



## POLICY 3.01

### ELECTION, REFERENDUM, AND PLEBISCITE MANAGEMENT

#### *Election Conduct*

#### **POLICY INTENT**

To ensure a fair election of members to AUSU council. This policy, written in accordance with the AUSU bylaws, sets out the process to be followed when conducting general elections and by-elections.

#### **POLICY**

##### **Application**

- 3.01.01 This policy applies to general elections and by-elections, where:
- a. a general election is to fill all seats on council; and
  - b. a by-election is to fill vacant seats on council. In the case of a by-election, this policy will apply with necessary modifications as the circumstances require, and the timelines set out in 3.01.4 apply as if “general election” were “by-election.”
- 3.01.02 In this policy, “day” means calendar day.

##### **Timelines**

- 3.01.03 To be sure that all aspects of the election are run properly and efficiently, council will adhere to the following timelines and strive to ensure that the nominations, campaign, and voting period all fall within the same month.
- 3.01.04 Selecting Election Date:
- a. the general election date shall be set within twenty-five (25) months of the last general election date and shall fall on a Thursday. The general election date is the first day of the voting period;
  - b. the general election date shall be set by the executive director;
  - c. the call for applications for the chief returning officer (CRO) will take place at least fifty (50) days before the general election date;
  - d. the CRO shall be hired before the call for nominations.
- 3.01.05 Nominations:
- a. a call for nominations shall take place at least thirty (30)30 days prior to the general election date;
  - b. the nomination period extends from the call for nominations for fourteen (14) days;
  - c. the list of nominees shall be finalized five (5) days after the close of the nomination period.

- 3.01.06 Candidate Orientations:
- a. a minimum of two (2)two candidate orientations will be held after the close of the nomination period;
  - b. all candidates must attend at least one (1)one of these orientations;
  - c. the candidate orientation will be hosted by the executive director and provide a broad overview of the role of AUSU council and the election process.
- 3.01.07 The Campaign Period:
- a. shall extend from the date the list of nominees is finalized until the end of the voting period.
- 3.01.08 The Voting Period:
- a. shall start on the general election date which shall be a Thursday, and run for five (5) days ending the following Monday; and
  - b. the ballot count shall be completed within twenty four (24)24 hours of the end of the voting period.
- 3.01.09 The Appeals Period:
- a. shall begin seven (7) days immediately following the announcement of any ballot count.
- 3.01.10 If a situation arises that may detrimentally affect the integrity of the election process, an election emergency may be declared by either council or the chief returning officer.
- 3.01.11 In the case of an election emergency, the chief returning officer may amend or extend any deadlines in this policy.
- 3.01.12 The chief returning officer will determine if and when the election emergency has been resolved.

### **Chief Returning Officer**

- 3.01.13 The executive director shall hire a chief returning officer (CRO) for a by-election or general election by posting the position on the AUSU website and communicating the posting broadly through various AUSU media channels.
- 3.01.14 Unless terminated under 3.01.62, the CRO holds term from the date of hiring until the date of the CRO's report of a conclusion on an election appeal.
- 3.01.15 The CRO is responsible for monitoring all aspects of the general election process, including, but not limited to:
- a. accepting nominations;
  - b. verifying the eligibility of nominees;
  - c. informing candidates of campaign policy;
  - d. enforcing campaign policy;
  - e. confirming voter eligibility;
  - f. confirming ballot numbers, including re-counts;
  - g. reporting election results to council; and

- h. conducting any election appeals, unless the CRO is alleged to be responsible for the claimed error or fraud.

- 3.01.16 The CRO will comply with all access and privacy legislation as applicable.
- 3.01.17 The CRO will be paid an honorarium to be determined by the executive committee before the position is posted.
- 3.01.18 The CRO is not eligible to vote, to campaign, or to endorse any candidate in any election for which they are providing oversight.
- 3.01.19 The CRO is assisted by the executive director and is aided by AUSU staff and resources.
- 3.01.20 The CRO is subject to all AUSU policies and bylaws and may be required to cooperate with AUSU legal counsel or arbitrator should any election issues lead to legal review or arbitration.

### **Candidate Eligibility**

- 3.01.21 Qualifications and eligibility requirements for AUSU elections are defined in the AUSU bylaws. Where a conflict occurs between this policy, council decision, or the bylaws, regarding qualifications or eligibility for candidacy in the AUSU elections, the bylaws shall be considered the correct definition.

### **Call for Nominations**

- 3.01.22 AUSU staff shall issue the call for nominations, which shall be published on the AUSU website and communicated broadly through various AUSU media, and which shall include:
  - a. the election date and the end of the voting period;
  - b. the deadline for self-nominations;
  - c. notification that all candidates are required to agree to the principles outlined in this policy;
  - d. details of any campaign requirements set out by AUSU; and
  - e. instructions on how to submit an eligible self-nomination.

### **Nominations**

- 3.01.23 For general elections or by-elections, any active member in good standing in a currently open Athabasca University undergraduate course registration for credit, may submit a self-nomination to run for a seat on council, except where excluded under AUSU bylaws.
- 3.01.24 A self-nomination must include the member's:
  - a. full name, phone number, email address, and mailing address;
  - b. Athabasca University student ID number;
  - c. statement to consent to act if elected;
  - d. consent for AUSU to confirm student status and other enrolment details with Athabasca University registration services;
  - e. agreement to abide by AUSU's bylaws and policies to begin immediately, which includes, but is not limited to, the campaign materials rules set out in this policy; and

- f. acknowledgement that the member has read and understood the campaign requirements.
- 3.01.25 The CRO shall only accept self-nominations that comply with the requirements in 3.01.24, and only between the date of the call for nominations and the end of the nomination period.
- 3.01.26 The CRO shall acknowledge self-nominations within one (1) day of receipt.
- 3.01.27 With the assistance of AUSU staff and Athabasca University, the CRO shall verify that each nominee meets all eligibility requirements to run for council. The CRO will create a finalized list of nominees from all eligible nominations.
- 3.01.28 When the list of nominees is finalized, the CRO shall inform ineligible nominees of their ineligible status and the reason for their ineligibility as a candidate.
- 3.01.29 When the list of nominees is finalized, the CRO shall inform all eligible nominees of:
- a. their status as a candidate;
  - b. the start and end dates of the campaign period;
  - c. campaign guidelines and policy; and
  - d. a list of campaign requirements.
- 3.01.30 In the event that there are:
- a. the same or fewer candidates than positions to be filled at the end of the campaign period, the CRO shall conduct the acclamation procedure set out at 3.01.78 to 3.01.80 in this policy; or
  - b. more candidates than positions to be filled at the end of the campaign period, the CRO shall conduct the election procedure under this policy.

## **Campaign**

- 3.01.31 AUSU will endeavour to facilitate several campaign opportunities for candidates, which may include:
- a. publication of an individual summary statement in various AUSU media;
  - b. an online, asynchronous discussion forum dedicated to election campaign notices and questions;
  - c. interviews to be included in *The Voice Magazine* as part of the AUSU content;
  - d. online all-candidates forum; and/or
  - e. other means as council deems appropriate.
- 3.01.32 AUSU will make available any campaign opportunity that AUSU directly facilitates equal for all candidates. Candidates are free to engage in other campaign opportunities provided they are within the law and do not contravene any portion of this policy, Athabasca University policy, and/or AUSU bylaws or other policies.
- 3.01.33 AUSU may declare additional campaign opportunities as requirements to maintain active candidacy. These shall be referred to as campaign requirements and shall be governed as follows:
- a. All campaign requirements must be declared by AUSU before the start of the nomination period, must be disclosed to each candidate in the response to their self-

nomination, and must include a deadline within the campaign period by which the campaign requirement must be fulfilled.

- b. Any campaign requirement must be reasonable in nature and must apply equally to all candidates.
- c. If attendance is required, AUSU shall ensure that there is a reasonable variety of opportunities for attendance in order to accommodate the wide variety of schedules of AUSU members.

3.01.34 Should any nominee not fulfill a campaign requirement by the deadline stated in that campaign requirement, the CRO shall deem them ineligible and no longer a candidate in the current election.

3.01.35 During the campaign, voting, and/or appeal period of any general election *The Voice Magazine*:

- a. will not publish any article about the general election written by a candidate;
- b. will not publish an article that mentions or features a candidate or slate of candidates to the exclusion of other candidates;
- c. will endeavour to ensure that all coverage of candidates is as fair as possible, and without bias or endorsement; and
- d. may continue to publish articles written by candidates, but only if those articles are unrelated to the general election.

### **Campaign Materials**

3.01.36 In this policy “campaign materials” means advertising in any broadcast, print, electronic, or other media, including telephone, fax, internet, email, social media platform, and/or text/instant messaging, with the purpose of promoting or opposing the election of any candidate in an AUSU election.

3.01.37 As a condition of eligible nomination, candidates shall agree to provide AUSU and *The Voice Magazine* the irrevocable, non-exclusive, and non-transferable rights to use and/or reproduce any campaign materials in any format. Candidates further agree that AUSU may modify the materials in such a manner that makes their transference to other forms of media possible.

3.01.38 No candidate may post campaign materials without proper permission from the owner of the location or site on which the materials are posted.

3.01.39 Campaign materials may not interfere with the normal operations of Athabasca University or AUSU.

3.01.40 No candidate may post campaign materials that provide false information about other candidates, violate the law including the Canadian Charter of Rights and Freedoms, and the Alberta Bill of Rights, and/or provide access or reference to other materials that do.

3.01.41 Candidates are prohibited from using AUSU and/or Athabasca University copyright materials (i.e. logos, slogans, etc.).

3.01.42 Candidates may not engage in spamming activities.

- 3.01.43 Candidates may not harvest member emails, phone numbers, and/or other contact information (including social media information) for the purpose of distributing campaign statements. Direct contact with members is permitted only through posts on sites available to the public or via contact information voluntarily provided to the candidate by the member.
- 3.01.44 If candidates attend in-person or online classes with fellow members, they may campaign among classmates provided that campaign activities do not occur during class time, interfere with teaching, and/or otherwise affect the educational activities of the class. Candidates may not attend live classes in which they are not enrolled for the purpose of campaigning.

### **Nominee/Candidate Conduct**

- 3.01.45 Election misconduct refers to conduct of a nominee or candidate during the election process, from the call for nominations to the end of any appeal period.
- 3.01.46 Election misconduct includes, but shall not be limited to the following:
- a. coercing, threatening, and/or bullying of voters or other candidates;
  - b. attempting to defame other candidates;
  - c. any references to fellow candidates that, in the opinion of the CRO, discriminates or violates their human rights on the basis of age, disability, gender identity, gender expression, sexual orientation, nationality, ethnicity, race, faith, and any other such comparable grounds;
  - d. distributing private information (including photographs or other electronic media) about other candidates or other individuals;
  - e. providing false information about their academic credentials;
  - f. falsifying any documents submitted as part of the nomination package;
  - g. violation of any law relevant to Alberta, Canada, or the candidate's place of residence;
  - h. violation of any AUSU bylaw or policy, including this policy;
  - i. violation of the Athabasca University academic or non-academic misconduct policies; and
  - j. failing to abide promptly to a warning or a request for documents, an interview, and/or corrective action from the CRO.
- 3.01.47 Further, the following actions are election misconduct and shall result in immediate disqualification of a candidate or voter:
- a. an attempt to interfere with the AUSU election system;
  - b. an attempt to vote more than once in the election;
  - c. use of any student ID other than that belonging to the voter when registering for a ballot; or
  - d. threats toward the CRO, AUSU staff, AUSU council, fellow candidates, and/or voters.
- 3.01.48 The CRO is responsible for handling and investigating complaints about candidates.
- 3.01.49 The CRO has sole discretion in all decisions regarding election conduct, as well as the handling of complaints.

- 3.01.50 The CRO will decide, upon being provided evidence, the validity of any complaint against a candidate for election misconduct.
- 3.01.51 If a candidate is found to be guilty of election misconduct, their candidacy shall be revoked, and they shall not be permitted to be a candidate in the current election.
- 3.01.52 A complaint against a candidate may only be brought by:
- a. any other candidate in that election;
  - b. an eligible voter in that election; or
  - c. AUSU staff.
- 3.01.53 Complaints must:
- a. be provided in writing on an AUSU election complaints form, available on the AUSU website;
  - b. be sent directly and confidentially to the CRO;
  - c. be received by the CRO any time between the call for nominations through the end of any appeal period; and
  - d. contain:
    - i. name of complainant;
    - ii. name of candidate who is the subject of the complaint;
    - iii. Athabasca University student ID number of complainant unless it is AUSU staff;
    - iv. details of complaints; and
    - v. details of which policy points are alleged to have been violated and/or supporting evidence.
- 3.01.54 The CRO shall review the complaint under the procedure outlined in the AUSU CRO manual and as outlined in Policy 2.12. At minimum, the CRO shall:
- a. review the complaint within twenty four (24) 24 hours of receipt;
  - b. decide promptly if the complaint is frivolous, vexatious, and/or if there is insufficient evidence to proceed with an investigation, and if so, will reject the complaint;
  - c. inform the complainant immediately after reviewing the complaint if the complaint is rejected or if it will be investigated;
  - d. gather documents and conduct interviews as needed with any party named in the complaint and anyone else who might have information pertaining to the complaint;
  - e. consult the CRO manual and repository to determine if there are prior complaints against the subject of the complaint, and to determine if there is precedent for a decision;
  - f. make a final decision and record it on the supplied form; and
  - g. send a copy of the decision to the complainant, the candidate, and the executive director.
- 3.01.55 If the CRO requests documents or an interview with a person, and the person refuses to cooperate with the CRO:
- a. if the person is the complainant, the CRO may reject the complaint; and
  - b. if the person is a candidate, the CRO may disqualify the candidate after providing reasonable written notice to that candidate of the intention to disqualify.
- 3.01.56 The CRO shall not provide supporting documents or notes on complaints to any party outside of AUSU unless legally obligated to do so.

- 3.01.57 The CRO shall conduct all investigations as thoroughly as possible and aim for transparency, but not at the expense of revealing private information unnecessarily or illegally. The CRO may consult with the AUSU legal representative if needed.
- 3.01.58 The CRO shall submit a final decision to the executive director, setting out the reasons for the decision and any actions to be taken as a result of the decision in writing.
- 3.01.59 If the CRO finds a nominee or candidate guilty of election misconduct, the AUSU executive committee and the CRO shall take the following actions, per the complaints procedure outlined above:
- a. the candidate shall be immediately removed from the ballot for the election;
  - b. the candidate's information shall be removed from the candidate sheet and all other AUSU media where reasonably possible;
  - c. members shall be informed via the AUSU website that the individual is no longer a candidate in the current election; and
  - d. the executive committee shall consider recommending a motion to council for the removal of the member's good standing when appropriate.
- 3.01.60 If the CRO finds a candidate guilty of election misconduct after the voting period has opened, the ballot does not have to be changed, but the CRO will work with AUSU staff to notify voters that the candidate is no longer eligible for a seat on council.
- 3.01.61 If a disqualified candidate receives sufficient votes to gain a seat on council, their election will be nullified and the person with the next most votes on the list shall gain the final seat on council.
- 3.01.62 The decisions of the CRO in relation to complaints about candidates shall be final.

### **Complaints Against the CRO**

- 3.01.63 In the event that a complaint of electoral misconduct is alleged against the CRO, the executive committee may choose to retain an arbitrator to decide the issue.
- 3.01.64 The arbitrator shall be selected by the executive director and will:
- a. operate in Alberta; and
  - b. be a member of the ADR Institute of Canada; and
  - c. be a qualified or chartered arbitrator.
- 3.01.65 In advance of arbitration, the AUSU executive committee and the complainant shall agree that the decision of the arbitrator will be binding, and that they will fully cooperate with the arbitration process.
- 3.01.66 If the arbitrator finds the CRO to have acted not in good faith, the arbitrator will determine next steps and provide a recommendation to the executive committee.
- 3.01.67 If the arbitrator finds that the CRO did act in good faith, but that corrective action is needed, arbitrator will determine next steps and provide a recommendation to the executive committee.



- 3.01.68 If the arbitrator concludes that the complaint against the CRO was frivolous, vexatious, and/or without grounds, the executive committee shall consider whether a motion be brought forward to council to remove the member's good standing.

### **Voters List**

- 3.01.69 The voters list shall comprise all students on the most recent semi-monthly AUSU member list as supplied by Athabasca University no more than two (2) weeks before the start date of the voting period. AUSU shall endeavour to obtain the most recent semi-monthly AUSU member list.
- 3.01.70 If for any reason the most recent list is more than two (2) weeks old, AUSU shall take steps to obtain a more recent list.
- 3.01.71 All students named on the voters list shall be considered valid voters for the election. No exceptions shall be made for pre-enrollments.
- 3.01.72 AUSU acknowledges that students are added to the member list up to two (2) weeks prior to their course start date due to the timing of lists. This shall not limit the voting rights of persons named on the voters list.
- 3.01.73 The voters list shall be the only valid list of voters for the duration of the AUSU election, even if another member list is provided by Athabasca University during the course of the election.
- 3.01.74 The voters list shall remain the same throughout the election period.

### **Election**

- 3.01.75 If there are more valid candidates than positions to be filled at the finalizing of the list of nominees, the CRO shall, with the assistance of AUSU staff, ensure that each member on the voters list has access to an election package which will include at least:
- a. a list of the candidates and their individual summary statements;
  - b. instructions on how to cast their ballot online or by alternative means;
  - c. instructions to include their student ID number and full name as part of their ballot for verification of Active Member status;
  - d. instructions that they may vote for no more than thirteen (13) candidates in a general election, or the number of vacancies in a by-election;
  - e. notification that failure to follow any of these instructions will result in a spoiled ballot that is not counted; and
  - f. notification of the start and end of the voting period.
- 3.01.76 Explanation of the voting process and how ballots will be tabulated to determine the councillors elected. For the purposes of this section, access to the election package is sufficient if the election package is posted online in a place where any AUSU member in good standing can access it with the use of a standard computer and web-browser.

### **Acclamation**

- 3.01.77 If there are thirteen (13) or fewer valid candidates following the nomination period in an election, to ensure that the membership has the opportunity to reject any candidate(s), the following acclamation procedure will be followed.
- 3.01.78 The CRO will, with the assistance of AUSU staff, will ensure that each member has access to an acclamation package identical to the one as set out at 3.01.76 of this policy, with the following addition:
- a. notification that the ballot will require a YES or NO vote for each listed candidate; and
  - b. that only candidates who receive more YES than NO votes shall be considered elected.
- 3.01.79 All other procedures for the acclamation must be carried out as for a regular election.

### **Ballots**

- 3.01.80 The CRO, with the assistance of AUSU staff, shall take reasonable measures to ensure that the voting system is secure and that no one has the ability to obtain or return more than one ballot.
- 3.01.81 The CRO shall ensure that all votes are securely recorded and stored.
- 3.01.82 The CRO shall ensure that all ballots are cast by persons on the voters list.
- 3.01.83 If a vote is received and the voter is not on the voters list, the CRO shall record that vote separately as rejected, and shall exclude that vote from the count. Record of these votes shall be retained until a recount, if required.
- 3.01.84 If more than one (1) vote is received from a member, the CRO shall record all votes from that member as rejected and shall exclude those votes from the count. These votes shall be retained until a recount, if required.
- 3.01.85 The CRO shall never divulge or permit to be divulged which voter has cast which ballot. For greater clarity:
- a. this applies also to re-counts and election appeals; and
  - b. this provision survives the CRO term.
- 3.01.86 In the ballot count, the CRO shall count only the ballots that are neither spoiled nor rejected.

### **Results**

- 3.01.87 Following the ballot count, the CRO shall provide a duly signed results report to the AUSU executive director indicating the names of the candidates and the total number of votes received by each.
- 3.01.88 The results shall be announced on the AUSU website and communicated broadly through other current AUSU media within twenty four (24) hours of the executive director receiving the official election results. AUSU staff will also send out an email to council and all candidates with the results.

- 3.01.89 In the event of a tie for the last position on council, the CRO and executive director shall break the tie by random number generator.
- 3.01.90 For the purposes of this policy, “appellant” means an individual filing an elections appeal who either:
- a. was a valid candidate who was unsuccessful in the election; and/or
  - b. was a valid voter on the voters list in the election and complies with the other requirements in this policy.
- 3.01.91 An application for an election appeal may be filed by submitting a request to the CRO within the appeals period:
- a. stating that the appellant was a valid candidate or a valid voter on the voters list in the election;
  - b. stating the appellant’s belief, founded on reasonable grounds, that there were errors or fraud committed during the election such that the validity of the results of the election may be called into question;
  - c. outlining the particulars that inform the grounds on which the appellant’s belief is founded;
  - d. providing contact information at which the appellant may be immediately contacted; and
  - e. seeking relief in the form of a voided election.
- 3.01.92 An appeal may not be filed as an election appeal if the matter is a request for a re-count.
- 3.01.93 An appellant must file an appeal with the CRO within seven (7) days of:
- a. the announcement of results on the AUSU website, whether the results are for a vote or a secondary vote in an election or by-election; or
  - b. the announcement of results of a ballot recount at a special meeting following the same procedures as for the initial count in 3.01.85.
- 3.01.94 If the appellant alleges that the conduct of the CRO resulted in errors or frauds committed during the election such that the validity of the results of the election may called into question, the CRO will forward the matter immediately to executive director, who will retain an arbitrator under the terms provided in 3.01.65 to 3.01.69 inclusive of this policy. In this event, the authority of the CRO in sections 3.01.91 through 3.01.95 inclusive of this policy shall be adapted to apply to the arbitrator.
- 3.01.95 Upon receipt of an application for an election appeal that complies with the requirements in 3.01.91 through 3.01.95, the CRO shall promptly make a determination, based on the application, whether the application is:
- a. vexatious, trivial, groundless, and/or is substantially a request for a recount; or
  - b. proper and has grounds.
- 3.01.96 If the CRO determines the application for a controverted election appeal is proper and has grounds, the CRO shall report this determination to the executive director, the president, the appellant, and all candidates who participated in the election.

3.01.97 If the CRO determines the application for a controverted election appeal is proper and has grounds based on the appellant's submission, the CRO shall conduct an appeal.

3.01.98 The CRO shall conduct an appeal by:

- a. gathering documents and conducting interviews as needed with any party named in the appeal and anyone else who might have information pertaining to the appeal. This includes, but is not limited to, interviews with and documents from the appellant and the candidate(s) in the election.

In the event the CRO is a subject of the investigation, the arbitrator may interview the CRO by:

- b. consulting the CRO manual and repository to determine if there is precedent for a decision;
- c. making a final decision in a timely manner,;
- d. and recording the decision, and the written reasons for the decision, in a form adapted from the form used for reporting investigations; and
- e. as soon as practical, sending a copy of the decision to the appellant, the candidate(s) in the election, and the executive director

3.01.99 If the CRO's conclusion after conducting the appeal is that all of the successful candidates were duly elected, the results of the election stand and the results shall be reported following the same procedures as for the initial count in 3.01.84 and 3.01.85.

3.01.100 If the CRO's conclusion after conducting the appeal is that one (1)one or more successful candidates were unduly elected:

- a. the CRO shall report this conclusion immediately to the executive director, who shall announce the result of the appeal on the AUSU website; and
- b. a by-election shall be called according to AUSU Policy 3.03 By-Elections, or in the event the CRO concluded that all successful candidates in a general election were unduly elected, a subsequent general election shall be called.

## **RELATED REFERENCES, POLICIES, PROCEDURES AND FORMS**

### **This Policy References**

AUSU Policy 2.12 Respect in the Workplace

AUSU Policy 3.03 By-Elections

AUSU Policy 3.05 Council Changeover

### **This Policy is Referenced by**

AUSU Policy 3.03 By-Elections

AUSU Policy 3.04 Petitions, Referendums, and Plebiscites

## **POLICY RESPONSIBILITY**

Council

## **POLICY HISTORY**

Original Approval Date: December 19, 2005

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