



# OTSU ELECTIONS PROCEDURE

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<b>PROCEDURE TYPE</b>	BOARD
<b>APPROVING AUTHORITY</b>	ONTARIO TECH STUDENT UNION BOARD OF DIRECTORS
<b>POLICY OWNER</b>	ONTARIO TECH STUDENT UNION BOARD OF DIRECTORS
<b>APPROVAL DATE</b>	DECEMBER 2020
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## 1. INTRODUCTION

The Ontario Tech Student Union (the “Student Union”) facilitates the General Elections in order to fill the Executive Team and Board of Director positions. The Chief Returning Officer will make all interpretations of this Procedure.

## 2. PURPOSE

The purpose establishes a structure within which students are nominated, run in the elections, and get elected to the Student Union. These are procedures used for decisions handed down by the Chief Returning Officer (the “CRO”). The CRO reserves the right to change or amend any information stated in this procedure without prior notice, as long as it complied with the Student Union Bylaws and applicable policies.

## 3. DEFINITIONS

### 3.1 **General Bylaws**

Refers to the Ontario Tech Student Union General Bylaws.

### 3.2 **OTSU or Student Union**

Refers to the Ontario Tech Student Union.

### 3.3 **Elections Policy**

Refers to the OTSU Elections Policy Document.

### 3.4 **Elections**

Refers to the organized process of electing executives and directors. The process of elections includes the nomination period, the campaigning period, and the voting period.

### 3.5 **By-Elections**

Refers to any elections following the Meeting of Members to fill any vacancies.

- 3.6 **Elections Office**  
Refers to the CRO and any DROs.
- 3.7 **CRO**  
Refers to the Chief Returning Officer, as designated by the OTSU.
- 3.8 **DRO**  
Refers to any Deputy Returning Officers, as designated by the OTSU.
- 3.9 **Candidate**  
Refers to any person who is eligible to hold office, has submitted a completed Nomination Package, has received confirmation of their candidacy from the CRO, to stand in the OTSU elections.
- 3.10 **Nomination Period**  
Refers to the designated days where a hopeful candidate is permitted to collect nominations in the form of signatures to be eligible to run in the elections.
- 3.11 **Campaign Period**  
Refers to the designated days during which candidates may campaign.
- 3.12 **Voting Period**  
Refers to the designated days during which members may vote for candidates.
- 3.13 **Campaigning**  
Refers to any activity intended to influence the decision of one or more voters.
- 3.14 **Campaign Materials**  
Refers to physical promotional items intended to influence the decision of one or more votes. Campaign Materials includes posters, flyers, and other pamphlets.
- 3.15 **In-Person Campaigning**  
Refers to any activity intended to influence the decision of one or more voters with the personal presence or action of the individual specified.
- 3.16 **Slate**  
Refers to a group of candidates who collaborate to become elected together by such behaviours as: instances of mutual campaigning, either in-person or in a recording; pooling campaign resources; material instances of appearing together on physical or digital campaign material; or using the similar branding on campaign materials.
- The following behaviours shall not be interpreted as slating: speaking positively about another candidate platform and/or their platform.
- 3.17 **Endorsement**  
Refers to a demonstration of support or public recommendation of a Candidate, through either verbal or non-verbal communication by any person who represents, or could be reasonably considered to represent, any Student Club, any Student Society, the OTSU, or the Ontario Tech University (the University) Administration or staff.

## 4. CAMPAIGNING

### 4.1 Campaign Period

In-person Campaigning is only permitted during the designated Campaign Period as established by the Board. For this, the following activities constitute in-person campaigning:

- The distribution, posting, or publication of any Campaign Materials;
- Public appearances or speeches related to the elections;
- Posting campaign materials on digital media (digital campaign materials which have been posted during the campaign period may remain posted after the end of the campaign period, but they cannot be amended, reposted, or otherwise republished after the end of the campaign period – no changes can be made during the voting period.

Campaign Materials are strictly prohibited from being posted or published before the start of the Campaign Period. Any Campaign Materials posted during the designated Campaign Period can remain until the close of the Voting Period.

Activities related to collecting nominations during the nomination period will not be considered campaigning.

#### 4.2 **Campaign Locations**

The following locations are considered off-limits for campaigning:

- Libraries;
- Durham College space;
- Study space;
- Faculty offices;
- Gym/CRWC;
- Third-Party Venues;
- Classrooms or lecture halls; or
- Bathrooms

#### 4.3 **Classroom Talks**

Candidates are permitted to address a class of students provided they obtained permission from the professor in writing. A copy of this approval must be sent to the CRO before the Candidate addresses a class.

#### 4.4 **Slates**

Slating as defined in 3.16 is not permitted.

The penalties for slating are outlined below:

- 4.4.1 Intentional Slating: 10 demerit points
- 4.4.2 Unintentional Slating: 7 demerit points

#### 4.5 **Campaign Delegates**

Each qualified Candidate is permitted to formally appoint Eligible Voting Members to serve as Campaign Delegates. Delegates are considered an extension of the Candidate. All Delegates shall be registered with the Elections Office. Candidates will be held responsible for the actions of their Delegates.

Delegates are subject to the following limitations:

- Delegates can only be registered to one campaign at a time
- There is no limit to the number of delegates registered to a Candidate
- Candidates can only coordinate campaign activity with registered Delegates

If any individual who is not registered as a Campaign Delegate is found to be consistently Campaigning for a Candidate, and where said candidate ought to have reasonably known about the actions of this individual but did not exercise due diligence in cautioning them about the potential consequences, said Candidate may face penalties at the discretion of the CRO.

## **5. CAMPAIGN MATERIAL**

### **5.1 Campaign Material Requirements**

The CRO must approve all Campaign Materials which are to be posted on Ontario Tech University and Ontario Tech Student Union property. Campaign Materials must be approved during prior to the approval deadline. Campaign Materials cannot promote unlawful behaviour.

### **5.2 Poster Policy**

Posters MUST include:

- The Candidates full name, as it is to appear on the ballot;
- The full title of the position that the Candidate has been nominated for;
- The dates of the voting period; and
- The OTSU poster approval sticker.

Posters MUST NOT include:

- Any mark insinuating a Candidate is formally associated with Ontario Tech University or Durham College;
- Any Copyrighted material; or
- Any material that could reasonably be considered upsetting, insulting, or objectionable to some or most people.

Posters must be removed within two (2) business days after the end of the Voting Period. Candidates are responsible for the removal of posters.

### **5.3 Displaying Campaign Materials**

Candidates can only post materials in accordance with Ontario Tech University Policy. Posters must be put up with white “sticky tack” which will be provided to Candidates. Materials cannot obstruct windows, doorways or other posted materials. Candidates can only distribute Campaign Materials in valid Campaign Locations.

Candidates will be required to pay for any expense associated with removing posters or other campaign material. For Candidates whose posters go missing or are vandalized, the CRO can grant a replacement number of posters equal to the number missing upon confirmation.

### **5.4 Social Media Policy**

Candidates are allowed to utilize social media websites to promote their campaign. The following restrictions apply:

- 5.4.1 Candidates are permitted to create a unique public page to support their elections or utilize an existing social media account. Links to all accounts used for campaign purposes must be submitted to the CRO by email prior to being used;
- 5.4.2 Candidates are permitted to advertise through social media websites. All costs associated with social media advertising must be accounted for on the Campaign Expense Form;
- 5.4.3 Candidates cannot send unsolicited e-mails or unsolicited private messages about their campaign;
- 5.4.4 Any social media campaign posts must be made public and cannot be posted on private pages; and
- 5.4.5 Social media must not include any copyrighted material or material that could be reasonably upsetting, insulting, or objectionable to some or most people.

Candidates may utilize social media websites to promote their campaign. Social media campaigning is permitted during the campaign period.

## **6. ENDORSEMENTS**

### **6.1 Seeking Endorsements**

Endorsements, real or apparent, are strictly prohibited. Candidates cannot benefit from the resources of Student Clubs, Student Societies, or OTSU Staff and Administration.

Candidates are not permitted to solicit The University or College services, staff, or administration to campaign on their behalf or promote their elections.

Any consistent third-party solicitation or involvement can result in disqualification.

## **7. CAMPAIGN FINANCING**

### **7.1 Budget**

Candidates are permitted to spend up to:

- \$50 for Directorial Candidates
- \$150 for Vice Presidential Candidates
- \$200 for Presidential Candidates

Candidates must abide by the Elections Financial Guidelines as set out in the Campaign Package.

Candidates are required to track their campaign expenses on the Reimbursement of Funds form with original receipts. Candidates shall submit a completed Reimbursement of Funds form to the CRO by the end of the voting period. Candidates shall be reimbursed, up to the approved spending limit, after the CRO has audited the Campaign Expense Form. Candidates who fail to submit a form, or submit a form after the deadline, will not be reimbursed. Candidate expenses may become public. Candidates are not to exceed their budget and must report all expenses.

### **7.2 Campaign Donations**

Campaign Donations are strictly prohibited.

## **8. VOTING**

### **8.1 Integrity of Electronic Voting**

The OTSU shall provide each Eligible Voting Member with a secret electronic ballot. The ballot will list the names of each Candidate in alphabetical order by first name.

The OTSU shall provide an official report to members after the close of the Voting Period ensuring the integrity of the electronic voting process.

### **8.2 Voting Abuse**

Candidates are required to uphold the integrity of the Electronic Voting process. The following activities constitute Electronic Voting Abuse:

- 8.2.1 Efforts by candidates or delegates to influence voters by holding parties or social events where individuals are encouraged to vote on the premises;
- 8.2.2 Offering favours or gifts in exchange for votes;
- 8.2.3 Pressuring individuals to vote in the presence of a candidate; or
- 8.2.4 Bringing the means of electronic voting to a voter.

### 8.3 **Declaring a Winner**

A candidate will be deemed the winner of the position if they have received the largest number of votes for the position. In the event that more than one candidate receives the highest number of votes, the winner will be decided through a runoff elections for the undecided position within a reasonable time-frame. The following guidelines apply:

- 8.3.1 The run-off will only be for the two individuals who have tied;
- 8.3.2 The run-off will not last longer than two days and will consist only of a voting period;
- 8.3.3 Voting will be conducted electronically;
- 8.3.4 Should this vote also result in a tie, the Elections Committee will determine the winner, to be approved by the Board.

## 9. **NON-COMPLIANCE IMPLICATIONS**

### 9.1 **Reporting Violations**

A complaint shall be prepared and signed by the complainant(s) using the Campaign Violation Form. All incidents of violence shall be immediately reported to Campus Security. The complaint shall summarize the details of the alleged violation, and provide relevant evidence. The information so provided will be held in confidence in so far as it can be allowed by the process.

Candidates shall avoid making frivolous or vexatious complaints. Complaints against a candidate are permitted up to 24 hours after the close of Voting Period. Election results will not be published until all campaign violation reports have been resolved and will not be published for at least 24 hours after the close of the voting period.

The election results are not, in themselves, subject to appeal.

### 9.2 **Investigation of Complaints**

Upon receipt of a complaint, the CRO will investigate the matter and effect a timely and appropriate response. As part of this review, the CRO may interview the complainant and the candidate whose conduct is being questioned as well as any witnesses to the incident. The candidate whose conduct is being questioned shall be advised of the details of the complaint and be given the opportunity to respond. They shall not be present when the CRO interviews the complainant and any witnesses.

The CRO may decide that the complaint is frivolous or vexatious on its face and therefore there is no basis to proceed further with the complaint.

On completion of an investigation, the CRO shall provide the candidate whose conduct is in question with a written summary of the complaint and the details of the investigation, along with any penalties.

### 9.3 **Resolution of Complaints**

The CRO shall evaluate the merits of a reported violation and decide within 24 hours of the end of the investigation. The CRO shall base their decision on a balance of probabilities: one party's case need only be more probable than the other. In the occurrence that the evidence is evenly balanced (or no evidence has been provided) the CRO shall rule on behalf of the candidate whose conduct is being questioned. The burden of proof is with the complainant.

Where the CRO finds there has been a violation of the Nomination and Elections Policy by a Candidate or a Campaign Delegate, the CRO may impose a penalty or instruct the candidate to comply with a course of action to resolve the complaint.

### 9.4 **Transparency Surrounding Campaign Violation Form Submissions and Decisions**

Campaign Violation Forms and the resulting Decisions on such violations shall be published on the OTSU Elections webpage. The nature of the decision (i.e., whether or not evidence for the complaint met the standard of proof) will feature prominently wherever the campaign violation is cited. Campaign Violation Forms, supporting evidence, and/

or Decisions may be redacted by the CRO before publishing to ensure confidentiality regarding people involved in the case. Names of candidates and/or their delegates, however, shall not be redacted

## 9.5 Penalties for Violations

The CRO may impose the following penalties to any Candidate who has been found to have committed a campaign violation:

- 9.5.1 Assign a demerit point penalty up to the maximum for a given violation;
- 9.5.2 Assign multiple penalties where the violation encompasses more than one offence;
- 9.5.3 Disqualify a Candidate; or
- 9.5.4 Declare that an election of a Candidate be ruled void.

## 9.6 Schedule of Penalties

Demerit points are assessed on, but not limited to, the following basis:  
(Sections can be found in the OTSU Elections Policy and OTSU Elections Procedure)

SECTION	ELECTIONS VIOLATION	DEMERIT POINTS
Policy - 2.1.2	Spreading falsehoods/misrepresentation of facts	7
Policy - 2.1.2	Relying on resources unavailable to all candidates	10
Policy - 2.2	Personal attacks	10
Policy - 2.2	Campaigning in bad faith	4
Policy - 8.6	Unlawful behaviour during elections	20
Procedure - 4.1	Campaigning before campaign period	10
Procedure - 4.1	Campaigning after campaign period	7
Procedure - 4.1	Campaigning during voting period	20
Procedure - 4.2	Campaigning in an unauthorized location	4
Procedure - 4.3	Addressing a class without permission	5
Procedure - 4.4.1	Intentional Slating	10
Procedure - 4.4.2	Unintentional Slating	7
Procedure - 4.5	Failure to register campaign delegate	4 (per delegate)
Procedure - 5.1	Posting unapproved campaign material	7
Procedure - 5.3	Displaying materials in unauthorized location	2 (per location)
Procedure - 5.3	Improper distribution of campaign materials	5
Procedure - 5.4	Violating social media policy	5
Procedure - 5.4.1	Failure to report social media account	7 (per account)
Procedure - 6.1	Seeking endorsements	7
Procedure - 7.1	Failure to disclose spending	1 (per dollar not disclosed)
Procedure - 7.1	Overspending	1 (per \$10 spent over budget)
Procedure - 8.2	Abuse of Electronic Voting	10
Procedure - 9.1	Multiple frivolous or vexatious complaints	4
Procedure - 9.3	Failure to comply with the CRO's resolution	10

## 10. RELATED POLICIES, PROCEDURES, AND DIRECTIVES

- Ontario Tech Student Union Governing Bylaws, Policies and Procedures
- Ontario Tech Student Union Elections Policy
- Ontario Tech Student Code of Conduct
- The Not-for-profit Corporations Act
- The Ontario Human Rights Code
- All Federal, Provincial, and Municipal laws