

# **POLICY: Elections Policies**

Effective: October 2019

Revised: August 2023

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## **1.0 PURPOSE**

The objective of these Elections Policies is to ensure effective and fair processes for the Students' Association of Mount Royal University (SAMRU) elections, elections appeals and referenda/plebiscites. The Chief Returning Officer conducts duties under the following general principles:

### **1.1. Fairness to the eligible voters**

- Awareness of elections; information about candidates and issues including opportunity to question candidates; a clear process with information available about how votes are cast and counted; a one-vote per eligible voter limit.
- Opportunity to vote with easy access to voting and adequate space and time to vote.
- Freedom from candidate harassment including not having activities disrupted by the election process and clear limits on campaigning.

### **1.2. Fairness to the candidates**

- Requirements for candidacy are clearly defined; communications to candidates from the CRO is timely; expectations are defined.
- No preferential treatment is provided; spending limits exist; candidates are protected from sabotage.

### **1.3. Fairness to the process**

- Elections can be contentious but should remain respectful of the people involved, including the electorate, candidates and elections officials, and of the process.
- The Elections Policies are meant to offer clear expectations and guidelines by providing enough direction to ensure fairness. Sometimes flexibility in decision-making is required to protect this fairness. To that end, the CRO may make interpretations of the Elections Policies based on the general principles set out above and is delegated the authority to make decisions where no policy or procedures exists.
- The Student Governing Board (SGB) shall have no authority to interpret or amend this document during an election (from the commencement of nominations until after the appeal period), or interfere with the discretion

exercised by the CRO and the Election Appeals Review Board (EARB) in the furtherance of their duties pursuant to this document. Furthermore, during Elections, individual Governors who are also candidates are required to avoid work related to their Governor role that might contravene these Elections Policies or create a real or perceived conflict of interest.

- All SAMRU employees, including the current members of the Representation Executive Council (REC) may not interfere in the elections process. If an employee is also a member, they may vote in elections but otherwise should not involve themselves. Employees should direct election questions or concerns to the CRO or designate. During Elections, members of REC who are also candidates are required to avoid work that might contravene these Elections Policies or create a real or perceived conflict of interest.

## 2.0 SCOPE

These Elections Policies establish processes for all aspects of SAMRU elections and referenda/plebiscites, including elections appeals. In the event of a discrepancy between these policies and the SAMRU Bylaws, the Bylaws shall govern.

## 3.0 DEFINITIONS

**Active Member** - A member whose membership dues remittances are current and up-to-date. Active Members are also referred to as “Members in Good Standing”.

**All-Candidates Meeting** - A meeting between the CRO and all Nominees (or authorized designate(s)), held after the close of nominations and before the commencement of the official campaign period.

**Annual Representation Election** - The Election held each academic year to elect members of SAMRU's Representation Executive Council. The Annual Representation Elections will take place as part of an Annual or Special General Meeting of the Students' Association.

**Annual General Meeting (AGM)** - A meeting of the Active Members of the Students' Association held at least once per year in accordance with the Students' Association's Bylaws and any relevant provincial legislation.

**Annual Governance Election** - The Election held each academic year to fill Governor vacancies on the Student Governing Board. The Annual Governance Elections will coincide with the occurrence of the Annual General Meeting of the Students' Association.

Appellant - Any Active Member who wishes to appeal a decision(s) of the Chief Returning Officer regarding violation of the Elections Policies.

Authorization to Vote Form - The form issued by the Chief Returning Officer to an Elector whose name does not appear on the Official List of Electors but who is eligible to vote.

Authorized Designate - An individual authorized by the Chief Returning Officer to attend all-candidates meetings, or any other mandatory informational gatherings for Nominees and Candidates, on behalf of a Nominee or Candidate. A Campaign Manager is considered to be an Authorized Designate.

Banner - An advertisement for a single candidate or campaign that is larger than a Poster.

Bribery - Attempting to influence an Elector by: Lending or giving, or offering, agreeing or promising to lend or give money or valuable consideration other than allowable campaign materials to an Elector or to a person on behalf of an Elector; and/or Giving or procuring, or offering, agreeing or promising to give or procure, an office or place of employment to an Elector or to a person on behalf of an Elector.

By-Election - An Election other than the Annual Representation Election or Annual Governance Election.

Campaign Manager - An individual appointed by a Candidate or Nominee to assist in conducting an Election campaign according to this document.

Campaign Materials - Any item giveaway, design, sound, symbol, or mark that is created or copied in any form in order to and/or likely to influence at least one voter to cast a ballot in favour or in opposition of a candidate. This includes, but is not limited to: posters; handbills/leaflets/brochures; buttons; electronic media (campaign-related emails and websites); and clothing with campaign slogans and/or messages.

Campaigning - Includes personal, public and electronic campaigning. Encompasses any activity intended to influence the manner in which an Active Member will vote in upcoming elections, or to bring attention to the ongoing impending candidacy of a given Nominee or Candidate.

Candidate - Any individual meeting the eligibility criteria who has been successfully nominated, as deemed by the CRO, to run for any position in the Annual Representation Election, Annual Governance Election or By-Election.

Campaign Team - May consist of an individual or a group of individuals campaigning for a specific candidate who have been endorsed by the candidate.

Chief Returning Officer (CRO) - The individual appointed by the Student Governing Board to oversee Elections, By- Elections, Referenda, Plebiscites, AGMs, and SGMs.

Close of Nomination Period - A specific date and time, set forth by the Student Governing Board, at which all nomination forms for any person seeking nomination must be handed in to the Chief Returning Officer.

Deputy Returning Officer (DRO) - An individual appointed by the CRO to assist the CRO in overseeing Elections, By- Elections, Referenda, Plebiscites, AGMs, and SGMs.

Election - Refers to both Annual Representation Elections (for the Representation Executive Council) and Annual Governance Elections (for the Governors of the Student Governing Board).

Election Appeal Review Board (EARB) - The body that reviews and delivers judgment on appeals submitted with respect to Elections, By-Elections, Referenda, Plebiscites, AGMs, and SGMs.

Election Official - A person appointed to administer Elections, By-Elections, Referenda, Plebiscites, AGMs, or SGMs in the capacity of Chief Returning Officer, Deputy Returning Officer, or Poll Clerk.

Election Policies - Those guidelines governing the conduct of Elections, By-Elections, Referenda, Plebiscites, AGMs, and SGMs as outlined in this document.

Elections Memo - A document containing details approved by the SGB no later than January 31 each year providing supplementary instructions to the CRO for elections and referenda/plebiscite processes including, at minimum, the following:

- The dates for filing nominations, if applicable.
- The dates and times for campaigning, if applicable.
- The dates and times for online voting, if applicable.
- The dates and times for in-person voting, if applicable.
- The official Voting Stations, if applicable.

Elector - An Active Member eligible to vote in Elections, By-Elections, Referenda, Plebiscites, AGMs, and SGMs.

Electronic Campaigning - Any attempt to persuade an eligible voter through use of campaign related website(s), email(s), or any other form of electronic communication to cast their ballot in favour of or against:

- A Candidate;
- A question being asked in a Referendum, Plebiscite, AGM, or SGM; or
- Proposed amendments to the SAMRU Bylaws.

Governors - The individuals elected or appointed from and by the membership who together form the Student Governing Board, the governing body of SAMRU. The Governors are the Directors of SAMRU (also known as “Directors” or “Board Directors”).

Member in Good Standing - See Active Member.

Nomination Form - The form issued to a person seeking nomination for a position in an Election or By-Election.

Nominee - A person who has submitted a nomination package for a position in an Election or By-Election, but who is not yet confirmed by the CRO as a Candidate for that position.

Official List of Electors - The list of those members of SAMRU who are in good standing and therefore are eligible to vote in Elections, By-Elections, Referenda, Plebiscites, AGMs, and SGMs.

Online Voting - Voting conducted through the SAMRU Website or through an official third-party provider.

Penalization - A measure implemented at the discretion of the CRO should a candidate disobey or violate the Elections Policies. This measure could include Candidate disqualification and may be implemented retro-actively.

Personal Campaigning - In-person or online communication, between a person seeking nomination and any other individual(s), concerning the circulation of nomination forms and other reasonable measures taken in order to fulfill the nomination requirements, and concerning the creation of a campaign team.

Petition - A written request addressed to the Student Governing Board in the form of a document outlining a specific question or specific recommendation(s) that meets the requirements as per the SAMRU Bylaws, to be put to a vote during a Referendum, Plebiscite, AGM, or SGM.

Plebiscite - A balloting of the Electors on a question, the results of which are not binding on the Student Governing Board.

Post-Election Vacancy - Any position that is vacant following the announcement of the official election results. This vacancy can be due to a failed “yes/no” ballot, a disqualified uncontested candidate, a position for which there were no Candidates, or a resignation of a member of the Representation Executive Council, or the resignation of a member of the Student Governing Board in accordance with the Bylaws of the Students’ Association.

Poster - A piece or combination of pieces of paper that are collectively displayed advertising a single candidate or campaign to a maximum size of 11x17”.

Public Campaigning - Any attempt to influence or persuade an eligible voter to cast their ballot in favour of or against: a Candidate; a question being asked in a Referendum, Plebiscite, AGM, or SGM; or proposed amendments to the SAMRU Bylaws.

Quorum - The minimum number of voting members present at a meeting to allow business to be conducted. Quorum must be maintained in order to allow a meeting to start and continue.

Referendum - A balloting of the Electors on a question, the results of which are binding on the Student Governing Board in accordance with the SAMRU Bylaws.

Representation Executive Council (REC) - In accordance with the SAMRU bylaws and acting with authority delegated from the Board, the purpose of the Representation Executive Council is to represent students’ interests and to present the Mount Royal University student voice to Mount Royal University, student lobbying organizations, other student governments, municipal, provincial, and federal governments, media, and the public.

Representation Executives - The voting members of the Representation Executive Council.

Resolution - A formal expression of opinion or intention agreed on by a formal meeting and requiring a simple majority for approval.

Residence - Any living accommodation for students (and associated administrative buildings) that is operated by Mount Royal University.

Sabotage - Defacing or removing, or attempting to deface or remove any campaign publicity material.

Special General Meeting (SGM) - A meeting of the Active Members called by the Student Governing Board acting either independently or upon receiving a duly constituted Petition that meets the requirements as set out in the SAMRU Bylaws asking that a SGM be called.

Special Resolution - A formal expression of opinion or intention with special requirements defined in the SAMRU Bylaws.

Student Governing Board (“SGB” or “Board”) - The Student Governing Board; the highest decision making authority for SAMRU composed of students elected or

appointed by and from the membership. Also referred to in the Alberta Post-Secondary Learning Act as the Council; responsible for the business and affairs of the organization, and the official channel of communication between the students of Mount Royal University and the Mount Royal University Board of Governors. The Board governs SAMRU between general meetings on behalf of the membership.

Undue Influence - Attempting to influence an Elector by: making use of or threatening to make use of any force, violence, or restraint; and/or inflicting or threatening the infliction of any injury, harm or loss to an Elector.

Voting Station - A place where an Elector casts their vote in an Election, By-Election, Referenda, or Plebiscite including: The official, in-person, polling station location, designated as such by the Student Governing Board and administered by the SAMRU Elections Officials; and any electronic means or device that is being used for voting purposes (administered or not administered by the SAMRU) – for example a smartphone, laptop, desktop computer, or tablet.

Wyckham House - The Student Centre building, occupied and administered by SAMRU according to the License of Occupation Agreement with the Mount Royal University (MRU) Board of Governors, and which, for purposes of this document, includes the walkway link between MRU and the Student Centre.

## 4.0 AUTHORITIES AND INTERPRETATION

This document, and all related matters not specifically covered by this document shall be interpreted by the Chief Returning Officer; the CRO may rely upon legal advice when determining their interpretation. In the event of any discrepancy between this document and the SAMRU Bylaws, the SAMRU Bylaws shall govern.

The Student Governing Board shall have no authority to interpret or amend this document during an election, or interfere with the discretion exercised by the CRO and the Election Appeals Review Board (EARB) in the furtherance of their duties pursuant to this document.

As per SAMRU Bylaws, the SGB shall delegate all authority regarding the operation of Elections, By-Elections, Referenda, Plebiscites, AGMs, and SGMs to the CRO and the EARB. Only the EARB has the authority to overturn decisions of the CRO as stipulated in this document.

The Elections Policies are meant to offer clear expectations and guidelines by providing enough direction to ensure fairness. Sometimes flexibility in decision-making is required to protect this fairness. To that end, the CRO may make interpretations of the Elections

Policies based on the general principles set out above and is delegated the authority to make decisions where no policy or procedures exists.

## 5.0 SAMRU MEMBERSHIP VOTES

### REFERENDA AND PLEBISCITES

- 5.1. In the event that the SGB calls a Referendum or Plebiscite in accordance with the SAMRU Bylaws, notice of that Referendum or Plebiscite shall be announced and promoted by the SAMRU at least 30 days in advance of the day on which the Referendum or Plebiscite is to be held.
- 5.2. The wording of a Referendum or Plebiscite question must be approved by the CRO to ensure that it is clear to voters and meets the criteria established in these policies and the SAMRU Bylaws. Referendum or Plebiscite questions to be put to the Electors on the ballot shall be the same question called for in the resolution by the SGB and approved by the CRO with the words "yes" and "no" as the only options for the question being asked.
- 5.3. As a Referendum or Plebiscite is normally held outside of an annual Election, the SGB, in consultation with the CRO, shall establish by resolution, at least 30 days in advance of the Referendum or Plebiscite:
  - 5.3.1. The dates and times for online voting, if applicable.
  - 5.3.2. The dates and times for in-person voting, if applicable
  - 5.3.3. The official Voting Station locations, if applicable

### GENERAL AND SPECIAL MEETINGS OF THE MEMBERSHIP

- 5.4. Provisions for SAMRU General and Special Meetings, including voting procedures, are provided in the SAMRU Bylaws.
- 5.5. The CRO is responsible for the following matters relating to General and Special Meetings:
  - 5.5.1. Verifying that all general meeting requirements have been met and that quorum has been reached prior to commencing the meeting.
  - 5.5.2. Conducting the Annual Representation Election and Annual Governance Election processes and voting.

### ANNUAL GOVERNANCE ELECTION

- 5.6. The Governors of the SGB are elected in conjunction with the SAMRU Annual General Meeting, with the number of positions contested each year equal to the number of vacant and expiring positions on the SGB.



- 5.7. The SGB shall, following consultation with the CRO, at a regular meeting before January 31 each year, approve an Election Memo for the Annual Governance Election which specifies at minimum:
  - 5.7.1. The dates for filing nominations
  - 5.7.2. The dates, times and parameters for public campaigning
  - 5.7.3. The times of available online voting at and around the AGM
- 5.8. The SGB will provide the CRO with initial screening criteria for the Annual Governance Election in accordance with the SAMRU Bylaws and resolutions of the SGB to be included in the CRO's nomination initial screening process. Such communications will normally be included in the Elections Memo.

#### ANNUAL REPRESENTATION ELECTIONS

- 5.9. The Representation Executives of the REC are hired by the SGB after being elected or appointed in accordance with the Bylaws.
- 5.10. The SGB shall, following consultation with the CRO, at a regular meeting before January 31 each year, approve an Election Memo for the Annual Representation Election which specifies:
  - 5.10.1. The dates for filing SGB endorsed nominations
  - 5.10.2. The dates and times for campaigning
  - 5.10.3. The dates and times for online voting, if applicable
  - 5.10.4. The dates and times for in-person voting, if applicable
  - 5.10.5. The official Voting Stations, if applicable
- 5.11. The SGB will provide the CRO with nomination screening criteria for the Annual Representation Election in accordance with the SAMRU Bylaws and resolutions of the SGB to be included in the CRO's nomination screening process. Such communications will normally be included in the Election Memo.
- 5.12. The SGB may approve referenda and/or plebiscites to be held in conjunction with any Election or By-Election in accordance with the SAMRU Bylaws and Elections Policies.

## 6.0 NOMINEES AND CANDIDATES

Nominations for election to Governor positions or for REC positions shall be in accordance with the SAMRU Bylaws, these Elections Policies and the Election Memo(s).

The CRO shall ensure that a copy of the Nomination Form, SAMRU Bylaws, and Elections Policies are made available (electronically or otherwise) to any person requesting such information at least two (2) weeks prior to the close of nominations. It is

the responsibility of any person seeking nomination to ensure that they comply with the SAMRU Bylaws and Elections Policies.

#### SGB ENDORSEMENT

6.1. To be eligible for nomination to a Representation Executive position, individuals must first receive a Student Governing Board endorsement by participating in the SGB pre-screening and interview process.

6.2. At least 60 days prior to the start of the Annual Representation Election nomination process, the SGB will advertise the Representation Executive positions and the pre-screening and interview process in prominent locations across campus and through direct emails to all Active Members.

All Active Members interested in a Representation Executive position will have the opportunity to participate in the pre-screening and SGB interview process during the endorsement assessment period.

6.3. The SGB will select and endorse two potential nominees for each of the Representation Executive positions. The names of the individuals who receive the SGB endorsement will be forwarded to the CRO for the CRO's nomination screening process.

#### NOMINATIONS

6.4. Nominations criteria for available positions shall be reflected in the Nomination Form. At minimum, the Nomination Form shall reflect the following requirements:

6.4.1. SGB endorsement for Representation Executive position nominees

6.4.2. Official and Preferred Name

6.4.3. Student Identification Number (for verification of SAMRU membership)

6.4.4. Contact Information, including email address, for official communications with the CRO

6.4.5. The position sought by the Nominee (only one is permitted)

6.4.6. Verification by the Mount Royal University Registrar's Office of any academic requirements such as credit student status and minimum cumulative grade point average. Proof of academic standing in the form of a Marks Release Form signed and sealed by the Registrar's office and an unofficial transcript must accompany the Nomination Form

6.4.7. Information that may be used to create SAMRU sponsored communications and promotions materials for the election including:

6.4.7.1. Program of study;

6.4.7.2. A personal statement explaining why the nominee is hoping to hold the position;

6.4.8. A signed confirmation by the nominee that they meet all of the required criteria established by SAMRU Bylaws, Policies, Code of Ethics and any

additional criteria provided in the Election Memo and included on the Nomination Form

- 6.5. Nominations Forms must be submitted by the established deadline on the forms provided by the CRO.
- 6.6. Nominations Forms are not complete until the CRO verifies that all criteria have been met. The CRO will screen all Nominations Forms received by the deadline to determine validity. In the event that there are minor deficiencies in a Nomination Form, the CRO may elect, at their own discretion, to provide a short, defined extension to the nomination period so that these may be remedied. This extension, if offered, is solely to encourage additional participation in Elections by providing potential candidates with an opportunity to remedy any technical problems with their nominations so they can be included in the elections process.
- 6.7. A Nominee shall be disqualified by the CRO in writing via letter or email for any of the following infractions:
  - 6.7.1. Failing to meet eligibility criteria as set out in these policies;
  - 6.7.2. Failing to meet nomination requirements; and/or
  - 6.7.3. Seeking nomination for more than one position.
- 6.8. If a Nominee is disqualified they are ineligible to participate as a candidate in the current Election but may be eligible for nomination in future Elections or appointments if they meet all eligibility criteria.
- 6.9. Any disqualified Nominee may appeal the disqualification decision of the CRO to the EARB in writing within two business days of the notice of disqualification. At no other point will a disqualified Nominee be eligible to appeal the disqualification decision of the CRO.
  - 6.9.1. The EARB is responsible for reviewing the application and interpretation of the SAMRU's policies or Bylaws, as they relate to Elections. Where the interpretation of a policy or bylaw is ambiguous, the EARB may overturn an original decision and/or impose an alternative sanction. The EARB does not have the authority to overturn the application of unambiguous Bylaws or policies; however, the EARB may determine an alternative sanction in the application of unambiguous Bylaws or policies.
- 6.10. The CRO shall inform all Nominees who have been deemed eligible to participate as Candidates of their approved candidacy via letter or email inviting them to attend an All-Candidates Meeting. Only those Nominees who have been approved as Candidates will receive an invitation to this meeting. If unable to attend, invitees may designate an authorized individual to attend on their behalf, in accordance with these Elections Policies. The CRO has absolute discretion on who shall participate in any All-Candidates Meetings.

- 6.11. At the All-Candidates Meeting, the CRO will provide:
  - 6.11.1. The names of the official Candidates and the positions they are seeking;
  - 6.11.2. An electronic link or hard copy of these Elections Policies and the SAMRU Bylaws;
  - 6.11.3. A general briefing on the election including information about the campaign period, if one has been approved by the SGB;
  - 6.11.4. Any additional instructions deemed necessary by the CRO.
- 6.12. A Candidate may withdraw their candidacy any time by filing a signed, written notice with the CRO. If practical, information about the withdrawn candidate will be removed from the website and elections materials prior to the vote.

## 7.0 CAMPAIGNING

### CAMPAIGN PERIODS

- 7.1. The SGB shall establish in the Elections Memo(s) any Public Campaigning periods for the election of Governors or members of the REC. An Elections Memo may include whether a Public Campaign period has been designated, the timing for any such period, the allowance of Campaign Materials (outside of those provided by SAMRU based on completed Nominations Forms), and any allowable campaign expenditures and reimbursements.
- 7.2. Personal Campaigning may occur at any point throughout the year. Public Campaigning, including Electronic Campaigning, may only be done during official Campaigning times, as determined annually by the SBG in an Elections Memo.

### CAMPAIGNING AND VOTING STATIONS

- 7.3. No Campaigning (with the exception of posters displayed in accordance with Elections Policies and Elections Memo) shall take place within 10 meters of officially designated physical Voting Stations.
- 7.4. Candidates, Campaign Managers, and members of Campaign Teams shall not create unofficial Voting Stations by presenting an electronic device or using a voter's electronic device for voting while campaigning.

### COLLECTION OF CAMPAIGN MATERIALS

- 7.5. Each Candidate must arrange for the collection of all posters and any excess printed and publicly posted campaign materials prior to the designated time on the last day of voting. Once collected, these materials must be given to the CRO. The CRO may request a printed copy of any electronic materials used by the candidate.

### CAMPAIGN EXPENDITURES

- 7.6. Each Candidate's campaign expenditures may not exceed the amount determined annually by the SGB in the Elections Memo. The total amount of allowable expenses includes the Canadian dollar values of all donated materials and materials previously purchased for the purpose of the campaign.
- 7.7. Each Candidate must submit all receipts from campaign expenses to the CRO or designate prior to the designated time on the last day of voting. Following the submission of a Candidate's receipts and expense report to the CRO, the Candidate may be eligible to be reimbursed for their allowable receipted campaign expenditures as defined by the SGB in the Elections Memo, unless the Candidate has been disqualified by the CRO. The reimbursement of campaign funds will be processed following the approval of the CRO report by the SGB.
- 7.8. Websites, including social media pages, promoting a Candidate or campaign are allowed only during the official Public Campaigning period if one has been defined by the SGB in the annual Elections Memo, and are required to be cited in a Candidate's expense report. Any website initiated by a Candidate or their Campaign Team must adhere to these Elections Policies.

#### GENERAL CAMPAIGN GUIDELINES

- 7.9. Public Campaigning must respect the function of the spaces on campus. Candidates must not create a nuisance and must comply with any restrictions for space usage as they campaign. Candidates are encouraged to use common sense and seek permission from administrators of semi-public areas (such as the Wellness Centre, Pride Centre, etc.) before attempting to publically campaign in them. Candidates who campaign aggressively may be subject to penalties.
- 7.10. There shall be no campaigning or advertising by Candidates and/or their Campaign Team in any online or print newspapers. This includes writing letters-to-the-editor and newspaper stories by or about a Candidate initiated by a Candidate and/or their Campaign Team.
- 7.11. There shall be no off-campus advertising by any Candidates or their Campaign Team. This does not include Electronic Campaigning.
- 7.12. Campaign materials shall promote only the Candidate for whom the materials were produced and may not jointly promote more than one Candidate.
- 7.13. The CRO shall not permit the posting of any Campaign Materials or the conducting of any campaign activity deemed by them to be inflammatory, in bad taste, or in any way violating the grounds of discrimination as defined by the Alberta Human Rights Act.

- 7.14. A violation or violations of any of the campaign policies by a Candidate, Campaign Manager or Campaign Team member may result in penalization, up to and including disqualification, as determined by the CRO.
- 7.15. Any special rules or requirements for campaigning in a referendum or plebiscite shall be determined in advance of the campaign period by the SGB and communicated to the CRO at the time that the referendum or plebiscite question(s) are communicated.

#### CAMPAIGN MATERIALS

If the Elections Memo allows for Campaign Materials, outside of those produced by SAMRU, the following general rules apply:

- 7.16. Posters of any type applied to walls other than bulletin boards must be applied using masking tape only.
- 7.17. Campaign Materials displayed in Wyckham House, including the walkway link must:
  - 7.17.1. Not exceed 11x17 inches with the exception of one poster which may be of any size.
  - 7.17.2. Be placed on brick or concrete surfaces in the open public areas of Wyckham House. No campaign materials may be placed in West Gate Social or other areas that are at times closed to the public when the rest of the Student Centre is open (such as the Clubhouse, Pride Centre, Peer Support Centre, etc.)
  - 7.17.3. Not be displayed between the food kiosks in Wyckham House, including around the washrooms
  - 7.17.4. Not be displayed along or on anything suspended from second floor railings in Wyckham House;
- 7.18. Campaign materials in Mount Royal University may not be placed on doors, lockers, glass, woodwork, cloth, metal (painted or unpainted), drywall (painted or unpainted), floor, ceiling, or furniture surfaces and may be placed in the following areas only:
  - 7.18.1. In designated areas at the West Gate entrance, East Gate entrance, Recreation Wing, EA Building, and on the main floor across from Tim Hortons only. These designated areas may be divided by SAMRU in a grid-like fashion to ensure an equal area for all candidates. No other locations, aside from public bulletin boards, may be used for posting Campaign Materials.
  - 7.18.2. In Residence buildings, as per guidelines set out by Residence Administration;
  - 7.18.3. On public bulletin boards, with a maximum of one (1) Poster per board;
  - 7.18.4. At any other location that may be explicitly approved by the CRO from time to time.

## 8.0 VOTING

### ONLINE VOTING

- 8.1. The SAMRU Bylaws determine the requirements for voting on matters at General Meetings.
- 8.2. Elections are normally conducted using online voting or electronic means. SAMRU may use third-party voting software that verifies voter eligibility and tabulates results. Elector eligibility is determined by the official membership list provided by Mount Royal University to SAMRU in accordance with the Agreement on Information Sharing. The CRO oversees the electronic voting process to meet the requirements of these Elections Policies.

### POLLING STATIONS

- 8.3. Official physical polling stations may be set up, in accordance with the Elections Memo(s), to provide public outreach and encourage voting.
  - 8.3.1. The CRO or designate shall post, in a conspicuous location at the official polling station, information regarding the secrecy of voting, directions for voting, and offenses that could lead to Elector disqualification.
  - 8.3.2. Each polling station shall be provided with tables, desks, or shelves, and at least one electronic device for each polling station for use by the Electors in casting their ballots.
  - 8.3.3. Any eligible Elector waiting in line to vote at the time of poll closure shall be permitted to vote.

### BALLOTS

- 8.4. Online voting shall include information on the secrecy of the vote and directions on marking the ballot.
- 8.5. Candidates shall be arranged on the online ballot according to the following:
  - 8.5.1. In the case of a ballot for a position where there is more than one Candidate, Candidates names shall be arranged in alphabetical order by surname.
  - 8.5.2. In the case of a ballot for a position where there is only one Candidate, or where the number of Candidates for Governor does not exceed the number of Governor positions available, there shall be the preferred name of the Candidate(s) and the words "yes" and "no" located beside the Candidates' name(s).

### VOTER ELIGIBILITY

- 8.6. Electors shall be permitted to vote using the online voting software or by other electronic means determined in the Elections Memo.
- 8.7. In the event that an Elector is unable to vote using the online voting software, they may be provided with online voting access once their eligibility status has

been confirmed by providing the following documentation to the CRO or designate:

- 8.7.1. An original MRU timetable issued from the Registrar's Office showing status of this student as of the date of Election; and
- 8.7.2. A receipt proving that this student has paid all fees charged at the time of registration for the semester during which the Election, By-Election, Referendum, or Plebiscite is being held.

#### UNOFFICIAL ELECTION RESULTS

- 8.8. Unofficial election results will be determined by the CRO using the third-party online voting software or other reliable and verifiable means.
  - 8.8.1. Any votes for Candidates who have officially withdrawn their candidacy will be removed from the results.
  - 8.8.2. Any votes for Candidates who have been disqualified will be removed from the results.
  - 8.8.3. The winning Candidate of each contested position shall be the Candidate who receives the greatest total number of valid votes cast.
  - 8.8.4. In the case where only one Candidate exists for a position, the Candidate will be declared elected upon receiving more "yes" votes than "no" votes.
  - 8.8.5. Unofficial election results shall include the following:
    - 8.8.5.1. The date(s) of the voting;
    - 8.8.5.2. For all contested positions, the name of each Candidate and the number of valid ballots marked for each;
    - 8.8.5.3. In the case where only one Candidate exists for a position, the name of the Candidate and the number of "yes" votes and the number of "no" votes received.

#### RECORDS

- 8.9. The CRO shall retain all Election or By-Election materials, including all lists of Electors, Authorization to Vote Forms, and any other papers, correspondence, etc. pertaining to the operation of the Election or By-Election until such time as any appeals can be heard or, in any event, up to 28 days following the last day of voting.

#### ELECTOR PENALTIES

- 8.10. An Elector shall be penalized or disqualified at the discretion of the CRO for committing any one of the following infractions:
  - 8.10.1. Interfering with or attempting to interfere with an Elector's right to vote, including attempting to vote as another Elector;
  - 8.10.2. Causing a willful disturbance at a polling station;
  - 8.10.3. Causing a willful disturbance at a public debate;
  - 8.10.4. Attempting to vote more than once;
  - 8.10.5. Bribery;
  - 8.10.6. Undue Influence; and/or



8.10.7. Sabotage.

- 8.11. An Elector shall be served their notice of penalty or disqualification by the CRO or designate in the form of a letter, delivered in person or via email, which details the nature of their offense as defined by the CRO, the date and time the offense occurred, and the appeal procedure available.
- 8.12. An Elector served with a penalty or disqualification notice, depending on the nature of the infraction, may be ineligible to participate in future Elections as a Candidate, in accordance with the SAMRU Bylaws.
- 8.13. The actions of any person who is a Campaign Manager or member of a Campaign Team for a Candidate may reflect on the Candidate. A Candidate may be subject to penalty at the discretion of the CRO for the actions of their Campaign Team or Campaign Manager.
- 8.14. If an Elector penalized or disqualified during the voting period does not file an appeal in accordance with the Elections Policies within three business days following receipt of disqualification notice:
- 8.14.1. They shall be removed immediately from participating in any Campaigning on behalf of a Candidate; and
  - 8.14.2. They must serve the penalty as delivered by the CRO, including removal of their vote from the current voting process.
- 8.15. Appeals are disallowed after the three business days following receipt of penalty or disqualification notice.

TIE VOTE

- 8.16. If two or more Candidates for any contested position, or two or more responses to a Referendum or Plebiscite question received the same number of votes, the CRO shall:
- 8.16.1. Write the names of those Candidates or those two responses separately on blank sheets of paper of equal size, same colour and texture;
  - 8.16.2. Fold the sheets of paper in a uniform manner so that the names or responses are concealed;
  - 8.16.3. Deposit them in a receptacle and direct an Election Official or other person to withdraw one of the sheets; and
  - 8.16.4. Declare the Candidate whose name or the response which appears on this withdrawn sheet to have one more vote and therefore to be the winner.

OFFICIAL RESULTS

- 8.17. Should no appeal be filed following the end of the appeal period, the unofficial results shall be declared to be the official results by the CRO.

- 8.18. In the case where an appeal(s) has been launched, the official results shall not be declared until the EARB has delivered decision(s) on each appeal.
- 8.19. The unofficial Election results shall be posted at the SAMRU reception area and on the SAMRU website within one business day of the announcement of results.
- 8.20. The official Election results shall be posted at the SAMRU reception area and on the SAMRU website within one business day of the end of the appeal period.

## 9.0 CANDIDATE PENALTIES

- 9.1. A Candidate shall be penalized at the discretion of the CRO for any violations of these Elections Policies.
- 9.2. A Candidate may also be held accountable or penalized for the actions of their Campaign Team or Campaign Manager at the discretion of the CRO.
- 9.3. A Candidate may be verbally informed of their penalization by the CRO in advance of a written decision, if practical. If this occurs, the CRO must follow up with a written decision within 72 hours of this information.
- 9.4. The CRO will provide a written decision to a Candidate, delivered by hand or email, including specific details of the infraction and any penalties that will be incurred. This letter shall also outline the appeal process should they wish to appeal the penalization.
- 9.5. In the event that the CRO and/or designates witness an action by a Candidate or Campaign Team member in breach of these policies, that Candidate shall be notified verbally or by email that a penalty may be assessed, and when such penalty may take effect. The CRO will keep a written document outlining the witnessed offense and any verbal or written communications with the individual in breach and the Candidate, as well as an outline of what actions, if any, were taken.
- 9.6. The CRO may, at their discretion, issue a written warning rather than imposing a penalty for lesser offenses, especially in the case of a first offense.

## 10.0 COMPLAINTS

- 10.1. A complaint regarding the conduct of any Member in Good Standing of SAMRU with respect to the operation of an Election may be brought to the attention of the

CRO during the election period (up to and including the closing of polls on the last day of voting).

- 10.1.1. Such complaints must be presented in writing, in person, or through email. Upon reviewing the complaint, the CRO will decide if further action is required.
- 10.2. Within 72 hours of receipt of the complaint the CRO will provide a written response to the complainant, detailing what action, if any, was taken. Should the complainant disagree with the decision of the CRO, they may appeal the decision of the CRO in writing to the Chairperson of the EARB within three (3) business days of the written response from the CRO to the complainant. Appeals will not be accepted after this time.
- 10.3. All written submissions to the Chairperson of the EARB must be made in person at SAMRU reception or submitted via email to [governance@samru.ca](mailto:governance@samru.ca)
- 10.4. The CRO shall be at the disposal of the EARB to provide their reasoning for not acting upon the complaint or for the manner in which they acted upon the complaint.
- 10.5. The CRO shall present to the EARB the evidence upon which their decision was based.
- 10.6. A complaint regarding the conduct of the CRO or designate(s) must be presented in writing to the Chairperson of the EARB within three (3) business days of the conduct incident. Appeals will not be accepted after this timeline.
- 10.7. At the discretion of the CRO, complaints that are deemed dilatory or frivolous, especially if repeated, may be grounds for penalties against the complainant and/or, associated Candidate in the case that they are members of a Campaign Team.

## 11.0 APPEALS

- 11.1. Any Nominee, Elector, or Candidate wishing to have their penalization or decision of the CRO overturned must submit an appeal in writing to the Chairperson of the EARB within three (3) business days of notice of disqualification, penalization, or notice of decision. Appeals will not be accepted after this timeline.
- 11.2. All written submissions to the Chairperson of the EARB must be made in person at SAMRU reception or submitted via email to [governance@samru.ca](mailto:governance@samru.ca)

- 11.3. The written submissions of an appellant must include all of the following or the submission shall be deemed an incomplete appeal and will not be considered by the EARB:
  - 11.3.1. Be signed and dated by the appellant;
  - 11.3.2. Clearly outline the appellant's justifications for launching the appeal, with specific reference to any alleged violations of SAMRU Elections Policies;
  - 11.3.3. Be accompanied by written statements, contact information and evidence from individuals having knowledge pertinent to the proceedings of the appeal; and
  - 11.3.4. Contain the appellant's proposal for resolving the dispute.

## 12.0 ELECTIONS APPEAL REVIEW BOARD (EARB)

### THE EARB JURISDICTION

- 12.1. The EARB is responsible for reviewing the application and interpretation of SAMRU's policies or Bylaws, as they relate to Elections. Where the interpretation of a policy or bylaw is ambiguous, the EARB may overturn an original decision and/or impose an alternative sanction. The EARB does not have the authority to overturn the application of unambiguous Bylaws or policies; however, the EARB may determine an alternative sanction in the application of unambiguous Bylaws or policies.
  - 12.1.1. At the discretion of the EARB, appeals that are deemed dilatory or frivolous, may be grounds for sanctions against the appellant.
- 12.2. The decisions of the EARB are final.
- 12.3. The EARB can choose to make recommendations to the SGB about any SAMRU bylaw, policy or procedure as they relate to Elections.

### EARB PURPOSE

- 12.4. The EARB shall review and deliver judgment on any appeals properly submitted with respect to these Election Policies.
- 12.5. As per SAMRU Bylaws, the SGB shall delegate all authority regarding the operation of Elections, By-Elections, Referenda, Plebiscites, AGMs, and SGMs to the CRO.
- 12.6. The EARB has the authority to overturn decisions of the CRO as stipulated in these Election Policies.
- 12.7. The EARB shall be a non-judicial independent investigatory body which will set out to review the decision(s) of the CRO when an appeal is brought forward in regards to the decision.

12.8. The EARB has the ability to call witnesses and request the submission of evidence for the purposes of their review;

12.9. The EARB has the ability to reverse, remove, replace, or alter a sanction imposed by the CRO.

#### EARB MEMBERSHIP

12.10. The EARB shall be comprised of the following members, all of which are voting members of the EARB with the exception of the administrative support staff person :

12.10.1. A Chair selected from the public members of the SAMRU Advisory Committee as defined by the SAMRU Bylaws and appointed by the Advisory Committee. If a Chair has not been appointed at the receipt of an appeal, or is otherwise unavailable, the SAMRU Executive Director or designate may arrange for another public member of the Advisory Committee to serve as EARB Chair.

12.10.2. Two (2) Students-at-Large who are Members in Good Standing according to the Bylaws of SAMRU, appointed by the Chair of the EARB; and

12.10.3. A staff member of SAMRU determined by the Executive Director to provide administrative support and record minutes of EARB meetings.

12.11. Members of the EARB will not be involved in the current Election except as potential voters, in the case of the Students-at-Large.

12.12. Members of the EARB will not be members of the SGB, REC or serve in a volunteer capacity directly relating to these functions.

#### EARB CHAIR

12.13. The Chair of the EARB will have access to legal counsel. That legal counsel shall normally be that lawyer with whom SAMRU usually works and who is familiar with the operations of SAMRU

12.14. The Chair is in charge of every aspect of an investigation including deciding upon pre-investigation logistics, conducting the investigation itself, presiding over the deliberations of the EARB, and issuing the report and decision on behalf of the EARB.

#### REVIEWING APPEAL SUBMISSIONS

12.15. When an appeal has been received by the Chair of the EARB, the Chair will review the appeal to ensure it has been submitted within the timeframe as outlined in these policies, falls within the jurisdiction of the EARB, and ensure the appeal complies with the appeal submission requirements in these Elections Policies. Any appeal submitted outside of the timeframes in these policies or that

does not meet the specific requirements outlined in these policies will not be accepted for review.

- 12.16. Once an appeal submission has been reviewed by the Chair of the EARB, the Chair will contact the appellant to communicate:
  - 12.16.1. Whether the appeal has been accepted
  - 12.16.2. If not accepted, reasons for which the appeal was not accepted
  - 12.16.3. If accepted, the EARB process to review and deliberate on the appeal, including timelines of the EARB.

#### EARB TIMING

- 12.17. Appeals shall be dealt with in the order in which they were received.
- 12.18. The Chair will review appeal submissions and will contact the appellant within five (5) business days of receiving an appeal to confirm the acceptance or refusal of the appeal.
- 12.19. If the appeal is accepted by the Chair, the EARB will meet to deliberate on the appeal within five (5) business days of the notice of acceptance to the appellant.

#### EARB MEETING PROCESS

- 12.20. Quorum for the EARB shall be three (3) voting members of the EARB including the chair.
- 12.21. The EARB shall post at the SAMRU reception area and on the SAMRU website, an announcement of an appeal, once it has been accepted by the Chair of the EARB. The EARB shall take written statements from whomever it deems able to assist in determining a fair ruling through the provision of information that is relevant to its deliberations. Those who provide statements may be open to questioning by the EARB.
- 12.22. Decisions of the EARB are arrived at by means of a simple majority vote and all decisions of the EARB are final.

#### DECISIONS OF THE EARB

- 12.23. In the event that a decision of the CRO to disqualify a Nominee is overturned by the EARB:
  - 12.23.1. The Nominee shall be reinstated immediately to the Election contest; and
  - 12.23.2. The Nominee shall adhere to all campaigning policies and deadlines irrespective of any lost campaigning time they may have incurred due to the nomination disqualification and subsequent reinstatement.

- 12.24. In the event that the decision of the CRO to disqualify a Nominee is upheld by the EARB, the Nominee shall be removed immediately from the campaigning and/or Election proceedings.
- 12.25. In the event that the decision of the CRO to disqualify an Elector is overturned by the EARB:
- 12.25.1. The Elector shall be eligible to vote only if Voting Stations remain open at the time the decision is delivered and provided that they have not already voted;
  - 12.25.2. If the Elector has not voted prior to disqualification, the elector may submit their ballot in a sealed envelope accompanying their appeal. This ballot may then be counted pending the decision of the EARB to overturn the Elector's disqualification.
  - 12.25.3. The EARB may replace the existing penalty with an alternate sanction or penalty.
- 12.26. In the event that the decision of the CRO to disqualify an Elector is upheld by the EARB, the Elector shall be required to serve the penalty as delivered by the CRO or another more or less severe penalty as determined by the EARB.
- 12.27. In the event that the decision of the CRO to disqualify a Candidate is overturned by the EARB:
- 12.27.1. The Candidate shall be officially reinstated immediately to the campaigning and/or Election proceedings;
  - 12.27.2. There shall be posted in several prominent locations in Wyckham House including the SAMRU offices, and all Voting Stations and SAMRU display boards throughout MRU, an announcement indicating that this Candidate's disqualification has been overturned by the EARB, and therefore any ballot cast in their favour shall be a valid ballot;
  - 12.27.3. They shall be declared the winner if they have received the majority of votes in their favour;
  - 12.27.4. The EARB may replace the existing penalty with an alternate sanction or penalty.
- 12.28. In the event that the decision of the CRO to disqualify a Candidate is upheld by the EARB, the Candidate shall be required to serve the penalty as delivered by the CRO or another more or less severe penalty as determined by the EARB.

#### APPEAL REVIEW PROCESS

- 12.29. Where sanctions are being appealed and are not prescribed in policy, the EARB has the authority to develop and impose alternate sanctions with written explanation which it considers commensurate with:
- 12.29.1. The gravity of the offense;
  - 12.29.2. The likelihood of the member or members committing a repeat offense;

- 12.29.3. Any extenuating circumstances surrounding the offense;
  - 12.29.4. The existence of prior discipline against the member or members by any campus authority;
  - 12.29.5. The laws, legislation, Bylaws, or policy requirements for the situation;
  - 12.29.6. Risk and liability issues surrounding the offense;
  - 12.29.7. The level of harm or benefit to the appellant;
  - 12.29.8. The level of harm or benefit to the process or parties;
  - 12.29.9. The level of harm or benefit to other parties related directly or indirectly to the incident;
  - 12.29.10. The ability to contain or repair any real or potential damage resulting from the offense; and
  - 12.29.11. The ability to balance or compensate for any real or potential benefits resulting from the offense.
- 12.30. In certain circumstances where alternate sanctions are imposed, the EARB must explain why the listed sanctions were inappropriate and why the alternate sanction was substituted for the original.
- 12.31. Where decisions other than sanctions are being appealed and when such decisions are not clearly supported in policy, the EARB has the authority to review the decision(s) and may reverse the decision(s) based on a review of the following criteria:
- 12.31.1. Whether the decision was objectively made;
  - 12.31.2. The reasonableness of the decision based on past decisions of a similar nature;
  - 12.31.3. The severity of the impact of the decision in relation to the bylaw or policy violation;
  - 12.31.4. The impact of any potential or requested outcomes on current SAMRU operations including elections processes, and future SAMRU operations;
  - 12.31.5. The laws, legislation, Bylaws, or policy requirements for the situation;
  - 12.31.6. The level of harm or benefit to the appellant of both the original decision(s) under appeal and the potential or requested outcomes of the appeal;
  - 12.31.7. The level of harm or benefit to the parties involved of both the decision(s) under appeal and the potential or requested outcomes;
  - 12.31.8. The level of harm or benefit to other parties related directly or indirectly to the incident of both the decision(s) under appeal and the potential or requested outcomes.
- 12.32. The EARB must also consider the following in its decision-making:
- 12.32.1. The safety and security of people;
  - 12.32.2. The issue of precedents for future decision-making on similar incidents;
  - 12.32.3. The implications of its decision-making; and



12.32.4. The integrity, credibility and predictability of organizational processes into the future.

12.33. In order to conduct its reviews, the EARB, or its designate, may interview the appellant and may interview witnesses to obtain as much information as possible about the incident and its circumstances.

#### DELIBERATIONS OF THE EARB

12.34. It is essential that the EARB deliberate on the accepted appeal once the review is completed. The EARB shall:

12.34.1. Always begin by recapitulating the facts;

12.34.2. Only consider the evidence and arguments which have been gathered;

12.34.3. Consider counter-arguments and differing interpretation of facts in the case; and

12.34.4. Proceed to the issue and consider what interpretation is best supported by the facts once the facts have been confirmed to the satisfaction of the EARB members.

12.35. In some cases, the decision will emerge quite quickly and unequivocally from the facts. In other cases, however, the evidence may be less conclusive. In these cases, the EARB must exercise judgment in arriving at their decisions. They will do this by considering all the facts and arguments and then concluding, on the balance of probabilities, that one argument is more compelling than the other.

12.36. EARB members should consider the seriousness of the allegation and of the consequences(s) when deciding upon the basis of the balance of probabilities. The more serious the issue and outcomes the greater the need to establish the probability or likelihood of the act having been committed.

12.37. If, in the opinion of the EARB, the evidence supports each argument equally, then the EARB must rule in favour of the appellant.

#### DOCUMENTATION

12.38. The EARB shall maintain a record of deliberations, kept in the confidential SAMRU corporate records. This documentation should include:

12.38.1. The process, including a list of participants and meeting times, and the date the decision was rendered.

12.38.2. An explanation of the issue under consideration by the EARB.

12.38.3. A summary of the evidence presented by the parties, including witnesses' statements. Where evidence provided is contradictory, the record should indicate which evidence was excluded and why.

12.38.4. Itemization of submissions received by the EARB.

12.38.5. A summary of the outcome, including any sanctions the EARB feels are appropriate.

## COMMUNICATING THE DECISION

- 12.39. The Appellant and the CRO and any other relevant parties will be notified of the EARB's decision within three (3) working days of the decision being rendered.
  
- 12.40. The Chair of the EARB will submit a report to the SGB notifying them that an appeal has been filed, whether or not it was accepted, and when the appeal closed. At this time, the Chair of the EARB may also include any recommendations from the EARB on SAMRU Bylaws, policies or procedures relating to Elections.

## 13.0 APPROVAL AND INTERPRETATION

- 13.1. This policy is approved by the Student Governing Board.
  
- 13.2. This policy is interpreted by the Executive Director for matters regarding SAMRU's staff, operations, finances, legal concerns, and risk exposures.
  - 13.2.1. This policy is interpreted by the Chief Returning Officer for all other matters.