



<b><i>Policy</i></b>
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## **17. Policy 17: Elections Policy**

### *17. Preamble*

17.1. The Elections Committee is the impartial body overseeing any election taking place under the TDSA. The TDSA is committed to the fair and effective running of elections. Elections are open to all members of the corporation who are eligible to run in the election and the TDSA is committed to encourage all members to participate in these elections. All members of the Elections Committee and the Board of Directors are bound to uphold the policies herein. The Board of Directors has the final say on all election policy decisions should the Elections Committee become unavailable.

### *17.2. Definitions*

- 17.2.1. Director: An individual who is elected or appointed to sit on the TDSA Board of Directors and has voting rights.
- 17.2.2. External advisor: any member of the Trent community that is not a member of the TDSA. External advisors shall not possess voting rights. The Elections Committee may appoint a maximum of three (3) external advisors.
- 17.2.3. Students at large: Members of the organization that do not hold any elected or hired position within the TDSA.
- 17.2.4. Quorum for the Elections Committee: fifty percent (50%) plus one (1).
- 17.2.5. Quorum for the Elections Vote: five percent (5%) of the total student population.

### *17.3. Elections Committee*

#### 17.3.1. Composition

- 17.3.1.1. The Elections Committee shall be comprised of no less than seven (7) members adhering to the following requirements;
  - a. Two (2) shall be disinterested members of the Board of Directors, preference given to executive members.

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- b. Two (2) shall be students at large selected by the twoBoard of Director members.
- c. One (1) shall be an external advisor selected by the twoBoard of Director members
- d. One (1) shall be an Non Votingelectoral trustee selected by the Elections Committee.

17.3.2. The elections committee must have a minimum of five (5) voting members for the committee to become active.

17.3.3. The Election Committee shall be formed before the conclusion of the fall semester.

### 17.3.4. Committee Eligibility

17.3.4.1. In the event a member of the corporation declares candidacy, they shall be considered an interested party and shall not be a member of the committee.

17.3.4.2. In the event there are too few disinterested board members, the disinterested members of the Elections Committee shall appoint student(s) at large to replace said vacant positions until quorum is met.

## 17.4. Election Committee Responsibilities and Powers

### 17.4.1. Nomination Package

17.4.1.1. An Elections Committee member receiving a candidate elections package shall sign the proof of validation form attached to the nomination package upon confirmation of the validity of the form.

17.4.1.2. An Elections Committee member shall submit all completed nomination forms to the Chief Electoral Officer within 1 calendar day (24 hours) upon receiving the document.

17.4.1.3. Said member shall not alter the contents of the submitted nomination. Alteration of the nomination form is subject to By-Law VII concerning Termination from Office and removal from the committee. Further action may occur against the member at the discretion of the Board of Directors.

### 17.4.2 Elections Committee Commitments/Responsibilities

17.4.2.1. The Elections Committee is committed to the following:

- (a) Ensure the elections are conducted in accordance with the bylaws and policies of the Corporation;
- (b) Recommend an elections schedule to the Board of Directors;
- (c) Assess complaints against candidates;
- (d) Adhere to 17.20. concerning infractions;
- (e) Ensuring all candidates and fellow committee members comply with the by-laws, policies and agreements to which the candidates are subject;

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- (f) Provide sufficient informational support to candidates;
- (g) Maintain the confidence of the Electoral Trustee and refrain from discussing any elections matters with said trustee.

17.5.1.1. The Elections Committee will, under no circumstances, reveal the identity of the Trustee to any outside party.

### 17.4.3. Elections Committee Powers

17.4.3.1. The Elections Committee has the power to do the following:

- (a) Make reasonable requests of candidates or officers of the corporation in order to ensure the effective and proper running of the election;
- (b) In compliance with EP#12, levy any and all sanctions it deems justified against candidates;
- (c) Interpret the results of the election and distribute the unofficial results;
- (d) Enforce the bylaws, policies, and restrictions imposed by Trent University, the TDSA or the Elections Committee.

### 17.5. *Chief Electoral Officer*

#### 17.5.1. Appointments

17.5.1.1. The Chief Electoral Officer must be a disinterested member of the organization.

17.5.1.2. The Chief Electoral Officer job posting must be made public with sufficient time to hire prior to an election

17.5.1.2.1. If the organization is unable to hire a disinterested member of the organization, the President will be provided the opportunity to volunteer for the position. Should the President refuse or be an interested party, the Vice President of University Affairs will be provided the opportunity next. Should both the President and the Vice President of University Affairs refuse or be interested parties, the Vice President of Campus Life will be provided the opportunity next. If all refuse or are interested parties, the Elections Committee will appoint a member of the Board of Directors.

#### 17.5.2. *Responsibilities*

17.5.2.1. The Chief Electoral Officer shall ensure all members of the Elections Committee are adhering to the policies, bylaws, and procedures of the TDSA administration.

17.5.2.2. The Chief Electoral Officer shall act as Chair of the Committee, appoint a Recording Officer, and assume responsibility for the distribution of the minutes to the Board of Directors, who are not running in the election.

17.5.2.3. The Chief Electoral Officer shall act as official spokesperson and liaison with the Board of Directors and candidates.

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17.5.2.4. The Chief Electoral Officer shall release the election results to the candidates and the general public.

### 17.5.3. Powers

17.5.3.1 The Chief Electoral Officer has the right to issue class B sanctions and approve materials without the consultation of the Elections Committee.

### 17.5.4. Replacement

17.5.4.1 In the event the Chief Electoral Officer is suspected to be neglecting the responsibilities of the position and/or infringing upon the policies, bylaws, and procedures of the TDSA administration, any member of the Corporation may request the Board of Directors investigate the Chief Electoral Officer, subject to the Board of Director's determination of legitimacy of the complaint.

17.5.4.2. Any infraction necessitating punitive measures must obtain the vote of the Elections Committee. All approvals and sanctions must be communicated to the Elections Committee upon communication to the candidate

17.5.4.3. In the event the Chief Electoral Officer is found to have neglected their responsibilities or violated any policy, bylaw or procedure, they shall be removed from the position with immediate effect and replaced by the Deputy Chief Electoral Officer. This party is then subject to the TDSA Disciplinary Procedure.

### 17.6. *Deputy Chief Electoral Officer*

#### 17.6.1. Selection Criteria

- (a) The Deputy Chief Electoral Officer may be any member of the Elections Committee provided they are a member of the corporation.
- (b) This position will be filled at the same time as the Chief Electoral Officer.

#### 17.6.2. Responsibilities

- (a) The Deputy Chief Electoral Officer can be assigned tasks by the Chief Electoral Officer but possess no approval rights themselves.
- (b) This position must be CC'd on all email communications to and from the Chief Electoral Officer in order to ensure the election is being run in the most ethical manner.
- (c) In the event that the Chief Electoral Officer is unable to perform their duties, the Deputy will assume the role of Chief Electoral Officer. A member at large will then be found to fill the vacant spot on the Elections Committee and shall act as a regular voting member.

### 17.7. *Electoral Trustee*

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### 17.7.1. Selection Criteria

- (a) The Electoral Trustee must be a neutral third party not affiliated with any candidates or members of the Elections Committee.
- (b) This party will be chosen by the Elections Committee and subject to a majority vote.

### 17.7.1.2. Responsibilities

- 17.7.1.b.1. The Electoral Trustee will be the sole party who holds access to the votes prior to the conclusion of the voting period.
- 17.7.1.b.2. This party will inform the Chief Electoral Officer once quorum is obtained during the voting period.
- 17.7.1.b.3. This party will only divulge the voting result to the Elections Committee one (1) calendar day after the voting period has ended to ensure that the voting software has fully been updated.
- 17.7.1.b.4. Should there be technical difficulties with the voting software, the Chief Electoral Officer shall be notified and shall be present should any third party need to examine the software.

## 17.8. Complaints Against Election Committee

- 17.8.1. In the event of a complaint against the Elections Committee or any member thereof, a member of the corporation may request that the Board of Directors investigate the complaint(s). The Board of Directors shall determine the legitimacy of the complaint(s) and determine the appropriate action.
- 17.8.2. All directors on the Elections Committee shall declare a conflict of interest and refrain from voting on an appropriate action.

### 17.8.3. Complaints Against Candidates

- 17.8.4. In the event a complaint is launched against a candidate, said complaint must be submitted within forty-eight (48) hours after the incident took place.
- 17.8.5. Complaints can be submitted in person or via email.
- 17.8.6. Upon receiving a complaint within the valid time frame, the Chief Electoral Officer and the Elections Committee shall investigate the alleged incident within two (2) business days. Any complaints brought forward may not be retracted without investigation.
- 17.8.7. Any complaint brought past the forty-eight (48) hour mark must go through Trent University's Student Charter of Rights and Responsibilities reporting procedures, if applicable.
- 17.8.8. Should compelling evidence of wrongdoing in the election become available after the dissolution of the Elections Committee, the Executive Committee must consider the evidence. An investigation may be (re)opened based on a majority vote of the Executive Committee and shall be conducted by disinterested members of the board.
- 17.8.9. Should the wrongdoing involve a member of the Executive Committee, the evidence will be submitted to the Board of Directors, who will decide on the necessity of an investigation, subject to a majority vote.

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### **17.9. Candidate Eligibility and Nomination**

#### **17.9.1. Eligibility**

- (a) Candidates must meet the following validation requirements to be eligible for a director position:
  - a. Be a current member of the corporation;
  - b. Possess written candidacy support, by no less than twenty-six (26) members of the Corporation; and have completed the above listed forms;
  - c. Have not been terminated from a TDSA position within the last fiscal year;
  - d. Comply with eligibility as outlined in by law 12.4.

#### **17.9.2. Candidate Nomination**

- (a) Candidates seeking nomination for a director position shall submit the following completed forms to a member of the Elections Committee before the nomination period expiration date:
  - a. Applicant Information;
  - b. Eligibility Contract;
  - c. Nomination Form;
  - d. Proof of Validation Form;
  - e. Agreement of Good Faith Form.

### **17.10. Candidacy Approval**

17.10.1. Candidates must submit their completed nomination form to a member of the Elections Committee.

17.10.2. The member of the Elections Committee then has a maximum of one (1) calendar day to review the package and submit it to the Chief Electoral Officer.

17.10.3. The Chief Electoral Officer then has one (1) calendar day to review the submission, countersign, and communicate the results to the candidate in question.

17.10.4. If the package is rejected, the rejection must come with a rationale.

- (a) The candidate then has the opportunity to resubmit with corrections.

17.10.5. Any package received by an Elections Committee member during the nomination period must be considered even if the consideration extends past the nomination period.

### **17.11. General Election Timeline**

17.11.1. Any General or By-election must take place within the Fall or Winter academic semester.

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17.11.2. Fall General Election: The Fall General Election shall be held in the first half (1/2) of the Fall Semester to elect Director of Residence Life, Director of First Years and any vacant positions created by resignation or removal.

17.11.3. Spring General Election: The voting period for the Spring General Election shall be held in Winter academic semester.

### 17.12. *Standard General Election Timeline (in business days)*

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Nomination	x	x	x	x	x										
Campaigning						x	x	x	x	x	x	x	x		
Voting											x	x	x		
Results/Review														x	x

### 17.13. *Nomination Period*

17.13.1. The nomination package shall be available prior to the start of nomination period but will only be accepted during this time.

17.13.2.

### 17.14. *Candidate Information Session*

17.14.1. All candidates must attend a Candidate Information Session, which will be held before they are able to campaign.

17.14.2. Members of the Elections Committee shall attend a Candidate Information Session.

17.14.3. The Chief Electoral Officer must be present for all Candidate Information Sessions.

17.14.4. If the Chief Electoral Officer is unavailable, the Deputy Chief Electoral Officer may be present instead.

17.14.5. Candidates shall be briefed on the following during the Candidate Information Session:

- (a) Elections bylaws, policies and procedures;
- (b) Infraction Classification System;
- (c) Poster policy;
- (d) Guidelines regarding appropriate conduct during the campaigning period.

17.14.6. In the event a candidate(s) is unable to attend a Candidate Information Session, the Elections Committee shall provide an alternative session for the absentee(s).

### 17.15. *Campaigning*

17.15.1. Campaigning Timeline

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17.15.2. The Campaign Period for the Fall General Election shall commence during the first half (1/2) of Fall Semester.

17.15.3. The Campaigning Period shall be no shorter than eight (8) business days and shall end on the final day of voting period.

### *17.16. Campaigning Specifications*

17.16.1. Candidates shall not commence campaigning until the Applicant Information & Eligibility Contract, Campaign Agreement Form, and Nomination Form have been signed and the Elections Committee has approved the candidate's request to run for office.

17.16.2. In addition to the above, candidates shall not commence campaigning until the beginning of the campaigning period.

17.16.3. Candidates shall adhere to the following specifications:

- (a) Candidates shall refrain from harassing or consistently targeting unique individuals for votes;
- (b) Candidates shall refrain from using belittling, demeaning or defamatory language while campaigning;
- (c) Candidates shall refrain from using any language or acting in any way that violates the Policy/Bylaws of the TDSA, the Trent Student Charter of Rights and Responsibilities, or the Ontario Human Rights Code.

### *17.17. Campaigning Materials*

17.17.1. Candidates may submit materials for approval once they are notified of a completed nomination form.

17.17.2. Campaign materials (physical materials) shall only be permitted on Trent University Durham property inside University buildings.

17.17.3. Campaign materials are prohibited on windows, trash/recycle bins, floors, ceilings, doors, inside classrooms and/or offices, and personal property of students and Trent employees.

17.17.4. Campaign posters shall be no larger than 8.5 x 11 inches.

17.17.5. Student Executive candidates shall be permitted a maximum of forty (40) posters.

17.17.6. Non-Student Executive candidates shall be permitted a maximum of twenty-five (25) posters.

17.17.7. All campaign materials (excluding written social media posts) shall be approved by the Elections Committee prior to distribution and all campaigning materials shall adhere to the Advertisement and Poster Policy.

17.17.8. The Elections Committee shall be informed of all social media campaign outlets.

17.17.9. Candidates may not provide the means, directly observe, or in any way violate the Good Faith Agreement during the voting period.

17.17.10. Candidates that campaign during the voting period shall make all reasonable attempts to not coerce or observe directly or indirectly the votes of individuals or groups.

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### **17.18. Campaign Spending Limit**

- 17.18.1. Candidates running for a Student Executive position shall be provided a maximum of \$50 for campaign materials.
- 17.18.2. Candidates running for a Non-Student Executive position shall be provided a maximum of \$25 for campaign materials.
- 17.18.3. Candidates shall submit all original receipts incurred from campaigning materials. Candidates shall be reimbursed for campaign materials upon completion of the Reimbursement and Expense Form, subject to the financial limitations.
- 17.18.4. Candidates with campaigning materials in excess of the financial limitations are subject to EP#12 concerning Infractions.

### **17.19. Candidate Debate**

- 17.19.1. The time of the debate will be established by the Elections Committee on a year to year basis.
- 17.19.2. The director debates will occur first, followed by the executive debates.
  - 17.19.3. Director debates will occur in alphabetical order based on position.
- 17.19.4.
- 17.19.5. The executive debate will take the following form:
  - (a) The VPCL debate will take place first followed by the VPUA and finally the Presidential debate.
- 17.19.6. The moderator will ask questions based on recommendations by the sitting director and candidate's platforms.
  - (a)
- 17.19.7. Each candidate will have one hundred and twenty (120) seconds to speak about their platform and will field questions as required with a sixty (60) second time limit.
  - (a) During the moderator question period, the Elections Committee will collect questions from the audience, they will filter the questions, and present them to the moderator. The public question period will take the same form as the previous section.
- 17.19.8.
- 17.19.9. The moderator may remove candidates at their discretion if they feel the candidate is not debating in good faith or is otherwise negatively affecting the good and proper conduct of the elections or debate. The candidate will be subject to further disciplinary action at the discretion of the Chief Electoral Officer and Elections Committee.

### **17.20. Infractions**

- 17.20.1. Candidates are subject to an infraction evaluation process conducted by the Elections Committee.

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- 17.20.2. The Elections Committee may deem an act and/or behaviour not included as an infraction classification. The Elections Committee may assess each infraction and determine the severity thereof.
- 17.20.3. Any violation of this policy by a candidate shall be considered an infraction.
- 17.20.4. The Elections Committee shall utilize a standardized Class Infraction System for all director candidates.
- 17.20.5. The Elections Committee is required to inform all candidates of the Class Infraction System at the Candidate Information Session(s).
- 17.20.6. The Trent Durham Student Association shall inform the general student population of all candidate infractions within twelve (12) hours of notification.
- 17.20.7. All members of the Corporation possess the right to inform the Elections Committee and/or Board of Directors of potential infractions. Members presenting infraction reports must provide sufficient evidence to the Elections Committee and/or Board of Directors for the review process to proceed.
- 17.21. *Infraction Classification System*
- 17.21.1. Class A infractions are defined as an act deemed detrimental to either the election process or the public perception of the process. Said infractions shall constitute immediate disqualification. Class A violations include but are not limited to:
- (a) Any action performed by a candidate that gives them an unfair and irreparable advantage over competitors;
  - (b) Bullying, harassment or any other violations of the Student Charter of Rights and Responsibilities;
  - (c) Slander;
  - (d) Vandalism;
  - (e) Libel;
  - (f) Unethical conduct;
  - (g) Campaign materials that are obscene, pornographic, vulgar, religious, racist, homophobic, transphobic, sexist, or contain material directed to incite violations of the Student Charter of Rights and Responsibilities.
- 17.21.2. The Elections Committee shall assess the legitimacy of the infraction and determine the necessity of a hearing. If a hearing is deemed necessary, the Chief Electoral Officer shall schedule a hearing with the accused candidate. A hearing shall provide the accused candidate with the opportunity to present rebuttals. The Elections Committee shall determine the process of a hearing, subject to this policy herein.
- 17.21.3. Class B infractions include any violation of the policy herein that are not deemed Class A violations. Two (2) Class B infractions shall be assessed as a Class A infraction, constituting disqualification. Class B infractions include, but are not limited to:
- (a) Use of any unapproved campaign materials;

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- (b) Obstructing the view or the removal of another director's campaign materials;
- (c) Damage to an opponent's campaign materials
- (d) Interfering with or disrupting the normal operations of the university, which includes any businesses or departments that normally operate on the university campus;
- (e) Disrupting any academic setting so that the academic pursuit of any student(s) is unduly impaired;
- (f) Offering a student a means of voting during the voting period, including a laptop, tablet, smart phone, or any other digital device;
- (g) Campaign materials that include commercial and/or promotional material sponsored by a non-Trent entity;
- (h) Campaign materials sponsored by Trent services, a faculty and/or administrative member;
- (i) Campaign materials referencing illegal drugs and alcohol;
- (j) Endorsements without consent.

17.21.4. The Chief Electoral Officer is required to inform candidates and the Elections Committee of infraction notices within twelve (12) hours.

### **17.22. *Infraction Appeals***

17.22.1. Candidates may appeal infractions levied by the Chief Electoral Officer to the Elections Committee within forty-eight (48) hours of being notified of the infraction.

17.22.2. Candidates may appeal Class A infractions levied by the Elections Committee to the Board of Directors within twenty-four (24) hours.

17.22.3. The Elections Committee has twenty-four (24) hours to respond to the complaint.

### **17.23. *Voting and Voting Timeline***

17.23.1. Voting shall be open to members of the cooperation for a period no shorter than three (3) business days coinciding with the conclusion of the campaigning period.

17.23.2. The vote shall consist of an online vote monitored by the Electoral Trustee. Should the Elections Committee wish to conduct paper ballots, said Trustee will also become the key holder to the secure box the votes shall be placed in.

17.23.3. The voting box must be monitored by a member of the Elections Committee or a member of the Board of Directors at all times during the voting period. Should there ever be no one available to attend the box, it will be kept in the TDSA office and voting will temporarily cease.

17.23.4. Paper ballots must be clearly marked with an X or check mark beside the name of the candidate they wish to endorse. Any other marking or what a reasonable person would consider an ambiguous indication of support will render the ballot spoiled.

17.23.5. Spoiled ballots will count towards quorum but in individual races will count as abstentions.

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17.23.6. The order candidates appear on the ballot will be chosen via random lottery conducted by the Elections Committee.

17.23.7. Candidates may not provide directly or indirectly the means for a student to vote.

### *17.24. Interpretation of Results*

17.24.1. The candidate with the highest number of votes shall be determined the winner of the election specific to the position.

17.24.2. In the event a candidate is running unopposed, said candidate must obtain a minimum of five 5% of membership votes.

17.24.3.

17.24.4. In the case the vote is a tie, the candidates that have obtained the same number of votes shall be put into a by-election subject to policy 17.12..

### *17.25. Ratification of Results*

17.25.1. Election results shall remain unofficial until the Elections Committee has approved the winners.

17.25.2. Candidates shall not be informed of the election results until the Elections Committee has approved the results.

17.25.3. The voting Election Committee members shall sign the Election Results Form after the vote has been counted.

17.25.4. The results shall be deemed invalid until a minimum of three Elections Committee members have signed the Election Results Form.

17.25.5. Ratified results shall be conspicuously advertised to the members of the association.

17.25.6. Candidates may request a copy of the election results after they are publicly released.

### *17.26. Electoral Disputes*

17.26.1. Members of the Corporation may dispute the election results, provided a dispute is brought forth to the Elections Committee within one (1) week of the release of the results.

17.26.2. The Elections Committee shall investigate the dispute within seventy-hours (72) and produce a report to the Board of Directors. The Board of Directors shall decide the outcome of the dispute.

### *17.27. By/re-elections*

17.27.1. A By-election may be held at any point during the year upon a two thirds (2/3) majority vote of the Board of Directors.

17.27.2. A by-election will be called automatically in the result of a tie in a general election.

17.27.3. Once a by-election is called, if there is no existing Elections Committee, an ad hoc committee will be created, involving:

- (a) The Chairperson

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- (b) Disinterested executives or board members;
- (c) An external adviser.

17.27.4. If the committee does exist, its mandate shall be extended for the duration of the by-election.

17.27.5. By-elections not necessitating nomination periods (ties or re-elections) will have no less than 3 business days of campaigning and no less than 2 business days of voting.

17.27.6. By-elections necessitating nomination periods (to fill vacancy) will have no less than 5 business days of nomination period, no less than 3 business days of campaigning and no less than 2 business days of voting.

17.27.7. By-elections shall be exempt from Quorum and the winner will be determined by whichever candidate receives the greatest number of affirmative votes. If uncontested, the candidate will be appointed provided they receive more affirmative votes than rejections.

### 17.28. *Tampering*

17.28.1. Tampering includes but is not limited to:

- (a) Using privileged information that a reasonable person would deem confidential for the purpose of influencing the outcome of the election;
- (b) The physical or digital altering of voting ballots;
- (c) The act of physically or verbally obstructing the proper and fair conduct of the vote.

17.28.2. Any member of the corporation suspected of engaging in electoral tampering will be subject to an investigation by disinterested members of the Board of Directors.

17.28.3. Any member of the corporation found to have tampered with the electoral process will be disbarred from the organization, thereby forfeiting all rights and privileges provided by the cooperation.

17.28.4. If the Board of Directors finds that an election has been tampered with in any meaningful way, the appointment(s) resulting from that election will be considered invalid, the position(s) declared vacant and a re-election will be conducted with all eligible candidates automatically put on the ballot. In order for candidates to be removed from the ballot, they must withdraw themselves via formal email to the Chief Electoral Officer.

17.28.5. If the evidence is found that a third party altered the results of an election, the affected position will have the opportunity to respectfully resign with full severance and will continue in good standing with the organization. If the party refuses to resign, the Board of Directors must investigate the necessity of an impeachment.