

# Election and Referendum Manual of the University of Manitoba Students' Union

---

**Adopted**            08 October, 2015

**Amended**          28 April, 2016  
                         5 January, 2017

*In order to accommodate electronic voting this manual has three unique numbering systems:*

*1 to 30 represents rules applicable to all elections  
40 to 60 are specific for paper ballot elections  
70 to 100 are specific for electronic voting elections*

## Contents

<b>SECTION I: ELECTION &amp; REFERENDA DEFINITIONS .....</b>	<b>4</b>
<b>SECTION II: SUSPENSION OR AMENDMENT OF RULES .....</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>SECTION III: SCHEDULING .....</b>	<b>6</b>
<b>SECTION IV: NOTICE .....</b>	<b>7</b>
<b>SECTION V: NOMINATIONS .....</b>	<b>8</b>
<b>SECTION VI: NOMINATION REQUIREMENTS.....</b>	<b>9</b>
<b>SECTION VII: NOMINATION VACANCIES .....</b>	<b>10</b>
<b>SECTION VIII: SLATES.....</b>	<b>11</b>
<b>SECTION IX: REGISTRATION OF SIDES.....</b>	<b>12</b>
<b>SECTION X: OFFICE SPACE.....</b>	<b>13</b>
<b>SECTION XI: PROHIBITIONS &amp; VIOLATIONS .....</b>	<b>14</b>
<b>SECTION XII: PENALTIES .....</b>	<b>15</b>
<b>SECTION XIII: DEMERIT SYSTEM.....</b>	<b>16</b>
<b>SECTION XIV: DAMAGES, DISQUALIFICATIONS, AND LOST DEPOSITS .....</b>	<b>17</b>
<b>SECTION XV: COMPLAINTS AND APPEALS .....</b>	<b>18</b>
<b>SECTION XVI: COMPLAINT PROCEDURE .....</b>	<b>19</b>
<b>SECTION XVII: APPEAL PROCEDURE .....</b>	<b>20</b>
<b>SECTION XVIII: DAILY CAMPAIGN MEETINGS.....</b>	<b>22</b>
<b>SECTION XIX: CAMPAIGN MATERIALS .....</b>	<b>23</b>
<b>SECTION XX: BANNERS .....</b>	<b>24</b>
<b>SECTION XXI: FAIR MARKET VALUE .....</b>	<b>25</b>
<b>SECTION XXII: APPROVAL PROCESS.....</b>	<b>26</b>
<b>SECTION XXIII: CAMPAIGNING.....</b>	<b>27</b>
<b>SECTION XXIV: CAMPAIGNING STANDARDS AND PROHIBITIONS .....</b>	<b>28</b>
<b>SECTION XXV: ELECTION FORUM .....</b>	<b>29</b>
<b>SECTION XXVI: CAMPAIGN EXPENSES .....</b>	<b>30</b>
<b>SECTION XXVII: EXPENSE SUMMARIES AND OVERSPENDING .....</b>	<b>31</b>
<b>SECTION XXVIII: CANDIDATE &amp; SIDE REIMBURSEMENT .....</b>	<b>32</b>
<b>SECTION XXIX: SCHEDULING OF POLLS.....</b>	<b>33</b>

PAPER BALLOT VOTING ..... 33  
ONLINE VOTING ..... 33  
**SECTION XXX: BALLOT DESIGN.....34**  
**SECTION XXXI: VOTING .....35**  
**SECTION XXXII: BALLOT COUNTING .....36**  
PAPER BALLOT VOTING ..... 36  
ONLINE VOTING ..... 37  
**SECTION XXXIII: TIES AND RECOUNTS .....38**  
RECOUNTS FOR PAPER BALLOT VOTING ..... 38  
**SECTION XXXIV: REFERENDA RESULTS .....39**

## Section I: Election & Referenda Definitions

1. Unless otherwise specified, the following definitions apply to this Elections guide.
  - a. “Annual General Election” is the election held during February and March to elect the Executive and Community Representatives for the following academic year.
  - b. “Ballot” means a section of a paper or electronic form where a singular position is voted for.
  - c. “Banner” is any sheet of paper or other material, of a total area that is greater 1.5 square metres, which is displayed as part of a campaign.
  - d. “Campaign” or “campaigning” is any act that has the intention of soliciting support or opposition for a particular Candidate, Slate, or Side.
  - e. “Campaign Expense” means any and all expenditures by or on a Candidate’s or Side’s behalf for the production or distribution of Campaign Materials, costs directly associated with campaigning, fees or charges incurred as part of campaigning, or other expenditures associated with the campaign as defined by the CRO.
  - f. “Campaign Manager” includes any Member of the Union identified by a Candidate, Slate, or Side as their Campaign Manager for the purposes of the Election Rules.
  - g. “Campaign Materials” includes any created objects (physical or digital) that solicit support or opposition for a particular Candidate, Slate, or Side.
  - h. “Candidate” means any Member of the Union whose nomination is accepted under procedures established in the Election Rules.
  - i. “Electronic campaigning” means any use of social media, messaging services, and/or website(s) for the purpose of campaigning.
  - j. “Nomination Day” means the final day of the period, as set out by these rules, that nominations for candidacy or registrations for Sides will be accepted.
  - k. “On the floor campaigning” means any in person campaigning on or off campus.
  - l. “Referendum” means a decision made by the Members of the Union in a balloted vote organized by the Chief Returning Officer of the Union.
  - m. “Scrutineer” means a volunteer who oversees part or all of either a polling station or a vote count on behalf of a candidate, slate, or side.
  - n. “Side” means any CRO-recognized group of individuals representing a particular position on a referendum question.
  - o. “Slate” means candidates who are members of a single campaign, each running for a different position.
  - p. “Volunteer” means any individual who engages in campaigning or scrutineering on behalf of a candidate, slate, or side.
  - q. “Voting week” means the final week of campaigning where voting is held.

## Section II: Suspension or Amendment of Rules

1. Council may choose to overrule all or part of the Election Rules temporarily for a given Referendum, provided such a motion is:
  - a. adopted in a 2/3 vote of Council.
  - b. adopted by at least two weeks prior to the opening of nominations for the Referendum it would affect.
  - c. provided to Council for notice at least two weeks prior to being adopted by Council.
  - d. reasonable, made in good faith, and does not unnecessarily inhibit the democratic nature of a Referendum.
2. The Elections and Referendum Manual may be amended by a motion of Council, providing it meets the following requirements:
  - a. The exact wording of the change must be provided to Councillors with at least 2 weeks of notice to review the changes.
  - b. No changes may be made during the period of two weeks from the opening of the nomination period and lasting until the CRO delivers their report to UMSU Council.

## Section III: Scheduling

1. The following is the schedule used for all UMSU Election and/or Referenda.
  - a. Week 1 (Four weeks prior to Voting Week): Nominations open on Monday at 9:00. Nominations may remain open over the following weekend at the discretion of the CRO. This week is part of the pre-campaigning period.
  - b. Week 2 (Three weeks prior to Voting Week): Nominations close on the Friday at 17:00. This week is part of the pre-campaigning period.
  - c. Week 3 (Two weeks prior to Voting Week): This week is part of the pre-campaigning period.
  - d. Week 4 (One week prior to Voting Week): Campaigning begins at 9:00 on Monday, and extends through the following weekend. The CRO may choose to provide advance voting during this week at their discretion.
  - e. Week 5 (Voting Week): Polling stations are open on the Wednesday, Thursday, and Friday of this week on a schedule set by the CRO, and may be additionally open on the Monday or Tuesday at the discretion of the CRO.
    - i. There shall be no on the floor campaigning on voting days.
    - ii. Electronic campaigning may continue until the close of the polls on the last day of voting.
2. In the event of referenda being held outside of the Annual General Election, Council may direct the CRO to:
  - a. begin the election period at Week 2, with nominations opening on the Monday of Week 2, and/or,
  - b. skip Week 3, with campaigning beginning the week following the close of nominations.
3. The Annual General Election of the Union will be held at a time that allows Week 3 to be held during Reading Week.

## Section IV: Notice

1. The CRO is responsible, in accordance with the Election Rules, for the proper advertising in the Manitoban Newspaper, as well as posting notice(s) on relevant sources, including outside the CRO's office and the UMSU offices that a referendum is to be held.
2. The CRO shall advertise in any manner they deem fit for:
  - a. the nominations of candidates and the registration of sides prior to the nomination/registration period.
  - b. advertise for the forthcoming election or referendum to encourage Members of the Union to actively participate in the democratic process.

## Section V: Nominations

1. Prior to advertising for nominations the CRO shall prepare a package of written information which will be available to any Member of the Union at least one week prior to the opening of the Nomination Period, and will include:
  - a. current copies of the Bylaws, Governance and Operations Manual, Elections Guide and Supplementary Rules related to Elections, Referenda, the CRO, and the Judicial Board.
  - b. nomination forms for candidates.
  - c. registration forms for sides.
  - d. a list of all nomination requirements and deadlines, including instructions on obtaining a letter confirming the nominee's academic standing.
  - e. any other forms required of nominees, including a signed acknowledgment and acceptance of nomination by the nominees.
  - f. the current posted office hours and contact information of the CRO and DRO(s).
  - g. a detailed description of "pre-campaigning" and a list of permitted and restricted activities.
  - h. a statement of the rules regarding keys and use of offices.
2. Complete nominations, containing all material required by the Bylaws and the CRO, must be received by no later than the deadline set out in the advertisement by the Office of the CRO.
3. It is the sole responsibility of nominees to ensure the completeness and accuracy of their nominations. Any nomination that fails to comply with any part of the rules shall be summarily rejected, although the CRO can, at their discretion, allow an appropriate extension to correct any accidental or unavoidable errors or omissions in the nomination package.
4. Within 36 hours of the closing of nominations, the CRO shall post both the legal names of all candidates and the names which shall appear on the ballot, and shall publish the same in the next issue of the Manitoban newspaper.



## Section VI: Nomination Requirements

1. In order to be nominated as a candidate, a person:
  - a. be a Member of the Union.
  - b. be nominated under their legal name or a reasonable derivative thereof.
  - c. be a self-declared member of the community they are being nominated to represent if they are being nominated for a Community Representative position.
  - d. be registered as an international student with the University if they are being nominated for International Students' Representative.
  - e. have provided a completed nomination package to the CRO prior to the end of the nomination period, which shall include:
    - i. basic information about the candidate, including their name and contact information.
    - ii. for persons nominated for the UMSU Executive, the first and last names, signatures, faculties, years, and student identification numbers of at least 100 nominators who are Members of the Union.
    - iii. for persons nominated for Community Representative, the first and last names, signatures, faculties, years, and student identification numbers of at least 15 nominators who are Members of the Union and are members of the relevant community.
    - iv. a signed acknowledgment of acceptance of the nomination by each nominee.
    - v. a letter from the Student Records office of the University confirming that the nominee (and campaign manager, if applicable) are Members of the Union.
    - vi. a \$50.00 deposit.
    - vii. a signed document indicating the name which each candidate wishes to appear on the ballot, and an indication of whether he or she considers this name to be a reasonable derivative of his or her legal name.
2. Members of the Executive and Council may run as candidates in any General Election for either Executive or as a Community Representative, provided they meet all other criteria required of any other nominated candidate.

## Section VII: Nomination Vacancies

1. If an open position receives no nominations by the deadline for nominations, nominations remain open until 17:00 on the Friday during Week 3, and the CRO must advertise and post this information as the CRO deems fair and practical.
2. If an open position receives no nominations by the extended deadline for nominations, then:
  - a. If the position is on the Executive, it shall be considered vacant for the purposes of the UMSU Bylaws.
  - b. If the position is for Community Representative, it shall be vacant until the process described in clause 14 can be followed.
3. If a community representative position remains vacant after the Annual General Election, nominations to fill the position by appointment of Council shall reopen on October 1<sup>st</sup>.
  - a. If a position becomes vacant through any other means after or during September and before March, nominations to fill the position by appointment of Council shall be reopened on the first of the next month.
  - b. The nomination period shall be one week.
  - c. If, by the end of the nomination period no one has been nominated, nominations shall be reopened after one month has passed, and every month after that, until the position is filled
  - d. If one or more Members have been nominated, Council shall decide by voting after a presentation by each of the nominated candidates. Council shall also request the perspective and input of community members associated with the position. The candidate with the largest number of votes shall be considered appointed to the position.
  - e. The candidate appointed by Council shall be appointed for the remainder of the academic year and shall have full voting rights during their term in office.

## Section VIII: Slates

1. Candidates for Executive positions may run in slates of up to five candidates, each running for a different position.
2. Candidates who are running alone are considered to be running as a Slate of one for the purposes of the Election Rules.
3. Candidates for Community Representative may not register as part of a Slate.
4. No candidate may simultaneously run as part of more than 1 slate.
5. Slate names require approval by the CRO, and must be submitted in writing to the CRO. If no name is chosen, the CRO may assign a reasonable name for that Slate.
6. No slate shall choose a slate name which is the same as that of a registered federal or provincial political party. Where two or more similar slate names are submitted to appear on the ballot for a slate, the CRO shall choose which names appear on the ballot.
7. Following the closing of nominations, the CRO shall immediately convene a meeting for all candidates and their campaign managers (referred to as the "All Candidates' Meeting").
8. All candidates and campaign managers shall attend the candidates meeting in its entirety. The CRO may exempt individuals from attendance under extenuating circumstances, but only if the person requesting an exemption does so in writing at least 48 hours prior to the candidates meeting, or informs the CRO of an emergency for which no notice could reasonably be given.
9. At the candidates meeting, all candidates and campaign managers shall be required to deposit with the CRO any and all keys, cards, or other methods of access to any building or room on any Campus, except for:
  - a. a candidate's or a campaign manager's personal residence or the residence of a significant other.
  - b. a candidate's or a campaign manager's place of employment.
10. At the candidates meeting, the CRO shall:
  - a. review the relevant governing documents, and respond to questions about same.
  - b. announce the times and dates of daily meetings during the campaign, and announce any other methods that shall be regularly used to communicate with campaigns.
  - c. take attendance.
  - d. deal with any other topics deemed necessary by the CRO.

## Section IX: Registration of Sides

1. On the Nomination & Registration Day, each side shall present its registration forms to the CRO.
2. In order to become registered, a side must have:
  - a. An organized committee of Members of the Union (the “Side Committee”) that supports the position of the Side.
  - b. The first and last names, signatures, faculties, years, and student identification numbers of the members of the Side Committee.
  - c. The first and last names, signatures, faculties, years, and student identification numbers of at least 50 nominators who are Members of the Union (which can include members of the Side Committee).
3. The Side Committee shall have as part of its structure:
  - a. An authorized representative, authorized to represent the Side to the CRO.
  - b. A treasurer, authorized to handle the Side Committees finances.
4. A Side Committee cannot restrict membership to the Committee from any Member of the Union provided they have joined the Side and support the position of the Side honestly and in good faith.
5. Members of the Executive and Council and candidates for Executive and Community Representative may participate as Members on a Side Committee, provided they meet all other criteria required of any other person sitting on the Committee.
6. Each side shall provide the CRO with a list of those who are currently members of the Side Committee.
7. Any Member of the Union wishing to join a side may register with the CRO following the specified deadlines. The CRO shall forward the name and phone number of the member to the appropriate authorized representative.
8. The name of a side may not include a federally or provincially registered political party name or symbol, or derivation thereof.

## Section X: Office Space

1. The Union shall endeavour to provide storage and office space to all candidates and sides. No campaign shall have an office on campus which is not approved by the CRO.
2. The CRO shall ensure that all candidates in an election and sides in a referenda have equal access to office space.
3. The priority for distributing office space shall be, in order of highest priority to lowest:
  - a. Candidates for Executive positions.
  - b. Sides in a referendum.
  - c. Candidates for Community Representative.
4. If any member of a campaign already has an office at the University, such office may be used for the storage of campaign materials and may be used for any act which pertains to the campaign, provided the CRO approves such use prior to its use.

## Section XI: Prohibitions & Violations

1. No Candidate, Slate, or Side may distribute or use, and the CRO cannot approve, Campaign Materials which:
  - a. have more than a nominal value when distributed.
  - b. contain libel or slander (based on consultation with legal counsel if necessary).
  - c. are factually incorrect.
  - d. violate any federal or provincial statute, or any University rule, regulation, policy, or procedure.
  - e. are discriminatory or derogatory towards any person(s) based on the characteristics listed no section 9 (2) of the Manitoba Human Rights Code.
2. Where the CRO determines that Campaign Material which requires the approval of the CRO is being distributed, displayed, or used by a campaign without the CRO's approval, then the CRO may:
  - a. order the material immediately withdrawn or removed and may confiscate the material from the campaign for a period of not less than 24 hours.
  - b. assign an additional penalty, which may include (but is not limited to) any or all of the following:
    - i. destruction of the material.
    - ii. a reduction in permitted campaign expenses or a restriction on campaigning, provided that the penalty is balanced against the volume of material distributed or its effect, and that no destruction takes place until the appeal period expires.
3. Any Campaign Materials that cost more than \$100 to produce must have their costs pre-approved by the CRO. The CRO will approve all costs exceeding \$100, provided they are not in violation of the Election Rules.
4. Each Candidate, Slate, or Side must comply with any building regulations of the University in addition to the following:
  - a. no more than 1 poster per Candidate or Side may be affixed to any one bulletin board.
  - b. no more than 1 posters per Candidate or Side may be affixed to the same pillar, and these posters must face in opposite directions.
  - c. no poster may be affixed so as to obscure or cover another Candidate, Slate, or Side's campaign materials.
5. Where posted Campaign Materials are in violation of any rules, they may be removed by the CRO. The CRO may authorize another individual or Candidate, Slate, or Side to make the removal.
6. No individual may remove, deface, damage, or destroy Campaign Material without the authorization of the CRO.
7. Each Candidate is limited to a maximum of 150 posters on display at any one time at the Fort Garry Campus. The CRO may also create limits to the number of posters that can be displayed on campuses other than the Fort Garry Campus. The CRO may restrict distribution of Campaign Materials to ensure this limit is not breached.

## Section XII: Penalties

1. Where a breach has occurred, regardless of cause or the intent of the parties involved, and that breach has provided an unfair advantage to a campaign, the CRO shall assign a penalty that:
  - a. fully counterbalances any unfair advantage gained.
  - b. penalizes the campaign for committing a violation; and is of the same type or character as the advantage which was gained.
  - c. Penalties available to the CRO include, but are not limited to:
  - d. a reduction in permitted campaign expenses.
  - e. a reduction in reimbursements.
  - f. the confiscation or destruction of campaign materials.
  - g. limits, restrictions, and prohibitions on any type of campaigning, for any period of time.
  - h. disqualification.
2. A penalty may be assessed for an individual breach, or for a series of repeated violations that in aggregate constitute a greater breach.
3. A candidate shall only be disqualified where they commit a serious breach that:
  - a. cannot be counterbalanced by a lesser penalty.
  - b. involves tampering with ballots, balloting, voting or counting procedures.
  - c. involves repeated violations for which lesser penalties have already been imposed.
4. Where candidates are part of a slate, any disciplinary action, including disqualification, taken by the CRO against any candidate shall not affect other members of the slate unless they are named in the complaint and the CRO determines they are also at fault. Each infraction by a member of a slate shall be considered a violation by that individual candidate.
5. Where a serious contravention of the election occurs, such that the results of the election or referenda could not reasonably be deemed to indicate the actual preference of the voters, that election, referendum, or part related to the contravention, may be declared void if:
  - a. the CRO submits a formal request to the Judicial Board.
  - b. the Judicial Board holds a hearing using the Appeal process as closely as possible, with all Candidates and Authorized Representatives of Sides who would be affected considered to be the Respondents.
  - c. the Judicial Board rules that such a request is justified.
6. If all or part of an election or referendum is voided, they shall be repeated at the earliest opportunity by which the Judicial Board feels the actual preference of the voters can be determined.

## Section XIII: Demerit System

1. The CRO shall assign demerits to candidates for violations of the Election Rules. If a candidate obtains 50 demerit points they shall be disqualified immediately and if the voting period has not occurred their name shall be struck from the ballot. A candidate has the right to appeal this penalty to the Judicial Board. If a valid appeal is filed within 48 hours the candidates name shall remain on the ballot, pending a verdict from Judicial Board.
2. The CRO shall provide all candidates with a table outlining potential offences and their respective demerit penalty at the All Candidates meeting. This table shall not be expected to be all inclusive, and in the case of uncategorized offences, or extenuating circumstances the CRO can assign other penalties.
3. Offences and infractions considered to be committed by an entire slate, or by a campaign manager shall be evenly divided between the entire slate.



## Section XIV: Damages, Disqualifications, and Lost Deposits

1. Any damage or similar expenses caused by a Candidate, Slate or Side, or a volunteer for a Candidate, Slate or Side, shall be paid for by the Candidate, Slate or Side deemed responsible by the CRO. Failure to do so shall result in immediate disqualification for the offending Candidate or Slate or side.
2. Any disqualified Candidate, Slate or Side will lose their deposit, if any, and their right to be reimbursed for election expenses.
3. Reimbursement of campaign expenses for Candidates who withdraw from the election shall be at the discretion of the CRO.
4. The Treasurer of the Side shall be responsible for distributing reimbursed costs to individual members of the Side.

## Section XV: Complaints and Appeals

1. Complaints shall be allegations of a breach of the Election Rules against Members of the Union other than the Chief Returning Officer which are submitted to the Chief Returning Officer for a ruling.
2. Appeals shall be allegations of a breach of the Election Rules by the Chief Returning Officer which are submitted to the Judicial Board for a ruling, and such alleged breaches shall be:
  - a. a misapplication of the Election Rules to a Complaint.
  - b. a misapplication of the Election Rules to any other ruling of the CRO.
  - c. any other action by the CRO during the Election Period that contravenes the Election Rules.
3. No appeal exists from a ruling of the Judicial Board, and a ruling of the Judicial Board shall be final and binding on the parties to the Appeal.
4. Rulings of the CRO regarding breaches of the Election Rules that were not as a result of a Complaint shall be treated as Complaints for the purposes of posting the ruling.
5. All Members of the Union shall cooperate with the investigations of the CRO and the Judicial Board unless otherwise prohibited by the Governance Documents of the Union or by law.
6. The CRO shall prepare and provide a complaint form which requires complainants to indicate the:
  - a. name and student identification number of the complainant.
  - b. specific clause(s) of the Election Rules that is alleged to have been breached.
  - c. specific campaign or individual that is alleged to be in breach.
  - d. specific facts which constitute the alleged breach.
  - e. evidence of these facts.
7. The CRO shall prepare and provide an appeal form which requires appellants to indicate the:
  - a. name and student identification number of the appellant.
  - b. CRO's ruling being appealed.
  - c. reason for the appeal, including specifically any errors in interpretation or application found in the ruling.
  - d. ruling sought from the Judicial Board.

## Section XVI: Complaint Procedure

1. Any Member of the Union, other than the CRO, may file a Complaint regarding an alleged breach of the Election Rules.
2. The following shall be the process by which Complaints are filed, received, and ruled upon:
  - a. The Complainant must submit a Complaint to the CRO using the prescribed form within 48 hours of the alleged breach of the Election Rules.
  - b. If the Complaint is found to be validly submitted, the CRO shall send a copy to any other parties named in this Complaint and continue this complaint procedure.
  - c. The CRO shall investigate the Complaint using whatever means are at their disposal. This investigation shall include requesting a written response to the Complaint from any party alleged to have committed a breach of the Election Rules.
  - d. The CRO shall issue a written ruling on a Complaint. This written ruling shall:
    - i. be sent to all parties to the Complaint via e-mail; and
    - ii. be posted as soon as possible at the office of the CRO, on the Election Website and at UMSU's offices.
  - e. Written rulings on a Complaint shall be required to be issued by the CRO within twenty-four (24) hours if the Complaint was received between 06:00h Monday and 16:30h Friday, or within forty-eight (48) hours if the Complaint was received between 16:30h Friday and 06:00h Monday.
  - f. Any penalties assigned by the CRO as a result of their ruling shall take effect immediately unless stated in the CRO's ruling.
3. Complaints that are not validly submitted shall be thrown out by the CRO, but the Complainant may resubmit as soon as they can make a valid submission.
4. The following do not require a written complaint and shall be brought to the CRO's attention immediately upon being discovered:
  - a. A violation regarding the required number of poll clerks at a polling station.
  - b. complaints regarding pre-campaigning.
5. All Complaints must be submitted electronically.
6. Any posted ruling of the CRO on a Complaint shall contain:
  - a. a summary of the allegation.
  - b. a summary of the parties to the complaint.
  - c. a listing of all applicable Election Rules that apply.
  - d. a finding regarding the facts.
  - e. a ruling regarding the alleged breach.
  - f. the penalty assigned.
  - g. the time the ruling was posted.
  - h. the time limit on any appeal.

## Section XVII: Appeal Procedure

1. Any Member of the Union may file an Appeal alleging a breach of the Election Rules by the CRO.
2. Only Members of the Union who were party to an original Complaint are entitled to Appeal the ruling of the CRO to the Judicial Board.
3. The following shall be the process by which Appeals are filed, received, and ruled upon:
  - a. The Appellant must submit an Appeal to the Chair of the Judicial Board using the proscribed form within 48 hours of either the alleged breach of the Election Rules or the CRO's ruling on a Complaint.
  - b. If the Appeal is found to be validly submitted, the Chair of the Judicial Board shall send a copy to any other party named in the Appeal, including the CRO, and continue this procedure.
  - c. The Chair of the Judicial Board shall schedule a hearing of the Judicial Board to take place within:
    - i. 12 hours of receiving the Appeal form if the alleged violations could result in the voiding of the Election or Referenda,
    - ii. 24 hours of receiving the Appeal form for all other alleged violations of the Election Rules.
  - d. The Chair of the Judicial Board shall communicate the time and place of this hearing to all parties named in the Appeal, including the CRO.
4. Prior to the appeal hearing, the Judicial Board shall first convene in camera and determine if a prima facie case has been made in the appeal. If a prima facie case has not been made, the Judicial Board shall dismiss the Appeal or the affected parts thereof.
5. If the Appeal hearing shall occur, it shall use the following process:
  - a. The Chair shall ask:
    - i. the members of the Judicial Board if any perceived conflict of interest exists between them and any party to the Appeal.
    - ii. the parties to the Appeal if they wish to challenge any Board member based on a conflict of interest.
  - b. The Board may call a recess to consider any Conflicts of Interest raised at the beginning of the hearing.
  - c. The Chair shall then explain any procedures to be followed to the parties present, including any time limits on presentations or examinations.
  - d. The Chair shall invite the Appellant to present their case.
  - e. The Chair shall invite the Respondent to present their case.
  - f. The Judicial Board shall investigate the case as they deem appropriate, and may call a recess of no more than twelve hours in duration.
  - g. The Chair shall offer first the Respondent then the Appellant the opportunity to make a closing statement.
  - h. The Judicial Board shall retire for deliberations in camera.
  - i. The Judicial Board shall tell the parties to the Appeal who are present at the hearing their ruling immediately after coming out of deliberations.
  - j. The Chair shall issue the written ruling of the Judicial Board within 12 hours of the end of the meeting, and shall:
    - i. send the ruling to all parties to the Appeal via e-mail.
    - ii. post the ruling as soon as possible at both the office of the CRO, the election website, and the UMSU offices.
6. Any penalties assigned or modified by the Judicial Board as a result of their ruling shall take effect immediately unless stated in the Judicial Board's ruling.

7. The CRO may choose to resolve an Appeal informally prior to the Appeal hearing. If the Appeal is resolved to the satisfaction of all parties to the Appeal, the Appellant shall notify the Chair of the Judicial Board who shall cancel the hearing.
8. The Judicial Board may request any person to appear at a Judicial Board Meeting whose evidence would assist the Judicial Board in making a decision.
9. The Judicial Board may uphold, modify, or overturn any ruling made or penalty assigned by the CRO, and additionally may overturn all or part of the election results and apply penalties outlined in these documents within the spirit of good governance for elections.

## Section XVIII: Daily Campaign Meetings

1. On every weekday during the campaign period, the CRO shall chair a meeting of campaign representatives to review complaints, rulings, orders, rules, procedures and announcements.
2. All Candidates and Sides are required to do one of the following for each of the CRO's daily campaign meetings:
  - a. attend the meeting themselves.
  - b. send a proxy.
  - c. ask for and receive the CRO's permission to miss that particular meeting.
3. Candidates and Sides not directly competing with each other can send the same person as a proxy to the daily campaign meetings, but such proxies must be approved by the CRO.

## Section XIX: Campaign Materials

1. All Campaign Materials must be approved by the CRO before they may be used in a campaign.
2. The CRO may choose to exempt, at any time, any type of Campaign Materials from the approval process. Any such exception must be:
  - a. Clearly defined.
  - b. Consistently applied to all Candidates, Slates, Side, and UMSU Members.
  - c. Communicated fairly to all Candidates, Slates, and Sides.
3. Communication that is private and solicited, whether it is by a digital system or not, shall not be considered Campaign Materials.
4. The CRO may require the use of a unique mark, punch or other means of identification for any type of Campaign Materials that indicates those Campaign Materials have been approved by the CRO.
5. Candidates, Slates, and Sides may request a written ruling from the CRO about whether any proposed materials fall within the definition of Campaign Materials. The CRO must reply in writing within 24 hours.
6. Candidates or sides shall be held solely responsible for adhering to all rules and regulations set out in UMSU's governing documents regarding the application of posters. Upon notification by the CRO or a DRO of violation of these rules or regulations, the candidate or side must correct the violation within six (6) hours or be subject to the application of demerit points.
7. Upon the introduction of unapproved promotional materials in the course of a general election or referendum campaign, the CRO shall communicate to the electorate that these materials are not legitimate campaign materials, that they are the product of influences attempting to interfere with and bias the campaign and subsequent vote, and that these materials should be disregarded. This statement from the CRO shall be distributed to members via e-mail before the voting period begins, but no more than twenty-four (24) hours before the beginning of the voting period.
8. All print election materials produced by a slate, side or candidate in an election or referendum shall be required to be produced at UMSU's Digital Print and Design Centre (DPDC) unless otherwise approved by the CRO as a result of production limitations at the DPDC.
9. All Campaign Materials must be removed after the close of polls on the final day of voting by a date and time to be determined by the CRO.

## Section XX: Banners

1. Materials shall be considered a banner if they surpass 1.5 square meters in area.
2. Each Candidate, Slate, or Side may place banners around Campus, and the CRO will set rules and limitations on:
  - a. The number of banners available for each Candidate, Slate, or Side to use.
  - b. The banner locations available for use.
  - c. The method by which these banner locations will be allocated.
3. Candidates, Slates, and Sides must construct and place banners in accordance with University building regulations.
4. Banners locations will be assigned at the first All Candidates' Meeting.
5. Banners shall be subject to limitations outlined in Section XIX clause 8.



## Section XXI: Fair Market Value

1. A Candidate, Slate, or Side that receives a product or service for free or at a reduced price shall use the fair market value of the product when calculating their total campaign expenses if the product or service cannot be reasonably obtained by all competing campaigns at the same price.
2. Fair market value shall be determined by the CRO using the following factors and the CRO shall notify the campaign which method of valuation has been used:
  - a. the price another campaign would have to pay for the same product or service provided by that supplier, or another similar supplier, in which case that amount shall be assessed.
  - b. whether the product or service is reasonably available to all campaigns at no charge, in which case no charge shall be assessed.
3. For certainty of budgeting purposes, a campaign may request in writing a declaration from the CRO of a product or service's fair market value, but must include in that request:
  - a. a full and accurate description of the product or service.
  - b. the supplier of the product or service, and their address, phone, fax and E-mail where available.
  - c. the campaign's estimate of fair market value and their method of deriving that value.
  - d. at least 3 other suppliers of the same product or service, if available.
  - e. where a product or service is to be claimed as free, reasonable evidence of that fact.
  - f. where a product or service is to be claimed as free, reasonable evidence that the product or service is reasonably available free of charge to other campaigns.
  - g. a signed declaration from the purchaser indicating the presence or absence of any known relationships, whether by blood, marriage or acquaintance, between the supplier and any member of the campaign.
4. The CRO shall provide a written response to any such complete request within 36 hours of the request being received.

## Section XXII: Approval Process

1. The process for approval of Campaign Materials is:
  - a. campaigns must provide the CRO with a written description of the proposed Campaign Material.
  - b. the CRO may request any or all of the following in writing in order to ensure the proposed Campaign Materials do not violate the Election Rules.
    - i. an estimate of the cost of the proposed Campaign Material.
    - ii. a declaration of the source of the materials used in production.
    - iii. the contents or presentation of the proposed Campaign Material.
2. The CRO will provide in confidence a written approval or refusal of Campaign Materials, and will respond within 24 hours of receiving a complete request, subject to any provisions in the Election Rules.
3. If the Campaign Material is approved by the CRO, the Candidate, Slate, or Side can print, post, or otherwise distribute it, subject to any provisions in the Election Rules.
4. All Campaign Materials that can be produced by the Union's Digital Copy Centre must be purchased there, unless the CRO provides an exemption. No exemption will be provided unless it can be demonstrated in writing to the CRO's satisfaction by the Candidate, Slate, or Side that the Union's Digital Copy Centre does not have the facilities or equipment required to produce the materials.

## Section XXIII: Campaigning

1. On the floor campaigning will last for 9 consecutive days, starting at 09:00 on the Monday of Week 4, continuing through the weekend, and ending at the start of voting.
  - a. On the floor campaigning may continue during advanced voting days at the discretion of the CRO
2. Electronic campaigning may begin at 09:00 on the Monday of Week 4 and will cease at the close of voting.
3. Candidates or volunteers may not actively on the floor campaign or promote any Slate, Side, or Candidate during voting days.
4. No Member of the Union shall campaign either for or against a Candidate, Slate, or Side after the opening of the nomination period and prior to the campaign period, with the exception of:
  - a. private campaign organizing meetings involving recognized campaign volunteers.
  - b. the collection of signatures for nomination forms and referenda petitions.
  - c. the normal duties required of the current members of the UMSU Executive and Council.
  - d. private conversations to recruit Volunteers.
5. When applying these rules, the CRO may consider any additional factors in addition to the definition of campaigning.
6. Any campaigning performed by a Candidate, Slate or Side that does not fall within the boundaries of the aforementioned reason is subject to punishment by the CRO.

## Section XXIV: Campaigning Standards and Prohibitions

1. Each campaign shall act reasonably, responsibly, and in good faith. Further, each campaign shall:
  - a. ensure that all Candidates, Campaign Managers and Volunteers are aware, understand and comply with the Election Rules and all other relevant rulings, orders, and rules.
  - b. be responsible to the CRO for the conduct of its Volunteers.
  - c. report any breach of a ruling, order, or governing document.
  - d. comply with any University rules, regulations, policies, and procedures.
  - e. comply with all local, municipal, provincial and federal laws.
2. No Candidate, Slate, or Side may collude with another campaign, either prior to, during, or following the campaign period. Specifically, no campaign, campaign manager, volunteer, or candidate shall:
  - a. appear jointly in any campaign material, except in reference to slate members as approved by the CRO.
  - b. publicly endorse another slate or campaign.
  - c. produce campaign materials whose appearances could cause a reasonable person to associate that campaign with another slate or candidate who is not on a slate.
  - d. distribute the campaign materials of another slate.
3. Campaigning is restricted to Members of the Union, and no one who is not a Member of the Union may campaign, with the exception of UMSU Officers and Staff campaigning for a Council-endorsed Side at the direction of Executive Committee.
4. No candidate, campaign manager, or volunteer may campaign:
  - a. in a business or service owned or operated by the Union, except where specifically provided for by the CRO, and where all candidates and sides have been given equal access.
  - b. in a University library.
  - c. in a classroom during a class period without first obtaining permission from the instructor responsible for the class.
  - d. anywhere else the CRO feels would be detrimental to the election and referenda process.
5. Community Representative candidates and their volunteers may assist with the campaign duties of other Community Representative candidates that they are not competing with.
6. In the event of referenda being held during an Annual General Election, candidates, campaign managers, and volunteers may speak to, volunteer for, and/or endorse a side.

## Section XXV: Election Forum

1. The CRO shall adequately advertise the time and date of the forum in the previous 2 issues of the Manitoban newspaper
5. There shall be at least one Election Forum on the Fort Garry campus during the campaign.
6. There shall be an Election Forum on the Bannatyne campus if deemed practicable by the CRO.
7. All Candidates and Sides shall be provided with the opportunity to participate in at least one Election Forum during the campaign period.
8. Members of the Union shall be provided with the opportunity to ask all Candidates and Sides questions from the floor at an Election Forum.
9. The Election Forum shall be chaired by the CRO.
10. Each Candidate, Slate, or Side has the opportunity to speak for a time period as fixed by the CRO.
11. Each speaker shall have the same fixed period of time in which to speak as their opponents have.
12. If there is a question from the audience at the Election Forum, each Candidate, Slate or Side shall have a reasonable and fair opportunity to respond thereto.
13. Any person(s) who attempt to disrupt the orderly conduct of the Election Forum shall be removed from the facility.

## Section XXVI: Campaign Expenses

1. Candidates, Slates, and Sides must include the cost of all Campaign Materials created in their campaign expense accounts whether or not those materials are used or distributed.
2. Each Candidate, Slate, and Side must keep an up-to-date and accurate account of all campaign expenses and the Campaign Manager or Treasurer is responsible for answering any inquiry from the CRO regarding expenses.
3. All expenses incurred by a Candidate, Slate, or Side in the course of campaigning must be included in the campaign expenses unless specifically exempted by Council or listed below:
  - a. Services and products provided by UMSU to all Candidates, Slates, and Sides at the request of the CRO.
  - b. The use of UMSU Officers and Staff by a Council-endorsed Side and at the direction of the Executive Committee.
4. Educational materials may be distributed by UMSU to Members of the Union during a referendum and may not be considered part of the campaign expenses of any Candidate, Slate, or Side, provided that the materials:
  - a. Are approved by the CRO.
  - b. Are non-partisan in nature.
  - c. Provide education and context to all Members of the Union.

## Section XXVII: Expense Summaries and Overspending

1. The CRO shall review all campaign expense accounts (containing those products and services that are subject to spending limits), and shall post preliminary summaries of each campaign's expenses by 18:00 Hours on the day before voting begins.
2. Where the CRO determines that a Candidate, Slate, or Side has exceeded the spending limit (for those products and services that are subject to spending limits) or has falsified documents, the campaign shall be disqualified, and notice to this effect shall be posted with the summaries of each campaign's expenses, and communicated directly to the campaign in question.
3. Where a campaign has been disqualified the campaign may only appeal by presenting notice and appearing before a Judicial Board Meeting within 24 hours of the posting deadline.
4. Final expense accounts must be provided to the CRO by noon on the first Tuesday after voting ends.

## Section XXVIII: Candidate & Side Reimbursement

1. The Union shall reimburse a candidate or side the remaining full value of its campaign expenses for products or services that are subject to a spending limit as evidenced by its campaign expense account.
2. In cases where the campaign paid less than fair market value for a product or service that is subject to a spending limit, the campaign's reimbursement shall be limited to the amount actually paid for the product or service and not the fair market value thereof.
3. The Union shall reimburse the candidate or side within seven days of receiving the candidate's or side's final budget. Upon receipt of the final budget, expenses shall be reimbursed within seven (7) days unless there are outstanding issues that could potentially disqualify the candidate or side from receiving all or part of their campaign expenses or deposit.
4. Candidates who do not hand in their expense accounts by the deadline shall not receive any reimbursement.



## Section XXIX: Scheduling of Polls

1. The CRO must schedule polls to take place on the final three days of campaigning.
2. Voting shall be conducted at locations and times determined and advertised by the CRO.
3. The CRO may provide advance voting no earlier than the Monday of Week 4.
4. Candidates and volunteers shall not campaign within 20 feet of a polling station.
5. Provisions shall be made by the CRO so that Members of the Union attending evening classes may vote during the evening.

### Paper Ballot Voting

40. At each poll there shall be a minimum of two Poll Clerks in attendance at all times. When, for any reason, only one Poll Clerk is in attendance, voting shall temporarily cease.
41. The CRO or an assigned DRO shall provide for the secure handling and transportation of ballots.

### Online Voting

70. The CRO shall arrange a minimum of one electronic polling station near 101 University Center.
71. An electronic polling station shall consist of (a) designated computer(s) with (a) privacy screen(s) and adequate supervision by attendant(s) at the discretion of the CRO
  - a. The job of the attendant shall be to ensure the proper and fair use of the electronic polling station and to assist members who request aid while voting.
  - b. The CRO shall appoint the attendant(s).

## Section XXX: Ballot Design

1. Notwithstanding these rules, the CRO shall decide the design of the ballot.
2. Ballots may be either paper ballots or some form of electronic ballots, provided the method of voting sufficiently protects both the spirit of these rules.
3. Each ballot shall be identical to the next with the exception of the ordering of ballot options.
4. If a ballot question is a 'Yes/No' choice, the options shall be 'Yes' followed by 'No'.
5. If a ballot question is a choice between anything other than 'Yes' and 'No', the CRO may decide whether the ballot options are placed in the same order on every ballot or on a rotating order.
6. The ballots must allow for voters to clearly indicate their choice.
7. Ballots for Community Representatives shall include a method for voters to self-identify as coming from the community in question.

## Section XXXI: Voting

1. Each member of the union shall be allowed to cast 1 secret, non-transferable ballot, and the ballot shall entitle each voter to make 1 choice for each position or referendum questions for which they are eligible to vote
2. A voters list shall be compiled for the International Students' Representative, and shall include all International Students who are Members of the Union.
3. The voting population for the LGBTTQ\*, Aboriginal, Women's, and Students Living with Disabilities Representatives shall include all members of the Union who self-identify as coming from the community described in the title of each position.

## Section XXXII: Ballot Counting

70. The results of a referendum or election shall not be finalized until at least twenty-four (24) hours following completion of the ballot count.
  - a. If a complaint or appeal is not resolved within the twenty-four (24) hours following the completion of the ballot count, the results may not be finalized.
  - b. The CRO shall post election and referendum results within twenty-four (24) hours of all complaints, appeals and recounts having been addressed and resolved.
  - c. The final tally of demerits along with their consequences shall be applicable until results of the election or referendum are finalized.
  - d. In the twelve (12) hours following the close of voting, candidates and sides shall be required to remove all campaign materials including tapes and adhesives. Failure to remove materials in within the allotted time may result in demerits being applied in the twelve (12) hours following the material removal period.

### Paper Ballot Voting

40. The ballots shall be counted after the polls close on the evening of the final day of voting.
41. The CRO may delay the counting of the ballots for some of the positions until the following day, but shall respect the following:
  - a. The CRO cannot delay the counting of the ballots for President and the Vice-Presidents.
  - b. Once the ballots for a position have begun to be counted, all ballots for that position must be reviewed and counted that day.
42. The CRO or at least two (2) designated DRO's shall supervise the ballot counting process to ensure that the ballot counting process satisfies the rules and regulations set out in UMSU's governing documents.
43. A ballot shall be considered valid and not spoiled if it:
  - a. Indicates clear voter preference for one of the options on the ballot.
44. If a ballot is marked "abstain", is "spoiled" or contains any marking other than a clear indication of a candidate on the ballot, the ballot shall be set aside and counted in the total votes cast, but shall not be attributed towards any specific candidate.
  - a. No markings on a ballot shall be considered an abstention.
45. Each candidate, slate, or side may have a maximum of two (2) scrutineers present at the counting of ballots.
46. Once the scrutineers have entered the count room, they may not leave the room until the completion of counting of ballots or with the consent of the CRO.
47. Scrutineers may not touch the ballots in any way.
48. All scrutineers shall have equal opportunity to argue for and against the validity of all ballots their Candidate, Slate, or Side is on.
49. At any point during an election or referendum when a ballot box is not being actively monitored by a designated election official the ballot box must be enclosed by an election official in a sealed and locked container or locked room.
50. Once the count of ballots has been completed, the CRO shall reseal the ballots in their boxes and store the boxes in a sealed and locked container or a locked room. UMSU shall ensure that the boxes are preserved for a period of at least ninety (90) days following the last recount after which they may be destroyed only if there is no outstanding challenge to the results of the election or referendum, and only if there is no recount in progress or required.

## Online Voting

71. Under no circumstances should the election be ended earlier than what is advertised.
72. The results of the election should only be accessed after the conclusion of the election on the final day of voting; initial accessing of the votes should be done in the presence of the UMSU CRO, the UMSU Governance Coordinator (or delegate), and any scrutineers who have submitted the necessary paperwork.
73. The Certified results from the online voting system provider should be accessed and published on the UMSU voting page which will also publish the Voter Verified Audit Trail to allow students to check that their vote was recorded properly.
74. The Certified results from the online voting system provider shall serve as the preliminary results for the UMSU Election.

## Section XXXIII: Ties and Recounts

1. In the event that two or more competing candidates receive an equality of votes and have the highest amount of votes for the respective position, the tie-breaking method shall differ as follows:
  - a. For Executive positions, there shall be a run-off election between the tied Candidates conducted as far as practicable in accordance with the Election Rules. Any such run off election shall occur within 14 days of the final recount of the ballots of the General Election.
  - b. For Community Representative positions, Council shall vote to decide which of the tied Candidates shall be elected at the soonest Council meeting following the final recount of the ballots of the General Election.
  - c. A record shall be kept of voter turnout in UMSU general elections, by-elections and referenda, for each faculty, residence and college.
2. Election results (including the final vote count for each candidate or side) as well as turnout shall be made publicly available to Members of the Union, and results of elections and referenda (including sample ballots) shall be archived by the Union and accessible to Members.

### Recounts for Paper Ballot Voting

40. A request for recount shall be granted where:
  - a. the request is in writing and signed by the candidate(s) or the authorized representative of a Side who are contesting the original count.
  - b. the request is submitted to the CRO within 48 hours of the posting of the election results.
  - c. the difference between the leading candidate or side and another candidate or side contesting the same position or referendum question is less than 4% of the total votes cast or is less than the total number of spoiled ballots for the respective position or question.
41. The CRO may, in their sole discretion, initiate a recount independently. This decision is not appealable to the Judicial Board.
42. As far as is practicable, a recount shall occur by way of the same procedure as the original count.
43. The CRO shall post the results of a recount within 48 hours of the recount being completed.

## Section XXXIV: Referenda Results

1. The choice in each referenda question that achieves a plurality of votes cast will be adopted by the Union.
2. Council does not have the power to void a valid referendum.
3. In the event that a referendum involves less than 5% of eligible voters, the results of the referendum shall be announced as non-binding results to be considered as advice to Council.