

Bylaw 2400

A Bylaw Respecting Balloting and Counting of Students' Union Elections

1. Short Title

This Bylaw may be referred to as the “Balloting and Counting 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. "council" shall be either be Students' Council or General Faculties Council (GFC) as the context requires;
- e. “general election” shall be the General Election of the Executive Committee and the Undergraduate Board of Governors or the General Election of Faculty Councillors;
- f. “plebiscite” shall be a vote, open to all members, held on a given question but whose result is not legally binding upon the Students’ Union;
- g. “referendum” shall be a vote, open to all members, held on a given question and whose result is legally binding upon the Students’ Union;
- h. “side” shall be any person or group of people who have their registration as a plebiscite or referendum side accepted under this bylaw;
- i. “side manager” shall be a person registered as part of a plebiscite or referendum side who has been selected by those members of that side to serve as side manager for the purposes of this bylaw;
- j. “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;
- k. “candidate” shall be any member whose nomination is accepted under this bylaw;
- l. “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;

- m. “campaign” shall be the period of time during which campaign activities are permitted;
- n. “campaign activity” shall be any act, planned or organized by or on behalf of any candidate or side that is calculated to convince members to vote in a given way;
- o. “volunteer” shall be any individual who assists in campaign activities;
- p. “campaign expense” shall be any and all expenditures incurred in engaging in campaign activities;
- q. “voter” shall be any member who exercises his/her entitlement to vote;
- r. “working hours” shall be any and all hours occurring between 0900 and 1700; and
- s. “student newspaper” refers to *The Gateway*.

3. Mandate

This bylaw shall govern voting procedures, balloting and counting, and procedures for by-elections.

4. Right to Vote

- (1) Each member shall be entitled to cast one (1) ballot, except the C.R.O. who shall be entitled to cast a ballot as outlined in Section 12(2).
- (2) Where a member is found to have a cast more than one (1) ballot, only one ballot shall be counted.
- (3) All votes cast shall be by secret ballot.

5. Voting Days

Voting shall be conducted at times determined and advertised by the C.R.O.

6. Voting

- (1) The C.R.O. shall conduct balloting by any means that provide precise, accurate results, and may use multiple methods in any combination.
- (2) At each polling station, there shall be a notice to voters that candidates are elected individually to each position, which shall also explain the balloting procedures.
- (3) On each ballot, there shall be an explanation of the balloting procedures which shall include, at minimum, the following
 - a. that "None of the Above" shall be considered a candidate;
 - b. that voters shall rank each candidate according to their preferences;
 - c. that a portion of the ballot shall be considered spoiled where any of the conditions set out in Section 8(4) are met; and
 - d. that voters shall be permitted to rank as many as all or as few as zero of the candidates for each position.

7. Ballots

- (1) For each ballot the rank order of candidates shall be rotated randomly.
- (2) For each position ballots shall list all candidates, followed by "None of the Above"
- (3) Where a referenda or plebiscite question(s) is/are on the ballot, the ballot shall list "yes" followed by "no" for each referendum or plebiscite question.
- (4) Where a voter's intention is clear, that voter's ballot shall be counted.

8. Balloting and Counting– Executive, Board of Governors and Councillor Elections

- (1) Balloting shall be conducted by preferential balloting, in which each voter shall rank his/her choices for each position using natural numbers with one (1) representing the first choice, and increasing numbers representing less desirable choices.
- (2) A candidate shall require a majority of voters to indicate him/her as their first choice in order to be elected.
- (3) Voters shall be entitled to mark as few as zero candidates for any given position or as many as all of them.
- (4) A section of a voter's ballot shall be considered spoiled where
 - a. that voter has indicated the same number for more than one (1) candidate;
 - b. that voter has not included the number one (1) next to any candidate;
 - c. that voter has indicated more than one (1) number next to the same candidate;
 - d. that voter has used non-consecutive numbers; or
 - e. that voter has left all candidates in a race unranked.
- (5) In the event that no candidate receives a majority of first place votes in a given race, the candidate with the fewest first place votes shall be eliminated.
- (6) Any voter who has indicated an eliminated candidate with a number shall have the candidate marked with the next highest number following the number by which the eliminated candidate has been indicated take the place of the eliminated candidate, and so on, in such a way that all candidates indicated by that voter as less desirable than the eliminated candidate are registered as being one (1) step more desirable than originally indicated.
- (7) Where a ballot is left with no first place vote for a given race, the section of that ballot in question shall be considered spoiled.
- (8) Where all remaining candidates have an equal number of first place votes, or where the remaining candidate with the fewest first place votes is tied with another remaining candidate, the candidate that had the fewest first place votes on the first count in which a differential existed shall be eliminated.
- (9) Where all remaining candidates have an equal number of first places votes, or where the remaining candidate with the fewest first place votes is tied with another remaining candidate, and where this tie has existed on every count, and the C.R.O is a Students' Union member eligible to vote in that race, then the C.R.O. shall cast a ballot.

- (10) Where all remaining candidates have an equal number of first places votes, or where the remaining candidate with the fewest first place votes is tied with another remaining candidate, and where this tie has existed on every count, and the C.R.O. is not a Students' Union member eligible to vote in that race, then the candidate to be eliminated shall be selected from those candidates with the fewest first place votes by a random or quasi-random method selected by the C.R.O.
- (11) The process set out in Section-8 shall continue for each position until such a time as a candidate receives a majority of first place votes for that position at which point that candidate shall be declared the victorious and removed from the ballot, and the process repeated with the remaining candidates not yet declared victorious.
- (12) The process set out in Section-8 shall continue for each position until such time as all the candidates are preferentially declared victorious.
- (13) Candidates shall be allocated seats as specified in Bylaw 100.
- (14) Where "None of the Above" is declared victorious, no further candidates shall be declared victorious.
- (15) Where a joke candidate is declared victorious, the seat to which that joke candidate has been elected shall be considered vacant.

9. Balloting and Counting-- Plebiscites and Referenda

- (1) The side that receives the greater number of votes shall be declared victorious.
- (2) Where both sides receive an equal number of votes, and only if both sides receive an equal number of votes and the C.R.O. is a member, then the C.R.O. shall cast a ballot.
- (3) Where both sides receive an equal number of votes, and only if both sides receive an equal number of votes and the C.R.O. is not a member then the result of the election shall be determined by a random or quasi-random method of selected by the C.R.O.

10. Secure Handling of Ballots

The C.R.O. shall provide for the secure handling of ballots, and shall ensure that at all times ballots are either under the direct supervision of the C.R.O. or in a secure location.

11. Right to a Scrutineer

- (1) Each candidate and side shall be permitted to have one (1) person, designated in writing by the candidate or side manager, acting as scrutineer and being present at the counting of ballots.

- (2) Notwithstanding Section 11(1), the scrutineer may not be a candidate or side manager

12. Requirements of the C.R.O

- (1) The C.R.O. or at least one (1) D.R.O. shall
 - a. supervise the counting of ballots;
 - b. post final results within twenty four (24) working hours of all complaints and appeals being resolved;
 - c. notify the Speaker of Students' Council and the President of the Students' Union of the final results in writing
 - i. Additionally for General Faculties Council Elections, notify the Vice President (Academic) of the Students' Union and the Secretary of the General Faculties Council of the final results in writing;
 - d. post unofficial results at any time, including during counting;
 - e. advertise final results in the first available edition of the student newspaper after the posting of final results as set out in Section 11(1) (b); and
 - f. store the ballots in a secure location for at least two (2) weeks after the last recount has been completed.
- (2) The C.R.O. shall prepare a paper ballot before the close of voting, as if their capacity as C.R.O. did not restrict their voting privileges. The C.R.O. shall place this ballot in a sealed and signed envelop and give it to the D.R.O. before any results from the election are available to the C.R.O.. The envelope shall be opened only if the C.R.O.'s vote is required to break a tie as outlined in Section 8(9) and Section 9(2). At this point, a D.R.O. shall open the envelope and oversee the C.R.O. implement the tie-breaking mechanism as outlined in Section 8(9). If this procedure is not followed, the C.R.O.'s ballot will be considered spoiled.

13. Recounts

- (1) A request for a recount shall be granted by the C.R.O. where
 - a. the request is in writing and signed by a member;
 - b. the request is submitted to the C.R.O. within forty-eight (48) hours of the posting of results as set out in Section 12(1) (b); and
 - c. the difference between the votes of the victor and those of the second place candidate or side on the final count is less than two percent (2%) of the total votes cast.
- (2) The C.R.O. may initiate a recount independently for any reason.
- (3) The C.R.O. shall post the results of any recount within twenty-four (24) working hours of the recount being completed.

14. Multiple Coinciding Elections

- (1) Candidates running in multiple coinciding elections for the General Election of Faculty Councillors will be considered as separate candidates for campaign expenses, balloting, and penalties applying to a candidate per contested part of the Election and not to the candidate between multiple parts of the Election.
- (2) All other rules concerning nominations, campaign materials, and campaign activities apply per candidate in both coinciding elections.

15. By-Election - Executive Committee and Board of Governors

- (1) Where another Election is required by virtue of Section 8(14) or Section 8(15), the new Election shall be conducted.
- (2) The Campaign for the new Election shall begin a minimum of five (5) days prior to the commencement of voting as set out in Section 15(4).
- (3) The nomination deadline for the new Election shall occur a minimum of fifteen (15) days prior to the commencement of voting as set out in Section 15(4).
- (4) The voting for the new Election shall occur on two (2) consecutive weekdays to be determined and announced by the C.R.O. at least twenty-one (21) days in advance.

16. By-Election – General Faculties Council and Students’ Council

- (1) Where vacancies exist in positions filled under this bylaw on August 15 of any year, the C.R.O. shall call a by-election to take place in September or October of that year for all those positions vacant on August 15.
- (2) Where the total voting membership of Students’ Council falls below twenty-three, the C.R.O. shall call a by-election to occur
 - a. not more than one month past the date that the voting membership of Students’ Council fell below twenty-three; or
 - b. where Students’ Council’s voting membership falls below twenty-three during the months of May, June, July, or August, in September.
- (3) Except as otherwise stipulated in this bylaw, there shall be no by-elections to fill positions filled under this bylaw.
- (4) The deadline for the nomination of candidates in any by-election shall be determined and announced by the C.R.O. at the same time as the date of the by-election is announced, such deadline occurring not less than eleven (11) days prior to the Election.

- (5) The commencement of the Campaign for any by-election shall be determined and announced by the C.R.O. at the same time as the date of the by-election is announced, such commencement occurring not less than five (5) days prior to the Election.
- (6) Except as otherwise stipulated in this bylaw, any by-election shall be conducted in accordance with the rules governing the Election.