be called by the Board of Directors within 45 days of a vacancy of a member of the Board of Directors, provided that no election shall be held between April 1<sup>st</sup> and September 15<sup>th</sup> of each year. The Board of Directors does not have to call an election to fill a vacancy which occurred after January 1<sup>st</sup>.

#### *Notice of Election*

24. The Chief Returning Officer shall give notice at least 29 and not more than 37 days before the first day of voting of an election.

#### *Nominations period*

25. Upon notice being given of an election and until 1:00 p.m. on the 21<sup>st</sup> day before the last day of voting for the general election, the Chief Returning Officer shall receive nominations in the prescribed form.

#### *Prescribed form – Nominations*

26. A nomination paper shall contain the following information:
- (a) the Candidates name, date of birth, student number, email address, phone number, and mailing address;
  - (b) Any other name by which the candidate is commonly known by which the candidate wishes to be known on the ballot paper;
  - (c) A statement that the candidate consents to the nomination and agrees to be bound by this policy;
  - (d) A consent that the candidate agrees to the disclose of eligibility information to determine eligibility in accordance with the by-laws;
  - (e) For Executive Officers, endorsements baring the name, student number, and signatures of at least 20 and not more than 50 qualified electors;

- (f) For Directors, endorsement bearing the name, student number, and signatures of at least 10 and not more than 30 qualified electors within the class of membership the candidate wish to represent; and
- (g) For the signatures under subsection (e) and (f) the declaration of the witness of those signatures that the signatures were original and for the person to who the name was written.
- (h) In the event of the closure of the campus due to emergency, or other circumstances, the Elections Committee may waive the requirements of subsection (e) and (f).

#### *Withdraw of Nominations*

- 27. A candidate may withdraw at any time before 4:00 p.m. on the closing day for nominations by filing, in person, with the Chief Returning Officer a statement in writing to that effect signed by the candidate and witnessed by two electors who are entitled to vote in the electoral district in which the candidate's nomination was confirmed.
- 28. For the greater certainty, the Chief Returning Officer may allow for a nomination to be withdrawn after this date, as long as it would not affect balloting, and the request for withdraw is freely given.

#### *Second nomination*

- 29. If a person who has been nominated for an office is nominated for another office to which this policy applies, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed.

#### *Information Session*

- 30. Before the 23<sup>rd</sup> day before the last day of voting in the election, the Elections Committee shall hold an information session regarding an overview of the roles, responsibilities, and operations of the Board of Director and their role in DCSA.

#### *Close of Nominations*

- 31. Upon the close of nominations, the Chief Returning Officer shall conditionally certify, subject to attending the All Candidates Meeting, every nomination received which is in the complete according the requirements of section 26.

### *All Candidate Meeting*

32. On the 16<sup>th</sup> day before the last day of voting, the Chief Returning Officer shall hold an All Candidates Meeting. The All Candidates Meeting shall review the obligation of the candidate under this policy and other important information as deemed necessary by the Chief Returning Officer or the Elections Committee.
33. A candidate may make alternative arrangements if they are not able to attend the All Candidates Meeting under this policy, however failure to attend the All Candidates Meeting is not justification for not performing a duty imposed by this policy.

### *Certification of nominations*

34. On the 16<sup>th</sup> day before the last day of voting, the Chief Returning Officer shall certify every nomination which:
- (a) is conditionally certified according to section 31; and
  - (b) attended the All Candidates Meeting according to section 32 or 33.

Every nomination which is not certified according to the requirements of this section is deemed to be withdrawn.

## **PART 4 – CAMPAIGNING**

### *Campaigning – commencing*

35. The Chief Returning Officer may review and approve campaign materials from 9:00 a.m. on the 16<sup>th</sup> day before the last day of voting in the election, but no campaigning shall occur until 11:00 a.m. on the 14<sup>th</sup> day before the last of voting in the election.

### *Campaigning – prohibition*

36. All forms of campaign advertising, the distribution and/or posting of any materials designed and/or likely to influence voters, speeches and public forums shall not take place prior to the Campaign Period



### *Staff of the DCSA*

37. A volunteer or employee of Durham College Student Association is eligible to be a candidate for and to be elected as a member of the board if he or she takes an unpaid leave of absence beginning as of the day that campaign begins and ending on voting day.

### *Board members and Executive members*

38. (a) The Board of Directors shall not meet between the 14<sup>th</sup> day before the last day of voting, if the number persons running in the election is more than one-third of the total current board members.
- (b) Executive Officers and the Managing Director shall be to only perform non-public administrative duties after the 14<sup>th</sup> day before the last day of voting, should that Executive Officer be running for re-election. If there is a dispute over if this subsection applies, the Chief Returning Officer shall consult with the General Manager and make a ruling which is final, binding, and not subject to appeal.
- (c) Board Members and Executive Officer shall continue to be paid their remunerations should subsection (a) or (b) apply.

### *Prohibition on use of resources*

39. Candidates are not entitled to use in their campaign any service or resource conferred on them by virtue of holding any position in a campus organization, this includes, but is not limited to, the use of office supplies, equipment, advertising space and staff.

### *Determination of Campaigning*

40. The Chief Returning Officer shall, at their discretion, be responsible for determining whether any specific action or medium is deemed to be campaigning.

### *Budget for campaigning*

41. The spending limits for candidates shall be a maximum of \$0.05 per elector, as long as the spending limit is at least \$50.00 and at most \$200.00.

### *Appropriation of funds*

42. Durham College Student Association will reimburse all campaign expenses incurred by a candidate, subject to the following conditions:
- (a) To receive reimbursement for campaign expenses, Candidates must submit a campaign expense form to the CRO, with original receipts attached, by 5:00 p.m.

on the 5<sup>th</sup> day after the close of voting. The CRO may, at their discretion, decide not to reimburse a candidate if the campaign expense form is received after the deadline.

- (b) All Candidates, regardless of the election outcome, must keep all original receipts. Candidates will be reimbursed up to a maximum of their allocated expenditure amounts.
- (c) All campaign donations must be brought to the attention of the CRO and included in the campaign expense report to be submitted by each Candidate. Any work, service, or product provided free of charge by a non-Campaign Team member is considered a donation. Donated materials of campaign material shall be assigned a dollar value based on fair market value determined by the CRO and shall be calculated as campaign expenses, but will not be considered in the calculation of a refund against election campaign expenditures.
- (d) Notwithstanding the foregoing, the CRO may enter into an agreement with a direct billing service provider for the use of the candidate at a discount. If such an agreement is entered into, all candidates shall use the provider.
- (e) A candidate may not purchase items of substantial personal benefit with campaign funds. Further, a candidate may not purchase thank you gifts for campaign volunteers or others with campaign funds. A candidate may not purchase anything of any value to give out for students, which does not relate directly to the campaign, this includes candy, baked goods or other similar items.

#### *Approval of campaign material*

- 43. All campaign materials, advertisements, and/or expenses require approval by the CRO in advance of distribution or the cost being incurred. All printed materials must be printed in full quantities and then submitted to the CRO and shall only be stamped with the Corporation logo upon approval. It is recommended that candidates submit one hard copy or a digital proof of their material for approval before printing full quantities in the case of non-approval.

#### *Prohibition on alcohol or cannabis*

- 44. Any Candidate who uses alcohol, cannabis, or other intoxicating substance to induce an election to vote for or against a candidate shall be disqualified.

*Areas where campaigning is prohibited*

- 45.(a) No candidate may campaign within 5 meters of the DCSA offices (in the second floor of the Student Centre, at the Whitby Campus and at Riot Radio), at a DCSA or Club, Society, or Indigenous Student Circle sanctioned event, or in an area prohibited by the Chief Returning Officer.
- (b) No candidate may campaign in such a manner that would disturb or obstruct the operations of DCSA, or Durham College, including through the use of audio/visual communications technology.

*Candidates Materials - posters*

46. Candidates may campaign by posters subject to the following limitations:

- (a) No posters shall be larger than 11 inches by 17 inches;
- (b) No posters shall be distributed or posted off campus unless otherwise approved by the CRO.
- (c) No candidate shall post more than 20 posters at the Oshawa Campus, and 10 at the Whitby Campus.
- (c.1) If a school does not have a program located in a campus, then a candidate for the corresponding class of membership shall not be eligible to post a poster on that campus.
- (d) Posters can only be affixed to surfaces by using wall putty such as fun tack, sticky tack or otherwise as may be determined by the CRO in consultation with the College.
- (e) All materials may only contain information that is relevant to the election, as determined by the CRO.
- (f) All text in other languages on campaign materials must have an accurate English translation.
- (g) Campaign materials shall not be removed from any location, except by order of the CRO, or by the Candidate or by staff of the College.
- (h) All materials must be removed within twenty-four (24) hours of the close of the voting period.

- (i) Any posters must be more than 4 inches apart. No Candidate's campaign materials can overlap those of another Candidate.

*Pamphlets and handout*

- 47. No candidate shall prints more than 400 handout, pamphlet, or handbills.

*Harassment or discrimination*

- 48. Any candidate who violates the harassment or discrimination policy of Durham College Student Association or Durham College of Applied Arts and Technology shall be disqualified.

*Social Media Campaigning*

- 49. The candidates may campaign on social media platforms as determined by the CRO. The CRO has the right to remove, or ask to remove, all posts on social media by the candidates. The accounts for the candidates on social media shall be separate accounts made for that purpose of the Elections and shall not be their personal account. The accounts made for purposes of the Elections shall be deleted after the elation or at the demand of the CRO.

*Slates – Prohibition*

- 50. (a) Candidates shall not campaign together, affiliate, or run as a slate. Candidates shall take all reasonable steps to ensure that their campaign material is unique for their positions.
- (b) Candidates shall not cross endorse.
- (c) Candidates shall not share resources.
- (d) Any candidate which violates subsection (a), (b), or (c) shall be disqualified.

*Publication of Statements*

- 51. The Chief Returning Officer shall provide a space for all candidates to publish a statement of up to 300 words on the website of the Corporation.

*Riot Radio*

52. Each candidate will be given equal opportunity and access to campaigning on Riot Radio in an appropriate manner as determined by Riot Radio. These rules will be announced each year at the All-Candidates' Meeting.

## **PART 5 – VOTING**

*Voting Rights*

53. The voting rights accorded to each Member shall be those described in the Articles of Incorporation.

*Electoral System*

54. (a) The method of voting shall be an online ballot.  
(b) Should the membership approve the Ranked Ballot then the election shall be conducted in accordance with section 61(b) of this policy.  
(c) If the Board of Directors deem it necessary based on the totality of the circumstances that paper ballots are necessary, then the Chief Returning Officer shall create procedures for the use of the paper ballots.

*Declaration of winner*

55. As soon as is reasonable the close of nominations, the Chief Returning Officer shall declare a candidate elected if the number of certified nominations is the same or lesser of the total number of positions to be elected to that position.

*Notice of election*

56. As soon as is reasonable after the close, the Chief Returning Officer shall give notice of a poll being granted for any race where the number of certified candidates which is greater than the total numbers of positions to be elected to that position.

*Online voting procedures*

57. When an online voting takes place, a company with experience in performing elections shall be retained in accordance with the Financial Administration Policy, and the procedures on the vote shall be as follows:  
(a) upon the start of balloting each elector shall be issued unique credentials to their email address on record with Durham College and a direct link to the voting website;

- (b) the elector shall enter their credentials and if the system is satisfied that their credentials are those provided by the online voting system, the system shall issue a ballot;
- (c) upon the casting of a ballot the elector cannot change their vote, nor shall their vote be invalidated by the system;
- (d) upon the close of voting, the Chief Returning Officer shall cause the results as tabulated by the system to be published, and shall preserve an audit trail of the votes casted; and
- (e) when an online vote is being conducted, no special ballots shall be issued.

*Prohibition re candidates*

58. (a) No candidate shall be present or within 30 feet of an elector during the casting of a vote using an online system.
- (b) No candidate shall use a personal electronic device for the purpose of allowing or inducing electors from casting ballots during the course of the election.
  - (c) No candidate shall use a system to amplify their voice or speak loudly to induce an elector to vote or not vote for a candidate.
  - (d) No candidate shall attempt, induce, or ask an elector to publish, show, or produce a marked or unmarked ballot in any fashion.

*Ballot format*

59. (a) The ballot shall combine all positions on a single ballot.
- (b) Candidates shall be listed by surname in English alphabetical order. Should a candidate have a mononym, then the ballot shall list the mononym as the surname.
  - (c) Should a candidate have a common name by which they are known publicly known by and by which they wish to appear on the ballot, then the candidate shall be known by that name on the ballot. The Chief Returning Officer shall reject any name which the candidate cannot prove they are known by, or which is designed to mislead the voters.

- (d) Should two candidates have the same name, an initial or other distinguishing mark shall be added to ballot to differentiate the candidates.
- (f) Should the online system be able to attach a statement, the biographical statement of the candidate shall be available on the ballot or linked to the ballot.

#### *Casting of Ballots*

- 60. (a) An elector shall be eligible to cast one vote for the Executive Position and one vote for the director of the class of membership to which they belong.
- (b) The elector shall place a distinguishing mark in the circle to the right of the candidate which they desire to vote for.
- (c) Should the membership approve a Ranked Ballot, the elector shall rank the candidates in numerical order.

#### *Declaration of Winners*

- 61. (a) The Chief Returning Officer shall declare a Candidate the winner of the position if they have received the highest number of votes for that position from Members that voted at the elections, and with the condition that there is no outstanding appeal involving the Candidate.
- (b) Should the membership adopt a ranked ballot, the following rules will be used to determine the count:
  - (i) If no candidate receives 50 percent plus one of the votes, then the candidate who received the least number of votes is eliminated from the race.
  - (ii) The votes earned by the remaining candidates are carried forward to the next round of counting. The eliminated candidate's ballots are redistributed to the remaining candidates, this time using the next choice indicated on those ballots. All of the votes are then counted again.
  - (iii) If any of the remaining candidates received 50 percent plus one of the votes, they are elected. If not, the process of elimination is repeated until a winner is declared.
  - (iv) The threshold for winning shall be a majority of the votes casted.

(v) In the event of a tie for the candidate with the fewest votes in the first round of voting, the Chief Returning Officer shall select by lot the candidate progressing to the next round of voting.

## PART 6 – ELECTION DISCIPLINE

### *Authority of the CRO*

62. The Chief Returning Officer shall have the following primary authority regarding elections discipline:

- (a) issue written warning;
- (b) campaign restriction and suspension;
- (c) issue a deduction from the total campaign expenses a candidate; and
- (d) disqualification.

### *Initial Authority of the CRO*

63. The Chief Returning Officer shall have initial authority to determine if a violation has occurred and the appropriate punishment for it.

### *Powers of the CRO upon investigation*

64. (a) Once a complaint is filed, the CRO may order the suspension of the activity in question until a ruling is given.
- (b) The CRO may use any and all resources necessary and available to reach a decision.
  - (c) Prior to rendering a decision, the CRO shall allow the accused candidates the opportunity to hear any accusations brought against them, and to offer their defence in a fashion determined by the CRO, at the CRO's discretion.



- (d) The CRO shall render a written decision via institutional email. The CRO shall look at all the circumstances regarding the complaint and the actions of the candidate when determining what actions are necessary.
- (e) The CRO shall dismiss any complaint which is frivolous, vexatious or otherwise devoid of merit.

#### *Warning*

65. The Chief Returning Officer shall issue a warning for behaviour that is concerning to the CRO regarding violations of this Policy. If the behaviour or violations, as described in the warning, does not cease then other disciplinary measures shall occur, at the discretion of the Elections Committee.

#### *Campaign restriction and suspension*

66. The Chief Returning Officer may prohibit a candidate from campaigning in a certain way, at a certain place, for a period of time, or at all if the candidate has violated this Policy.

#### *Deduction of total campaign expenses*

67. The Chief Returning Officer may issue a deduction of the campaign budget of a candidate; such expenses shall be counted as an expense and should the candidates total expense exceed the limit then the candidate shall be disqualified.

#### *Disqualification*

68. The Chief Returning Officer may disqualify candidates. When a candidate is disqualified, the candidate shall be deemed to have not completed the Election and shall be ineligible to seek election for any Corporation position for the remainder of the election cycle in that year and participate as a member of a campaign team for the remainder of the election cycle in that year.

#### *Disqualifying events*

69. Violations of the following nature will result in automatic disqualification of a Candidate:
- (a) At the CRO's discretion, a finding of misconduct so egregious that the CRO believes it is right in the circumstances to disqualify the candidate.
  - (b) Solicitation of any outside entities or individuals to interfere in the election process. Solicitation of Interference includes, but is not limited to, actions that encourage

such entities or individuals to apply pressure on the CRO or Elections Committee to make or change specific decisions, interference in the voting or ballot counting process, withholding vital election documents such as voters' list and ballot boxes, and withholding Corporation funds.

*Defaulting events*

70. (a) A Candidate which is in default of the filing requirements under this policy if:
- (i) they have not filed the required campaign expense report;
  - (ii) they have spent more than the spending limit for the office which they seek;
  - (iii) they have misrepresented their campaign expense.
- (b) A candidate who is in default will:
- (i) forfeits any office to which they were elected and the office is deemed to be vacant; and
  - (ii) for a period of 12 months the candidate is ineligible to be elected or appointed to any office of the Corporation.
- (c) A candidate who is in default under subsection (a(i)), may be cured of the default if:
- (i) the candidate pays a late filing fee of \$50.00; and
  - (ii) not more than 10 days have elapsed since the notice to the candidate.
- (d) The late filing fee shall be donated by Corporation to a registered charity.
- (e) A candidate who is in default under subsections (a(ii)) or (a(iii)) may appeal any facts regarding the default to the Election Compliance Oversight Committee.

*Notice of a decision of the CRO*

71. (a) A decision of the CRO to exercise authority determining discipline or default, shall be sent to:
- (i) the candidates involved;
  - (ii) the Elections Committee;
  - (iii) a person who made the complaint.

- (b) A notice of default or disqualification shall be further sent to:
  - (i) the Board of Directors;
  - (ii) the Secretary of the Board; and
  - (iii) the General Manager.

#### *Disqualification*

72. When the Chief Returning Officer disqualifies a candidate, the disqualification shall not take effect until:

- (a) four days after the disqualification or the ruling of the Elections Compliance Oversight Committee, or
- (b) a statement by the candidate which states they agree with the disqualification.

#### *Appeal by right*

73. (a) A candidate who has received a ruling of the CRO which resulted in discipline has the right to appeal to the Elections Compliance Oversight Committee.

- (b) A notice of appeal shall be filed with the clerk of the committee before the fourth day after the notice has been given to the candidate.

#### *Quorum for Appeals Hearing*

74. The Elections Compliance Oversight Committee shall have a quorum of half of the appointed members when hearing an appeal.

#### *Powers on Appeal*

75. The Elections Compliance Oversight Committee shall have the power to:

- (a) revise the decision of the Chief Returning Officer; or
- (b) deny the appeal.

*Decision on appeal*

76. The Committee shall issue a written decision with reasons on appeal. That decision is final and binding

## **PART 7 – RECOUNT**

*Recount - automatic*

77. The Chief Returning Officer shall hold a recount if the votes for two or more candidates who receive the same number of votes and cannot both or all be declared elected to the office.

*Recount – on application*

78. The Chief Returning Officer shall hold a recount upon application of an elector that an administrative mistake was made which is likely to affect the election, or it appears advantageous that a recount be needed.

*Appeal to the Elections Compliance Oversight Committee*

79. A candidate may appeal the decision of the Chief Returning Officer not to hold a recount to the Elections Compliance Oversight Committee.

*Time for recount*

80. The recount shall be held within 15 days after the Chief Returning Officer's declaration of the results of the election.

*Method of recount*

81. The Chief Returning Officer shall conduct the recount by auditing the electronic backup of the online voting software.

*Results on recount*

82. Upon a recount being completed, the results of the recount will be published by the Chief Returning Officer.

*Tie vote*

83. In case of a tie between any of the candidates, the tied candidates shall draw lots to determine the winner of the tied elections.

## **PART 8 – ELECTIONS MATERIAL AND VOTERS LIST**

*Election material*

84. Schedule I shall set forth the manner of various elections material and notices. The Chief Returning Officer is authorised to alter the form and contents of the elections materials and notices as required.

*Voters list*

85. The voters list shall be provided by the College. The voters list shall be kept under the protection of the Chief Returning Officer, and shall not be used for any other purpose whatsoever.

*Request of candidates for access to the voters list*

86. Should a candidate request access to the voters list, then the candidate shall be given the access members list in accordance with section 23(7) of the Canada Not for Profit Corporations Act, S.C. 2009, c. 23, then the member shall swear a statutory declaration before someone a person who is legally eligible to make oaths in the province of Ontario that they require access to the list in accordance with the provision of the act, and will not use the list for any other purpose whatsoever.

*Breaches of privacy regarding the voters list*

87. Breaches of privacy regarding the voters list is a violation of privacy policy of the corporation and the college, and will be dealt with in accordance with those policies.

## **PART 9 – CONCLUDING PROCEEDINGS**

### *Certificate of Elections*

88. Upon the count of votes, the Chief Returning Officer shall officially validate the results of the election by adding all statement of votes together and thereupon declaring the candidate elected to be the winners of the election. The Chief Returning Officer shall provide notice of this to the Board, and to be posted on the Corporation's website.

### *Report of the Chief Returning Officer*

89. The Chief Returning Officer shall thereupon issue a report to the Board of Directors on the conduct of election under this policy and make recommendations as is appropriate.

### *Status of Candidates*

90. Between the date of publication of the results and Start Date, or in the case of By-Elections the 10<sup>th</sup> day after voting, the elected candidate has no privileges or powers other than being a Member of the Corporation.

### *Taking Office*

91. The successful candidate in any elections becomes an Executive Officer or a Director, as the case may be, at the Start Date, or in the case of By-Elections the 10<sup>th</sup> day after voting.

## **PART 10 - CONFLICTS OF INTEREST**

### *Executive Officers and Directors*

92. An Executive Officer or Director currently in office cannot be employed by the Elections Office in any role, paid or otherwise.

### *Prohibition of use of resources*

93. The Corporation's resources, financial, promotional, or other, cannot be used in favour of any candidate.

### *Prohibition re statements*

94. The following people shall not be permitted to campaign for, or make any public statements regarding, the candidate(s):
- (a) Any Full-Time Staff member of the Corporation;

- (b) An Election Committee member;
- (c) Any Executive Officer or Director not running for election.

## PART 11 – APPOINTMENT THROUGH MEMBERSHIP MEETING

95. Whenever there is a vacancy on the Board of Directors which is not filled through by-election, or which the board has decided not to fill a vacancy, the Board shall call a membership meeting of the class which is vacant to fill the vacancy.
96. The Secretary of the Board shall be the coordinator of the Membership meeting.
97. The notice of the Membership meeting shall be given in the timeframes described in the by-law.
98. Nominations shall be received until 12<sup>th</sup> day before the Membership Meeting.
99. On the 9<sup>th</sup> day before the Membership Meeting, the Secretary of the Board shall issue a convening circular with a statement from each candidate of not more than 300 words in length.
100. Voting shall open at 9:00 a.m. on second day before the Membership Meeting and voting shall be done as follows:
- (a) If one candidate is running for the position, a motion to the effect of:  
“That – be elected to the office of Director for Class -- of the membership consisting of the school of ---.”  
Shall be deemed to be moved, seconded, read, and debated, and electors shall have vote either in favour or opposed to it.
  - (b) If there are two candidates running for the position, then the candidates shall be listed in English Alphabetical order and elector shall vote for the candidate which they wish to vote for. The motion shall read as follows:  
“That \_\_\_ be elected to the office of Director for Class -- of the membership consisting of the school of ---.”

Shall be deemed to be moved, seconded, read, and debated, and electors shall have vote either in favour or opposed to it.

- (c) If there are more than two candidates running for the position, then the candidates shall be listed in English Alphabetical order and elector shall rank in order of preference the candidates which they wish to vote for. The motion shall read as follows:

"That \_\_\_ be elected to the office of Director for Class -- of the membership consisting of the school of ---."

Shall be deemed to be moved, seconded, read, and debated, and electors shall have vote either in favour or opposed to it and the ballot shall be counted in accordance with the method of section 61(b).

101.Parts 5, 7, 8, 9 and 10 of the Election Policy shall apply mutatis mutandis to the election, as decided by the Secretary of the Board of Directors.

102.Campaigning methods shall be set by the Secretary of the Board, and the Secretary of the Board shall have appropriate authority to enforce campaigning methods. Any appeal shall be heard by the Standing Committee.



## SCHEDULE I

### Form 1 – Notice of Election

#### NOTICE OF ELECTION

of which all members of the Durham College Student Association are required to take notice hereof and to govern themselves accordingly that there shall be a General Election in accordance with the by-laws to elected the directors and executives.

Nominations are due at 1:00 p.m. on –

An All Candidates Meeting will be held at --- on ----.

Campaigning will begin at 9:00 a.m. on ---

Voting will be held on ---- and until.

Given under my hand, this --- day of ---, 20---.

Chief Returning Officer

**Form 2 – Nominations paper**

**NOMINATION PAPER  
OF A CANDIDATE FOR GENERAL ELECTION  
OF DURHAM COLLEGE STUDENT ASSOCIATION**

MUST BE RETURNED TO THE DURHAM COLLEGE STUDENT ASSOCIATION OFFICE  
ROOM 212, SECOND FLOOR, STUDENT CENTRE, NORTH CAMPUS, 2000 SIMCOE ST. NORTH  
BY \_\_\_\_ AT 1:00 P.M.

***Part I – Candidate's Information***

The name appearing in the boxes below must be exactly as the candidate wishes their name to appear on the ballot paper. One or more of the given names of the candidate may be replaced by the nickname by a normal aberration of one or more of the candidates given name (i.e. Meg, Andy, Bill). Mononyms are not accepted on the ballot, unless that the mononym is the legal name of the nominee.

Surname	Given name

If your name by which you are registered at Durham College is different than the name which you wish to have appear on the ballot paper please give your legal name here:

Surname	Given name

*This name will not appear on the ballot paper but will be used to verify your status as a student with the college.*

Student Number:

--

Position sought:

*Please check the box to the left of the position you wish to seek.*

- Executive Chair and Chief Elected  
Office

- |  |   |
|--|---|
| <input type="checkbox"/> Director for the School of Health and Community Services      | <input type="checkbox"/> Director for the School of Justice and Emergency Services                          |
| <input type="checkbox"/> Director for the School of Media, Art and Design              | <input type="checkbox"/> Director for the School of Skilled Trades, Apprenticeship and Renewable Technology |
| <input type="checkbox"/> Director for the School of Science and Engineering Technology | <input type="checkbox"/> Director for the Center for Food   |
| <input type="checkbox"/> Director for the School of Business, IT and Management        | <input type="checkbox"/> Director for the School of Interdisciplinary Studies                               |

***Part II – Contact Information***

This information is collected for the use of the election services department. It is not used by third parties.

Telephone number:

Cell	Other

Email address:

Durham College	Preferred (if different than the college)
@dcmail.ca	

***Part III – Candidate’s Consent to Nominations***

I, the above named candidate, the nominee in this nomination paper, do affirm that:

- I consent to the nomination
- I am a qualified elector and I am eligible to be a candidate for the position which I seek;
- I am aware of the obligations imposed on me as a candidate in the by-laws and Elections and Referendum Policy; and

- My name as recorded in Part I, is exactly how I wish my name to be spelled on the ballots.

I, the above named candidate, further agree to the disclosure of personal information regarding my academic standing held by the Office of the Registrar of Durham College of Applied Arts and Technology to the Chief Returning Officer for the purpose of determining my eligibility to run for an position. I consent to disclosure of my academic information in accordance with section 42(1)(b) of the *Freedom of Information and Protection of Privacy Act* (RSO 1990, C. F-31).

Dated \_\_\_\_\_, 202\_\_

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Candidate's signature

**Part V – Signatures of nominators (Must be full time students)**

I nominate \_\_\_\_\_ for the position of \_\_\_\_\_ in the Durham College Student Association General Election. I am qualified as an elector (i.e. full time student) and I consent to the nomination.

	Student name	Student number	School/faculty	Signature
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Director nominations need not submit more than 10 signatures, however it is recommended that they do as a precaution to ensure accuracy.				
11				
12				
13				
14				
15				
15				
16				
17				
18				
19				
20				

Executive nominations need not submit more than 20 signatures, however it is recommended that they do as a precaution to ensure accuracy.

21				
22				
23				
24				
25				
26				
27				
28				
29				
30				

**Form 3 – official statement of votes**

POLL NUMBER	LOCATION OF POLL
TABULATION OFFICER	TABULATION OFFICER

EXECUTIVE CHAIR AND CHIEF ELECTED OFFICER	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS A	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS B	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS C	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS D	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS E	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS F	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

DIRECTOR CLASS G	
CANDIDATE A	
CANDIDATE B	
REJECTED BY TABULATION OFFICER	
BLANK	
TOTAL	

I certify and solemnly affirm that the results as stated above is a true and complete record of the votes casted at the polling station named above.

Dated at \_\_\_\_\_, Ontario this \_\_\_\_ day of \_\_\_\_, 20\_\_.

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tabulation officer

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tabulation officer

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Chief Returning Officer



**Form 4 – Declaration of results**

I, [name of CRO] of [municipality of CRO] Chief Returning Officer for Durham College Student Association, do hereby solemnly declare [or make oath and say] that in accordance with the mandate of the Board of Directors, held an election on the following question for the election of officers and directors of Durham College Student Association by the following method [paper ballots] [online ballots].

The result of the election for [enter name of office] is as follows: [number of votes] voted [name of candidate]; [number of votes] voted [name of candidate]; [number of votes] voted [name of candidate]; [number of votes] voted abstained. [repeat as necessary]

I am aware of no violation of the elections policy which would cause the results of the referendum to be invalid.

[I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.]

Affirmed [sworn] before me,		
at [city], Ontario, this [date] of		
[month], [year]		
		_____
		[name of Chief Returning Officer]
_____		
Commissioner, etc		

[stamp of Commissioner if needed]