

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.

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