

BY-LAW 12: ELECTIONS

The Student Association of George Brown College is committed to elected leadership, chosen from and by its student membership.

The Student Association, by way of these By-laws, seeks to ensure that the election process is conducted in a fair, consistent and accessible manner.

The students of George Brown College are entitled to full representation at all levels of the Student Association.

The Student Association is strongly committed to the ideals of safety, equity, and accessibility and encourages students of diverse backgrounds and from traditionally underrepresented groups to run in elections.

Be it enacted as a by-law of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

Administration Of Elections

1. a) The Student Association shall govern all the elections of the Student Association through its Elections Committee and its Chief Returning Officer ("CRO"). Procedures for elections shall be found in the By-Laws of the Student Association. An Operations Manual for the Elections Committee (OMEC) will be maintained by the Elections Committee to ensure consistency in annual elections and codify practices that enhance the transparency and strength of the Elections Process. In circumstances where there is any contradiction between the By-Laws and the OMEC, the By-laws shall supersede the OMEC.

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b) The Student Association, through its CRO and Elections Committee, shall run the elections for the Board of Governors' Position, should the college invite the Student Association to do so. The costs of the election in regards to reimbursement of candidates' expenses shall be subject to reimbursement by the College. The rules for this position shall be determined by the Chief Returning Officer in consultation with the College. (By-laws 2019as amended F2020, b.12, s.1)

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Elections Committee – Composition And Chair

2. a) The Elections Committee's membership will be as follows:

i) General Manager (or designated manager),

ii) CRO of the Elections,

iii) In addition, the Board may appoint to the Committee up to one Board Member who has signed a binding declaration that they will not run in the election in question. If no Board Members have signed such a declaration and been appointed, then the Board shall appoint a student who is not a member of the Board, and who has signed a binding declaration that they will not run in the election in question, to the Committee.

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Chief Returning Officer (CRO)

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iv) In addition, the Elections Committee shall appoint one student who is not a member of the Board, and who has signed a binding declaration that they will not run in the election in question.

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- v) In the event of a vacancy on the Committee, quorum for the Committee shall be at least two members, until the vacancy is filled and, provided that quorum is met, a vacancy shall not invalidate the Election Committee's acts or decisions regarding the election.
- b)
 - i) The General Manager shall be the Chair of the committee until a Chief Returning Officer is appointed.
 - ii) Upon the appointment of a Chief Returning Officer, the Chief Returning Officer shall be the chair of the committee; and

- iii) The General Manager shall ensure that administrative practices and procedures of the Corporation is carried out by the Chief Returning Officer, and shall be the principal contact and supervisor of the Chief Returning Officer.

Elections Committee - Duties

- c) The Elections Committee shall:
 - i) Set election, nomination and other important dates in accordance with this By-law, and notify the Board, no later than 45 days before the proposed start of the nomination period for the election in question.
 - ii) Publicize important election dates and information.
 - iii) Oversee logistics of the elections.
 - iv) Solicit feedback from members regarding the Elections Process in each year.
 - v) Study the recommendations of the CRO and ensure they are fully considered; review good practices from previous elections and be responsible for implementing any recommendations approved by the Board.
 - vi) Secure office space for the CRO to work.
 - vii) Members of the Elections Committee are not permitted to seek office with the Association and must remain neutral during the election process.

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Chief Returning Officer - Duties

- d) The CRO is responsible for the overall administration of the Student Association Elections. The CRO's responsibilities will include the following:
 - i) The hiring and training of Deputy Returning Officers (DROs).
 - ii) Setting election, nomination and other important dates in accordance with this By-law and notifying the Board, in the event that the Elections Committee has failed to do so by the applicable deadline above.
 - iii) The hiring and training of polling clerks.
 - iv) The acquisition of a voters list from the College.
 - v) The establishing and setting up of polling stations on campus.
 - vi) The preparation of the voter registration database.
 - vii) The Procuring of all materials for the elections.
 - viii) The promoting of the elections.
 - ix) The calling of the All Candidates Meeting(s).
 - x) The Approval of all campaigning material
 - xi) Adjudicating and providing rulings on complaints filed by candidates during the electoral process.
 - xii) Overseeing the ballot counting process.
 - xiii) The publication of the voting results.
 - xiv) Preparing the CRO's report to be presented to the Board of Directors.
 - xv) All other elections materials and communications.
 - xvi) Where, in the opinion of the Chief Returning Officer, there is an emergency, or unusual or unforeseen circumstance, that may affect the election, and for which there is no clear provision made under this by-law, election policy or other regulation, the Chief Returning Officer may, after consulting with the Elections Committee and legal counsel, make such ruling or give such direction

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General Manager, shall give such directions as he or she considers proper, for the sole purpose of enabling electors to exercise their right to vote or enabling the counting of votes

as may be required to address the issue and ensure that the election can proceed in a timely way and that members are able to lawfully exercise their right to vote in the election to the maximum extent possible under the election rules. Such directions include but are not limited to changing the dates of voting, timeframes of the election, the method of voting, the place where voting may take place, or any other reasonable direction that is needed to ensure that the election can fairly and lawfully proceed. The Chief Returning Officer shall immediately give notice of any such direction to all candidates and post such directions on the doors of the student association. Such direction shall not be subject to appeal.

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xvii) The Chief Returning Officer shall designate the exercise of his or her authority to the Deputy Returning Officer on such conditions and limitations as deemed appropriate by the Chief Returning Officer after consulting with the Elections Committee. (By-laws 2019as amended F2020, b.12, s.2)

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Timing Of Elections

3. a) The timetable for the elections shall be as follows:

- i. for the fall election, the voting shall conclude no later than the first Friday in December; and
- ii. for spring elections, the voting shall end no later than the first Friday in April.

b) The elections shall be divided into four periods:

- i. Nominations period, which shall start on the 5th business day prior to the closed of Nominations and shall end on day approved for the close of nominations;
- ii. Campaign period which shall begin on the 10th business day before the Close of Voting, and continue until the close of voting;
- iii. Voting Period shall be the five days approved by the Board for voting;
- iv. the period in between the close of nominations and the start of the campaign period. (By-laws 2019as amended O2020, b.12, s.3)

Eligibility Of Candidates

4. a) All members who are in good standing in accordance with By-Law 1 and who meet the applicable eligibility requirements set out in By-Law 3 shall be eligible to run. The Board does not have authority to impose additional conditions on the eligibility of candidates unless those conditions are set out in the By-Law prior to the start of the election process.

b) No candidate shall run for more than one position during the same election.

c) Voting positions on the Board shall be filled as follows:

- i) The Executive members who shall be elected by the members at large.
- ii) The Academic Faculty Representatives shall be elected by the members registered in an academic program in their respective academic faculty. (By-laws 2019as amended O2020, b.12, s.3)

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Nomination Of Directors

5. a) Candidates shall be nominated pursuant to a nomination form printed under the authority of the CRO, and submitted to the CRO. Candidates must be nominated by those who are eligible to vote for the office. To the extent possible, candidates will be notified if their nomination form is deficient or incomplete to permit re-submission before the nominations deadline. It is the responsibility of the candidates to submit a complete nominations form.

b) Candidates are required to obtain the following valid signatures:

i) Executive Members – thirty (30) valid signatures; or

ii) All other positions – ten (10) valid signatures

c) No nominee for any position shall be nominated as part of a slate, and no slate name shall be formed or appear on the ballot. Cross endorsement and cross campaigning shall be allowed, but each platform shall be unique and no expenses shall be shared

d) The Chief Returning Officer, ~~after consulting with~~ the Elections Committee, may establish an alternative nominations process where the application of subsection (b) is not feasible due to the totality of the circumstances. (By-laws 2019as amended F2020, b.12, s.5).

Deleted: <#>The Elections Committee may establish a nominations process for the Director of Communications and Internal and Director of Operations positions due to the requirements of the positions and subsection (b) will not apply for that process.¶

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Withdrawals Of Candidates

6. A candidate may withdraw from the Student Association elections so long as their withdrawal is in writing via a completed withdrawal form, which can be obtained from any Student Association office front desk, and is submitted to and accepted by the Chief Returning Officer at any time before 2:00 p.m. local time on the business day following the All Candidates Meeting. Any campaign expenses incurred by the candidate will not be reimbursed upon withdrawal. (By-laws 2019as amended F2020, b.12, s.6)

All-Candidates Meeting

7. a) All nominees, or an authorized representative of each nominee, must attend the All-Candidates Meeting in its entirety or arrange to meet with the CRO ~~within twenty-~~ four (24) hours of the meeting.

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b) For an authorized representative to be valid, they must possess a signed statement from the nominee that the representative has the authority to act on their behalf for the duration of the meeting.

c) Any candidate who fails to attend or send an authorized representative to the All-Candidates meeting, or fails to meet with the CRO, shall be disqualified from the election.

d) A candidate's eligibility is not official until the CRO has verified the entire set of applicable nomination forms and posted an "Official Candidates List" on which the

potential candidate's name appears. The Official Candidates List must, at a minimum, be posted on the doors of all Student Association offices.

e) The topics at the all-candidates meeting shall include, but not be limited to:

- i) The elections process;
- ii) The Election schedule;
- iii) The duties and functions of the Election officials.

f) Each candidate, or authorized representative, will sign a statement before leaving the meeting that indicates they understand the rules and regulations governing the Election.

g) It is the responsibility of each candidate to understand all information provided at the All-Candidates meeting. (By-laws 2019 as amended F2020, b.12, s.7)

Nomination Period

8. a) The nomination period will be at least five (5) business days and will be advertised to all Student Association members in a manner consistent with the notification of a membership meeting

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b) There shall be no campaigning during the nomination period. Candidates may only tell individual students that they intend to run in the election for the purpose of being nominated.

c) If the number of nominated candidates certified for an office is less than the total number of persons to be elected to that office, the Chief Returning Officer may extend the nomination period for those offices only for a period of three to five days, or otherwise as approved by the Elections Committee. The additional nominations shall be received and treated as if they were part of the original nomination period and a second all candidates meeting, or in depth briefing shall be held at the close of the extended nominations period for those candidates who were nominated during the extension period. (By-laws 2019as amended O2020, b.12, s.8)

Campaigning – Rules

9.a) All candidates and campaigners who work on behalf of a candidate must abide by the following rules relating to conduct and behavior of candidates during campaigning and assume responsibility for those campaigning on behalf of candidates.

Campaigning - Types

b) Campaigning is any action designed to influence the elector, this includes verbal and non verbal ways designed to get the elector to vote in a certain way. The definition of campaigning includes:

- i) Verbally soliciting a students' vote;
- ii) Handing out materials soliciting a student's vote;
- iii) Making announcements concerning an individual's candidacy in an election, including in hallways or classrooms.

Rules – **CRO Authority To Establish**

c) The CRO shall have the authority to determine the rules of the election and in doing so the CRO shall consult with the Elections Committee.

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Campaigning – Prohibited Before Nominations Period

d) No campaigning shall take place before the start of the campaigning period.

Leave Of Absence

e) Any member, of the Board, staff, or committee member who is a candidate in the election, shall take a leave of absence from the first day of campaigning until the last day of voting.

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f) The Student Association Board and executive shall not undertake any of the following after the day designated as the start of nominations until the end of the elections period:

- i) the appointment or removal of any board member, officers or managers except as may be directed by the Board Mediation Committee;
- ii) any changes to the by-law or policies regarding the election or the elections process or the term of the new board;
- iii) the creation of any new program or services; and
- iv) directions to officers or managers of the corporation regarding new programs or services of the Student Association.

g) For the greater certainty, subsection (g) does not prohibit the Board or its Committees from:

- i) Acting in case of emergencies; or
- ii) Completing work already begun before the opening of the nominations period, provided that the work does not involve any bylaw or policy changes that would impact the election that is currently underway.

h) Any board member may not undertake or organize an event on behalf of the Student Association or from the budget of the student association from the start of nominations until the close of voting.

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i) Any member of the Board, staff, volunteer or committee member who is running in the election may not discuss the election while on duty from the start of the nominations period.

CRO Approval Authority Re Materials

j) All campaign material and/or advertisement need approval by the CRO in advance of posting or distribution. All submissions made to the CRO shall be returned with or without approval within two (2) business days.

Restriction On Campaigns –Locations

k) Restrictions regulating campaigning, that are unique to the following, shall be followed. It is the responsibility of the candidates to familiarize themselves with the different rules that govern each of the aforementioned entities such as:

- i) No campaigning of any form is permitted in the Student Association offices, or any area that can be perceived to be under the jurisdiction of the Student Association as determined by the Chief Returning Officer.
- ii) Campaigning within a classroom is forbidden without the expressed permission of its presiding faculty member(s). To campaign in a classroom, a candidate must obtain consent from the professor/lecturer before the start of class.
- iii) Campaigning is not allowed within Student Residence, computer labs, and Library except for any area agreed upon by the Chief Returning Officer and the College (By-laws 2019as amended F2020, b.12, s.9).

Spending Limit

10. a) The spending limit for all positions shall be as follows:

Executive positions	\$250.00
Academic Faculty positions	\$75.00
All acclaimed positions	\$50.00

The spending limits shall increase by the CPI index annual with a base calculation for CPI increases being January 1, 2017. The spending limits shall be rounded to the nearest increment of twenty-five dollars, as determined by the Chief Returning Officer.

Receipts – Provided To CRO Upon Request

b) All candidates shall submit to the CRO original receipts of all campaign expenditures within seventy-two (72) hours of the close of voting. The CRO may at any time request from any of the candidate's original receipts for expenditures prior to the close of voting.

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Campaign Donations

c) All campaign donations must be brought to the attention of the CRO and included in the campaign expense report to be submitted by each candidate. Donated materials shall be assigned a dollar value based on fair market value by the CRO and shall be calculated as campaign expenses but will not be considered in the calculation of a refund against election campaign expenditures.

Prohibition On Use Of Corporation Resources

d) Candidates are not entitled to use in their campaign, any service or monies, conferred onto them by virtue of holding any position in any campus organization unless such services would still be available to them otherwise. This includes, but is not limited to, office supplies, equipment, advertising space and staff.

Appropriation Of Funds

e) Funds for the purpose of elections shall be provided for in the operating budget of the Student Association.

Failure To File – Disqualification

f) Failure by a candidate to submit a campaign expense form and original receipts by the deadline may result in disqualification upon decision of the CRO. Any candidate who exceeds the campaign limit shall be disqualified by the CRO.

Refund Of Expenses

g) Each candidate, except those who are declared ineligible for refund or disqualified by

the CRO, shall receive a full refund from the Student Association against election campaign expenditures as prescribed herein.

Budget Forms - Samples

h) The Chief Returning Officer shall create appropriate budget forms for the candidates to use during the elections process.

Required Documents And Misrepresentation – Null And Void

i) Any candidate who does not submit the required documents by the deadline imposed or misrepresents any campaign expense is disqualified and any election of that candidate is null and void. (By-laws 2019as amended F2020, b.12, s.10)

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Authority To Administer Provisions Of By-Laws

11. a) The CRO shall have the sole authority to administer and assess compliance with the provisions of these By-laws and the elections rules and regulations made under this by-law by the CRO, Board, or Elections Committee. The CRO may for violations of these by-laws:

- i) assign demerit points, including assign multiple demit points for where violations encompasses more than one offence;
- ii) disqualify the candidate from running in the election; and
- iii) declare the election of a candidate null and void.

When a candidate for any officer is assigned more than 20 demerit points the candidate shall be disqualified.

Authority In Unproven Cases

b) The CRO has the right to make rulings on issues and events not otherwise covered in this By-law, or to add in such rulings to supplement existing sections.

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Time Limit For Submission Of Complaints

c) Allegations of violations of these By-laws shall be submitted to the CRO in writing. Such allegations must be made within 48 hours after the incident occurred.

Lay Charges For Violation

d) The CRO may lay charges of violations of campaign rules at her/his own initiative.

CRO's Ruling

e) The CRO shall render a decision in writing to the candidates in questions and the complainant, within a reasonable time, this is usually within 48 hours, but may be longer should there be additional information needed from candidate, witnesses, or legal counsel.

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Publication Of Findings

f) Where the CRO finds there has been a violation of these By-laws, the CRO must publish the details of the violation in a designated elections space in the Student Association office. Published notification of violations will only take place once all appeals (if applicable) have been exhausted.

Disqualification Of Winner

g) When a candidate is disqualified, the candidate will be deemed to have never been nominated, and should voting have already occurred, any votes for that candidate should have been deemed to be rejected by the Chief Returning Officer at validation.

Computation Of Time

h) The computation of time is subject to the rule as set forth in the *Interpretation Act, R.S.C. 1985, c.I-21*. Further, if time limits cannot be followed because of causes beyond the control of the parties involved, the Chief Returning Officer shall have the authority to modify the time limits in this section, as long as, in the opinion of the Chief Returning Officer and having regard to all the facts of the matter, doing so would not bring the electoral process into disrepute.

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Burden Of Proof

i) All rulings of the Chief Returning Officer shall be made using the balance of probabilities. (By-laws 2019as amended F2020, b.12, s.11)

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Method Of Election

12. a) The Elections Committee and the CRO shall determine the method of election in accordance with this By-law.

Polling Places

b) The Chief Returning Officer shall determine places for polling stations and limits on campaigning near those polling station.

Poll Officials

c) The Chief Returning Officer shall appoint, train, and oversee poll officials.

Candidate's Representative At The Polls

d) Each candidate shall have the right to appoint a candidates representative at the polls to witness the operations of the polls and to ensure compliance with the standards as established by the Chief Returning Officer.

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Counting Of Ballots

e) The counting of the ballots shall occur in such ways as the Chief Returning Officer shall direct, in consultation with the Elections Committee.

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Candidate's Representative At Count

f) Candidates may appoint a representative to witness the count.

Official Certification of Results

g) An official certification shall take place the next business day after counting. The Chief Returning Officer may delay the certification for sufficient cause.

h) When the Chief Returning Officer is satisfied that the count has been completed fairly and accurately, the Chief Returning Officer shall:

i) Certify the results by swearing an Affidavit of Election before a Commissioner of Affidavit, duly licensed in the province of Ontario. The General Manager shall keep a copy of the Affidavit for the official records of the corporation.

- ii) Forward the certified results to the Board.
- iii) Declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected. (By-laws 2019as amended F2020, b.12, s.12)

Ratification Of Acclaimed Candidates

i) In the event that candidates are acclaimed, the following question shall be placed on the ballot:

Should [NAME OF CANDIDATE] be elected to the office of [NAME OF OFFICE]?

- Yes
- No

If when more than half the votes are opposed to the candidate, the candidate shall not be elected.

Equality Of Votes

13. In the event of a tie the Chief Returning Officer shall choose the successful candidate or candidates by lot. (By-laws 2019as amended F2020, b.12, s.13)

Elections Appeals Committee - Composition

14. a) The Review Officer shall hear and decide any election-related appeals.

b) In the event that the Review Officer is unable to hear the appeals (or is conflicted from doing so), the Board's Chair shall designate another capable and neutral individual, who is not a Board Member and is not running in the election, to hear the appeal.

15. a) Election-related appeals may only be filed regarding the following matters:

- i. The Review Officer (or the Chair's designate) shall automatically review any discipline decision of the Chief Returning Officer that resulted in the disqualification of a Candidate. The Chief Returning Officer shall notify the Review Officer (or the Chair's designate) in writing within 48 hours of having made any such decision.
- ii. A candidate may also file an appeal in the following circumstances:
 1. Where the candidate challenges the validity of his or her election result; or
 2. Where the candidate challenges a discipline decision by the Chief Returning Officer against the candidate.

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Any candidate who wishes to file an appeal under section (a)(ii) must submit a written request for appeal (including any written submissions in support of the appeal) no later than 72 hours after being notified of the decision or election result being appealed.

Investigation And Adjudication of Appeals

b) The Review Officer (or the Chair's designate) shall investigate and decide any appeal that is properly before it under this By-law

In considering any such appeal, the Review Officer (or the Chair's designate) shall assess whether there has been a clear breach of the By-laws and/or the election rules (as set out in the OMEC) that likely affected the discipline decision or election result in question. If no such material breach of the By-laws and/or election rules is established, the appeal shall be dismissed. If the appeal is upheld, the Review Officer (or the Chair's designate) shall make an appropriate remedial order to address the issues in the appeal.

The Review Officer (or the Chair's designate) shall communicate the appeal decision to the parties and this decision is not subject to further review or appeal. (By-laws 2019 as amended O2020, b.12, s.15)

Declaration of the CRO regarding the election

16. Should the Chief Returning Officer conclude, based on reasonable evidence, that there were irregularities, fraud or corrupt or illegal practices that affected the result of the election, the Chief Returning Officer shall consult with the Elections Committee and legal counsel, and then take such lawful actions as are necessary, in accordance with this By-law and the Act, to address and remedy the concerns so that the election can proceed and be concluded in a fair, transparent and lawful manner. (By-laws 2019as amended O2020, b.12, s.16)

Recounting Ballots

17. If the margin of victory is a difference of 5 percent or less of the total votes cast, an automatic recount shall take place. The CRO at their discretion reserves the right to call a recount. (By-laws 2019as amended F2020, b.12, s.17)

Ratification

18. a) Candidates are deemed elected, and their election is ratified, once the CRO has certified the election results and sworn the Affidavit of Elections.

b) At the Board's meeting after the election has been ratified in accordance with subsection (a), the Board shall receive the results of the election.

c) Between the date of publication of the election results and the start date of the applicable term, the elected candidate has no privileges or powers of office other than being a Member of the Corporation.

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Been ratified by the Student Association's Board. ¶
Attained the age of majority of eighteen (18) years of age. ¶
At its next meeting following the election, the Board shall confirm that the following conditions have been met: ¶
The Chief Returning Officer has certified the election results in accordance with section 11(i). ¶
There are no outstanding appeals pending with the EAC. If any such appeals are pending, the Board shall schedule a meeting to ratify the election results as soon as practicable following the issuance of the EAC's appeal decision. ¶
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Been ratified by the Student Association's Board. ¶
Attained the age of majority of eighteen (18) years of age. ¶
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