



University of Toronto Mississauga
Students' Union

LOCAL 109 OF THE CANADIAN FEDERATION OF STUDENTS

Elections Procedure Code

As approved by the Board of Directors at its
Meeting on February 17, 2023.

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INTERPRETATION

The Chief Returning Officer, the Elections and Referenda Committee and the Elections and Referenda Appeals Committee make all interpretations to this Code. For the purpose of this Code:

Appeals Committee shall mean the Elections and Referenda Appeals Committee.

Arm's-Length Party shall mean any individual or group who is not a "non-arm's-length party".

At-Large Directors shall refer to the UTM Faculty of Arts and Science Directors as defined in the UTMSU bylaws.

1. Definition "Division I - First Year Representatives"

"Division I Directors" shall refer to those directors elected by UTM students who have completed 4.00 or less credit at the University of Toronto.

2. Definition "Division II - Directors at Large"

"Division II Directors" shall refer to those directors elected by UTM students who are enrolled as full time undergraduate students at the University of Toronto.

3. Definition "Division III - Part Time Directors at Large"

"Division III Directors" shall refer to those directors elected by members of the Union at the University of Toronto Mississauga that are registered part-time in a program leading to a degree, diploma, or certificate, are taking the equivalent of a part-time course load at the University of Toronto Mississauga for the current session, and who have paid membership fees to the Union.

4. Definition "Division IV – Professional Faculties"

Division IV Directors shall refer to those directors elected by members of the Union at the University of Toronto Mississauga that are registered in a professional Faculty program affiliated with UTM such as the Medical Academy of Medicine (MAM).

Building on Campus shall mean building owned and / or operated by the University of Toronto Mississauga, or any of the federated colleges /

universities.

Campaign Material shall mean any item, design, sound, symbol or mark that is created or copied in any form in order to and / or likely to influence at least one voter to cast a ballot in favour or in opposition of a candidate.

Campaigning shall mean any attempt by an individual or organization to encourage a student to cast a ballot in favour or in opposition of a candidate. This may occur with or without campaign material.

Candidate shall refer to any individual who has met the requirements of section 6 of this Code.

Committee shall mean Elections and Referenda Committee.

Constituency shall refer to the pool of voters that are eligible to cast a vote for the position in question.

Code shall mean the Election Procedure Code.

CRO shall mean the Chief Returning Officer.

Cross Campaigning shall mean the sharing of campaign materials, slogans, tactics, identifying marks or names, and / or joint campaigning with the intent of associating two candidates in the mind of a voter.

Director / Division Candidate shall refer to any candidate that is not an executive candidate.

Distribute shall mean the dissemination of campaign materials by a candidate, or a non-arm's- length party, to an individual group.

Endorsement shall mean supporting a candidate, through either verbal or non-verbal communication, through the provision of materials, advertisements or non-financial donations.

Executive Candidates refers to candidates for the position of President, Vice-President Internal, Vice-President University Affairs, Vice-President Equity, and Vice- President External.

Fall Election shall mean an election held between 20 September and 30 October for the purpose of electing members from the Board of Directors to fill a

constituency having an academic program of one year or a Director seat that has become vacant due to a resignation, impeachment or unfilled during the Spring Election.

Full-Time Undergraduate Student shall refer to the definition set out in the Union's bylaws.

Harassment shall refer to the definition set out in the Unions' Operation Policy - Harassment, Sexual Harassment and Discrimination

Member shall refer to any individual who is a current member of the Union as defined in the Union's bylaws.

The members of the Union shall be:

- a. All individuals who have registered as undergraduate students in a program leading to a degree or diploma at the University of Toronto Mississauga for the current session, and who have paid membership fees to the Union.
- b. All individuals who have registered as undergraduate students affiliated with the Mississauga Academy of Medicine
- c. Members of the Executive Committee during their respective terms in office.
- d. Membership is only valid for the session paid.

Non-Arm's-Length Party means an individual or group that a candidate knew, or reasonably ought to have known, who would assist that candidate in their campaign, publicly campaigned with a Candidate, or knowingly distribute more than one of the same types of campaign material to an individual.

Polling Station means any Union sanctioned ballot box or any third-party election platform during the election period.

Poster shall refer to print media to be affixed to a surface, or displayed for viewing.

Public Domain means any place to which the public has an automatic right of access.

Spoiled Vote means any ballot cast that is not a valid vote.

Sponsorship means a financial contribution made for the purpose of supporting a candidates' campaign.

Student Society shall refer to any student groups on campus that collect a compulsory student fee.

Union shall refer to the University of Toronto Mississauga Students' Union.

Valid Identification shall mean a valid University of Toronto Student Identification card.

Valid Vote shall mean that a vote is valid when the number of candidates selected does not exceed the number of positions to be filled.

Votes Cast shall refer to the total number of valid votes and the total number of spoiled vote

POWERS OF THE ELECTIONS PROCEDURE CODE

1. Jurisdiction

- a. The provisions of this Code shall apply to those elections conducted by the Union and the candidates within those elections.
- b. Where this code is in contradiction of any of the following Union governance documents, in order of precedence, Union bylaws and the Policy Book Manual as governance documents shall prevail.

2. Administration of Elections Procedure Code

- a. It will be the duty of the Chief Returning Officer, the Deputy Returning Officer(s), the Elections and Referenda Committee and the Elections and Referenda Appeals Committee to administer this Code and to uphold its spirit and principles.
- b. All Union elections must run according to the Union Accessibility Policy, and Union Environmental Protection Policy and any other applicable policy of the Union.
- c. The Union's Elections and Referenda Committee may amend the Code and recommend changes to the Board of Directors. The Board must approve any amendments and is unable to propose any amendments to the Code.

3. Amendments to Elections Procedure Code

The bylaws and the Policy Booklet of the Union shall govern written notice of any amendments to this code. The Board cannot conduct amendments to the Code between the commencement of the nomination period(s) and the announcement of results.

CANDIDATE ELIGIBILITY

1. The Constituency

The constituencies and constituency representative(s) are determined by the Union's bylaws and enrollment figures provided by the University of Toronto Mississauga Registrar.

2. Candidate Eligibility

The requirements for the eligibility of a candidate are as follows:

- a. A Fall election candidate must be a member of the Union during the nomination period.
- b. All candidates in the Spring Election, must be members of the Union during the nomination period and for their term of office.
- c. All candidates must submit a nomination form.
- d. Candidates running for Division III directors must be a part time student at the time of nomination and must remain a part time student throughout their term in office
- e. Candidates must be 18 years of age before ratification

3. Nominations

To be valid every nomination form must:

- i. Accurately list the name, student number and constituency of the nominee and the position sought on each page.
 - ii. List the e-mail address and phone number of each candidate.
 - iii. Be submitted prior to the close of the nomination period.
 - iv. Be signed by the necessary number of nominees.
- b. The completeness, accuracy and delivery of the nomination form is the responsibility of the Union member seeking candidacy.
 - c. Any person who fails to submit a valid nomination before the close of the nomination is treated as if they submitted no nomination form.
 - d. The validity of any nomination may be disputed by submitting a "request to review" to the Elections and Referenda Committee no later than twenty-four (24) hours following the release of names of eligible candidates. The Committee shall render a decision before

the beginning of the campaign period.

- e. Candidates are only permitted to nominate themselves for one (1) position in the election.
- f. Candidates are not permitted to nominate themselves in the nomination package.

4. Required Nominators

The required amount of nominations for positions in UTMSU Elections set out in Bylaw VI (3)

ADMINISTRATION OF ELECTIONS

1. The Elections and Referenda Committee
 - a. The Elections and Referenda Committee, as stated in the Union bylaws, oversee the conduct and supervision of the Elections and Referenda of the Union.
 - b. The Committee reserves the right to overrule decisions made by the CRO.
 - c. All Committee members shall act impartially during the Election period. Failure to act impartially may result in removal and / or censure from the committee.
 - d. The Committee Chair issues the official elections and referenda results to candidates, the membership and the media, as appropriate.
 - e. The Committee shall reserve the right to censure and / or remove any Committee members with:
 - i. Two-thirds (2/3) vote by the Committee, and,
 - ii. Two-thirds (2/3) vote by the Appeals Committee.
 - f. If a Committee member resigns before the closing of the nomination period, the Board may elect another Director to fill the vacancy.
 - g. The Committee sets the election and referenda schedule for the Fall and Spring Election periods.
2. The Chief Returning Officer

The Chief Returning Officer (CRO) shall:

 - a. Report to the Committee and Committee Chair.
 - b. Report to the Committee on all matters falling within this section and additionally, on any other matters of concern that are directed to them by a resolution of the Committee.
 - c. Ensure that the Elections Procedure Code and the Charter for Referenda are enforced.
 - d. Authorize all election notices, publicity and campaign materials regulated by the Code.
 - e. Organize and conduct the All-Candidates meeting.
 - f. Organize and establish guidelines for “candidates’ forums”.
 - g. Provide a final report to the Board of Directors under the direction of the Chair of the Committee.
3. The Deputy Returning Officer(s)

The Deputy Returning Officer(s) shall:

- a. Report to the CRO.
- b. Aid the CRO with promoting the Election.
- c. Act impartially in the election.
- d. Assume the responsibilities of the CRO in their absence.
- e. Assume other duties delegated by the Committee Chair, the CRO and the Committee.

4. The Chair

The Chair shall:

- a. Issue the official elections and referenda results to candidates, the membership and the media, as appropriate.
- b. Ensure that the Elections Procedure Code and the Charter for Referenda are enforced.
- c. Chair the Elections & Referenda Committee Meetings, and the Appeals Committee as a non-voting member.
- d. Work alongside the Chief Returning officer to enforce fair play during the election.
- e. Assist the CRO & DRO with administrative duties but are not limited to the printing of ballots, help organize the All Candidates Meetings and counting of ballots.

5. The Poll Clerk(s)

The Poll Clerk(s) shall:

- a. Report to the CRO and DRO(s).
- b. Promote the elections and by-elections in a non-partisan manner.
- c. Be responsible for opening and/or closing the polling stations on voting days.
- d. Setup and takedown materials, including signage at all polling stations.
- e. Always act impartial while working at the polling stations.
- f. Adhere to all election rules and guidelines as outlined in the UTMSU Elections Procedures Code.

ALL-CANDIDATES MEETING

1. All nominees must attend, or send a proxy to, the All-Candidates meeting in its entirety or arrange to meet with the CRO directly within twenty-four (24) hours of the meeting.
2. The proxy, who is the authorized representative of the nominee, 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.
3. Any candidates who fail to attend or send an authorized representative to the All-Candidates meeting, or fail to meet with the CRO, shall be disqualified from the election.
4. The topics at the All-Candidates meeting shall include, but are not limited to:
 - a. The Code.
 - b. University of Toronto policy.
 - c. The Election schedule.
 - d. The structure and function of the Union, and,
 - e. The duties and functions of the Election officials.
5. Each candidate, or authorized representative, will sign a statement before leaving the meeting that indicates they understand the rules and regulations governing the Election, including the Code.
6. It is the responsibility of each candidate to understand the information provided at the All Candidates meeting, or reach out to the CRO to clarify any misunderstandings.
7. Candidates and non-arm's length parties are not allowed to make any interpretations to this Code.

ALL-CANDIDATES FORUM

1. The All Candidates Forum will be recorded, and made available online.

RULES FOR ELECTIONS

Campaigning

1. Pre-campaigning
 - a. No campaigning shall take place until the campaigning period begins. The nominee must receive confirmation that they are an official candidate prior to the start of campaigning period.

2. Conflict of Interest
 - a. Any current member of the Board, executive, staff, volunteer and committees of the Union who decide to run for in an Election shall take a leave of absence from all areas of their position from the commencement of the nomination period, until the end of voting. They shall not have access to any UTMSU resources during that period. This includes their email access, access to the office or any other resources as requested by the EARC.

3. Responsibility of Candidates
 - a. Candidates have the responsibility of the actions, and violations stemming from such actions, of any non-arm's-length party, however occurring.

4. Fair Play
 - a. Candidates shall campaign in accordance with the rules of fair play. Breaking the rules of fair play include, but are not limited to,
 - i. Campaign-related content, actions, or communications that breach generally accepted community standards, that:
 1. Is sexually explicit or pornographic, exploits or presents minors in a sexual way, or promotes adult sexual services. This does include nudity, especially in the context of age, race, ethnic origin, disability, gender identity, gender expression, sex, or sexual orientation.
 2. Creates a genuine risk of physical injury or property damage, credibly threatens people or public safety, or organizes or encourages harm. This does not include participation in legal protests.
 3. Promotes self-harm, eating disorders or hard drug abuse.
 4. Attacks, bullies or harasses non-public people.
 5. Includes hate speech.
 6. Is gratuitously violent or gory.

7. Infringes anyone's intellectual property, privacy or other rights.
8. Is someone else's personal information or requests a minor's personal information, without their consent
9. Represents a private person offering to trade or sell drugs, alcohol, tobacco, firearms or other hazardous materials.
- ii. Defamation, including libel and slander, defined as a communication to another person which harms the reputation of another candidate or Non- Arm's Length Party, and which is not truthful, protected by absolute or qualified privilege, or fair comment.
- iii. Harassment defined as any vexatious action or behaviour that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate is considered harassment. Examples can include harassing behaviour such as gestures, remarks, jokes, taunts, cheers, innuendoes, and display of offensive materials, offensive graffiti, and threats, as well as verbal or physical assault.
- iv. Breaching the Harassment, Sexual Harassment and Discrimination Policy of the Union ~~defined as~~;
- v. Discrimination defined as acts of discriminatory nature on the basis of race, colour, sex, gender identity, sexual orientation, pregnancy, family status, civil status, age, religion, language, ethnic or national origin, social condition and disability which results in the exclusion or preference of an individual or group within the university community. Offensive or threatening comments or behaviour which creates a "poisoned environment" in the workplace, campus or event whether or not amounting to harassment, may violate the right to equal treatment without discrimination.
- vi. Misrepresentation of Facts, defined as campaign-related content or communications that are not in accord with facts that a candidate or Non- Arm's Length Party reasonably should have known based on information readily available to all members, and that a voter could potentially rely on in deciding to cast a vote or not cast a vote for a candidate.
- vii. General sabotage of the campaigns of other
- viii. Candidates; Malicious or intentional breach of Elections Procedure Code or any other UTMSU applicable governing documents;
- ix. Persistent attempts to undermine the ability of the CRO or the EARC to carry out their responsibilities; and
- x. Any attempt to undermine the electoral process including, but not limited to, interference with or compromising the Union's Voting System.

5. Adherence to Existing Policy

- a. It is the responsibility of the candidates that all campaign tactics, materials and/or advertisements conform to all policies and regulations of the Union and University, and with all municipal, provincial and federal laws. Campaign displays and distribution of literature on campus are also subject to the rules and regulation of the University of Toronto, as well as individual campuses and residences

1. Approval of Campaign Materials

- a. All campaign tactics, material and /or advertisement need approval by the CRO in advance of posting or distribution.
- b. Environmental Protection and Recycling
 - i. All printed campaign materials must abide by the Sustainability Policy found on the UTMSU Policy Manual
 - ii. All printed campaign materials must contain the following phrase somewhere in plain sight on the material: “please pass this on to a friend and recycle after the election”.
- c. Poster Quantity Limits
 - i. No candidate shall post more than the number of posters indicated below:
 - 1. Executive Candidates: 50 posters
 - 2. At-Large Director Candidates: 25 posters

2. Candidate Posters and Campaign Materials

- a. The following shall also apply to candidate posters:
 - i. Poster size shall not exceed 11'x17' (297mmx420mm).
 - ii. No more than one banner is allowed, and is not to exceed 9ft x 3ft (2.75mx0.92m) Candidates interested to post a banner should seek approval from the CRO in order to put it up due to lack of postering space.
 - iii. High-gloss posters are not permitted.
 - iv. Laminated posters are not permitted.
 - v. Any other form of non-recyclable poster material is not permitted.
 - vi. All text in other languages on campaign materials must have an accurate English translation that appears in equal stature and size.
- b. Each candidate's poster may not overlap another candidates' poster.
- c. Each candidate may not post one of their posters within one (1) inch (22.5mm) of another one of their own posters or another candidate's poster, and cannot have more than two (2) of the same poster consecutively posted beside each other
- d. All posters must be removed less than twenty-four (24) hours after the close of the voting period.
- e. Campaign materials may not:

- i. Overlap or be attached to campaigning materials already affixed to other objects or surfaces.
 - ii. Allow poster materials to be affixed to surfaces in classrooms or seminar rooms.
 - iii. Not be removed from any posted location, legally or illegally, without the authorization of the CRO.
 1. Notwithstanding the above, a candidates' materials, by that a candidate or person(s) authorized by that candidate, may remove that candidates' materials.
3. Distribution of Goods
 - a. Candidates may not campaign by distributing goods worth more than \$1.00 CAD per unit, according to the Fair Market Value of the cost to the candidate.
4. Prohibition of Live Animals
 - a. The use of live animals for campaigning is forbidden.
5. On-Campus/In-Person Campaigning Restrictions
 - a. Campaigning is considered to be any visual, spoken or written form of communication that is related to a candidate's platform when running for an elected position. That includes but it is not limited to flyers and posters, general outreach from the candidate themselves or an arm's-length party, and the projection of sounds and visuals.
 - b. The following areas of campus shall NOT be places of campaigning: student residences, places specifically allocated to study (such as libraries, labs, computer labs, and study rooms, and UTMSU spaces such as the Blind Duck and Student Centre.
 - c. The following areas of campus shall be designated places of campaigning: any building that contains a polling station. However, the following spaces have further restrictions:
 - i. Classrooms: 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. Candidates are required to inform the CRO within a reasonable timeframe, set by the CRO, about such activities.
 - ii. Polling stations: Candidates are not allowed within the non-campaigning zone (two to four meters depending on the number of tables allocated) of a designated polling station

that the candidate knows about or ought reasonably to have known about, except to vote on election days.

6. Virtual Campaigning Restrictions

- a. A candidate using a website or online network as a campaign tool is responsible for the moderation of all materials so that they are in accordance with the rules of fair play.
- b. Candidates must seek approval of their domain and website from the CRO prior to the website being published. Websites shall not be published prior to the commencement of the campaign period.
- c. Violations of campaigning rules on websites and / or online networks by candidates and / or arm's-length parties are also subject to the penalties detailed in Section 7.1 Violation of Campaign Rules.
- d. The use of paid advertisements is permitted; however, they must be done via social media accounts created by the Candidate and be approved by the Elections Office before posting. All paid advertisements must also be indicated in the Candidates' expense reports. Invoices must be downloaded and submitted with the Campaign expense report as proof.
 - i. It is the responsibility of each Candidate or Slate to ensure that paid advertisements are not distributed outside of the Campaign Period
- e. Candidates using social media accounts must abide by the following rules:
 - i. Candidates using social media accounts (personal or otherwise) must follow and be followed by the CRO before they begin posting.
 - ii. All social media accounts must be public
 - iii. Each Candidate or team may create one new social media account per platform.
 - iv. Candidates may not post regarding opposing Candidates.
 - v. Candidates can only direct message students who they "follow" or if the student is a "follower", "connection" or "friend" on various social media platforms, or can otherwise be reasonably shown to have consented to get updates on the campaign.
- f. All online content must be removed less than twenty-four (24) hours after the close of the voting period.
- g. Video and Live Streams
 - i. All videos and/or live videos should be made with clear, legible, closed captions in white or black to increase accessibility. Candidates failing to provide clear captions will be required to take the videos down before 6:00PM of the day of the notice from the CRO, and re-uploaded with the required specifications to prevent demerit points.

7. Tangible Benefits Conferred by Virtue of Office
 - a. Candidates are not entitled to use their campaign, any service or moneys conferred onto them by virtue of holding a 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.
8. Designation of Campaign Materials
 - a. In determining a candidates' total expenditure, the Committee will include all materials that were produced to endorse or support a candidate. This may include situations whereby a Non-arm's length party producing the campaign material does so without the consent of the candidate.
9. Cross Campaigning
 - a. Cross campaigning is not allowed between at-large directors candidates in the election governed by this Code.
 - b. At-large directors must campaign individually, produce individual campaign materials and present themselves as individuals.
 - c. Cross campaigning is allowed between candidates for executive position in the elections governed by this code.
 - d. Cross campaigning is not allowed with candidates from University Student Society elections.
10. Campus Group Endorsements
 - a. Candidates are allowed to request endorsements from campus groups such as any levy groups, clubs and academic societies.
 - b. All requests and communications from the candidates to the campus group must be pre-approved by and include the CRO.
 - c. Candidates are not allowed to request or obtain campus group listservs or membership lists, however, campus groups can advertise their endorsement directly to their members.
11. Chalking on Boards
 - a. Candidates are permitted to chalk or write on classroom blackboards or whiteboards under two conditions:
 - b. A lecture, tutorial, or another similar academic session has not started.
 - c. Approval of the message by the CRO.
 - d. An academic session shall be deemed to have started once its scheduled time (e.g. 9 – 11 a.m.) has reached regardless of whether:
 - i. The academic staff is late,

- ii. The academic staff is not present
- iii. The academic staff is present but has not commenced the session

Campaign Expenses

2. Proof of Campaign Expenses

- a. All candidates shall submit original receipts of all campaign expenditures to the CRO within twenty (24) hours of the close of voting. The CRO may at any time request from any of the candidates original receipts for expenditures prior to the close of voting.
- b. A non-negotiable fee of \$50.00 CAD (fifty dollars) shall be charged to any candidate who does not submit their campaign receipts.

3. Campaign Donations

- a. Sources and amounts of any campaign donations must be disclosed to the CRO and Committee Chair. Candidates will not be reimbursed for this amount.

4. Calculation of Campaign Expenditures

- a. The calculation of a candidates' expenses where there is no receipt shall be made according to the Fair Market Value (FMV) of all purchases, services, donations and items, which are deemed by the Committee to be used for the purposes of the campaign.
- b. Fair Market Value of a product or service shall be the lowest price, without special concessions or discounts that are available in Mississauga/Toronto, Ontario for that product or service, to all persons who approach a person or company that sells, or deals in, that product or service.
- c. The Committee shall contact three (3) major suppliers in the Mississauga/Toronto area and shall adopt the lowest price as the Fair Market Value. The candidate may rebut such F.M.V if the candidate is able to produce / submit receipts from the Toronto area merchants which give evidence of a lower F.M.V than that obtained by the Committee.

5. Reimbursements of Campaign Expenditures – Executive Candidates

- a. The Union shall reimburse Executive Candidates for campaign

expenses incurred on the condition that they submit legitimate proof of expenses. Such reimbursements shall not be unreasonably withheld.

- b. Executive candidates shall be reimbursed up to a maximum of \$450.00 for their campaign expenditures. This includes candidates for the positions of President, Vice-President Internal, Vice- President University Affairs, Vice-President Equity and Vice- President External. All reimbursement payments made to candidates shall include deductions for any fines that have been levied against the candidate.

6. Reimbursement of Campaign Expenditures – Director Candidates

- i. The Union shall reimburse a Director candidate for all campaign expenses incurred. The CRO may make funds available to candidates from time to time if that candidate can show a financial need that warrants such reimbursement.

7. Expense Limits

- i. Expense limits for all Candidates shall be assessed as follows:

| Positions | Expense Limit |
|------------------------------|---------------|
| Executive Candidates | \$500 CAD |
| At-Large Director Candidates | \$75.00 CAD |

Violation of Campaign Rules

8. Elections and Referenda Committee Sole Authority
 - a. The CRO shall have the sole authority to enforce the provisions of this Code. The Committee may enforce this Code where no ruling is given by the CRO.
 - b. The Committee and Appeals Committee reserve the right to modify any ruling of the CRO.
 - c. The CRO and the Committee both have the discretionary power to make decisions about issues and events not otherwise covered by this Code.

9. Allegations of Violations
 - a. Any allegations of violations of this Code shall be submitted to the CRO. Such allegations must be made within forty-eight (48) hours of the closing of the ballot period. Any other allegation will not be considered.

10. Committee Initiative
 - a. Where the CRO or a Committee member finds evidence of a violation, the committee and / or CRO may charge a candidate with a violation of campaign rules without receiving a third party allegation.

11. CRO Decision
 - a. The CRO shall render a decision, within twenty-four (24) hours, in writing, to the candidates in questions and the complainant, unless the complaint is time sensitive, in which case the CRO shall render a decision within one (1) business day. A complaint shall be deemed time-sensitive when the activity outlined in the complaint are ongoing.

12. Appeals of CRO's Ruling
 - a. All CRO decisions may be appealed to the Elections Committee. Appeals must be made in writing and submitted to the CRO.
 - b. Any appeal of a CRO decision must be made in writing within forty-eight (48) hours of the candidate being informed of the decision. Late appeals and oral appeals will not be accepted.

- c. Individuals may attend the committee meeting at which their appeal will be considered to present their case. The candidate can make oral statements and / or deliver a written statement at this time.
- d. An individual is deemed to be informed of a committee decision six (6) hours after the decision is posted on the designated elections space in the Union office(s). Any decisions shall indicate the time posted.

13. Candidate's Responsibility of Knowledge of CRO Decisions

- a. It is the responsibility of each candidate to be aware of every decision made by the CRO or Committee, especially decisions regarding violations committed by that candidate.

14. Publication of Violation

- a. Where the CRO or Committee finds there has been a violation of the Code, the CRO or Committee Chair must publish the details of the violation in a designated elections space that is accessible to all students virtually and/or in-person. Such space must be clearly outlined to all candidates prior to the campaign period.

15. Penalties for Violations

- a. Where the CRO or Committee finds there has been a violation of the Code, there has been a violation of the Election Procedure Code by a candidate or a non-arm's-length party of the candidate, the CRO or Committee may:
 - i. Assign a demerit point penalty resulting in a fine against a candidate.
 - ii. Declare that an election in a particular constituency be ruled void.

16. Multiple Penalties

- a. A violation may result in multiple penalties where the violation encompasses more than one offence.

17. Demerit Points

- a. Demerit points, as outlined in the above section, is assessed on, but not limited to, the following basis: the values listed below are a guide for issuing demerit points. Values may be increased or decreased at the discretion of the CRO and Committee and Appeals Committee. The CRO or Committee reserves the right to assign a demerit point penalty of an amount determined at their discretion, including a

sufficient amount to disqualify a candidate, to any candidate who has committed this offence.

18. Campaign Materials

| Violation | Demerit Point |
|---|---------------|
| Unintentional misrepresentation of facts | 3 |
| Multiple violations in the same location / building | 4 |
| Unapproved material | 15 |
| Displayed in an unauthorised area | 5 |
| Pre-Campaigning Materials | 15 |
| Post-Campaign Materials | 6 |
| Multiple violations within ten (10) metres | 8 |
| Intentional misrepresentation of facts | 10 |

19. Campaigning

| Violation | Demerit Point |
|---|---------------|
| Unintentional misrepresentation of facts | 3 |
| Failure to submit campaign receipts and / or signed statement of having no expenses | 4 |
| Distribution of campaign material within the non-campaigning zone (six metres or more) of a polling station | 15 |
| Improper distribution of campaign materials | 8 |
| Multiple violations within ten (10) metres | 8 |
| Intentional misrepresentation of facts | 10 |
| Campaigning in an unauthorized area | 10 |
| Pre-Campaigning | 15 |
| Post-Campaigning | 5 |
| Breaking University, municipal, provincial, and / or federal law / regulation while campaigning | ** |

**The CRO and the Committee reserve the right to assign a demerit point penalty of an amount determined at their discretion, including a sufficient amount to disqualify the candidate.

20. Fair Play

| Violation | Demerit Point |
|--|---------------|
| Candidates not enforcing Elections Procedure Code | 5 |
| Attempts to bribe or pressure members of the Board of Directors. | 5 |
| Unsanctioned use of Union resources | 15 |
| Gross misrepresentation of facts | 20 |
| Abuse of position or status | 15 |
| Making false allegations | 15 |
| Malicious or intentional violation of Elections Procedure Code or Policy | 20 |
| Harassment | 10-25** |
| Failure to comply with the spirit and purpose of the elections | 35 |

**Demerit points are awarded at the discretion of the CRO based on the complaint or situation

21. Demerit Point Fines

- a. In addition to demerit points, candidates will be levied a monetary fine per demerit point, except on the first 10 points, as follows:

| Position | Fine per point |
|--------------------|----------------|
| President | \$10.00 |
| Vice-Presidents | \$5.00 |
| At-Large Directors | \$2.00 |

- b. Disqualification
- c. Violations of the following nature will result in an automatic disqualification of a candidate:
- i. Becoming or discovering to be an ineligible candidate.
 - ii. Failure to attend the All-Candidates meeting.
 - iii. Spending over the maximum spending limit as set by the Committee.
 - iv. Intentional misrepresentation of campaign expenditures.
 - v. Any attempt to interfere in the Election process as regulated by this Code.
 - vi. Solicitation of University student account PINs.

Accruing greater than 100% (one hundred per cent) of their allowable demerit point limit, as follows is disqualified:

| Executive Candidate | Points |
|------------------------------|--------|
| Executive Candidates | 40 |
| At-Large Director Candidates | 30 |

22. Disqualification of Winning Candidate

- a. In the event a winning candidate in any election is disqualified, the runner-up will take the place of the disqualified winner.

23. Wall of Transparency

- a. A reasonable section of the UTMSU glass (decaled window) will serve as an open, identifiable region where students may be informed of demerit point infractions.
- b. Demerit point infractions will be posted once the twenty-four (24) hour appeal window has closed.
- c. Names of persons involved in complaints and resolutions should be kept confidential. Discretion should be made by the Elections and Referenda Committee

VOTING PROCESS

1. The Voting Process

The method for voting in the Election process shall be as follows:

- a. In the case of an online voting process, eligible voters will receive an email to their utoronto email outlining voting instructions.
- b. In the case of a paper balloting voting process, valid identification from members is required for voting.

2. Election of Candidates

- a. In the event that the candidates nominated for a Director or Executive office is greater than the number of candidates available to be elected, the winner(s) shall be elected by a plurality of the votes cast.
- b. In the event that the number of candidates nominated for election for any Executive position, is equal to or less than the number of candidates to be elected for that office, each candidate shall be subject to a confirmation vote put to the membership. The confirmation ballot shall contain the candidates' name, statement and vote of "In Favour" or "Against" or "Abstain" for the candidate. A candidate who receives more "In Favour" votes than "Against" votes is the winning candidate. In the event that there are more "Against" votes than "In Favour" votes, the position is declared vacant.

3. Voting Eligibility

- a. All Union members are eligible to vote for the positions of:

President
VP Internal
VP University Affairs
VP External
VP Equity
Division II Directors at Large

- b. First year Union members are eligible to vote for the positions of:

President
VP Internal

VP University Affairs
VP External
VP Equity
Division I and II Directors at Large

- c. Part time Union members are eligible to vote for the positions of:

President
VP Internal
VP University Affairs
VP External
VP Equity
Division II and III Directors at Large

- d. Members of the Union enrolled in a Professional Faculty (MAM) are eligible to vote for the positions of:

President
VP Internal
VP University Affairs
VP External
VP Equity
Division II Directors at Large and IV Directors

4. Scrutineers

- a. As per the expectations set with candidates, all scrutinizers will be requested to endorse a confidentiality agreement or will not be given access to scrutinize the ballot count.
- b. All the candidates are required to notify the CRO about the name of their scrutinizer by the deadline as set by the EARC and/or CRO.
- c. Failure to notify the CRO about your scrutinizer will disqualify your access to scrutinize the ballot count.
- d. In the event that the scrutinizer reveals any confidential information to a candidate, it will result into an automatic disqualification.
- e. Candidates are responsible for their scrutinizers.
- f. Candidates cannot be their own scrutinizer.

ELECTION RESULTS

1. Equality of Votes

In the event of a tie, the winner(s) are decided by

1. A run-off election held two weeks (14 days) after the closing of the voting period.
2. A vote of the current Board of Directors held within two weeks (14 days) after the closing of the voting period.
 - a. Candidates shall have the chance to present their platform to the board for up to 15 minutes, followed by a 15 minute question period.

2. Ratification

As per the bylaws of the Union, candidates shall not be deemed elected until they have:

- a. Paid all outstanding Election fines.
- b. Been ratified by the Union's Board at the subsequent meeting following the election results with the condition that there is no outstanding appeal involving the candidate.
- c. Submitted all receipts in regards to all campaign's expenses.
- d. Removal of all campaign materials.
- e. Attained the age of majority of eighteen (18) years of age.

Recounts

Recounting Ballots

- a. In the event of online balloting, a candidate may request a recount of the votes by submitting a written request to the CRO no later than forty eight (48) hours after the announcement of results. In the event that a recount is requested by a candidate, the positions shall only be recounted once. The CRO, Committee, and Appeals Committee reserve the right to conduct additional recounts at their discretion.
- b. In the event of paper balloting, a candidate may request a recount of the votes by submitting a written request to the CRO no later than forty eight (48) hours after the announcement of results. In the event that a recount is requested by a candidate, the positions shall only be recounted once. The CRO, Committee, and Appeals Committee reserve the right to conduct additional recounts at their discretion.

APPEAL PROCESS

1. The Appeals Committee

The Appeals Committee will hear appeals made by candidates regarding the decisions of the Elections and Referenda Committee. The Appeals Committee will only hear appeals that have been upheld by both the CRO's decision and the Elections and Referenda Committee (EARC). All appeals of EARC decisions shall be made to the Chair of the EARC within twenty-four (24) hours of said decisions.

- a. The composition of the Appeals Committee shall be as follows:
 - i. Seat I: One (1) staff or executive member from the University of Toronto Mississauga Association of Graduate Students (UTMAGS).
 - ii. Seat II: One (1) staff or executive member from either University of Toronto at Mississauga Athletics Council or Residence Council of the University of Toronto Mississauga.
 - iii. Seat III: One (1) staff or executive member of a member Local of the Canadian Federation of Students' in the Greater Toronto Area.
 - iv. The Chair of the Elections Committee serves as a non-voting member.
- b. The Appeals Committee membership must be appointed by the EARC before the opening of the nomination period. In any given year, the outgoing Committee may appoint members of the Appeals Committee for the following year.

2. Appeals of the EARC

Candidates who wish to appeal any decision of the EARC must do the following:

- a. File a notice of appeal to the Chair of the EARC for the Appeals Committee within twenty-four (24) hours of the Committee decision, accompanied with a \$30.00 CAD (fifty dollar) deposit. The Committee reserves the right to waive the requirement of the deposit with a two-third (2/3) vote.
- b. The deposit will not count towards campaign expenses calculations or

reimbursements. The deposit may be refunded only in the case that the decision of the Appeals Committee is the opposite of what the EARC ruled (or demerit points changed). The Appeals Committee reserves the right to refund the deposit in cases where they upheld the original decision if they find the appeal to be non-frivolous in nature.

- i. The ruling of the Appeals Committee is final. Candidates and all involved parties shall be deemed to be informed of a decision six (6) hours after the decision is posted on the designated space in the Union office. All decisions shall indicate the time posted. The Appeals Committee shall notify the Committee of all decisions made.

3. Further appeals

- a. The decision of the Appeals committee is final, there shall be no further appeals solicited by candidates to any other organization and/or institution.
- b. Solicitation of UofT Administration to interfere in the Election Process shall result in disqualification of the candidate.
 - i. Solicitation of interference includes, but is not limited to, actions that encourage the UofT Administration to apply pressure on the CRO or Elections Officials to make or change specific decisions, interference in the voting and/or ballot counting process, withholding vital election document such as voters' list and ballot boxes, and withholding UTMSU funds

Rationale: the University of Toronto Mississauga Students Union is an incorporated and independent non-profit organization. The UTMSU is ruled by governing documents which are democratically written and approved by the membership via the executive, board and general students in spaces such as general meetings and commissions. Interference by institutions such as the University of Toronto in our electoral practices are seen as extremely harmful to student democracy and will not be accepted in the elections and referenda of the UTMSU.

