

Elections Code

POL-GEN-04

Elections Committee -> Board of Directors

Proposed by Committee	Adopted by Board	Notes
ELEC - 06/12/2023	28/12/2023	This Code was adopted with minor amendments to reflect motions passed at the 2023 Autumn General Assembly.

PREAMBLE

With its mandate to advocate on behalf of and provide services to undergraduate students at the University of Ottawa, the UOSU cannot function without a strong democratic culture;

As a democratic and student-driven organization, elections and referenda must be held in a manner that fairly provides all UOSU members the right to run, influence, and vote in a way that strengthens the union and contributes to its goals of transparency, accountability, and collective governance;

Central to this goal is a clear, concise, and fair set of rules to govern the UOSU's election process effectively and in a way which does not unduly affect the right of candidates to connect with students;

THEREFORE;

The UOSU adopts this Elections Code for all elections administered by the union. This code must be interpreted reasonably, consistent with the UOSU's constitution, and in a manner which promotes the integrity and fairness of the elections process.

1. DEFINITIONS

1.1 "Candidate" shall refer to a person running for election.

1.1.1 "Prospective Candidate" shall refer to a person who is still in the process of being nominated.

1.1.2 "Official Candidate" shall refer to a person who has filed all proper nomination documents and has been approved to have their name appear on the ballot for a position.

- 1.2 “CEO” shall refer to the Chief Electoral Officer.
- 1.3 “Campaigning” shall refer to any conduct with the goal of influencing voters.
- 1.4 “Campaign Period” shall refer to the period scheduled by the Elections Committee in which candidates solicit votes and publicly canvass.
- 1.5 “Nomination Period” shall refer to the period scheduled by the Elections Committee in which the CEO shall accept nomination packages from prospective candidates.
- 1.6 “Volunteer” shall refer to any person who helps a candidate to get elected in an organizational capacity. A person who supports a candidate but is not in contact with them or otherwise involved in a structural way with their campaign is not classified as a volunteer.
- 1.7 “Voter” shall refer to any member of the UOSU eligible to vote under article 2.1 of the UOSU Constitution.
- 1.8 “Voting Period” shall refer to the period scheduled by the Elections Committee in which voters are eligible to cast ballots in an election; either in person, online, or both.

2. GENERAL AUTHORITY

- 2.1 The CEO shall be the primary interpreter and enforcer of this code, aided by any additional volunteers or staff recruited by the CEO and by the members of the Elections Committee. The CEO and any volunteers helping them cannot be candidates or volunteers for candidates.
 - 2.1.1 Throughout the Campaign Period, the CEO may publish messages to all candidates regarding their interpretation of this code or guidelines regarding the conduct of the campaign. These messages must be sent to all candidates and must be made publicly available.
- 2.2 The Elections Committee shall be responsible for helping the CEO in organizing the election and ensuring its smooth operation. No member on the Elections Committee can be a candidate or volunteer for a candidate.
 - 2.2.1 In the event of unexpected circumstances, the Elections Committee may create subsidiary policies regarding the conduct of the election, provided such policies do not violate this code and are made publicly available.
 - 2.2.2 The Elections Committee is responsible for education and outreach regarding elections. This shall be done through advertising, hosting events and information sessions, and organizing debates between candidates.

2.3 All official communications from the CEO and the Elections Committee must be published in both English and French.

3. NOMINATIONS

3.1 To be officially accepted as a candidate, the CEO must receive:

- i. A declaration form signed by the prospective candidate saying they are eligible to be a candidate and laying out that they will abide by this code, the constitution of the UOSU, and the principle of campaigning in good faith.
- ii. A nomination form with the names and student numbers of at least 25 voters – In the case of candidates for the University Senate or UOSU Board of Directors, these voters must be from the prospective candidate's faculty.
- iii. In the case of candidates for executive positions with the UOSU, a certification of bilingualism.

3.2 The list of prospective candidates must be made available to all other prospective candidates at the end of the nomination period and the list of all official candidates must be published and advertised at the beginning of the campaign period.

3.2.1 All prospective candidates whose eligibility is not challenged by the beginning of the campaign period are deemed to be official candidates unless evidence comes to light that some aspect of their nomination package was illegitimate.

3.3 The CEO, Elections Committee, or any prospective candidate may challenge the eligibility of a prospective candidate on the grounds that:

- i. They misrepresented one or more of the signatures on their nomination form.
- ii. They misrepresented their level of bilingualism.
- iii. They are ineligible to run in the election due to their faculty, student status, continued employment with the UOSU, or other factor laid out in the declaration form.

Should this occur, the CEO shall order whatever testing or investigation is necessary in order to determine the prospective candidate's eligibility.

3.4 The CEO shall organize bilingualism testing for executive candidates prior to the commencement of the campaign period and candidates who have not supplied adequate documentation of their bilingualism must complete said testing before

being listed as official candidates.

4. CAMPAIGNING

4.1 All candidates and volunteers acting on behalf of candidates must respect the spirit of a fair and ethical campaign. Bullying, sabotage, or lying to elections staff or voters will not be tolerated.

4.1.1 Candidates are responsible for their entire campaign, including all content on social media, the actions of their volunteers, and comments made publicly or privately in a campaign context.

4.2 All campaigning, both online and physical, must respect the rules of where it is being conducted. The UOSU is not and will not be responsible for any penalties candidates incur for violating rules regarding posting, campaigning in university buildings, or online conduct.

4.2.1 Candidates for UOSU Executive positions shall conduct all public campaigning bilingually.

4.2.2 All candidates submit volunteer lists to the CEO at the beginning (on the first day) of their campaign. An updated list must also be provided at the end of their campaign. The list does not need to be approved by the CEO, but should rather be used as reference, if need be.

4.2.3 No campaign material may use the official branding or logo of the UOSU, nor may any candidate represent themselves as an official representative of the UOSU.

4.3 During the campaign period, every candidate must attempt at least three (3) class talks, either in-person, online, or asynchronously. Candidates must get permission from a professor before doing a class talk.

4.3.1 For candidates for the University Senate or UOSU Board of Directors, these class talks must be in classes offered by the candidate's faculty.

4.3.2 For candidates for the University Board of Governors or UOSU Executive, these class talks must be in classes offered by at least two (2) faculties and at least one (1) each must be in English and French.

4.4 Candidates are eligible for reimbursement of campaign expenses following the conclusion of the campaign period. To ensure an even playing field, no candidate may spend more than their campaign expense limit and will incur penalties for doing so.

- 4.4.1 Candidates for the University Senate or UOSU Board of Directors shall each be entitled to one hundred dollars (\$100) worth of campaign expenses and candidates for the University Board of Governors or UOSU Executive shall each be entitled to two hundred dollars (\$200) worth of campaign expenses.
- 4.4.2 Candidates wishing to have campaign expenses reimbursed must submit a campaign expense report and itemized receipts to the CEO within seven (7) days of the end of the campaign period. Candidates who incurred no expenses are also required to submit an expense report showing they are not requesting any reimbursement.
- 4.4.3 All campaign expenses must be directly and solely for the purposes of the campaign. Subscription-based services are only eligible for reimbursement for the campaign period. The CEO is responsible for approving or denying requests for reimbursements.
- 4.5 Any person publicly campaigning for or against a referendum question must abide by this code and is eligible to be sanctioned if they violate any campaign rules.
 - 4.5.1 Unless they are also a candidate, no person publicly campaigning in a referendum will be eligible for campaign reimbursements.

5. CONDUCT OF THE VOTE

- 5.1 Every voter shall be free to cast their vote privately and free of any outside influence. No person may vote or attempt to vote under the pretense of pretending to be somebody else.
- 5.2 Ballots must be made available to all voters during the entire voting period.
 - 5.2.1 Should technical difficulties prevent ballots from being available to a substantial number of voters for more than twelve (12) hours, the CEO may extend the voting period for as long as necessary to grant all voters adequate opportunity to vote.
- 5.3 Every voter is entitled to one (1) vote, and care must be taken that no voter who votes in-person is allowed to vote online or vice versa.
- 5.4 For each ballot:
 - i. If the number of candidates is equal to or less than the number of positions to be elected (or in the case of referenda), all candidates will be listed with a “yes” and “no” option for each. All candidates receiving at a majority of “yes” votes are deemed to be elected.

- ii. If the number of candidates is greater than the number of positions to be elected, candidates will be listed in alphabetical order by last name. The election shall be decided using the single transferable vote system as defined in Appendix A.
- 5.5 Following the end of the voting period, the CEO shall be responsible for verifying and publicly announcing the unofficial preliminary results.
- 5.5.1 Should there be doubt regarding the results or if the CEO determines that a recount is necessary, they may delay announcement for up to seventy-two (72) hours.
 - 5.5.2 On the request of any candidate, a recount may be conducted within seventy-two (72) hours of the announcement by the CEO.
 - 5.5.3 Following announcement from the CEO, the Elections Committee must meet within seven (7) days and vote to report the results to the Board of Directors for ratification. The Elections Committee cannot vote to approve election results while any recount, challenge, or appeal is still pending.

6. CAMPAIGN VIOLATIONS

- 6.1 Any voter may report a potential campaign violation or challenge to election results to the CEO. The CEO may also enforce this code on their own volition in the case of public conduct or conduct they become aware of on their own.
- 6.1.1 The identity of a person who reports a potential campaign violation must be kept hidden by the CEO unless this privacy is waived.
- 6.2 A candidate may only be sanctioned for violating this code if it is determined on a balance of probabilities that they violated this code, the constitution of the UOSU, or some other practice that irreparably damages the integrity of the election.
- 6.2.1 If a volunteer for a particular candidate commits a campaign violation, the violation will be judged against the Candidate unless the CEO explicitly states otherwise.
- 6.3 Sanctions for violating this code must follow the principle of progressive discipline, taking into account:
- i. The severity of the violation and its potential impact on the election results.
 - ii. Whether a candidate has intentionally violated this code or merely misinterpreted it in good faith.

- iii. Whether a candidate has taken steps to correct previous violations and generally respected the authority of the CEO and Elections Committee.
 - iv. Whether a candidate intentionally hid evidence of a violation or otherwise attempted to misrepresent their conduct.
- 6.4 If a candidate commits a campaign violation, they may be sanctioned by one or more of:
- i. A written warning.
 - ii. The candidate being required to issue a public apology.
 - iii. The candidate being required to remove certain campaign materials.
 - iv. A reduction in the candidate's campaign expense limit.
 - v. A suspension on campaigning.
 - vi. A reduction in a candidate's vote total, solely in severe cases affecting a specific number of votes that have occurred near to or after the end of the campaign period.
 - vii. Disqualification from the election.
 - viii. Any penalty deemed just that ensures the integrity of the election.
- 6.5 Any decision regarding a campaign violation must be reported to the candidate in question and any other relevant parties in the form of a written judgement unless deemed frivolous by the CEO. All judgements, including any appeals, must be made publicly available following the end of the campaign period with names and identifying information redacted if deemed necessary by the CEO or Elections Committee.

7. APPEALS

- 7.1 All appeals against decisions made by the CEO are to be made in writing to the Chair of the Elections Committee.
- 7.2 Any person who appeals a decision to the elections committee forfeits their right to anonymity under article 6.1.1.
- 7.3 Upon receiving an appeal, the Elections Committee must meet as soon as is reasonably possible to hear the appeal and render a judgement. Deference shall be given to the judgement of the CEO unless it is proven on a balance of probabilities

that their decision was unreasonable or affects the integrity of the election.

- 7.4 All appeals against decisions made by the Elections committee are to be made to the Ombudsperson in their capacity as Chair of the Appeals Committee.

Appendix A: Single Transferable Vote

1. When filling out a ballot, each voter shall rank the candidates, with "1" being the highest.
2. On the first round of counting, each candidate shall receive one (1) vote for each ballot indicating them as first preference.
3. After each round of counting, any candidate receiving votes greater than the quota of $\left(\frac{votes}{n+1} + 1\right)$, (with n defined as the total positions to be elected), shall be elected. If multiple candidates have reached the quota, the candidate receiving more votes is declared elected first.
4. After a candidate is declared elected, any surplus votes they have received over the quota shall be redistributed proportionally to any remaining candidates based on the next highest preference indicated on each ballot.
5. After no more candidates have reached the quota for election, the candidate receiving the fewest votes shall be eliminated and their votes shall be redistributed to any remaining candidates based on the next highest preference indicated on each ballot.
6. The process laid out in steps 3-5 shall repeat until all positions to be elected have been filled or until the number of remaining candidates equals the number of positions remaining to be filled.
7. If at any point there is a tie between two candidates, the tie shall be broken by random draw as conducted by the CEO.

Appendix B: Eligibility

As per the UOSU constitution, the candidate requirements are as follows:

1. A full executive term is from (1) year, from 1 May to 30 April.
2. No person may serve more than (2) terms as an executive.

3. Executives shall not be full-time students, with the exception of international students and students in faculties or programs that do not permit part-time studies.

The expectation is that executives work 37.5 hours per week during their term and are renumerated as such.

Any Member seeking election as an Executive shall be required to meet a minimum standard of bilingualism. Bilingualism can be defined by either (i) French and English; or (ii) French or English and any First Nations, Inuit, Metis language or any other language indigenous to Turtle Island.

Standards of Bilingualism required for each Executive position is outlined in Schedule A of the Constitution.

Mandatory Review Term: 3 years
Next Mandatory Review: 06/12/2026