

Independent Electoral Commission

**REPORT ON THE 2010 BY-ELECTION AND REFERENDA
OF THE SIMON FRASER STUDENT SOCIETY**

February 21, 2011

**Prepared by Marc Fontaine
Chief Commissioner | Chief Electoral Officer
Independent Electoral Commission
February – December, 2010**

February 21, 2011

Board of Directors
Simon Fraser Student Society
c/o Ali Godson, President
MBC Room 2050
8888 University Drive
Burnaby, BC
V5A 1S6

Dear Ms. Godson,

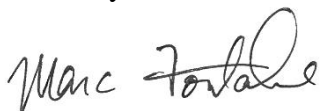
It is my pleasure to present this report on the 2010 By-Election and Referenda of the Simon Fraser Student Society, as required by the Electoral and Referenda Policy (R-17).

As required by Section 16 of said policy, this report contains the following:

- the official results of the election and referendum questions,
- a financial statement outlining the cost of the election,
- a summary of all relevant issues arising from the election,
- suggestions for improvement of future elections, and
- any other relevant information deemed necessary.

Should you have any questions or concerns regarding this document, please contact me.

Sincerely,



Marc Fontaine
Chief Commissioner | Chief Electoral Officer
Independent Electoral Commission
Simon Fraser Student Society

February – December, 2010

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1 Election and Referenda Process Overview

This section will examine the electoral and referenda process in chronological order with the following periods being examined in detail:

Pre-Election and Pre-Referenda

June to September

Election Nomination Period

2 weeks from October 4th at 8:00am to October 18th at 12:00pm

Deadline for Submission of Referendum Questions

October 7th at 4:00pm

Campaign Period

2 weeks from October 18th at 12:00pm to November 1st at 11:59pm

Voting Period

3 days from November 2nd at 12:00am to November 4th at 11:59pm

Post Voting Period

November 5th to December

Pre-Election and Pre-Referenda

June to September

The Board of Directors was proactive in appointing a Chief Electoral Officer (CEO) for the Fall 2010 by-election and referenda. A call for nominations was circulated to the university community in May, and on July 7th, Marc Fontaine was re-appointed to the position after serving as CEO in the Spring semester.

As is detailed in the report on the 2010 general election and referenda, the electoral and referenda policy implemented by the 2009-2010 Board of Directors was found to be unsuited to the needs of the Society. To resolve this issue, a working group was struck to draft a new version of the policy. The working group consisted of Marc Fontaine, J.J. McCullough, and John Morrison III, all of whom had experience as members of the IEC.

With the advice and support of Panther Kuol and Hattie Aitken, a draft of Rule 17, Electoral and Referenda Policy, was presented in July to the Constitution and Policy Review Committee. A presentation was also given at Forum to discuss the changes. Changes to the document included:

- A stronger process for finding and hiring CEOs and Commissioners, with the CEO taking responsibility for interviewing candidates for the Commissioner positions;

- An increase to the stipend for IEC members and the implementation of a fair system of earning one's stipend;
- An increase to the amount of funding provided for candidate campaign expenses, doubling from 50% of the maximum amount to 100% of the maximum amount; and
- Removal of Board control over appeals of IEC decisions.

The new electoral and referenda policy was approved by the Board of Directors in September and was well-received during the Fall by-election and referenda. However, a few modifications are recommended and will be discussed later in this report. (The policy is included in Appendix E.)

A call for nominations to fill the four Commissioner vacancies was repeated in early September. Nearly forty students applied within two weeks of the call and interviews were held with short-listed candidates. Upon the recommendation of the CEO, four students were appointed by the Board of Directors including two Commissioners from the previous general election and referenda. The four students were Jessica Burch, Jason Chan, Joshua Lo, and Chen Shen. These students were chosen for their experience (either with the IEC or in other activities or areas of employment), their abilities, and their availability during the election period. Although the interview process was time consuming, it allowed a strong complement of students to be chosen for the IEC.

Scheduling and planning for the by-election and referenda also took place throughout September. Notice of Election was given on September 20th.

Election Nomination Period

2 weeks from October 4th at 8:00am to October 18th at 12:00pm

The nomination period is a critical time for Society elections. The IEC ran an extensive advertising campaign to promote the eight Board vacancies, and the CEO met personally with many interested students. Although a significant amount of advertising occurred at the Surrey campus, the vast majority of candidates were from the Burnaby campus.

The 2010-2011 SFSS member handbook and dayplanner also assisted in promoting the vacancies on the Board of Directors. At least three advertisements appeared in the handbook and provided interested students with relevant information about the by-election.

A new and modernized website was unveiled during the nomination period. With an improved design and layout, the website offered more comprehensive information about the IEC as well as detailed information on the election from the points of view of candidates and voters. Because the website's new user interface was simple to use, members of the IEC were able to modify the site content more easily and quickly than was previously possible. This resulted in up-to-date and accurate information being shared with visitors at all times. As will be discussed later, the website also worked well during the voting period. (See Appendix D for a screen capture of the website following the close of voting.)

An improved Candidate Handbook was available for the opening of the nomination period. The handbook had been redesigned in terms of organization, level of detail, and ease of reading. Numerous sections were also rewritten to reflect changes made to the electoral and referenda policy. The handbook is included as Appendix E.

A strong promotional campaign resulted in a high number of students coming forward as candidates. While only 17 students came forward for 16 vacant positions in the 2010 general election, a total of 23 students submitted nomination forms for the eight vacant positions in this by-election. This demonstrated a great improvement over previous years.

Deadline for Submission of Referendum Questions

October 7th at 4:00pm

For the Fall 2010 referenda, the Board of Directors submitted two referendum questions and one question was submitted by Forum. No questions were submitted by petition.

Campaign Period

2 weeks from October 18th at 12:00pm to November 1st at 11:59pm

An advertisement promoting the health plan referendum question appeared in *The Peak* newspaper on the morning of Monday, October 18th, prior to the opening of campaign period. Because it is an offence to campaign outside of the campaign period, and because the advertisement had not been approved by the IEC, a public hearing was held on November 20th in accordance with section 14(c)(2) of the electoral and referenda policy. This issue will be discussed further in Section 2, Infractions of Policy.

Candidate information sessions were held early in the campaign period. These sessions allowed candidates to learn about the election process, rules governing the election, important dates and deadlines, and other details. These sessions were well attended.

Although campaign materials were approved quickly once submitted to a Commissioner, many candidates were slow to design their materials and submit them for approval. Many candidates did not understand the lengthy process required to watermark and number each piece of printed material. Consequently, these candidates faced delays in having their materials printed at the Copy Centre. Nancy Mah, the Copy Centre Coordinator, endeavoured to provide campaign materials in a timely fashion and campaign materials were prioritized for printing.

Two all-candidates debates were held during the campaign period on the Burnaby and Surrey campuses. These debates allowed voters to learn more about the students seeking office and to ask questions of them. This year, time was also given for registered representatives of the referendum questions to give short speeches and answer questions. With the use of a digital camcorder purchased specifically for this purpose, the all-candidates debates were digitally recorded and posted online within 48 hours of the debates. The videos were a valuable resource for voters who were unable to attend the debates in person.

One candidate withdrew her candidacy during the campaign period for personal reasons and her name did not appear on the ballot.

Voting Period

3 days from November 2nd at 12:00am to November 4th at 11:59pm

Two candidates were found to have left campaign materials posted on campus or online during the voting period. This is a serious infraction of electoral policy. As a result, public hearings were held and the candidates were ultimately disqualified. This will be discussed further in Section 2, Infractions of Policy.

One candidate withdrew his candidacy during the voting period but because voting had already begun, his name remained on the ballot. A notice to voters was immediately placed on the IEC website.

A team of 25 volunteers assisted with posting approximately 1,500 posters on the Surrey and Burnaby campuses for the voting period. The posters acted as reminders for students to vote online through their SFU email or by visiting the IEC website.

Post Voting Period

November 5th to December

Unofficial results of this by-election and referenda were announced at 12:15am on Friday, November 5th, in the SFSS conference rooms. Results became official upon ratification by the Board of Directors on Monday, November 8th. Although it was initially believed that Referendum Question 2 had passed, it was soon discovered that the question had not reached the required threshold as required by the Societies Act of BC. This will be discussed further in Section 4, Official Results.

2 **Infractions of Policy**

The revised electoral and referenda policy has proven to be more suitable to Society elections than its predecessor. However, a few candidates and representatives of referenda continued to ignore warnings that failure to abide by policy would result in disciplinary action. The following infractions of policy were given special attention by the IEC. Official rulings can be found in Appendix B.

Campaigning Prior to Campaign Period & Without Approval from IEC

The electoral and referenda campaign period began at noon on Monday, October 18th. An advertisement promoting the health plan referendum question appeared in that week's issue of The Peak newspaper. Since the newspaper is available to students on Monday mornings, this advertisement appeared before the opening of campaign period at noon. In addition, the advertisement had not been approved by the IEC.

A hearing was held to discuss the infraction. After careful consideration of the facts, the IEC ruled that the Board of Directors (as representatives of this referendum question) would be fined \$100 in the form of a donation to the SFU food bank. The Board of Directors did not dispute the error and paid the fine.

Campaigning During Voting Period

Shortly after midnight on Tuesday, November 2nd, it was discovered that Communication, Art and Technology candidate Jay Chen had not removed a Facebook event that he had created as part of his campaign. A hearing was held on November 3rd but the candidate did not attend. Because the IEC decided that the candidate had gained a significant advantage over his competitors, Mr. Chen was disqualified.

Health Sciences candidate Brandon Yau was also disqualified for failure to remove campaign materials prior to the commencement of the voting period. The CEO found numerous posters on campus in the early hours of Tuesday, November 2nd. In total, more than fifteen posters were found in prominent locations on campus during the voting period. Mr. Yau did not attend the hearing held on November 4th.

3 Other Issues

Residence Hall Association Election

Members of the Residence Hall Association (RHA) approached the CEO in September for assistance with their by-election. Although the CEO was prohibited by section 3.a.3.i of the electoral and referenda policy from overseeing the election, a replacement election coordinator was found and the RHA by-election continued as usual. It concluded successfully several days later.

Departmental Student Union Election Complaint

On October 6th, the CEO was made aware of a complaint regarding the Statistics and Actuarial Sciences Student Association (SASSA) election. A member of the departmental student union had reported that the election for executive officers of the union was conducted in an improper manner and that the results should be ruled invalid. Although it is not the direct responsibility of the IEC to oversee departmental student union elections, advice was given in this instance as the Student Union Organiser was unavailable. The issue carried on for several weeks and was nearing resolution when the complaint was withdrawn.

4 Official Results

The results of this election and referenda were ratified by the Board of Directors on November 8th. All Board vacancies were filled during the by-election.

Election Results

The following incoming directors were acknowledged by the Board of Directors:

- Treasurer: Jeff McCann
- University Relations Officer: Arry Dhillon
- Applied Science Representative: Moe Kopahi
- Arts and Social Sciences Representative: Yannick Cudennec
- Communication, Art and Technology Representative: Jennifer Ashley Chuang
- Education Representative: Shiva Manavipour
- Environment Representative: Mehdi Manavipour
- Health Sciences Representative: Keenan Federico

Referenda Results

Three referendum questions were presented to SFSS members for their vote. This included one non-binding plebiscite designed to gauge member interest in a particular topic of importance to the Board. The following referenda results were acknowledged by the Board of Directors:

- Question 1 – Health and Dental Plan Fee Increase: NO
- Question 2 – Remove By-law 14.15(a): NO
- Non-binding Plebiscite – Financial Accountability: YES

Results of Question 2 were originally presented to the Board as having passed with 57.14% of the popular vote. However, upon further research, it became apparent that because the SFSS is a registered Society under the Society Act of British Columbia, changes to SFSS By-Laws require a *special resolution* where 75% of voters must vote in favour of a change. Question 2 failed because this threshold was not met.

For a more detailed statement of results and a list of the referenda questions, please refer to Appendix A.

5 Financial Statement

Compared with previous years, the Fall 2010 by-election and referenda was more costly than typical by-elections. However, this increase can be attributed to a high number of Board vacancies, a large complement of candidates, and a revised electoral policy with higher Commissioner stipends and other expenses than were formerly in place.

No referendum expenses were claimed through the IEC budget. The Board of Directors suspended Rule 17.7.c which limits the campaign budget for any approved referendum campaign. The Board instead set a limit of \$5,000 for the Health Plan campaign and spent funds directly from a Health Plan account.

A camcorder and tripod were purchased to allow the IEC to digitally record electoral debates and quickly post the videos online. Future debates may now be recorded at no extra cost, including those at the Surrey campus. This purchase will pay for itself quickly as the cost to hire a university employee to record one day of debates would exceed \$330.00 and debates typically occur over two or three separate days.

The costs for setup of tables and chairs for the Burnaby debate were much higher than anticipated. Savings could be found in future years by hosting debates in a location where furniture setup is not required.

Commissioner Stipends	\$ 6,436.21
Commissioner CPP & WCB Costs	\$ 255.83
Employee Overtime – Copy Centre	\$ 301.40
Advertisements in The Peak	\$ 1,314.40
Telephone	\$ 67.20
Camcorder and tripod purchase	\$ 441.71
Candidate Expenses (All at the Copy Centre)	\$ 600.77
Printing and Office Supplies	\$ 271.19
Promotional Materials – Search for Candidates	\$ 691.03
Promotional Materials – “VOTE!” Posters	\$ 132.00
Burnaby All-Candidates Debate – Facilities Setup	\$ 508.52
IEC Team Building & Wrap-up Lunch	\$ 199.65
Miscellaneous expenses	\$ 98.35
Total Expenses	\$ 11,318.26

6 Suggestions for Improvement

Improvements to the Electoral and Referenda Policy

Significant changes were made to the electoral and referenda policy which have resulted in demonstrable improvements to Society elections and referenda. Minor adjustments and clarifications would further improve the document. Examples of such changes include:

- Develop clear provisions to allow for large and extraordinary referendum campaigns, most notably those involving major Society services (U-Pass and Health Plan);
- Clarify the mechanism for the IEC to initiate infraction proceedings, as the current wording is unclear;
- Rewrite Section 1.N (Penalties) to remove unnecessary restrictions imposed on the IEC and to more clearly explain the system of escalating penalties for repeated infractions; and
- Modify Section 14.D (Complaints) for added clarity.

These changes could be made following the Spring 2011 general election. Further details have been provided to Hattie Aitken, Policy Coordinator, to relay to the Constitution and Policy Review Committee.

Promotion of Board Vacancies

A strong promotional campaign designed to recruit students to become candidates proved successful. A similar promotional campaign should be continued with financial resources set aside for this purpose.

Election Budget

The budget for Society elections was drastically reduced in the 2008-2009 year to the point where it proved insufficient for the IEC to properly promote Society elections. At the time, Commissioners earned a stipend of only a few dollars per hour. Following the requirements set out in the new electoral and referenda policy, funding was reinstated to a suitable amount for this by-election to allow for, among other things, more adequate stipends for Commissioners, increased funding of candidate campaign expenses, and improved promotional campaigns.

During this by-election there was a dramatic increase in the number of candidates, a higher voter turnout than in the previous general election, and an improved awareness of elections among SFU students. This can be attributed to higher spending than in the general election.

As elections form the foundation of the Society's democratic system, it is critical that adequate resources are provided to the IEC to conduct fair, transparent, and free elections and referenda. Funding should be budgeted at a minimum of \$10,000 per electoral event (or slightly less for by-elections with few vacancies) with the exact amount spent to be left to the discretion of the Chief Electoral Officer.

7 Acknowledgements

The following acknowledgements are made by Marc Fontaine, Chief Commissioner and Chief Electoral Officer for the Fall 2010 by-election and referenda.

Commissioners

I would like to thank the Commissioners whose considerable time and energy contributed to a successful election and referenda. Commissioners Jessica Burch and Chen Shen had served on the IEC in the Spring 2010 general election and referenda and used their knowledge and experience to the benefit of the Commission. Commissioners Joshua Lo and Jason Chan also provided meaningful support to the operations of the Commission. The contributions of the four Commissioners have not gone unnoticed.

Society Staff

This by-election and referenda could not have been so successful without the assistance and support of some key Society employees. General Office staff provided support and advice for the Commission's daily tasks; Resource Office staff assisted with promotion, coordination, and issues of policy interpretation; and Finance Office staff provided reliable financial coordination and assistance.

As always, thanks goes to Nancy Mah, the Society's Copy Centre Coordinator, for her hard work and support.

University Staff

The university's Electoral Officer, Shelley Gair, was instrumental to this by-election and referenda by providing timely access to student databases and university-wide email lists. Her support and kindness is greatly appreciated.

Students

The Simon Fraser Student Society would not function without the involvement and contributions of its members. Thank you to the students who sought a position on the Board of Directors and, of course, a special thanks to the voters.

8 Appendices

Appendix A: Official Results

Appendix B: Official Rulings

Appendix C: Communication with SFU Students

Appendix D: Election Advertising

Appendix E: Election and Referenda Rules and Policies

Appendix A: Official Results

Election and referenda results have been discussed in Section 4. The following three documents provide supplemental information.

Official Statement of Election Results

This statement provides detailed election results by position.

Official Statement of Referenda Results

This statement provides detailed referenda results.

Referendum Questions

This document lists the referendum questions on which students voted.

Official Statement of Election Results

Position	Candidates or Candidate & Response	Totals	% of Votes	Comments
Treasurer	McCann, Jeff	772	52.13%	Elected
	Yu, Kimberley	709	47.87%	
		1,481	100.00%	
University Relations Officer	Dhillon, Arry	601	39.44%	Elected
	Morrison, John III	563	36.94%	
	Takhar, Navin	99	6.50%	Withdrawn
	Ward, Amanda	261	17.13%	
		1,524	100.00%	
Faculty of Applied Sciences Representative	Agudogo, Jerry	83	35.47%	Elected
	Kopahi, Moe	151	64.53%	
		234	100.00%	
Faculty of Arts & Social Sciences Representative	Cudennec, Yannick	415	42.30%	Elected
	Kobylyt, Jerry	85	8.66%	
	Kumar, Aswin	308	31.40%	
	Noonan, Emma	173	17.64%	
		981	100.00%	
Faculty of Communication, Art & Technology Representative	Chang, Nicole	26	12.50%	Disqualified Elected
	Chen, Jay	67	32.21%	
	Chuang, Jennifer Ashley	85	40.87%	
	Kwan, Agnes	30	14.42%	
		208	100.00%	
Faculty of Education Representative	Manavipour, Shiva	56	90.32%	Elected
		6	9.68%	
		62	100.00%	
Faculty of Environment Representative	Chen, Alexander	33	35.11%	Elected
	Manavipour, Mehdi	61	64.89%	
		94	100.00%	
Faculty of Health Sciences Representative	Federico, Keenan	54	36.00%	Elected Disqualified
	Okolie, Victor	39	26.00%	
	Sawires, Rachel	28	18.67%	
	Yau, Brandon	29	19.33%	
		150	100.00%	

Official Statement of Referenda Results

Updated as of November 8, 2010

Question	Response	Totals	% of Votes	Voter Turnout*	Comments
Question 1: Health and Dental Plan Fee Increase	YES	797	47.55%		
	NO	879	52.45%		Fails
		<u>1,676</u>	<u>100.00%</u>	<u>6.75%</u>	
Question 2: Remove By-law 14.15(a)	YES	948	57.14%		
	NO	711	42.86%		Fails
		<u>1,659</u>	<u>100.00%</u>	<u>6.69%</u>	
Non-binding Plebiscite: Financial Accountability	YES	1,479	88.51%		Passes
	NO	192	11.49%		
		<u>1,671</u>	<u>100.00%</u>	<u>6.73%</u>	

* Voter turnout is calculated based on 24,816 eligible undergraduate voters.

The SFSS is a registered Society under the Society Act of British Columbia. As such, changes to SFSS By-Laws require a Special Resolution where 75% of voters must vote in favour of a change. Question 2 fails because this threshold was not met.

Referendum Questions

Question 1: Health and Dental Plan Fee Increase

WHEREAS undergraduate students at SFU currently pay a special levy of \$198 per student per year to fund the undergraduate extended health and dental plan ("the Health Care Levy"); and

WHEREAS increases in the Health Care Levy are tied to the increases in the costs of benefits and their usage; and

WHEREAS the level of services that undergraduates currently receive under the extended health and dental plan will have to be cut if the Health Care Levy is not increased; and

WHEREAS the Society anticipates that it will need to implement an increase in the fall of 2011 and/or at some point(s) thereafter; therefore

Do you agree that the Society be authorized to increase the amount of the Health Care Levy in the fall of 2011, or anytime thereafter to maintain the general levels of benefits, to a maximum of \$230 per student per year, this maximum to be adjusted by inflation as determined by the Consumer Price Index? **(Yes / No)**

Question 2: Remove By-law 14.15(a)

WHEREAS By-law 14.15.(a) reads, "All campaign posters and related paraphernalia shall be removed by midnight prior to the day of the commencement of polling", and this restricts what the Independent Electoral Commission may regulate about a Society election or referendum.

Do you agree to remove By-law 14.15(a)? **(Yes / No)**

Non-binding Plebiscite: Financial Accountability

WHEREAS the SFSS remits fees to other organizations and these organizations should be financially accountable:

Do you agree that external groups that collect a fee from all undergraduate students with a total value of more than \$25,000 per year be required to submit a public, external and independent financial audit each year at the SFSS Annual General Meeting?

Do you further agree that the SFSS should draft a question on this topic to be put to a binding referendum in the spring of 2011? **(Yes / No)**

Appendix B: Official Rulings

Three public hearings were held to investigate alleged infractions of policy. Detailed rulings were written by the IEC and are included here.

Health Plan “Yes” Side

This ruling dealt with campaigning prior to the campaign period and campaigning without approval from the IEC.

Jay Chen

This ruling dealt with campaigning during the voting period using Facebook.

Brandon Yau

This ruling dealt with campaigning during the voting period using posters on campus.

Decision of the IEC

October 22, 2010

Complainant: N/A
Respondent: SFSS Board of Directors; Diego Reyerros as representative
Issues: Campaign period; Campaign material approval
Decision: \$100 fine in the form of a donation to the SFU Food Bank

Reasons: para. 1
Concurring: para. 7
Dissenting: para. 16

Per **Jessica Burch**, Jason Chan and Marc Fontaine (CEO) concurring

- [1] We find the facts of the case to be that the SFSS Board of Directors (hereafter, the Board) purchased an advertisement for a referendum campaign side that was printed in The Peak prior to the opening of campaign period and without going through the IEC's approval process for campaign materials. This is an infraction contrary to By-law 14, section 13(a) and Rule 17, section 10(d).
- [2] By-law 14, section 13(a) establishes that all campaign material must be approved by the IEC; Rule 17, section 12(a)(2) clarifies this rule, stating that "Campaign materials must be clearly confirmed as the candidate's materials by the candidate in the Independent Electoral Commission approval process before being distributed or displayed." This did not occur in this case.
- [3] Rule 17, section 10(d) states that "no campaigning shall occur until the Chief Electoral Officer officially opens the campaign period." The campaign period officially opened at 12 noon on Monday, October 18, after the time at which the advertisement was first displayed.
- [4] These policies are put in place to allow a level playing field for all referendum campaigns and to ensure that the IEC will be able to screen out inappropriate campaign materials before they are posted. For the Board to breach these policies is particularly serious, as other candidates and fellow students look to the Board to set an example.
- [5] While we accept that the rule violations were inadvertent, a finding that no infraction occurred could create perceptions of favouritism due to the institutional relationship between the Board and the IEC. That the proposed wording had been previously vetted and approved by other bodies is largely irrelevant in this case. Should the Board be allowed to post campaign materials without the IEC's approval, it sends a message to other candidates that this approval process is optional or unimportant. Such a belief would severely compromise the IEC's ability to monitor campaign materials for compliance with election policies.
- [6] By-law 14, section 8(e) states that the IEC "may rule any referenda invalid, or may impose a fine of up to \$100 for any violation of the By-laws or referenda regulations, which may from time to

time be established”. Rule 17, section 1(n) states that the appropriate deciding criteria between these two penalties is whether or not the infraction compromises the legitimacy of the vote. In our opinion, although severe in principle, the infraction in question is not severe enough to justify ruling the referendum invalid. Therefore, it is our decision that the Board will be subject to a \$100 fine, which shall take the form of a donation to the SFU food bank.

Per Chen Shen

- [7] I have had an opportunity to read the decisions of both Commissioners Jessica Burch and Joshua Lo. I agree with the levying of a fine of \$100 – the maximum allowed under By-Law 14 – in the form of donations to the SFU Food Bank. However, I disagree with the reason for the pursuance of the infraction. I also feel that it is necessary to discuss the severity of the breach.
- [8] In the majority opinion, Commissioner Burch wrote that “a finding that no infraction occurred could create perceptions of favouritism”. With respect, I do not believe that it is necessary to consider public appearance in finding the Board liable for the infraction. It is sufficient that the advertisement was placed under the capacity of a registered side to a referendum question, thus subject to the same electoral rules as all candidates and referenda sides. Furthermore, as both my colleagues have observed, it is particularly egregious that the Board is the offending party, since – having passed the electoral policies in their current form – they ought to be familiar with the relevant rules.
- [9] The facts of this case are undisputed; the only issue to be determined is the severity of the infraction, which is relevant to the appropriate penalty to impose. In considering the severity, it is helpful to review the Electoral and Referenda Policy, R-17, which prescribes the lesser penalty of fines for infractions that will not likely sway the outcome of the vote, and the more severe penalty of disqualification for infractions that will. It is clear that the legitimacy of the vote, or – if interpreted broadly – other factors which impact the fairness of the electoral process, are the only relevant considerations.
- [10] In the general case, the infractions at issue would tend to result in significant advantages to the offending party. Although the Commission makes every effort to keep the turn-around time low for campaign material approvals, it necessarily involves delays. A candidate or referendum side who bypasses this process will be gaining several hours of time. Though this may seem insignificant, it would be accomplished only by also bypassing the SFSS Copy Centre services, resulting in differential pricing and the ability to “jump the queue” of other candidates’ print jobs.
- [11] Publishing *Peak* ads in advance of the campaign period also results in significant advantages. Since *The Peak* only publishes on Mondays, and arrives on stands before noon, the earliest time an advertisement could be purchased while remaining wholly within the campaign period is during second week of campaigning. The several hours of actual infringement of electoral policy in fact enables a week-long lead over compliant advertisements.

- [12] For these reasons, I would suggest that there is a *prima facie* situation of unfairness where these infractions occur. Whether such unfairness rises to the level of impacting on the legitimacy of the vote remains to be decided on the facts of each case.
- [13] The representative for the Board offered several defences at the hearing of October 20th. Reasons which I do not find relevant to the issue include: honesty of mistake; importance of the question; work and expenses expended in putting the question to referendum; or that the materials have been approved by other university bodies. I accept, however, the pertinence of the fact that there is so far no registered opposition to the referendum. Where – as noted above – the early publication of *Peak* ads would generally result in a week-long advantage, in the absence of opposition there is no party to be disadvantaged. The infringing impact of the ad would therefore be limited to the few hours prior to campaign period.
- [14] I would also take into account the fact that the Board has, through motion, increased the campaign budget from \$300 to \$5000 for this referendum question. I would caution against construing this observation to suggest that the Board should use more liberties with their discretion to suspend rules; rather, I take it to indicate the scope of this campaign. When viewed in combination with the arguably common knowledge that the Board is highly in favour of the health plan, it is clear that this is intended to be a widespread campaign involving multiple mediums of communication for the complete duration of the campaign period.
- [15] Taking all the circumstances into account, I find it highly unlikely that the infringing impact of several hours of unauthorized advertisement would threaten the legitimacy of the referendum question. However, it is nevertheless necessary to communicate that electoral infractions will not be tolerated, especially of the Board. I would therefore impose the maximum fine allowable under By-Law 14, to the amount of \$100.

Per **Joshua Lo** (dissenting)

- [16] I am in complete agreement that the available facts have established that the Board, acting as the proponents to the health plan referendum question, has violated By-Law 14 S-13(a) under the SFSS Constitution and By-Laws. I am also in complete agreement about the violation of Rule 17 S-10(d) under the SFSS Policy Manual. As my colleagues have indicated, these are serious violations.
- [17] Rule 17 S-1(n) governs the application of penalties for violations. The discretion provided for selecting one of the three outlined penalties is based on the severity of the issue, and I side with the penalty of disqualification. As this is not a candidature infraction, I argue for a dismissal of the referendum question. The posting of the advertisement in “The Peak” newspaper constitutes an *[action] that clearly [indicates] infractions of policy or the by-laws that are demonstrable in fact.*
- [18] The issue in disagreement is the materiality of these violations and their ability to compromise the legitimacy of the vote. The impact of the violation need not have occurred, and can be

purely hypothetical, so long as it is a reasonable outcome *in the judgment of the Independent Electoral Commission*. I outline my rationale below without order of importance.

- [19] The Board is responsible for approving the current election policies and it is reprehensible for the Board to authorize the violation of the same policies. Although it has been raised that this may have been a result of an administrative oversight and an accident, I see this violation of absolute liability. The possible occurrences of an accident or mishaps are not mitigating factors.
- [20] The Board has passed a motion to suspend Rule 17 S-7(c) to raise the spending limit for this particular referendum question. However, there was also an opportunity for the Board to also suspend the policies in question. This was not done, and therefore, I am left with no doubt that the Board has every intention of retaining such policies.
- [21] The Board support for a referendum side can be threatening to the opposing side. This is compounded by the placement of a costly advertisement (full-page colour) as part of a campaign that is expected to greatly exceed the standard \$50 budget. The financial dedication unmistakably indicates the seriousness and the internal support of the Board for the proponent side. The suspension of Rule 17 S-7(c) emphasizes this overwhelming Board support.
- [22] The dismissal of the referendum question will undoubtedly impact the student body. However, this is not a relevant factor for the decision that I am to make, and therefore, I can only advise that the violations were committed by the very body of students who ought to have read and understood the relevant policies, and also ensure that their actions are in the best interest of the students. The consequences of any violations should not be reduced by holding the students' well-being hostage.

Decision of the IEC

November 4, 2010

Complainant: N/A
Respondent: Jay Chen
Issues: Campaign during voting period; Campaign materials
Decision: Disqualification

Per **Chen Shen**; Jessica Burch, Jason Chan, Marc Fontaine (CEO), and Joshua Lo concurring

Facts

- [1] On November 2nd, shortly after the beginning of voting, a Commissioner discovered that candidate Jay Chen's Facebook event was still available online. The event remained online until at least 2:47am, at which time he sent a message to all members, stating "OK GUYS! I have to get rid of this event! Violating SFSS voting rules. => Remember to vote!" The event was also "private" at the time of discovery and until its removal.
- [2] These actions contravene the prohibition on campaigning during voting period in By-Law 14 s.15(a), R-17 s.10(e), and R-17 s.12(g); the requirement for Facebook materials to be public in R-17 s.10(c)(1); and the prohibition against unsolicited messages in R-17 s.10(c)(2).
- [3] The candidate did not attend the infraction hearing, nor did he attempt to reschedule or otherwise communicate with the IEC. No explanation, justification, or excuse has been offered.

Electoral Policy

- [4] As the infractions are evident, the only issue to consider is the appropriate penalty to impose. The Electoral & Referenda Policy, R-17, defines two general classes of infractions: those that compromise the legitimacy of the vote, and those that do not. The former category is sufficient to ground a disqualification (or nullification in the case of referenda) while fines or directed actions are available for lesser infractions. The determination of an infraction's category is made by the IEC, but there is not yet a clear guideline with which to assess the impact of infractions. I will therefore endeavour to explicate such a guideline at this time.
- [5] The two classes of infractions are defined in R-17 s.1(n). Both subsections (2) and (3) focus on the "legitimacy of the vote" as the crucial point of distinction, which warrants expounding upon. In the *Board of Directors* (Oct. 22, 2010) decision, I implicitly assumed two components: the actual outcome of the vote, and general fairness of the electoral process. I believe that this is a good interpretation, though I would now rephrase it in more certain terms.
- [6] When assessing an infraction's impact on the legitimacy of the vote, then, these factors should be taken into account: 1) Does the infraction call the reliability of the results into question? For example, direct or indirect tempering with the polling process or data, or unfairly obtaining votes from the infraction in close races. 2) Does the infraction result in substantial unfairness, such as

a significant advantage or disadvantage for any candidates? For example, the distribution of campaign materials while other candidates abide by campaigning restrictions.

- [7] It is likely that in many circumstances, an infraction meeting one criterion will also meet the other, though I anticipate the second factor to be more commonly applicable. Only one of the two factors must be met for the legitimacy of the vote to be compromised. If either the reliability of the result is called into question or a substantial unfairness arises, it is sufficient to impact the legitimacy of the vote.
- [8] Finally, I must address whether the prospective or actual impact of the infraction ought to be assessed. The language in R-17 s.1(n)(3), “Disqualification for actions that... compromise the legitimacy of the vote”, suggests an assessment of actual impact. However, when read together with subsection (2), “Fines... for policy violations that do not result in any *probable impact* on the legitimacy of the vote”, and with recognition that it is impossible or at least impracticable to ascertain the actual impact of an infraction, it is clear that the proper interpretation is that of a prospective assessment. If the infraction can reasonably be foreseen to compromise the legitimacy of the vote, it shall be considered to have done so. The fact that it did not in actuality compromise the vote’s legitimacy – perhaps by chance – should not benefit the infringer.
- [9] This general test should, of course, be reasonably flexible and receptive to special circumstances that may arise, the merits of which could only be assessed on a case-by-case basis.

Disposition

- [10] In the present case, there is no issue with the reliability of results, save perhaps certain indirect and remote influences. The infractions do, however, rise to the level of substantial unfairness.
- [11] The failure to remove the Facebook event, as well as the reminder message well into voting period, provided significant advantages over other candidates who by that time no longer had any public online presence or communication with their supporters. They were only able to remind supporters to vote prior to the opening of polls, so some – unfortunately – are bound to forget. Maintaining an online presence and sending a reminder message during voting period serves to mitigate such forgetfulness, which other candidates must contend with. Although it could properly be argued that such substantial unfairness arises artificially from the prohibition of campaigning during voting period, it is pertinent so long as the prohibition exists. These infractions therefore compromise the legitimacy of the vote.
- [12] The further infractions of the event not being open to all Society members, and the mass-messaging to all invited guests rather than solely those attending, increases the total severity of these infractions. In light of the foregoing conclusion, however, I will decline to consider whether they are independently sufficient to compromise the legitimacy of the vote.
- [13] I would disqualify Jay Chen for the reasons above.

Decision of the IEC

November 4, 2010

Complainant: N/A
Respondent: Brandon Yau
Issues: Campaign during voting period
Decision: Disqualification

Per **Chen Shen**; Jessica Burch, Jason Chan, Marc Fontaine (CEO), and Joshua Lo concurring

- [1] Following the opening of voting on November 2nd, the Chief Electoral Officer discovered numerous posters belonging to candidate Brandon Yau posted at prominent locations in or near Saywell and Blusson Halls and the Academic Quadrangle. More posters were discovered over the next two days, totalling in excess of fifteen posters scattered around campus during voting period. These posters contravene the prohibition on campaigning during voting period in By-Law 14 s.15(a), R-17 s.10(e), and R-17 s.12(g).
- [2] The failure to remove a significant amount of posters, especially those posted in prominent locations, results in substantial unfairness to other candidates who have removed all posters, for the same reasons I laid out in the *Jay Chen* (Nov. 4, 2010) decision. Although the posters were promptly removed upon discovery, this fact does not mitigate the significant prospective advantage these posters would cause.
- [3] Since the candidate did not attend the infraction hearing, nor attempted to reschedule or otherwise communicate with the IEC, there are no mitigating factors or special circumstances to be considered.
- [4] For these reasons, I would disqualify Brandon Yau.

Appendix C: Communication with SFU Students

Four emails were sent to all registered SFU undergraduate students during the course of this election and referenda.

Notice of SFSS By-Election

Notice of Election was combined with the SFSS Newsletter and sent to all SFSS members on September 20th. To keep the message brief, detailed information about the election was provided on the IEC website.

Notice of SFSS Referenda

This email provided notice of the SFSS referenda. A reminder was also provided about the by-election and becoming a candidate.

Vote online in the SFSS By-Election and Referenda

This email was sent at the opening of voting period. Voting links were also provided on the IEC website.

Last Day to Vote

This email was sent on the third and final day of voting. A large graphic was designed to catch the student's attention and match the style of on-campus promotional posters.

SFSS Bulletin: Health Plan Deadline, K'Naan, Elections, Pub Renos and More

From : Simon Fraser Student Society <studentservices@sfu.ca>

Mon, 20 Sep, 2010 11:02

Subject : SFSS Bulletin: Health Plan Deadline, K'Naan, Elections, Pub Renos and More

 PDF

To : Marc Fontaine <mnf4@sfu.ca>

Reply To : go@sfss.ca

SFSS Bulletin: Health Plan Deadline, K'Naan, Elections, Pub Renos and More

Health Plan Opt-Out Deadline

The SFSS Health and Dental Plan change-of-coverage period runs from September 1 to 27. The information in the SFSS handbook that gives the opt-out deadline as September 29 is wrong. For students with equivalent extended health and dental coverage, **the last day to opt-out of the health plan is September 27, 2010**. Call 1-866-369-8795 or visit www.ihaveaplan.ca

K'Naan in Concert at SFU on September 21

World famous "Wavin' Flag" recording artist K'Naan will be performing at Simon Fraser University on September 21. The Simon Fraser Student Society is proud to be assisting iVOW, the organizers of this event. Tickets are available at SFPIRG and a table in the AQ or by calling 778-863-9003. Come out and enjoy this show by a world-class international performer on our own campus! <http://www.ivationoneworld.org/peaceday2010>

Heat Wave a Great Success!

On Sept. 9 the SFSS hosted "Heat Wave: A Hawaiian Beach Party." The Highland Pub and Atrium Cafeteria were transformed into a sultry tropical destination. Over 750 students partied to the beat of our DJs, enjoyed fun Hawaiian drinks, and steamed up the dance floor.

SFSS By-Elections Will be Held This Fall

The Simon Fraser Student Society will be holding a by-election this fall to fill eight vacancies on the Board of Directors. As a member of the Society, you are eligible to become a candidate and to vote in this election.

These positions are ideal for disciplined, teamwork-oriented, self-directed learners with a strong desire to serve their fellow students and the university community. Board members may receive stipends between \$585 and \$1750 per month depending on their position and responsibilities. For complete details on this by-election, please see <http://elections.sfss.ca>.

SFSS Annual General Meeting on October 5

The Annual General Meeting (AGM) is the highest level of decision-making authority within the SFSS. AGMs allow students to direct their elected peers and determine the future activities of the SFSS. Every member of the SFSS has a vote on all items on the agenda. Be there < support the democratic foundation of your student society! The 2010 AGM will be held at 3:30 pm on Tuesday, October 5 in the Atrium Cafeteria.

Pub Renovations Phase One Completed

The Highland Pub has re-opened after substantial renovations to its kitchen and outdoor patio. These renovations will improve customer service by allowing for faster turnaround time in the kitchen and a more comfortable environment on the patio.

Further planned renovations to the interior seating and decor are scheduled for the fall exam period and winter break in December. The Simon Fraser Student Society is committed to continuing to upgrade the Highland Pub over the next year. Continued renovations, better service and changes to the menus are all in the works.

Undergrounds Now Open

The Simon Fraser Student Society is proud to announce the opening of a new student lounge called the Undergrounds. Located downstairs from Higher Grounds Coffee in the old arcade room, the Undergrounds is a great space to enjoy a coffee, study or socialize with friends. The space is ideal for lectures, screenings, meetings, and socials, and can be booked through the SFSS General Office. Watch for our Undergrounds Grand Opening event in October!

Over 2,400 Students Participate in SFSS Student Survey

In July the SFSS sent out an online survey to all undergraduate students. 2,440 SFU students (almost 10 per cent of SFSS members) participated in the survey and comprise a statistically representative sample of the membership. 68 per cent of students said more provincial funding and lower tuition fees should be a top advocacy priority for the SFSS, and 70 per cent said you have had difficulty enrolling in a course that is a requirement for your major.

Overall, most students had a positive or neutral view of the SFSS, but many were unaware of the services and activities that we provide, and most do not feel a sense of ownership over your student society. The SFSS Board is hoping to change that perception with more outreach and communication with our members.

As an incentive to participate in the survey we offered ten great prizes, including an iPod touch. The winners were drawn from among the 2,440 participants. Prizes can be claimed from the SFSS resource office, if you have not already done so. Congratulations to the following students:

Gabriel Lim - Grand Prize 36MB iPod touch
Jordan Kuan Wen Tseng - \$50 gift certificate for the Highland Pub
Katja Hyvarinen - \$50 gift certificate for the Highland Pub
Besnik Adzijaj - \$20 in cash
Sarah Rehim - \$20 in cash
Tim Chow - \$10 gift certificate for Higher Grounds Coffee
Tessa Wintrup - \$10 gift certificate for Higher Grounds Coffee
Charles Lin - \$10 gift certificate for Higher Grounds Coffee
Rachel Ridley - \$10 gift certificate for Higher Grounds Coffee
Sasha Tewari - \$10 gift certificate for Higher Grounds Coffee

SFSS Rewards Our Volunteers

Volunteering with the SFSS is a great way to make new friends, help other students, gain valuable experience in your field and earn great prizes. With each hour you volunteer, you can earn credits that can be redeemed at The Ladle and Higher Grounds Coffee. Our top volunteer will earn an iPod touch. We will also recognize your volunteer contribution with a special letter of recognition. For more information, please visit: <http://www.sfss.ca/volunteer.html>

Notice of SFSS Referenda + Calling All Student Leaders! Become a candidate in the SFSS by-election!

From : Marc Fontaine – SFSS Elections <mnf4@sfu.ca>

Mon, 11 Oct, 2010 20:07

Subject : Notice of SFSS Referenda + Calling All Student Leaders! Become a candidate in the SFSS by-election!

PDF

To : ugrad-students-1107@sfu.ca

Reply To : Marc Fontaine <marc.fontaine@sfu.ca>

To all Simon Fraser Student Society (SFSS) members:

Three referenda will be held this fall at the same time as the SFSS by-election. Referenda (referendums) are used to allow members of the SFSS to vote on resolutions concerning the activities of the Society. The three questions going to a vote this fall can be read online at <http://elections.sfss.ca/voter-information/referendum-questions/> and include:

- Health and Dental Plan Fee Increase
- Remove By-law 14.15(a)
- Non-binding Plebiscite: Financial Accountability

Your vote is your voice, so make it count!

All undergraduate students who are currently enrolled in at least one course are eligible to vote in these referenda. Voting will be conducted using the secure online SFU WebSurvey system. Voting will begin at 12:00am on Tuesday, November 2 and will continue uninterrupted until Thursday, November 4 at 11:59pm.

On Monday, November 1, students eligible to vote will receive an email containing links to the online voting sites for the by-election and referenda. These links will also be posted at elections.sfss.ca. They can be accessed anytime within the given period, but any attempt to vote outside the given period will be denied. Please note that once a student has logged in to the voting system, he or she will not be able to log out and return at a later time.



CALLING ALL STUDENT LEADERS: We want YOU on our board!

As a director of the SFSS, you could be a leader of a multi-million dollar non-profit organization with over 25,000 members.

Exceptional Leadership Experience

The opportunities to apply your experience and knowledge to critical real-world projects are only limited by your imagination and available time. These positions are ideal for disciplined, teamwork-oriented, self-directed learners with a strong desire to serve their fellow students and the university community. This experience goes far beyond the challenge and responsibility of the average Co-op job. If you want impressive leadership credentials on your CV, student society leadership is for you.

Job Description

Executive Officers are largely responsible for directing day-to-day operations of the society and its staff, making informed business decisions and leading any coordinated efforts at planning that might take place. They must work a minimum of 120 hours per month and may receive a stipend of up to \$1,750 per month.

Faculty and At-Large directors tend to focus on supporting departmental events and advocacy related to faculty-specific issues. They have an important role to play by balancing executive input at the standing committees of the SFSS. They must work at least 40 hours per month and may receive a stipend of \$585 to \$725 per month.

Where do I Apply?

There is no hiring process – to become a director, you must be elected by your peers. Visit elections.sfss.ca for more information.

Positions open:

Executive Officers: Treasurer and University Relations Officer.

Faculty Representatives: Arts & Social Sciences; Applied Sciences; Health Sciences; Education; Communication, Art & Technology; and Environment.

Nominations open Monday, October 4th at 8:00 am

Nominations close Monday, October 18th at 12:00 pm

Campaigning begins Monday, October 18th at 12:00 pm

Campaigning ends Monday, November 1st at 11:59 pm

Voting takes place online November 2nd, 3rd, and 4th

For information on the by-election and referenda, please visit elections.sfss.ca.

Sincerely,

Marc Fontaine

Chief Commissioner | Chief Electoral Officer

Independent Electoral Commission

Simon Fraser Student Society

Maggie Benston Centre, Room 2240

marc.fontaine@sfu.ca | elections.sfss.ca

778-230-8895

VOTE online in the SFSS By-Election and Referenda!

From : SFSS Elections – Marc Fontaine <mnf4@sfu.ca>
Subject : VOTE online in the SFSS By-Election and Referenda!
To : ugrad-students-1107 <ugrad-students-1107@sfu.ca>
Reply To : Marc Fontaine <marc.fontaine@sfu.ca>

Mon, 01 Nov, 2010 23:59



THE SFSS VOTING PERIOD IS NOW OPEN! Scroll down for voting links.

To all members of the Simon Fraser Student Society (SFSS),

You've seen the posters and now it's time to vote! Online voting is now open for the election of students to the SFSS Board of Directors. There are also three referendum questions that require your vote.

All registered students can vote for executive positions and on referendum questions. All registered students can also vote for at least one faculty representative.

You will be recognized as a member of a faculty if either of these two requirements is met:

- You are currently registered in at least one course in the faculty, or
- You have declared an Honors/Major/Minor in the faculty and are registered in at least one course at SFU this semester.

This means that **you may be able to vote for more than one faculty representative.**

Before voting, learn about the candidates: <http://elections.sfss.ca/voter-information/candidate-profiles/>

A PDF version of candidate profiles is also available: <http://bit.ly/platforms2010pdf>

<p>Use these links to access the voting system. You will need to log in with your SFU Computing ID and password.</p>	
<p>Executive Positions and Referendum Questions</p> <ul style="list-style-type: none"> ● Treasurer ● University Relations Officer ● Question 1: Health and Dental Plan Fee Increase ● Question 2: Remove By-law 14.15(a) ● Non-binding Plebiscite: Financial Accountability 	<p>http://websurvey.sfu.ca/survey/67516424</p>
<p>Faculty of Applied Sciences Representative</p>	<p>http://websurvey.sfu.ca/survey/67522956</p>
<p>Faculty of Arts and Social Sciences Representative</p>	<p>http://websurvey.sfu.ca/survey/67534465</p>
<p>Faculty of Communication, Art and Technology Representative</p>	<p>http://websurvey.sfu.ca/survey/67548082</p>
<p>Faculty of Education Representative</p>	<p>http://websurvey.sfu.ca/survey/67553359</p>
<p>Faculty of Environment Representative</p>	<p>http://websurvey.sfu.ca/survey/67560211</p>
<p>Faculty of Health Sciences Representative</p>	<p>http://websurvey.sfu.ca/survey/67570165</p>
<p><i>This is a by-election to fill vacancies on the Board of Directors, so only 8 of the 16 positions are being elected at this time. If your faculty is not listed then it already has a representative on the Board of Directors.</i></p>	

Voting will be open until 11:59pm on Thursday, November 4, 2010. Unofficial results will be posted at <http://elections.sfss.ca> on Friday, November 5.

Marc Fontaine
 Chief Commissioner | Chief Electoral Officer
 Independent Electoral Commission
 Simon Fraser Student Society

Maggie Benston Centre, Room 2240
marc.fontaine@sfu.ca | elections.sfss.ca
778-230-8895

LAST DAY TO VOTE in the SFSS By-Election and Referenda

From : SFSS Elections – Marc Fontaine <mnf4@sfu.ca>

Thu, 04 Nov, 2010 07:03

Subject : LAST DAY TO VOTE in the SFSS By-Election and Referenda

PDF

To : ugrad-students-1107 <ugrad-students-1107@sfu.ca>

Reply To : Marc Fontaine <marc.fontaine@sfu.ca>



**TODAY IS THE LAST DAY TO VOTE.
VOTING CLOSSES TONIGHT AT 11:59PM.**

Candidate information at elections.sfss.ca

If you have already voted, please accept my thanks and disregard this message.

To all members of the Simon Fraser Student Society (SFSS),

You've seen the posters and now it's time to vote! Online voting is now open for the election of students to the SFSS Board of Directors. There are also three referendum questions that require your vote.

All registered students can vote for executive positions and on referendum questions. All registered students can also vote for at least one faculty representative.

You will be recognized as a member of a faculty if either of these two requirements is met:

- You are currently registered in at least one course in the faculty, or
- You have declared an Honors/Major/Minor in the faculty and are registered in at least one course at SFU this semester.

This means that **you may be able to vote for more than one faculty representative.**

Before voting, learn about the candidates: <http://elections.sfss.ca/voter-information/candidate-profiles/>

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**TODAY IS THE LAST DAY TO VOTE.
VOTING CLOSSES TONIGHT AT 11:59PM.**

<p>Use these links to access the voting system. You will need to log in with your SFU Computing ID and password.</p>	
<p>Executive Positions and Referendum Questions</p> <ul style="list-style-type: none"> ● Treasurer ● University Relations Officer ● Question 1: Health and Dental Plan Fee Increase ● Question 2: Remove By-law 14.15(a) ● Non-binding Plebiscite: Financial Accountability 	<p>http://websurvey.sfu.ca/survey/67516424</p>
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<p>Faculty of Communication, Art and Technology Representative</p>	<p>http://websurvey.sfu.ca/survey/67548082</p>
<p>Faculty of Education Representative</p>	<p>http://websurvey.sfu.ca/survey/67553359</p>
<p>Faculty of Environment Representative</p>	<p>http://websurvey.sfu.ca/survey/67560211</p>

[Faculty of Health Sciences Representative](#)

<http://websurvey.sfu.ca/survey/67570165>

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Marc Fontaine
Chief Commissioner | Chief Electoral Officer
Independent Electoral Commission
Simon Fraser Student Society

Maggie Benston Centre, Room 2240
marc.fontaine@sfu.ca | elections.sfss.ca
778-230-8895

Appendix D: Election Advertising

These pieces of advertising were used in the 2010 by-election and referenda. They are included as a record of this election and referenda and can be used as templates in the future.

Campus Poster & Peak Advertisement: Notice of By-Election

11X17" campus poster

Full-page Peak advertisement

Peak Advertisement: Notice of Nomination

Half-page advertisement

Campus Posters: Notice of Nomination

11X17" campus poster

Campus Poster: All-Candidates Debates

8.5x11" campus poster

Campus Poster & Peak Advertisement: Notice of Referenda

11X17" campus poster

Half-page Peak advertisement

Campus Poster: VOTE!

8.5X11" campus poster

Campus Banners: *Calling All Student Leaders*

Banners of various sizes, small and large, were posted on Surrey and Burnaby campuses.

IEC Website

Screen capture after the close of voting

CALLING ALL STUDENT LEADERS



We Want YOU On Our Board

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The opportunities to apply your experience and knowledge to critical real-world projects are only limited by your imagination and available time. These positions are ideal for disciplined, teamwork-oriented, self-directed learners with a strong desire to serve their fellow students and the university community.

This experience goes far beyond the challenge and responsibility of the average Co-op job. If you want impressive leadership credentials on your CV, student society leadership is for you.

Discover Your Leadership Potential

Extensive training in finance, organizing, and meeting skills is provided on the job. Board members have a team of experienced professional staff to provide resources and support for their projects and meetings. Student leaders have the support to challenge themselves and learn new skills through hands-on experience.

Job Description

The Board members' primary concerns are to organize and oversee services and advocate for SFU undergraduate students. This is in the SFSS Constitution. You can choose to run for an Executive or Faculty/At-Large position on the Board.

Executive Officers are largely responsible for directing day-to-day operations of the society and its staff, making informed business decisions and leading any coordinated efforts at planning that might take place. They must work a minimum of 120 hours per month and may receive a stipend of up to \$1,750 per month.

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Nominations close Monday, October 18th at 12:00 pm.
Campaigning begins Monday, October 18th at 12:00 pm.
Campaigning ends Monday, November 1st at 11:59 pm.
Voting takes place online November 2nd, 3rd, and 4th.

Students who wish to become candidates should pick up and submit nomination forms at the office of the SFSS Independent Electoral Commission, Maggie Benston Centre 2240. Nomination forms will also be available online during the nomination period. Campaign budgets may not exceed \$50. Candidates for Treasurer are subject to criminal record checks.

In accordance with by-law 17, petitions for referenda must be received by the Independent Electoral Commission by Thursday, October 7th at 4:00 pm. All petitions for referenda must first be submitted to the Board of Directors. To submit a petition, contact Ali Godson, President: pres@sfss.ca.

Election Rules and Regulations

Notice is hereby given that the Electoral and Referenda Policy (R-17), updated August 31, 2009, will be replaced by a new Electoral and Referenda Policy (R-17) for this by-election. For further information on the new electoral policy, contact the Chief Electoral Officer.

For more information, please contact Chief Electoral Officer Marc Fontaine at marc.fontaine@sfu.ca or visit <http://elections.sfss.ca>.

sfss.ca

CALLING ALL STUDENT LEADERS



The following students have been nominated to stand as candidates in the SFSS 2010 Fall By-Election. Voting will take place online on November 2nd, 3rd, and 4th.

- | | | |
|-------------------------------------|--|------------------------|
| Executive Positions | Arts & Social Sciences | Education |
| Treasurer | • Yannick Cudennec | • Shiva Manavipour |
| • Jeff McCann | • Jerry Kobylt | |
| • Kimberley Yu | • Aswin Kumar | Environment |
| | • Emma Noonan | • Alexander Chen |
| | | • Mehdi Manavipour |
| University Relations Officer | Communication, Art & Technology | Health Sciences |
| • Arry Dhillon | • Nicole Chang | • Keenan Federico |
| • John Morrison III | • Jay Chen | • Victor Okolie |
| • Navin Takhar | • Jennifer Ashley Chuang | • Rachel Sawires |
| • Amanda Ward | • Agnes Kwan | • Brandon Yau |
| Faculty Representatives | | |
| Applied Sciences | | |
| • Jerry Agudogo | | |
| • Moe Kopahi | | |

For more info about the candidates and referenda questions, please visit:

<http://elections.sfss.ca>

[sfss.ca](http://elections.sfss.ca)

CALLING ALL STUDENT LEADERS



The following students have been nominated to stand as candidates in the SFSS 2010 Fall By-Election.

Executive Positions

Treasurer

- Jeff McCann
- Kimberley Yu

University Relations Officer

- Arry Dhillon
- John Morrison III
- Navin Takhar
- Amanda Ward

Faculty Representatives

Applied Sciences

- Jerry Agudogo
- Moe Kopahi

Arts & Social Sciences

- Yannick Cudennec
- Jerry Kobylt
- Aswin Kumar
- Emma Noonan

Communication, Art & Technology

- Nicole Chang
- Jay Chen
- Jennifer Ashley Chuang
- Agnes Kwan

Education

- Shiva Manavipour

Environment

- Alexander Chen
- Mehdi Manavipour

Health Sciences

- Keenan Federico
- Victor Okolie
- Rachel Sawires
- Brandon Yau

Voting will take place online on November 2nd, 3rd, and 4th.

For more info about the candidates and referenda questions, please visit:

<http://elections.sfss.ca>

CALLING ALL STUDENT LEADERS



All-Candidates Debates

~ Meet the candidates and ask questions ~

**SURREY: Monday, October 25
3:30pm @ Mezzanine**

**BURNABY: Wednesday, October 27
3:30pm @ Atrium Cafeteria, Maggie Benston Centre**

For more info about the candidates and referenda questions, please visit:

<http://elections.sfss.ca>

Notice of Referenda

for the 2010 Simon Fraser Student Society Fall By-Election

Question 1: Health and Dental Plan Fee Increase

WHEREAS undergraduate students at SFU currently pay a special levy of \$198 per student per year to fund the undergraduate extended health and dental plan ("the Health Care Levy"); and

WHEREAS increases in the Health Care Levy are tied to the increases in the costs of benefits and their usage; and

WHEREAS the level of services that undergraduates currently receive under the extended health and dental plan will have to be cut if the Health Care Levy is not increased; and

WHEREAS the Society anticipates that it will need to implement an increase in the fall of 2011 and/or at some point(s) thereafter; therefore

Do you agree that the Society be authorized to increase the amount of the Health Care Levy in the fall of 2011, or anytime thereafter to maintain the general levels of benefits, to a maximum of \$230 per student per year, this maximum to be adjusted by inflation as determined by the Consumer Price Index? (Yes / No)

Question 2: Remove By-law 14.15(a)

WHEREAS By-law 14.15.(a) reads, "All campaign posters and related paraphernalia shall be removed by midnight prior to the day of the commencement of polling", and this restricts what the Independent Electoral Commission may regulate about a Society election or referendum.

Do you agree to remove By-law 14.15(a)? (Yes / No)

Non-binding Plebiscite: Financial Accountability

WHEREAS the SFSS remits fees to other organizations and these organizations should be financially accountable;

Do you agree that external groups that collect a fee from all undergraduate students with a total value of more than \$25,000 per year be required to submit a public, external and independent financial audit each year at the SFSS Annual General Meeting?

Do you further agree that the SFSS should draft a question on this topic to be put to a binding referendum in the spring of 2011? (Yes / No)

Voting will take place online November 2nd, 3rd, and 4th.

For more information about voting go to:

<http://elections.sfss.ca>

SFSS.CA

SFSS by-election and referenda

VOTE!

Vote online at elections.sfss.ca

or check your SFU email account for voting links



Burnaby



Surrey



2010 By-Election Concluded

Posted on [November 5, 2010](#) by [Chen Shen](#)

Voting for the 2010 SFSS By-Election & Referenda has closed, which concludes the 2010 By-Election. Thank you for voting in this election! Thank you also to all the candidates, we hope to see you again in the upcoming general election.

Unofficial results are available [here](#). Results will become official once all outstanding infractions and appeals have been resolved and the final results have been ratified by the Board of Directors.

Posted in [Announcements](#) | Comments Off

Candidate Withdrawn

Posted on [November 3, 2010](#) by [Chen Shen](#)

A candidate for the University Relations Officer, **Navin Takhar**, has withdrawn from the election due to personal reasons. His name remains on the ballot, but will not be counted.

Posted in [Announcements](#) | Comments Off

Voting Begins

Posted on [November 2, 2010](#) by [Chen Shen](#)

Voting for the 2010 SFSS By-Election & Referenda is now open! There are two executive positions and six faculty representative positions to be decided. There are also three

Links

- [Board Member Responsibilities](#)
- [SFSS By-Laws & Policies](#)
- [Simon Fraser Student Society](#)

Chief Electoral Officer Marc Fontaine

E-mail: ceo@sfss.ca

Office: MBC 2240

Website screen capture after the close of voting

Appendix E: Election and Referenda Rules and Policies

Electoral and Referenda Policy (R-17)

As of September 20, 2010. Further changes to this document may occur through the Constitution and Policy Review Committee as noted in Section 6, Suggestions for Improvement.

Candidate Handbook

This handbook underwent significant changes prior to the by-election as a result of the rewrite of the electoral and referenda policy.

Rule 17- Elections and Referenda

The terms of Rule 17 shall be understood to apply equally to any election or referendum vote. Any language in this policy that refers to “candidate” shall be understood to apply equally to any organized referendum campaign, or a member of a referendum campaign side.

1. Definitions

A. Appeal

A re-hearing based on new factual information.

B. Campaign Materials

Anything designed to promote or to raise awareness of the candidacy of an individual.

C. Campaign Infractions

Infractions shall include, but shall not be limited to:

- 1) Failure to adhere, in whole or in part, to
- 2) Simon Fraser Student Society policies or by-laws.
- 3) Requirements specified in the Candidate Handbook.
- 4) Independent Electoral Commission rulings.
- 5) Unsolicited social media or email list messaging, or ‘spamming’ by a candidate or their designate.

D. Campaigning

Including, but not limited to, any public advertising or communication that promotes a candidate, in print or online, that has been approved by the Independent Electoral Commission.

- E. Activities such as distribution of written or printed material, posting banners or posters, and public or classroom speaking shall be considered as campaigning.
- F. Online campaigning shall be defined as using personal or candidate group web pages, social media, email, or other electronic digital media for the purpose of directly soliciting votes by a candidate for that candidate.

G. Complainant

Simon Fraser Student Society members or candidates who file a complaint.

H. Candidate

- 1) Any member whose nomination form has been received and verified by the Independent Electoral Commission in compliance with the terms of by-law 14.
- 2) Any candidate may campaign within an identifiable group of candidates whose campaign is based on the same electoral platform.

I. Electoral Platform

The set of aims, principles and proposals made public by a candidate or group of candidates before an election.

J. Electronic Voting

A closed, secure electronic voting system that replaces paper ballots with electronic ballots.

K. Email

Any and all means of electronic messaging where the sender intends a specific recipient or group of recipients.

L. Frivolous Complaint or Appeal

A complaint or appeal not based in fact; inconsequential; no substantial proof or impact on electoral processes or outcomes.

M. In Writing

Written communication including printed or electronic text.

N. Penalties

Directed actions, fines, or disqualification imposed on a candidate by the Independent Electoral Commission.

- 1) Directed actions, as defined by the Independent Electoral Commission in the Candidate Handbook, for actions that are inconsistent with the terms outlined in the Candidate Handbook.
- 2) Fines, as defined in the by-laws, for policy violations that do not result in any probable impact on the legitimacy of the vote in the judgment of the Independent Electoral Commission.

- 3) Disqualification for actions that clearly indicate infractions of policy or the by-laws that are demonstrable in fact, and which, in the judgment of the Independent Electoral Commission, compromise the legitimacy of the vote.

2. The Independent Electoral Commission

A. The Independent Electoral Commission shall include:

- 1) The Chief Electoral Officer / Chief Commissioner
- 2) Four other Commissioners

B. Term of Office

- 1) The Simon Fraser Student Society shall appoint Commissioners to the Independent Electoral Commission to work with the Chief Electoral Officer to organise and conduct an election, by-election or referendums. The term shall end when the final results of the vote have been approved by the Board.
- 2) All members of the Independent Electoral Commission must be Simon Fraser Student Society members in good standing.

C. Duties and Responsibilities

The terms of Bylaw 14 indicate the levels of authority, responsibility and independence of the Independent Electoral Commission and of the Chief Electoral Officer.

- D. The Simon Fraser Student Society shall include information about the Independent Electoral Commission and Chief Electoral Officer in its promotional materials such as the Handbook, and during Board, Forum and student orientations when appropriate.
- E. The Simon Fraser Student Society shall provide an office out of which the Chief Electoral Officer and Independent Electoral Commission shall operate.
- F. The Simon Fraser Student Society shall provide the Chief Electoral Officer with a cell phone for periods when elections, by-elections or referenda are scheduled.

3. The Chief Electoral Officer

A. The Simon Fraser Student Society shall retain a member in the office of Chief Electoral Officer at all times to provide the following services:

- 1) Coordinate Simon Fraser Student Society elections, by-elections and referenda.

- 2) Provide research and advise the Board and its committees on matters related to electoral policy and procedures.
 - 3) Upon request, the Chief Electoral Officer may oversee the elections of Department Student Union, Club or other campus constituency or community groups.
 - i. The Chief Electoral Officer has no obligation to provide election oversight in these circumstances and may not do so during the Simon Fraser Student Society's election, by-election or referendum periods, or when they are unavailable at the scheduled time of the election under consideration.
 - ii. The Chief Electoral Officer may accept an honorarium from the group in these circumstances.
 - 4) The Chief Electoral Officer shall oversee other Simon Fraser University campus constituency or community group elections as required in any existing signed agreements between the Simon Fraser Student Society and the other party.
 - i. The Independent Electoral Commission shall conduct these elections in compliance with Simon Fraser Student Society policy requirements unless the group concerned has specific policy or by-laws regulating its elections.
 - ii. The Chief Electoral Officer may, at their own discretion, provide election oversight in these circumstances during the Simon Fraser Student Society's election, by-election and referendum periods.
 - iii. The Simon Fraser Student Society shall budget a specific contingency amount of \$150 per semester for use under these circumstances.
- B. The Chief Electoral Officer shall have the right to attend and speak at Board, Forum and committee meetings but shall not be entitled to vote on any matter before these bodies. She or he shall be accorded the respect paid to officers of the Society.

4. Appointments

- a. The Board must appoint a full Independent Electoral Commission no later than two (2) weeks before nominations open for a General Election or by-election.
- b. The Independent Electoral Commission must have met at least once before nominations open for a General Election or by-election.
- c. Advertisements for candidates for appointment to any positions on the Independent Electoral Commission, including the Chief Electoral Officer, must be posted at least two (2) weeks prior to the date(s) of the Board meeting(s) on which appointments will be made.

- 1) Where practicable, one advertisement may be posted for all appointments to the Independent Electoral Commission.
- d. Calls for candidates must include advertisement in the following media:
- 1) The Peak newspaper
 - 2) Posters
 - 3) Simon Fraser Student Society website
 - 4) Simon Fraser Student Society social networking sites
- e. All advertisements for candidates must include a link to the Independent Electoral Commission website where the following information shall be posted in detail:
- 1) Accurate descriptions of the positions and responsibilities of the Chief Electoral Officer and Commissioners
 - 2) Approximate time requirements for service in these positions
 - 3) Remuneration
- f. The Chief Electoral Officer shall be appointed to a one-year term commencing December 1st.
- 1) If any vacancy occurs during the term of office, the Board shall appoint a replacement for the remainder of the outgoing Chief Electoral Officer's term.
 - 2) If there is a Student Society election or by-election period underway that is scheduled to extend beyond November 30th, the Chief Electoral Officer's appointment will be extended to the date on which that election period is completed.
- G. The Board shall appoint a Chief Electoral Officer at a meeting held at least three (3) weeks prior to the commencement of the Chief Electoral Officer's term of office.
- 1) All applicants shall provide a written statement in support of their candidacy to the President for inclusion on the Board agenda at least three (3) business days prior to the Board meeting at which an appointment will be made.
 - 2) All applicants shall be interviewed at the Board meeting at which the Chief Electoral Officer will be appointed, provided applicants are available to attend.
 - 3) The Board shall appoint a Chief Electoral Officer by two-thirds (2/3) majority vote.

- H. The Chief Electoral Officer shall work with the Board to advertise a call for candidates for the positions of Commissioner at least two weeks prior to the date(s) on which the positions will be appointed.
- 1) The Chief Electoral Officer shall be responsible for:
 - i. interviewing candidates for the positions of Commissioner.
 - ii. recommending candidates for the positions of Commissioner to the Board for ratification.
 - 2) The Board shall approve the recommendations by a two-thirds (2/3) majority vote except where strong opposition based in fact are raised.

5. Remuneration

A. The Chief Electoral Officer

- 1) The Chief Electoral Officer shall receive a stipend for up to one-hundred-fifty (150) hours of work during any election period.
- 2) Payment will commence when the hiring process for the Deputy Commissioners begins.
- 3) The stipend shall be paid biweekly and administered on an hourly rate equivalent to that paid to Simon Fraser Student Society executive directors.
- 4) The Chief Electoral Officer will maintain a timesheet and shall provide it to the Treasurer on a weekly basis until the end of the Chief Electoral Officer's term.
 - i. If, in the estimation of the majority of the other Commissioners, the Chief Electoral Officer has not sufficiently fulfilled the duties and responsibilities of their position, the Commissioners shall recommend the amount to be deducted from the Chief Electoral Officer's stipend to the Simon Fraser Student Society Treasurer.
 - ii. The Chief Electoral Officer may appeal in writing to the Stipend Appeals Committee, a decision to reduce a stipend payment for their position.
- 5) A stipend contingency fund of \$750 will be budgeted and available for required work above this threshold and administered at the same hourly rate.
 - i. Where warranted, the Chief Electoral Officer may make a request to the Stipend Appeals Committee for additional compensation in advance of the performance of required work once the full stipend and contingency fund have been depleted.

B. Other Commissioners

- 1) Commissioners shall receive a stipend for up to sixty (60) hours of work during any election period.
- 2) Payment will commence with the first meeting of the Independent Electoral Commission.
- 3) The stipend shall be paid biweekly and administered on an hourly rate equivalent to that paid to Simon Fraser Student Society Faculty and At-Large directors.
- 4) Commissioners shall maintain timesheets and shall provide them to the Chief Electoral Officer on a weekly basis until the end of their term on the Independent Electoral Commission. The Chief Electoral Officer shall provide approved timesheets to the Simon Fraser Student Society Treasurer.
 - i. If in the Chief Electoral Officer's estimation, any Commissioner has not sufficiently fulfilled the duties and responsibilities of their position, the Chief Electoral Officer shall recommend the amount to be deducted from the Commissioner's stipend to the Simon Fraser Student Society Treasurer.
 - ii. A Commissioner may appeal, in writing to the Stipend Appeals Committee, a decision to reduce a stipend payment for their position.
- 5) A stipend contingency fund of \$500 will be budgeted and available for required work by any or all Commissioners above this threshold and administered at the same hourly rate.
 - i. This fund may be used at the discretion of the Chief Electoral Officer.
 - ii. Where warranted, the Chief Electoral Officer may make a request to the Stipend Appeals Committee for additional compensation in advance of the performance of required work to be done by Commissioners once full stipends and the contingency fund have been depleted.

6. Independent Electoral Commission Website

- A. The Chief Electoral Officer shall have full access to the Simon Fraser Student Society Independent Electoral Commission website to upload information and to maintain up-to-date information.
- B. The Independent Electoral Commission website shall contain, but not be limited to:
 - 1) All formal notices and information as stipulated and required in the relevant by-laws of the Society.

- 2) Student Simon Fraser Student Society election policy, by-laws, relevant administrative policies notably AP-1.1, and the Candidate Handbook.
- 3) An explanation of the role and jurisdiction of the Independent Electoral Commission and a list of its members.
- 4) Questions going to referendum.
- 5) Information about and platforms of all candidates and referendum campaigns.
- 6) Up-to-date election results.

7. Referenda

- A. The Independent Electoral Commission shall authorize one official “Yes” side and one official “No” side to campaign on a referendum question.
 - i. All applications must be received within two (2) weeks from the date on which the Independent Electoral Commission announcement of a referendum is made public.
- B. If the Simon Fraser Student Society Board wishes to run a campaign in favour or against any referendum, it must apply to the Independent Electoral Commission to officially register its campaign.
- C. The campaign budget for any approved referendum campaign shall be \$300 for the cost of printed materials, all of which will be reimbursed by the Simon Fraser Student Society.
- D. No referendum campaign shall be permitted to endorse any candidate or group of candidates running for office.
- E. Candidates shall be permitted to endorse referendum campaigns.

8. Notice of Election

- A. Two weeks prior to the opening of nominations, the Independent Electoral Commission shall publicize the upcoming elections according to the requirements of bylaw 14.9 as well as in the following media:
 - 1) A full-page advertisement or feature in the Peak newspaper that includes the following information briefly and in clear language:
 - i. The nomination process.
 - ii. Board or Forum portfolio descriptions.

- iii. Time commitments for serving on the Board or Forum.
 - iv. Remuneration for each available Board or Forum position.
 - v. A statement of the opportunities and benefits of student involvement with the Student Simon Fraser Student Society.
 - vi. Links to both the Simon Fraser Student Society and Independent Electoral Commission websites for detailed information.
- 1) A posting on the Simon Fraser Student Society's social media sites directing Society members to the Independent Electoral Commission website for access to the same information.
 - 2) An email to all Simon Fraser Student Society members providing a link to the Independent Electoral Commission website.

9. Nominations

- A. The Independent Electoral Commission shall:
 - 1) Provide written information to all candidates and nominators about the Simon Fraser Student Society election policy; Administrative Policy 1: Absence, Leave and Resignation, section 1 and relevant by-laws.
 - 2) Require all candidates to give written consent for the Simon Fraser Student Society and the University to exercise the terms of Administrative Policy 1.1 and by-law 5 requiring proof of student registration status if elected to office.
 - 3) Distribute a Candidate Handbook to all candidates highlighting electoral rules and policies of special interest.
- B. Prior to the close of nominations, the Independent Electoral Commission shall hold all submitted nominations in confidence except where candidates consent to public release of their nomination.

10. Campaigning

- A. The campaign period shall run for two (2) weeks prior to voting and shall cease at midnight on the day prior to the commencement of voting.
- B. The Independent Electoral Commission shall have the right to adjudicate the limits to which campaigning definitions may be applied within the confines of the Society's policies and by-laws.
- C. Internet Communications

- 1) Any website or Facebook group designed to promote a candidate must be open to all Simon Fraser Student Society members except for a candidate's personal profile page.
 - 2) Unsolicited social media or email list messaging, "spamming," is not permitted.
 - 3) During the voting period, candidates are not permitted to approach students in computer labs, or to approach students with a laptop or other internet accessing device in order to solicit votes from students on the candidate's device.
- D. No campaigning shall occur until the Chief Electoral Officer officially opens the campaign period.
- E. Campaigning is not permitted during the voting period.
- F. Campaigning shall not be permitted in designated "Simon Fraser Student Society spaces" and campus spaces that have restricted entry. A list of such spaces shall be provided in the Candidate Handbook.

11. All Candidates Debates

- A. The Independent Electoral Commission shall organize, promote and advertise at least one all-candidates debate during the campaign period on each of the Surrey and the Burnaby campuses.
- 1) Debates will be advertised at least one week in advance on all campuses in at least two (2) of the media required for providing notice of election.

12. Campaign materials

- A. Campaign materials:
- 1) May endorse only one (1) candidate.
 - 2) Must be clearly confirmed as the candidate's materials by the candidate in the Independent Electoral Commission approval process before being distributed or displayed.
- B. An identifiable group of candidates whose campaign is based on the same electoral platform may not combine resources to produce campaign materials or to endorse other candidates.
- C. The Independent Electoral Commission shall include language in the Candidate Handbook that regulates the production and use of all printed and handmade campaign materials.

- D. The Independent Electoral Commission shall have the right to adjudicate issues related to the distribution, production and content of campaign materials.
- E. Simon Fraser Student Society resources, including that of staff and Directors' time, may not be used to produce campaign materials for candidates.
- F. This will not affect referendum questions where the Board of Directors has registered an official side.
- G. Candidates must remove campaign materials from display to the satisfaction of the Commissioners by midnight on the last day of campaigning. Failure to do so may result in a penalty imposed by the Independent Electoral Commission.

13. Campaign Expenses

- A. Candidates shall be limited to a campaign budget of \$50, all of which the Simon Fraser Student Society will reimburse after the conclusion of the election.
- B. Candidates will receive a maximum \$50 credit for printing at the Simon Fraser Student Society Copy Centre as part or all of their overall budget of \$50.
- C. Candidates and referenda sides must submit a detailed expense tally, including receipts, to the Chief Electoral Officer no later than 72 hours after the close of the voting period in order to be reimbursed for their campaign expenses.
 - 1) The candidate must submit a signed written statement only if the credit for Copy Centre services was used. No expense submission will be required.

14. Campaign Infractions and Appeals

- A. The Independent Electoral Commission shall adjudicate any perceived infractions of electoral policy.
 - 1) In order to be considered, official complaints must be submitted to the Independent Electoral Commission in writing on a form provided by the Independent Electoral Commission, citing the factual basis on which the complaint is based.
 - 2) The Independent Electoral Commission shall have the right to reject complaints deemed to be frivolous or invalid.
- B. The Independent Electoral Commission shall begin the adjudication process within twenty-four (24) hours, or on the next business day, following receipt of a complaint.
- C. Complaints shall be considered in the following manner:

- 1) Breaches of established procedures indicated in the Candidate Handbook or failure to comply with direction or rulings from the Independent Electoral Commission on matters that are not based on infractions of policy or the bylaws, shall be handled directly by the Independent Electoral Commission. Decisions shall be communicated to the parties in writing.
 - 2) The Independent Electoral Commission shall conduct a public meeting with the complainant and the candidate(s) in question to hear a complaint that is based on policy infractions or a breach of the bylaws.
 - 3) The Independent Electoral Commission retains the right to conduct its deliberations *in camera*.
- D. The Independent Electoral Commission shall rule on and impose penalties for infractions that were found to be based in fact, and shall communicate its decision to the candidate(s) in writing within forty-eight (48) hours of the hearing.
- 1) The Independent Electoral Commission may impose penalties on candidates.
- e. Appeals
- 1) The Independent Electoral Commission shall have the right to reject an appeal application that is deemed to be frivolous or invalid.
 - 2) Candidates who have been penalized for campaign infractions may appeal to the Independent Electoral Commission only under the following circumstances:
 - i. Within forty-eight (48) hours of an Independent Electoral Commission decision to issue a penalty or disqualify a candidate, the candidate concerned must serve notice, in writing, to the Independent Electoral Commission of his or her intention to appeal.
 - ii. The candidate shall have forty-eight (48) hours from the time notice of intent to appeal is served to submit a statement of fact to support the candidate's basis for the appeal.
 - iii. An appeal hearing will only be conducted in cases where there is new factual information or evidence available to consider.
 - i. The Independent Electoral Commission may consult with professional or independent sources when evaluating the merit of an appeal.
 - ii. The Independent Electoral Commission shall issue a binding decision declaring whether or not the penalty or disqualification is upheld.
 - iii. The decision must be returned before the Board can ratify the results of the election.

15. Voting

A. Ballots

- 1) The Independent Electoral Commission shall be responsible for designing the ballots.
- 2) Ballots shall include the name of the candidate and the position for which they are running.
- 3) No platform information or identifier will be included on the ballot other than the candidate's name.
- 4) Ballots listing only one candidate will be marked with 'Yes' and 'No' options.

B. Online Voting

- 1) Simon Fraser Student Society elections shall be conducted through online voting using the SFU WebSurvey program or an equally secure and accessible online program.
- 2) Links to electronic ballots must be sent to all eligible student voters by email and posted on the Independent Electoral Commission website.

C. Tabulation of Votes

- 1) Online votes shall be tabulated as soon as possible upon the closing of polls, and the unofficial results promptly announced in a public location and posted on the Independent Electoral Commission website.
 - i. The Independent Electoral Commission shall approve a maximum of three (3) scrutineers by lottery to observe the tabulation of the vote on behalf of all candidates.

16. Election Reporting

- A. The Chief Electoral Officer shall submit a written report of the official election results and referenda outcomes to the Board of Directors for ratification as soon as all processes are completed.
- B. The Chief Electoral Officer shall provide a written report of the official election results and referenda outcomes to the Finance Office before the commencement of the next semester.
- C. The Chief Electoral Officer shall create and present a comprehensive election report to the incoming Board within the first month of their assumption of office. The report shall contain the following:

- 1) The official results of the election and referendum questions.
- 2) A financial statement outlining the cost of the election.
- 3) A summary of all relevant issues arising from the election.
- 4) Suggestions for improvement of future elections.
- 5) Any other relevant information deemed necessary.

R-17 Elections and Referendum Policy deleted BOD 09-20-10
Complete Re-write Approved: BOD 09-20-10

**Simon Fraser
Student Society
2010 By-Election and Referenda**

**CANDIDATE
HANDBOOK**

Prepared by the Independent Electoral Commission

For election information, please visit

elections.sfss.ca

Interpretation of Rules

The SFSS Elections & Referenda are governed by a number of documents including By-Laws, Policies, and Rules. These documents may overlap in coverage at times, leading to possible discrepancies. Although every effort is made to minimize such conflicts, they sometimes remain. As such, the IEC has adopted the following order of precedence where conflicts between governing documents arise.

- A. Candidates and Referenda sides are required to comply with all governing rules to the fullest extent possible. Where two rules are discrepant but compatible – that is, it is possible to comply with both concurrently – both must be satisfied.

- B. When conflicts arise, they will be resolved in favour of the higher-ranked rule, as follows:
 - 1. SFSS Constitution & By-Laws
 - 2. Electoral & Referenda Policy (R-17)
 - i) Other policies in the SFSS Policy Manual are deemed to have equal weight
 - 3. Candidate Handbook
 - 4. Rulings & written all-candidate notices issued by the IEC
 - i) A ruling or written notice may override the Candidate Handbook if explicitly stated as having this effect
 - ii) For further clarity, rulings or written notices may not override the Constitution, By-Laws, or Policies, but may clarify the meanings and application of such rules
 - 5. Verbal directed actions from the IEC or a Commissioner thereof
 - 6. All other rules or guidelines

- C. The following are not binding but considered highly persuasive:
 - 1. Instructions, notices, or advice posted on the IEC website
 - 2. IEC responses to informational inquiries

This document is not a substitute for familiarity with the policies and by-laws governing this election. For more information, candidates should consult 'Election Rules' on the official website of the Independent Electoral Commission (IEC) – <http://elections.sfss.ca>. Information contained within this handbook shall be treated as supplemental to the policies and by-laws of the SFSS. Candidates must abide by all rules contained herein, in addition to those policies and by-laws, and any rulings that the IEC may make during the electoral process.

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1. The Independent Electoral Commission

The Independent Electoral Commission (IEC) consists of the Chief Electoral Officer (CEO) and four other Commissioners. The IEC is appointed by the SFSS Board of Directors to handle all SFSS electoral affairs, oversee elections, and ensure compliance with established by-laws, policies and rules. During the election, the IEC is responsible for approving nomination forms and campaign materials, hosting all-candidate debates and addressing any pertinent inquiries. Additional responsibilities include adjudicating complaints, administrating the online voting system, and tabulating the results of the election. Although appointed by the SFSS Board of Directors, the IEC is independent of the Board once appointed.

1.1 The Chief Electoral Officer

Appointed for one year, the CEO oversees and coordinates all SFSS elections, by-elections, and referenda, and has the right to attend and speak at all SFSS Board, Forum, and Committee meetings. S/he interviews and nominates candidates for IEC Commissioners, who the Board of Directors appoints. The CEO also provides a comprehensive election report for the Board.

Upon request and if in compliance with IEC regulations, the CEO may also oversee elections for other official SFSS-registered clubs.

To contact the Chief Electoral Officer, email marc.fontaine@sfu.ca or call **778-230-8895**.

2. Getting Started

A prospective board member must first be nominated. After a valid nomination form has been received and approved, the nominee will become an official candidate. If joining a slate (see section 2.4), a nominee must indicate their intention to do so on the nomination form.

Once their nomination forms have been approved, candidates are permitted, and encouraged, to submit a platform to the IEC for publication on its website.

2.1 Getting Nominated

Starting October 4, 2010, a candidate may obtain a nomination form from any of these places:

- The IEC office in Burnaby, located in room 2240 of the Maggie Benston Centre
- The SFSS office in Surrey, Room 3390 (next to the student lounge)
- Online at <http://elections.sfss.ca>

The nomination process consists of collecting the support of at least 10 students eligible to vote for you.

- Executive Officer and At-Large Representative positions require the signatures of 10 SFU students who are active members in good standing of the Society, at the time of signing
- Faculty Representative positions require the signatures of 10 SFU students who are members in good standing, and have either:
 - a) Declared a major or minor in the faculty; or
 - b) Enrolled in a class in the faculty during the semester in which the election takes place

Being an 'active member in good standing' of the SFSS means that the person in question is an SFU undergraduate student who is registered in classes during the semester in which the election is held and has paid all the fees that have been levied on their student account. The IEC must verify that the

people who signed your nomination form meet this standard - as such, nominees should consider getting more than 10 signatures in case some should prove invalid. The number of signatures on a nomination form may not exceed 15, however.

In order to become an official candidate, a nominee must submit a valid nomination form to the IEC by noon on October 18th, 2010. Late entries **will not** be accepted.

2.2 Candidate Platforms

The IEC publishes candidate platforms (including pictures) on its website, and each candidate is encouraged to make a submission.

There is no word limit for platforms, although they are subject to the requirements outlined in section 3.2.1 on campaigning materials. As the by-laws and election policy do not permit campaigning during voting period, this is a good opportunity to generate awareness.

Candidates who want their platforms published must submit them by noon on October 19, 2010, and to ensure fairness amongst all candidates, all submissions are final. Subject to approval, the platforms will be made available on the website on October 20, 2010.

2.3 Following the Rules

All candidates must comply with the regulations set out in the SFSS Constitution ("by-laws"), SFSS Policy Manual ("policies"), and the IEC Candidate Handbook ("handbook"). Where there is a conflict, the more restrictive interpretation applies unless the IEC explicitly rules otherwise (an example of this is the IEC's decision to allow candidates to post campaign material online without prior approval - see section 3.2.4 below).

Candidates should familiarize themselves with these regulations as soon as possible, paying special attention to By-Laws 14, 15, and 17 (SFSS Constitution) and Rule 17: Electoral & Referenda Policy (SFSS Policy Manual). Note that Rule 17 has recently been updated. The IEC will enforce these rules strictly as it creates unfairness between candidates if some follow the rules and others do not.

As unforeseen issues sometimes arise during the electoral process, the IEC may make a ruling regarding the situation on an ad hoc basis. If such a ruling is deemed by the IEC to warrant communication to all candidates, the IEC will provide written notice via the email address listed on the candidates' nomination forms. Important rulings may also be posted onto the IEC website.

Candidates should contact the IEC immediately if any of this is unclear.

2.4 Slates

Slates are groups of candidates with common electoral platforms and slogans. Candidates may run on a slate, but are not allowed to endorse each other or pool their campaign budgets. Members of a slate can, however, create joint websites and social media groups; share slogans, themes and colours; and mention the slate in their campaign materials. Slate affiliation will not appear beside a candidate's name on the ballot.

Nominees wishing to run on a slate must indicate this on their nomination forms. Once nomination period ends, a candidate may not join or leave any slates. A candidate may only run on one slate.

2.5 Registering a Referendum Campaign

Unless otherwise specified, all references to candidates in this handbook apply equally to referendum campaigns.

In conjunction with an SFSS election or by-election, the IEC oversees referenda that are proposed in one of two ways:

- SFSS Board of Directors or Forum pass a resolution to authorize a referendum question
- The President of the SFSS receives a petition signed by no less than 5% of SFU students who are active members in good standing, at the time of signing

To be included in this election, referendum questions must be submitted by October 7, 2010. The IEC will announce the referendum questions on October 12, 2010.

The IEC will recognize one official 'yes' side and one official 'no' side for each included referendum question. Those wishing to register as an official 'side' must do so by October 26, 2010. The registrations will be accepted on a first-come, first-served basis beginning once Notice of Referendum is posted on Tuesday, October 12, 2010.

Referendum campaigns are not permitted to endorse candidates, but candidates are allowed to endorse referenda.

3. Campaigning

The campaign period will run from October 18, 2010 to November 1, 2010. Campaigning outside of this period is strictly prohibited (pursuant to both the SFSS by-laws and the election policy). Campaigning is defined broadly - candidates who are unsure of what constitutes campaigning should contact the IEC.

3.1 Budget

The budget for individual candidates is \$50, and for registered referendum 'sides' it is \$300. This amount will be reimbursed by the SFSS in its entirety, subject to a submission of a detailed statement of campaign expenses and all relevant receipts to the Chief Electoral Officer within 72 hours of the end of the voting period. It is the responsibility of the candidates to keep track of all receipts and expenses.

Outside organizations and individuals are not allowed to donate money or goods to your campaign.

Any money spent for the explicit purpose of promoting a campaign counts as a campaign expense. Examples of campaign expenses include any costs associated with printing posters and flyers, making buttons, and producing other throwaway items to be distributed on campus. The only exception is tools used to make or post campaign materials, such as stationery items. Costs that are merely incidental to the campaign, such as those related to the use of a vehicle, likewise do not count.

If unsure about what constitutes a campaign expense, contact the IEC for clarification.

The SFSS Copy Centre will offer credits of up to \$50 to candidates. These **will be considered part of a campaign's budget**. Those candidates whose only expense is SFSS Copy Centre printing costs must still submit an expense statement but need not submit receipts. These credits are not refundable or transferable.

3.2 Campaign Materials

Campaign materials are "anything designed to promote or to raise awareness of the candidacy of an individual." Candidates should be aware that the IEC interprets this broadly.

Campaign materials must be clearly attributable to a particular campaign, and must not endorse other candidates (although they may endorse referenda). All materials **must be approved by the IEC** before they are distributed or posted. Once approved, candidates will be responsible for their campaign materials, including those that they themselves did not post. Unapproved campaign materials will be removed by the IEC.

The IEC has discretionary powers to adjudicate issues relating to the distribution, production and content of campaign materials.

3.2.1 Approval Process

The IEC has to approve all campaign materials to be posted or distributed at SFU. Posters and all other campaign materials will be reviewed and approved on a first-come, first-serve basis beginning at the opening of the campaign period. Please do not submit campaign materials for approval prior to 12:00pm on Monday, October 18, 2010.

Printed posters are to be emailed to Commissioner Jason Chan (jason.chan.5@sfu.ca). Submissions of proposed designs are allowed once the campaign period starts and must be in a **flattened PDF format**. Candidates must then await official notice of approval or rejection. Upon approval, the IEC will forward the file to the SFSS Copy Centre Coordinator, and the candidate may then place an order in person at the Copy Centre. Note that the Coordinator will only print posters that the IEC forwards; candidates are not permitted to bring poster designs directly to the Copy Centre. The IEC recommends that candidates have their poster designs ready to submit on the first day in order to expedite the approval and printing processes.

The IEC must approve samples of any hand-made materials in person. Candidates wishing to use hand-made campaign materials should make an appointment with one of the IEC commissioners. There are two sizes of posters allowed in the same dimensions as those available from the Copy Centre (8.5" x 11" and 11" x 17"). 8.5" x 11" posters will be assessed at 5 cents and 11" x 17" posters will be assessed at 10 cents. Each poster will be stamped and numbered by the IEC in order to keep track of them, and candidates will be issued a receipt by the IEC to allow them to track their spending. Any printed materials that are incorporated into handmade posters must still be printed at the Copy Centre and will be subject to regular Copy Centre prices.

If it is proven that someone has been tearing down posters (whether printed or hand-made), the IEC may allow the affected candidate to replace them with handmade posters, without further deductions from the allowed budget.

Campaign materials may not:

- Be libellous, inflammatory, made in bad faith, in bad taste, or discriminatory
- Contain any foul, obscene, sexual, homophobic, or discriminatory language
- Infringe on other people's rights
- Promote violence or suggestive themes

Negative campaigning discourages participation in SFSS elections and is, therefore, not allowed. Attacking other candidates may result in penalties.

Nothing in the aforementioned limits the IEC's right to withhold approval of any campaign materials, or apply penalties to candidates using inappropriate campaign materials.

3.2.2 Using the SFSS Copy Centre

While it is understandable that candidates want to obtain their posters as soon as possible, past problems involving employees at the print shop being harassed have led the IEC to implement guidelines concerning the use of the SFSS Copy Centre.

1. All posters must be submitted to the IEC in a flattened PDF format for approval. Upon approval, the IEC will forward the file to the SFSS Copy Centre Coordinator, and an order may then be placed in person at the Copy Centre.

The file format is important, as the Copy Centre will not accept any other formats.

2. No candidates are allowed past the gates in the Copy Centre.
3. Do not call, email, or drop-by the Copy Centre to inquire about the status of the order. The Copy Centre provides email or phone call notification when posters are ready for pick up.

Please be patient, as the Copy Centre is busy during campaign period. Speed of printing depends on the size of the order and the complexity of the image file - for faster results, avoid intense graphics.

4. Posters may only be printed on 8 ½" X 11" or 11" X 17" paper. Several colours are available and others can be ordered at the discretion of the Copy Centre Coordinator. Posters may be printed in colour or black-and-white and are priced accordingly.
5. Candidates are to be courteous and polite at all times toward the Copy Centre Coordinator. Yelling, swearing, threatening, or rudeness will likely result in a call to SFU security and to the IEC. Inappropriate behaviour will not be tolerated and may be considered an infraction under the election policy.

3.2.3 Permissible Locations

Campaign materials may be posted at all SFU campuses.

Facilities Management has outlined a number of requirements for Burnaby campus materials:

- Must be posted only on concrete or bulletin boards (e.g. not on wood, glass, or painted surfaces)
- May only be secured with tape or staples
- Due to safety concerns, materials must not be placed more than 8 ft. above the ground
- No materials may be attached to the floors, as adhesives take up the wax
- Drawing on concrete with chalk is strictly prohibited
- No materials may be posted where they will be rained upon, as this causes inks to stain

Failure to abide by these requirements may result in charges made to the candidate's student account by the university to recover clean-up costs.

Campaign materials may not be posted off-campus, in SFSS spaces, or areas that not all candidates have access to.

Campaign materials **MAY NOT BE POSTED IN THE FOLLOWING LOCATIONS:**

- SFSS Offices
- The Graduate Lounge in the Maggie Benston Centre
- The Highland Pub
- The Higher Grounds Coffee Shop
- The Women's Centre
- Out on Campus
- Student Residences
- Libraries
- Bathrooms
- Cafeterias
- Strand Hall
- Buses
- The International Student Lounge

Campaign materials found in these locations will be taken down and may result in a penalty.

The Surrey and Harbour Centre locations also have their own rules. **At SFU Surrey**, candidates may only place posters on three designated poster racks. The racks will be placed at the top of the escalators on the third floor, between Galleria 3 and Podium 3, and in front of the library entrance. SFU Surrey restricts posting of campaign materials on any other surfaces, including bulletin boards. **Only one poster is permitted, per candidate, per poster rack.**

At SFU Vancouver, materials may only be posted on bulletin boards not reserved for a particular department, and **only one poster is permitted, per candidate, per board.**

Please note that all campaign materials must be removed by 11:59 PM, November 1, 2010.

3.2.4 Electronic Campaigning

Campaign materials may be posted online.

Candidates must have reasonable grounds to believe that the recipients would like to receive information about their candidacy before using email or social media websites to contact them. **Do not use mailing lists to contact people about your campaign.**

A Facebook group, or any other similar social media function, may only send messages to those who have accepted the group invitation - not to everyone ever invited. Candidates who engage in spamming may be subject to a penalty.

Any websites, Facebook groups, or other online campaigning materials must be visible to all students. Candidates are required to provide Commissioner Jason Chan (jason.chan.5@sfu.ca) with a link to any online content used. Although no prior approval for

online materials is required, the IEC will still enforce the other rules associated with campaign materials, such as the restrictions on offensive materials outlined in section 3.2.1.

All electronic campaign materials must be removed by the end of campaign period. The only exemptions are the candidate platforms on the IEC website and anything on your personal social media profile pages. Websites, Facebook groups and the like must be removed by the end of the campaign period.

3.3 All-Candidates Debates

There will be at least two all-candidates debates, hosted by the IEC, during the election: one each at Burnaby and Surrey. These will be recorded and made available for viewing online.

The IEC will prepare at least one question directed to all candidates for a given position, and at least one question directed to each candidate. Each candidate will then have a chance to ask one question. This question can be addressed either to all candidates in the running for a given position, or to one other candidate. The moderator will take as many questions from the audience as time permits.

4. Complaints

Complaints are claims that a candidate has violated one or more of the rules governing the election. Any member of the SFSS may submit a complaint. In order for the complaint to be considered by the IEC, the person making the complaint must submit an official complaint form. The person submitting the form must be able to provide some evidence that a rule violation has occurred and that the infraction would result in unfairness if not redressed. The IEC has the right to reject frivolous complaints, and repeated submission of frivolous complaints may result in a penalty.

4.1 Procedure

If the IEC accepts the complaint, the adjudication process will begin on the next business day. In most cases, a copy of the complaint will be sent to the candidate in question, and the IEC will schedule a hearing to adjudicate the complaint. Although most hearings will be the result of complaints submitted by candidates or other students, the IEC reserves the right to initiate the adjudication process should its Commissioners encounter any serious breaches of the rules. Decisions will be communicated in writing to candidates within 48 hours of this hearing.

Please note that the SFSS Policy Manual: Rule 17 – Electoral and Referenda Policy provides the IEC with the right to adjudicate infractions of rules outlined in this handbook without scheduling a hearing.

4.2 Appeals

Candidates should familiarize themselves with the circumstances under which appeals are allowed (SFSS Policy Manual: Rule 17, s.14.E).

Appeals must be based on new factual information. This means evidence that was not available or provided at the time of the original hearing. Both the IEC's decisions on whether or not to hear an appeal, and its ruling on any appeals which it chooses to hear are final.

4.3 Penalties

Under SFSS policy and by-laws, the IEC may fine a candidate up to \$100 or disqualify them for infractions. In addition to these penalties, the IEC will consider removing a candidate's posters, levying

a fine against a campaign's budget, issuing a letter of reprimand to a candidate, delivering a verbal warning to a candidate, or any other measure deemed appropriate under exceptional circumstances. Repeated violations will be subject to an escalating series of penalties.

5. Results

Unofficial results will be tabulated at midnight on the last day of voting. These results will be announced in the SFSS conference rooms at 12:15 AM, November 5, 2010 and will also be made available on the IEC's website. The results become official once the Board ratifies them, which will take place after any outstanding appeals have been resolved.

6. Important Dates

Monday, October 4		Nomination period begins
Thursday, October 7	4pm	Deadline for the submission of referendum questions
Monday, October 18	12pm (noon)	Nomination period ends Campaign period begins
Tuesday, October 19	12pm (noon)	Deadline for submission of candidate platforms and photos
	5:30pm	Candidate Information Session #1 <i>Note: See the candidate nomination package for details.</i>
Wednesday, October 20	10:30am	Candidate Information Session #2 <i>Note: See the candidate nomination package for details.</i>
Monday, October 25	3:30pm	All-candidates' debate (Surrey – Mezzanine)
Wednesday, October 27	3:30pm	All-candidates' debate (Burnaby – MBC Atrium Cafeteria)
Monday, November 1	11:59pm	Campaign period ends
Tuesday, November 2		First day of voting
Thursday, November 4		Last day of voting
Friday, November 5	12:15am	Unofficial results announced

If you have any questions or concerns, please contact the Chief Electoral Officer at marc.fontaine@sfu.ca or 778-230-8895.