

Bylaw 2300

A Bylaw Respecting the Councillor Elections to Students' Council and General Faculties' Council

1. Short Title

This Bylaw may be referred to as the “Councillor Elections to Students' Council and General Faculties Council Bylaw”.

2. Definitions

In this bylaw

- a. “member” shall be anyone who is an undergraduate student currently enrolled in at least one course for credit at the University of Alberta;
- b. “C.R.O.” shall be the Chief Returning Officer of the Students' Union;
- c. “D.R.O.” shall be a Deputy Returning Officer of the Students' Union;
- d. “D.I.E. Board” shall be the Discipline, Interpretation, and Enforcement Board of the Students' Union, as set out in Judiciary of the Students Union Bylaw, Bylaw 1500;
- e. “faculty” shall be any entity defined by the University of Alberta General Faculties Council as either a faculty or a school and in which members are registered and shall include Open Studies;
- f. “council” shall be either be Students' Council or General Faculties Council (GFC) as the context requires;
- g. “general election” shall be the General Election of the Executive Committee and the Undergraduate Board of Governors or the General Election of Faculty Councillors;
- h. “primary volunteer” shall be a person registered as part of a candidate's campaign who has been selected by that candidate to serve as primary volunteer for the purposes of this bylaw;
- i. “candidate” shall be any member whose nomination is accepted under this bylaw;
- j. “joke candidate” shall be any candidate who chooses not to use his/her given name or a reasonable derivative of his/her given name when appearing on the ballot;

- k. “campaign” shall be the period of time during which campaign activities are permitted;
- l. “campaign activity” shall be any act, planned or organized by or on behalf of any candidate that is calculated to convince members to vote in a given way;
- m. “volunteer” shall be any individual who assists in campaign activities;
- n. “campaign expense” shall be any and all expenditures incurred in engaging in campaign activities;
- o. “campaign materials” shall be any physical or electronic media produced or distributed as part of campaign activities;
- p. “banner” shall be any campaign material composed of paper, cloth, or similar material of a total area greater than four (4) square feet;
- q. “poster” shall be any campaign material composed of paper, cloth, or similar material, of a total area of under four (4) square feet that is designed to be posted on a wall or similar place;
- r. “forum” shall be any event organized by an entity other than the Students’ Union, a candidate, or a volunteer acting on behalf of a candidate at which campaign activities are facilitated;
- s. “University” shall be the University of Alberta;
- t. “working hours” shall be any and all hours occurring between 0900 and 1700; and

3. Mandate

This bylaw shall govern the conduct of the Election to Students' Council and General Faculties' Council.

4. Election Dates - General Faculties Council and Students' Union Council

- (1) The election shall occur fifteen (15) days after the General Election of the Executive Committee and the Undergraduate Board of Governors Representative as set out in Bylaw 2200.
 - a. Notwithstanding, the C.R.O. may establish one alternate date designated for the election to occur, where the faculty can prove that the above date is unsuitable for their electorate.
 - b. Notwithstanding, the election of representatives from Augustana Faculty to General Faculties Council and Students' Union Council shall be conducted concurrently with the General Election of the Executive Committee and Board of Governors Representative as set out in Bylaw 2200.
- (2) A General Faculties Council or Students' Union Council election or by-election shall not occur during the months of May, June, July and August.

5. Candidate Nomination Deadlines

The C.R.O. shall determine and announce the deadlines for the nominations of candidates prior to the end of November each year, to occur not fewer than nine (9) days before the date of the Faculty Councillor Election.

6. Candidate Nomination Packages

- (1) The C.R.O. shall make available to every member nomination packages not fewer than twenty (20) days before the nomination deadline as set out in Section 5.
- (2) The C.R.O. shall produce nomination packages which shall contain, at minimum
 - a. complete and current copies of Bylaw 2300 and the Judiciary of the Students' Union Bylaw, Bylaw 1500;
 - b. nomination papers soliciting the name, contact information, and student identification number of the proposed nominee, the position the nominee wishes to contest, and nominations papers soliciting the names, faculties, years, signatures, and student identification numbers of at least ten (10) and at most twenty (20) members registered in the same faculty as the nominee as nominators;
 - c. contact information for the C.R.O. and D.R.O.s;
 - d. the time, date, and location for the candidates meeting;
 - e. the building code limits on banner size. In the absence of an upper limit, the C.R.O. will specify a size deemed appropriate.

- (3) Valid nomination packages shall contain
 - a. a signed acceptance of the nomination by the proposed nominee;
 - b. a signed letter from the proposed nominee's faculty confirming that he/she is in good academic standing under University regulations;
 - c. a statement, signed by the proposed nominee, identifying the name under which he/she wishes to appear on the ballot, and papers soliciting the names, faculties, years, signatures, and student identification numbers of at least ten (10) members registered in the same faculty as the nominee as nominators;
- (4) Candidates who are registered in Open Studies are exempt from Section 6(3) (c).

7. Restrictions on Candidate Nominees

- (1) No member shall be nominated for more than one (1) of the positions contested in each election.
- (2) Notwithstanding Section 7(1), members may be nominated for both Students' Council and General Faculties Council within the same election.
- (3) Members of Students' Council and its standing committees, in order for their nomination papers to be valid are required to take a leave of absence from their duties for the period beginning with the nomination deadline and ceasing with the conclusion of voting of the election in which they are contesting a position. The following exceptions apply:
 - a. An executive contesting a Councillor position when the race is uncontested,
 - b. Any member of Students' Council, excluding members of the Executive, contesting a Councillor position.

For the purpose of this section, any race solely contested by a joke candidate shall be considered uncontested.
- (4) Where a member contravenes Section 7 (3), all of the member's nominations shall be declared null and void.

8. Acceptance of Candidate Nominations

Where a member submits valid nomination papers, as set out in Sections 6(3) and 7 and prior to the nomination deadline as set out in Section 5, that member's nomination shall be accepted by the C.R.O. within twenty-four (24) hours of the nomination deadline.

9. No Candidate Nomination Received

- (1) Where no valid candidate for a given position has been received by the deadline, the C.R.O. shall extend the deadline for that position by up to two (2) days.

- (2) Where the only nominations received for a given position is (are) joke candidate(s), the CRO shall extend the deadline for that position by up to two (2) days.

10. Candidate Registration Meeting

- (1) The C.R.O. shall hold a meeting for all candidates following the nomination deadline but prior to the commencement of the campaign.
- (2) All candidates shall either attend the candidates meeting in its entirety or designate, in writing, an agent who will do so.
- (3) Where a candidate contravenes Section 10(2), that candidate shall be disqualified.
- (4) The C.R.O. may, at his/her discretion, grant exemptions to Section 10(3) to candidates, but shall do so only where
 - a. the candidate requesting the exemption does so in writing at least forty-eight (48) hours prior to the commencement of the candidates meeting; or
 - b. the candidate informs and provides satisfactory evidence to the C.R.O. of an emergency for which no notice could be given.

11. Content of the Candidate and Registration Meeting

- At the candidate and registration meeting, the C.R.O. shall, at minimum
- a. review all relevant bylaws, rules, and regulations, including this bylaw, and respond to questions about same;
 - b. announce the time and date of any forums scheduled;
 - c. determine and announce which candidates are joke candidates as set out in Section 2 (i);
 - d. where two (2) or more candidates have asked to appear on the ballot under names that are either identical or so similar as to be effectively indistinguishable, determine and announce under what names each of the two (2) or more candidates shall appear on the ballot;
 - e. announce any methods that will be regularly used to communicate with candidates;
 - f. take attendance for the purpose of verifying compliance with Sections 9 and 10.

12. Commencement of Campaign Activities

The C.R.O. shall determine and announce the time and date of the commencement of campaign activities, to occur no fewer than five (5) days before the date of any vote prior to the end of November each year.

13. Requirement for Forums

No candidate shall participate in any forum unless each candidate in his/her race has received at least twenty-four (24) hours notification of the forum and will be afforded an equal chance to speak at it.

14. Storage Space

The C.R.O. shall make arrangements for space to be available on the University campus to all candidates for the purpose of the storage of campaign materials.

15. Joke Candidates

- (1) Where a candidate has been designated as a joke candidate, as set out in Section 2(i), and that candidate does not wish to be a joke candidate, that candidate may provide to the C.R.O. a new signed statement indicating the name under which he/she wishes to appear on the ballot, within 36 hours of being designated as a joke candidate.
- (2) Where a candidate who has been designated a joke candidate exercises his/her right, as set out in Section 15(1), to submit a new name under which he/she wishes to appear on the ballot, and where the new name is, at the discretion of the C.R.O., a reasonable derivative of that candidate's legal name, that candidate's designation as a joke candidate shall be reversed.

16. Candidates with Same or Similar Names

- (1) Where two (2) or more candidates submit names that are either identical or so similar as to be effectively indistinguishable, the candidates shall provide the C.R.O. with their preferred names for the ballot within thirty-six (36) hours of the nomination deadline. The provided name must be a reasonable derivative of the candidate's legal name.
- (2) Where the C.R.O. is not provided a preferred name by the candidate, the C.R.O. shall determine and announce what name each of the two (2) or more candidates shall use.

17. C.R.O. Shall List Candidates

- (1) Within forty-eight (48) hours of nomination deadline, the C.R.O. shall post the preferred name of each candidate as it will appear on the ballot. The preferred name must be a reasonable derivative of the candidate's legal name.
- (2) Where the preferred name is not provided to the C.R.O., the C.R.O. shall use the candidate's legal name.

18. Requirements of All Candidates

Each candidate shall act reasonably and in good faith, and specifically shall

- a. ensure that each volunteer engaging in campaign activities on his/her behalf is aware of all bylaws, rules, regulations, and orders;

- b. ensure that each volunteer is in compliance with all bylaws, rules, regulations, and orders while engaging in campaign activities on his/her behalf; and
- c. report any contravention of a bylaw, rule, regulation, or order to the C.R.O. immediately.

19. Third Party Activities

- (1) A candidate in a Students' Union election may distance themselves from a third party in the event the third party effectively conducts campaign activities under the following conditions:
 - a. the candidate must demonstrate to the C.R.O. that the third party acted without consent of the candidate; and
 - b. the candidate must demonstrate to the C.R.O. that steps have been taken to distance themselves from the third party and to attempt to halt unauthorized campaign activity by that third party.
- (2) Should a candidate demonstrate the conditions specified under Section 19(1) to the C.R.O.'s satisfaction, the candidate would not be subject to punitive fines as a result of the third party's actions, but could still be subject to counterbalancing fines.

20. No-Use of Non-Universal Resources

No individual candidate shall make use of any resource that is not

- a. available to all candidates;
- b. general volunteer labour or expertise; or
- c. accounted for as part of that candidate's campaign expenses.

21. No Joint Use of Resources

No two (2) or more candidates shall jointly use any resources, including tables, posters, banners, and budgets but excluding volunteers.

22. Endorsements

- (1) Any member with the exception of the C.R.O, the D.R.O.s, and incumbent members of the Executive Committee who are not also candidates shall be free to endorse any candidate.
- (2) Any member with the exception of the C.R.O, the D.R.O.s, candidates, and incumbent members of the Executive Committee shall be free to act as a volunteer for any candidate.
- (3) Notwithstanding Section 22(1), regulations regarding the endorsement of candidates by Students' Union employees not referenced in Section 22(1) shall be subject to the Students' Union operating policy.

- (4) Notwithstanding Section 22(2), regulations regarding the capacity of Students' Union employees not referenced in Section 22(2) to act as a volunteer shall be subject to the Students' Union operating policy.

23. Restrictions on Campaign Activities

- (1) No candidate shall, without the permission of the C.R.O. engage in any campaign activity
 - a. in any business or service operated by the Students' Union;
 - b. in a University library;
 - c. in a classroom during a class unless he/she first obtains the permission or the professor responsible for that class;
 - d. in any residence; or
 - e. in any building or on any land not owned or operated by the University or the Students' Union.
- (2) During voting days, no campaign materials, or campaign activities shall be within six (6) meters of any polling station.

24. Campaign Materials

- (1) All campaign materials shall be approved in form, content, and cost by the C.R.O. before they may be used in campaign activities.
- (2) Candidates wishing to have campaign materials approved shall provide the C.R.O. with
 - a. a written estimate of the cost of the proposed campaign material, including the source of that cost; and
 - b. the complete contents of the proposed campaign material, including text, images and layout.
- (3) The C.R.O. shall provide in confidence a written approval or refusal of campaign materials within eight (8) working hours of receiving a request as set out in Section 24 (2).

25. Forbidden Campaign Materials

- (1) The C.R.O. shall not approve campaign materials that
 - a. have more than a nominal value when distributed;
 - b. cannot be removed at the end of the Campaign; or
 - c. are likely to permanently damage or alter property.
- (2) Where a candidate contravenes Section 24(1), the offending campaign materials shall be destroyed and the C.R.O. may assess an additional penalty to that candidate, as set out in Section 39.

26. Media

All candidates are free to pursue campus-based media as determined by the C.R.O; however, are restricted from contacting external media sources. All external media must be directed through the C.R.O office.

27. Use of Social Media and Public Internet Ventures

The C.R.O. shall be kept privy to elections-related social media and public internet ventures undertaken by candidates, and reserves the right to penalize candidates for any violation of this bylaw or related regulations.

28. Banners

- (1) No candidate shall have more than one (1) banner on display in any given building at any given time.
- (2) Where a candidate contravenes Section 28(1), the offending banners shall be destroyed and the C.R.O. may assess an additional penalty to that candidate as set out in Section 39.

29. Posters

- (1) No poster shall be displayed in such a way as to obscure another candidate's campaign materials.
- (2) In any given building, at any given time, a candidate shall have more than sixteen (16) posters.
- (3) The C.R.O. shall set a minimum distance between posters or signs that are placed outside belonging to the same candidate.
- (4) Where a candidate contravenes Sections 29(1) through (3), the offending posters shall be destroyed, and the C.R.O. may assess an additional penalty to that candidate as set out in Section 39.

30. Designated Printer

- (1) All printed campaign materials shall be purchased at official list price costs from SUBprint.
- (2) Where non-printed campaign materials can be produced by a Students' Union operated business, candidates shall purchase those campaign materials from that business.
- (3) Where a candidate contravenes Section 30(1) or Section 30(4), the offending campaign materials shall be destroyed, and the C.R.O. may assess an additional penalty to that candidate, as set out in Section 39.

31. Sustainable Materials

Where a candidate chooses to print campaign materials on recycled paper deemed to be sustainable by the CRO, and where that candidate demonstrates, to the satisfaction of the C.R.O., that this choice resulted in an increased cost being incurred to it, then the amount of this increased cost shall not count against the limits set out in Sections 34.

32. Destruction of Campaign Materials

No candidate, or volunteer shall damage or destroy any other candidate's campaign materials unless specifically authorized to do so by the C.R.O.

33. Campaign Material Removal

All campaign materials shall be removed by 21h00 the last day of voting.

34. Campaign Expense

- (1) No candidate shall accrue more than thirty dollars (\$30.00), plus six dollars (\$6.00) for every one thousand (1,000) students' in his or her faculty beyond three thousand (3,000) in campaign expenses, all of which shall be paid by the Students' Union.
- (2) Where the number of students in a faculty beyond three thousand (3,000) is not a multiple of one thousand (1,000), the amount of money in excess of the base amount as set out in Section 34(1), shall be prorated and rounded to the nearest cent.
- (3) No joke candidate shall accrue more than two thirds (2/3) of the expenses set out in Sections 34(1) and 34(2).

35. Expense Reporting

- (1) Each candidate shall keep an up to date and accurate record of all campaign expenses he/she incurs, and shall be responsible to the C.R.O. for all such campaign expenses.
- (2) Each candidate shall submit to the C.R.O. the record, as set out in Section 35(1), no less than twelve (12) working hours prior to the end of voting.
- (3) No candidate shall incur any campaign expenses within twelve (12) working hours of the end of voting, except where those campaign expenses have been reported in the record submitted to the C.R.O. as set out in Section 35(2).
- (4) Where the C.R.O. determines that a candidate has exceeded or falsified its campaign expense limit
 - a. the candidate shall be disqualified;
 - b. that candidate shall be prohibited from engaging in further campaign activities;
 - c. notice of this shall be posted with the campaign expense records;
 - d. the violation will be communicated directly to the candidate in question;
 - e. the C.R.O. may recommend to the D.I.E. Board that further action be taken against that the candidate, and/or any volunteers.

- (5) The C.R.O. shall review all campaign expense records, and shall post summaries of same more than eight (8) working hours prior to the end of voting.
- (6) The C.R.O. shall assess a penalty to a candidate or side who does not submit their expense report as set out in Section 39.

36. Fair Market Value

- (1) Where a product or service has been provided to a candidate for no consideration or for consideration that is less than the official list price of the service provider, that candidate shall be considered to have incurred a campaign expense at the fair market value of that product or service, as determined by the C.R.O.
- (2) Where a candidate receives a product or service for consideration that is greater than the fair market value, then that candidate shall be considered to have incurred a campaign expense equal to the actual consideration.
- (3) The fair market value shall be determined by the C.R.O. using the price that any other candidate would have to pay for a comparable product or service as a guideline.
- (4) Candidates shall have the right, but not the obligation, to receive an assessment of a product or service's fair market value in advance.
- (5) A candidate wishing to receive a fair market value assessment in advance shall make a written request to the C.R.O, which shall include
 - a. a full and accurate description of the product or service;
 - b. the supplier of the service, along with contact information for the same; and
 - c. the candidate's estimation of the product or service's fair market value, and a rationale for same.
- (6) Where a complete request under Section 36(5), has been submitted to the C.R.O., the C.R.O. shall respond with a decision within eight (8) working hours.

37. General Labour

For purposes of Section 35, general labour and any expertise had by a significant portion of the population, including, but not limited to, poster design, web page design, and web page programming, shall be considered to have a fair market value of zero.

38. Complaints

- (1) The C.R.O. shall prepare and provide a complaint form which shall require complaints to indicate
 - a. their names and student identification numbers;
 - b. the specific bylaw and section, rule, or regulation that has allegedly been contravened;
 - c. the specific individual or group that is alleged to be in contravention;
 - d. the specific facts which constitute the alleged contravention; and
 - e. the evidence for these facts.
- (2) Where a complaint is received within twelve (12) working hours of the alleged contravention, and where the original complaint form is provided to the C.R.O., the C.R.O. shall rule on that complaint.
- (3) The C.R.O. shall provide a copy of the complaint form, with the complainant's student identification number blacked out, to each respondent.
- (4) Where a complaint is received and is found to be complete as set out in Section 38(1), the C.R.O. shall rule on the complaint within twelve (12) working hours of receiving the complaint.
- (5) The C.R.O. shall post all of his/her rulings, including
 - a. a summary of the complaint;
 - b. a list of parties to the complaint;
 - c. where the C.R.O. fails to possess jurisdiction as set out in Section 39(5) (c), a summary of the reasons for this finding;
 - d. a listing of all bylaws, rules, and regulations that apply;
 - e. a finding regarding the facts;
 - f. a ruling regarding the alleged contravention;
 - g. the penalty assigned, if any;
 - h. the time the ruling was posted; and
 - i. the time limit for appeal.

39. Penalties Available

- (1) Where a candidate, or volunteer has contravened a bylaw, rule, or regulation, regardless of the cause or the intent of the parties involved, and that contravention has provided an unfair advantage to a candidate, the C.R.O. shall assign a penalty that
 - a. fully counter-balances any advantage gained; and
 - b. where the contravention was intentional, penalizes the candidate or campaign manager who was or whose volunteer was guilty of the contravention.
- (2) Penalties available to the C.R.O. shall include
 - a. a fine, to be counted against the candidate's campaign expenses;
 - b. the confiscation or destruction of campaign materials;

- c. limits, restrictions, and prohibitions on any type of campaign activities for any period of time up to the commencement of voting; and
- d. disqualification of the candidate.

(3) The C.R.O. shall draft a schedule of fines and penalties as an appendix to the rules and regulations concerning this bylaw.

40. Disqualification

(1) A candidate shall be disqualified where he/she/it is guilty of a contravention that

- a. cannot be counter-balanced by a lesser penalty;
- b. is malicious or substantially prejudicial to another candidate; or
- c. involves tampering with ballots, voting procedures, or counting procedures.

(2) The C.R.O. shall be empowered to investigate and rule upon every contravention of this bylaw or any other bylaw, rule, or regulation related to the election.

41. D.I.E. Board

All members have the right to appeal rulings of the C.R.O. to the D.I.E. Board under the Students' Union Judiciary Bylaw, Bylaw 1500.