Section XI – Electoral Procedures

Article 1: Powers and Duties of the Chief Returning Officer

1. The Chief Returning Officer shall:

(a) conduct elections and referenda in a fair and impartial manner;
(b) not sign the nomination form of any candidate in an election;
(c) set the dates of elections and referenda, and advise Council of any such dates before the notice for any such elections and/or referenda is to be posted;
(d) encourage as many candidates as possible to run in elections;
(e) encourage high voter turnout in elections and referenda;
(f) be the official liaison with other organisations whose elections or referenda are being conducted by the Kwantlen Student Association;
(g) cause all necessary election forms to be prepared;
(h) verify candidates' nomination packages as they are received, and be empowered to alert candidates to incomplete or missing information and to allow reasonable corrections to be made up until the close of nominations;
(i) review and approve all campaign material prior to its use, posting, or distribution in accordance with this regulation, with the exception of Social Media;
(j) have the power to interpret these Electoral Procedures Regulations and, in the case of any ambiguity in the interpretation of a particular part of these Regulations or application of these Regulations to a particular situation, the Chief Returning Officer may, on consent of the Executive Committee, seek advice from KSA's legal counsel on the interpretation or application;
(k) have the power to set procedures for the monitoring of campaigning, to rule on the validity of an election or referendum irregularities , and to make any determinations necessary in response thereto, including penalties, disqualifications, or the invalidation of elections or referenda, as the Chief Returning Officer may determine to be appropriate at the time;
(l) appoint, hire, discharge, and manage any elections staff that the Chief Returning Officer may deem necessary, who may but need not be KSA staff members, and who are provided for in the Budget and in the contract between the Society and the Chief Returning Officer;
(m) ensure that candidates are informed about the Electoral Procedures contained in this section of the Regulations;
(n) regulate all operations of the polling stations;
(o) regulate all aspects of the design, security, printing, and counting of ballots, including rulings on questionable and spoiled ballots, and the conduct of scrutineers;
(p) be responsible for the official release of results, including the number of votes for each candidate (and against each candidate, where applicable) and the number of votes for and against each referendum question, and the number of spoiled ballots, if any;
(q) prepare an election or referendum report for Council to report the results, a report on the ballot counting and the results of each election

or referendum, complaints against and any irregularities of elections and referenda;

(r) record, keep, and maintain the results of elections and referenda including all relevant files, records, and memoranda that the Chief Returning Officer determines are relevant for archiving, for a period not less than two (2) years;

(s) be responsible for the orientation of his or their replacement;

(t) be responsible for maintaining and updating a Chief Returning Officer manual;

(u) recommend various options to Council for amendments to this section of the Regulations, if deemed necessary;

(v) have the power to, in the Chief Returning Officer's discretion, appoint or hire electoral staff responsible for monitoring the elections process during the nomination period, Official Campaign Period, and polling and reporting any breaches of these Regulations or the Bylaws to the Chief Returning Officer, so that the Chief Returning Officer may then determine the appropriate course of action, including any penalties against a candidate(s), in accordance with these Regulations and the Bylaws; and

(w) have such other powers and duties as are outlined in the Bylaws or the Regulations or assigned by Council from time to time.

2. The Chief Returning Officer may delegate any of the above duties to other election staff, except (f), (j), (k), (m), (r), (s) and (t), but shall ultimately retain responsibility for any delegated duties.

3. Subject to the provisions of Article 13: below, the Chief Returning Officer shall have the power to conduct elections and referenda for other organizations. In conducting such elections and referenda, the Chief Returning Officer shall have the same powers and duties as specified in Clause 1 above, subject to the provisions of Article 13: and subject to agreements made with the other organizations for conducting the said elections and referenda.

Article 2: Exigency Provisions

1. The Chief Returning Officer may be removed from office prior to the expiry of their term for cause by a two-thirds vote of Council.

2. If the Chief Returning Officer is removed by Council, Council must either appoint a new Chief Returning Officer or appoint an outside body or corporation which shall have all the powers and duties of the Chief Returning Officer at the time the previous Chief Returning Officer is removed.

Article 3: Nomination Rules

1. At each general election, all seats for the Constituency Representative, Campus Representative, and Faculty Representatives shall be contested.

2. Nominations

(a) Nominations shall be opened on a date to be set by the Chief Returning Officer. In the case of a general election and pursuant to Article 5, Clauses 1 and 4 of the Bylaws, nominations must be held so the

general election occurs during February. Nominations must close no less than two (2) days before the notice of polling is sent in accordance with the Bylaws.

(b) Each candidate must be a Member of the Society pursuant to Article 2, Clause 2 of the Bylaws. For the purposes of Article 2, Clause 2(b) of the Bylaws, an individual is considered a Member and therefore eligible for candidacy only if they have paid Student Society Fees in full, in the current or any of the immediate past two (2) Semesters (unless the Member's fees have been waived pursuant to Article 16, Clause 3 of the Bylaws). For greater certainty, individuals who have only partially paid their Student Society Fees in the current and the immediate past two (2) Semesters are ineligible for candidacy (unless the Member's fees have been waived pursuant to Article 16, Clause 3 of the Bylaws).

(c) All candidates shall submit a nomination form signed by the candidate and no less than seventy-five (75) nominators, each of whom must be a Member of the Society as defined in the Bylaws. The signatures of the candidate and the nominators on the nomination form must be original wet ink signatures (excluding pencil signatures). The nomination forms must include each nominator's name, student identification number, and e-mail address. The Chief Returning Officer may, in their discretion, contact any nominator whose signature appears on the nomination form about their nomination using the contact information provided by the nominator . A nomination form will be found to be invalid if it includes facsimile signatures or other forms of non-wet ink signatures, such as a signature created in electronic form that has been printed. A Councillor who is a Member may be a nominator. A Member who is running as a candidate may also nominate another Member as a candidate.

(d) Each candidate for Constituency Representative shall be a Member of the Society who self-identifies as a member of the Constituency. A candidate for Indigenous Student Representative, Students of Colour Representative, Queer Student Representative, Student with Disabilities Representative, or Women Representative must self-identify as a member of the Constituency that they seek to represent and must indicate their self-indication on their nomination form. The Chief Returning Officer may request further information to determine whether the candidate currently self-identifies as a member of the relevant Constituency. A candidate for the following Constituency Representatives must provide proof satisfactory to the Chief Returning Officer that they meet the following qualifications to identify as a member of the relevant Constituency:

(i) a candidate for the Mature Student Representative must be at least twenty-five (25) years of age by the day they take office if elected; and

(ii) a candidate for the International Student Representative must be a current international student.

If the nomination form submitted by the candidate does not contain the proof required under this Clause, the nomination form is incomplete and invalid pursuant to subparagraph (n) below. The candidate may submit

a correction to the nomination form up to and until the close of nominations.

(e) Each candidate for Campus Representative shall be a Member of the Society who

(i) is taking at least one class on the campus for which they seek to represent, or

(ii) took at least one class on the campus for which they seek to represent in the previous semester,

and must confirm that they meet one of these criteria by providing proof that is satisfactory to the Chief Returning Officer (for example, a transcript).

If the nomination form submitted by the candidate does not contain the proof required under this Clause, the nomination form is incomplete and invalid pursuant to subparagraph (n) below. The candidate may submit a correction to the nomination form up to and until the close of nominations.

(f) Each candidate for Faculty Representative shall be a Member of the Society registered in that faculty for which they seek to represent, and must confirm that they meet this criterion by providing proof that is satisfactory to the Chief Returning Officer (for example, a letter of enrollment confirming registration in the particular faculty). Additionally:

(i) In the case of the Business Representatives, while all Members registered in the faculty of business (the Melville School of Business) are eligible to run for election, in order to ensure that Council includes representation of senior students enrolled in bachelor degree programs on Council, two of the five Business Representative seats will be reserved for the two candidates registered in the faculty of business who are enrolled in their third or fourth year of their bachelor degree program who receive the highest number of votes out of the candidates registered in that faculty who are enrolled in a bachelor degree program. Notwithstanding the foregoing, if there is only one such candidate or there are no such candidates, the seat or seats will be filled by one or two, as applicable, of the other candidates enrolled in the faculty of business in order of highest number of votes received; and

For the purpose of determining eligibility for the reserved seats under (i) and **Error! Reference source not found.** above, a candidate enrolled in their third year of their bachelor degree program is a candidate who has completed 60 credits in such program at KPU, and a candidate enrolled in their fourth year of their bachelor degree program is a candidate who has completed 90 credits in such program at KPU.

If the nomination form submitted by the candidate does not contain the proof required under this Clause, the nomination form is incomplete and invalid pursuant to subparagraph (n) below. The candidate may submit a correction to the nomination form up to and until the close of nominations.

(g) Nomination forms and the candidates' handbook shall be available on the official website of the Society.

(h) Even if nominated for more than one position, a candidate may run for only one position in a given election.

(i) Pursuant to Article 5, Clause 11 of the Bylaws, candidates are strictly prohibited from running in slates. A slate means two or more candidates running for elected office in a coordinated fashion to achieve a mutual advantage in an election. A slate may be expressed or apparent. An express slate is where candidates state they are campaigning together. Examples of where an apparent slate may be found include: (i) candidates sharing expenses for campaigning and the cost of campaign materials; (ii) candidates campaigning in elections as a slate; (iii) more than one candidate campaigning as a member of another organization; or (iv) more than one candidate being endorsed by another organization, where the endorsement implies the candidates are running as a slate. If there is a question as to whether a candidate is running in a slate, the candidate has the onus of establishing they are not running in a slate. Support from an individual, who is not another candidate, including nominations, endorsements or personal recommendations from one student for more than one candidate, shall not mean that those candidates are running as a "slate" as defined pursuant to this Clause (for example, a student posting a social media story in support of multiple candidates). A candidate can nominate another student without being considered to be running in a slate with that other student. If two or more candidates are Councillors, such candidates will not be considered to be in a slate simply because they work together on Council or KSA business, or because they are talking to students together on KSA business. Similarly, if two or more candidates are in the same class, such candidates will not be considered to be in a slate simply because they are seen studying together. Notwithstanding the foregoing, individuals may campaign together for the purposes of a referendum.

(j) The Chief Returning Officer shall ensure the eligibility of candidates and nominators through the Registrar's office, and in any such other manner as required.

(k) The names of the candidates in an election shall not be made public until the close of nominations, and only after the eligibility of the candidates has been confirmed by the Chief Returning Officer through the Registrar's office, at which time they shall be made public by the Chief Returning Officer. All candidates' names shall be made public at the same time.

(l) Nomination packages outlining the requirements of this section shall be available on the official website of the Society during the nomination period. The Chief Returning Officer shall also ensure that the packages include details of the various positions that are open for election, including but not limited to job duties, the dates for any upcoming orientation(s), work hours and required attendance at meetings.

(m) The candidate must attend in person at KSA's main office at the Surrey campus to submit their nomination package during the business hours identified by the Chief Returning Officer for submitting nomination packages and verify their identity using their student identification card. The nomination package must be submitted by the candidate to KSA's member services. The Chief Returning Officer may provide instructions on the collection and storage of the nomination packages. If the Chief Returning Officer has not provided any such instructions, member services will provide the nomination packages it receives to the Executive Director, who will submit them to the Chief Returning Officer by the end of the business day in which the nomination package was received. The nomination package submitted by the candidate must be complete and include all required documents and forms as specified by the election guidelines and be contained in an envelope on which is written on the outside of the envelope the candidate's full name, student identification number, and KPU e-mail address in order to be valid. Nomination forms submitted by e-mail to the Chief Returning Officer are invalid.

(n) The Chief Returning Officer shall rule on the validity of all nomination packages received during the nominations period. The Chief Returning Officer shall make a reasonable effort to alert potential nominees to any errors, inaccuracies, or omissions in their nomination packages, and shall accept corrections to any such nominations packages up to and until the close of nominations. No nomination packages or corrections, changes, or additions to nomination packages shall be allowed once nominations have closed.

(o) Submitting a false or deceptive nomination form to the Chief Returning Officer is a serious offence. An example of a false or deceptive nomination form is a nomination form where signature pages have been photocopied from another candidate's nomination form, such behavior may result in both candidates involved being found to have submitted a false or deceptive nomination form. Notwithstanding any other Regulation herein, in the event that a candidate's false or deceptive nomination form is discovered by the Chief Returning Officer up until the results of the election have been submitted by the Chief Returning Officer, the Chief Returning Officer may disqualify the candidate in question. This decision is appealable to the Chief Returning Officer.

(p) Nominations may be withdrawn by each student that submitted their nomination package by notifying the Chief Returning Officer through email using the email address included in the nomination form.

(i) Withdrawing a nomination may occur from any point between the submission of the nomination package and 12:00 a.m. the day voting booths open.

(ii) If multiple nomination packages are submitted by an individual, that individual must withdraw all but one (1) of the nominations by the nomination submission deadline, or all nominations will be considered withdrawn as to not violate Section XI, Article 3:, 2(h).

3. All-Candidates Meeting and Candidates' Handbook

(a) The Chief Returning Officer shall organize an All Candidates Meeting to take place following the close of nominations. At this meeting, the Chief Returning Officer shall provide an overview concerning the Electoral Procedures Regulations, other relevant rules and any other information they deem important to candidates. The Chief Returning Officer shall distribute a copy of the candidates' handbook to all candidates who attend the meeting.

(b) All candidates must either attend the All Candidates Meeting or meet privately (in person, by telephone or by video conference) with the Chief Returning Officer following the close of nominations to receive the overview discussed above and to receive a copy of the candidates' handbook. A private meeting with the Chief Returning Officer in lieu of the All Candidates Meeting will only be permitted in extenuating circumstances, as determined by the Chief Returning Officer in their discretion.

(c) The candidates' handbook shall be distributed to candidates, which shall include a summary of the information contained in Articles 5 to 7 of the Bylaws and Section XI of the Regulations, and any other sections of the Bylaws or the Regulations that the Chief Returning Officer deems relevant to candidates. The Chief Returning Officer shall be empowered to create additional rules, insofar as they do not conflict with the bylaws or the regulations, and these rules shall be included in the candidates' handbook and may be enforced as would any other electoral rules. The Chief Returning Officer may include any additional information that they consider to be useful for candidates.

4. Pursuant to Article 5, Clause 9(d) of the Bylaws, the following persons are disqualified from being nominated for or being elected to any office within the Society:

(a) any individual who is not qualified pursuant to section 44(3) of the *Societies Act*;

(b) individuals who hold an elected or appointed position in, or are employees of, Kwantlen Polytechnic University;

(c) employees of the Kwantlen Student Association or of a provincial or national student organisation;

(d) elected or appointed officers, directors, or full-time employees of any other student society (as that term is defined in the *University Act* or the *College and Institute Act*);

(e) elected or appointed officers, directors, employees, or editors of any Kwantlen campus media organization, including newspapers and radio and the Polytechnic Ink Publishing Society;

(f) members who have been disqualified in previous KSA elections in any year; or

(g) full-time employees of the Kwantlen Public Interest Research Group Society.

5. Pursuant to Article 9, Clause 14 of the Bylaws, persons aged sixteen (16) or seventeen (17) years of age are qualified to serve as Councillors, provided that the Regulations establish a procedure for ensuring the majority of Councillors are at least eighteen (18) years of age and the composition of Council accords with that procedure. In order to permit Councillors to be sixteen (16) and seventeen (17) years of age while ensuring that a majority of Councillors are at least eighteen (18) years of age, the following procedure shall be followed:

(a) All elections shall be carried out according to the procedure set out in subsection (b) of this provision, subject to the following:

(i) No interpretation of any provision under this Section shall result in there being a majority of Councillors who are not at least eighteen (18) years of age; and

(ii) Notwithstanding any other provision of the Regulations, if there are vacancies throughout the year that cause the number of Councillors aged sixteen (16) and/or seventeen (17) to no longer be less than a majority, a by election shall be triggered, regardless of whether or not the number of vacancies reaches the threshold required in Article 5, Clause 12 of the Bylaws.

(b) In the event that the outcome of a general election or by-election would result in the board not having a majority of Councillors being at least eighteen (18) years of age, candidates shall be deemed elected according to the following precedence:

(i) Any candidate elected by acclamation;

(ii) Candidates for the position of Campus Representative in the alphabetical order of the names of the campuses;

(iii) Candidates for the position of Constituency Representative in the alphabetical order of the names of the Constituencies;

(iv) Candidates for the position of Faculty Representative:

1. first, by the alphabetical order of the names of the faculties; and

2. second, where there is more than one Faculty Representative position for a faculty, in the order of the number of votes received, except that in the case of the Business Representatives and the Arts Representatives, the positions reserved for Members from the bachelor program will be deemed to be elected first, and

when the maximum number of Councillors permitted under these Regulations who are aged sixteen (16) or seventeen (17) years of age have been elected, no further Councillors who are aged sixteen (16) or seventeen (17) years of age may be elected in that general election or by-election and, subject to Article 3:, Clause 2(f), the candidates for the remaining positions who received the highest number of votes for those positions and are at least eighteen (18) years of age shall be deemed elected.

Article 4: Campaign Rules

1. Members of the Society have the right to freedom of expression with respect to participating in the elections and referenda of the Society, subject to limits prescribed in the Bylaws and these Regulations.

2. There shall be an Official Campaign Period beginning immediately after the conclusion of the All-Candidates Meeting and ending at 11:59 pm on the day immediately prior to the day that voting in an election commences.

3. With respect to elections, campaigning outside of the Official Campaign Period shall be prohibited. For greater certainty, candidates and other individuals are prohibited from campaigning on any polling days.

4. In accordance with section 3 of this Article, candidates must remove any campaign materials within their control before the end of the Official Campaign Period (for example, campaign materials posted on a website or social media page controlled by the candidate).

5. Campaigning shall also not be permitted:

    (a) in any library on a campus;
    (b) in any classroom or room used for taking exams, even if a faculty member gave permission to a candidate to speak to a class;
    (c) on any electronic academic platform provided by Kwantlen Polytechnic University, including Moodle and Tutorocean. In this context campaigning includes, without limitation, communicating with students through such a platform for the purpose of campaigning or encouraging them to participate in the election;
    (d) using a Kwantlen Polytechnic University e-mail address. In this context campaigning includes, without limitation, using such e-mail address to send campaign messages to other Kwantlen Polytechnic University students; and
    (e) during such times that the Chief Returning Officer establishes and announces that: (1) any campaigning is not permitted or (2) campaigning is not permitted on one or more campuses.

6. Notwithstanding the prohibition on campaigning outlined above, the following activities shall be permitted even if engaged in before the beginning of the Official Campaign Period:

    (a) private communications concerning election plans, including but not limited to private communications by means of in-person conversations, single-recipient e-mail, letters sent by regular mail, and telephone conversations; and
    (b) the circulation of nomination forms and other reasonable measures taken in order to fulfill nomination requirements.

7. The distribution or posting of physical campaign materials (e.g., physical posters, leaflets, brochures, or handbills) is prohibited. Only digital campaign materials (e.g., social media posts, website posts, or digital materials) may be distributed or posted.

8. All campaign materials must comply with the Society's procedures and policies that are applicable to the campaign materials, and must be approved by the Chief Returning Officer; in addition, the Chief Returning Officer may establish further rules for campaign materials.

9. All campaign materials must contain:

(a) the organization the election is for;
(b) the position being run for; and
(c) the dates, times, and locations of the polling station at the campus for which the campaign material is posted.

10. Candidates shall not campaign using the following means during elections and referenda:

(a) the use of road signs;
(b) the use of physical campaign materials (e.g. physical posters, leaflets, brochures and handbills);
(c) the leafleting of vehicles parked on campus;
(d) treating;
(e) bribery;
(f) harassment, as defined in the Regulations, **Error! Reference source not found.**, **Error! Reference source not found.**, Clause **Error! Reference source not found.**;
(g) intimidation of Members or other candidates, such as threats made towards a Member with the intention of making the Member vote in favour of the candidate or not vote in favour of another candidate;
(h) any campaigning that discriminates against any person on the basis of race, religion, physical sex, gender identity, gender expression, sexual orientation, nationality, language, socio-economic status, physical disability, or mental disability; or
(i) defamation or derogatory remarks against KSA, KSA's staff, the Chief Returning Officer or other candidates as described in Article 5:, Clause 11.

Any candidate found to be engaging in any of the activities set out in paragraphs (d) to (i) of this Clause by the Chief Returning Officer shall be subject to immediate disqualification from the election process and shall be notified as such by the Chief Returning Officer. Candidates who are disqualified under this Clause may appeal the decision to the Chief Returning Officer who shall then review the case and issue a final determination.

11. No person shall circulate false information concerning the dates, times, or locations of polling.

12. Candidates may use the terms "Kwantlen Student Association" and "KSA" in their campaign materials, but they may not use the terms "Kwantlen Polytechnic University" and "KPU", nor may candidates use any logos, slogans or variations thereof of the Kwantlen Student Association, Kwantlen Polytechnic University, any Kwantlen Student Association coalition partner or any other outside group.

13. Candidates must ensure that their campaign material is removed from any social media page or website the candidate controls within one (1) week following the end of the Official Campaign Period.

14. Limits on Use of Society Resources

(a) Candidates shall not use the services, materials and resources of the Society, such as, but not limited to: catering, the borrowing of equipment or other supplies, faxing, printing, colour printing, laminating

and photocopying. However, such services, materials and resources may be used if they are generally available to all members of the Society, and if the candidate pays the market rate for the use of the service, material or resource where applicable.

(b) Candidates shall not use the Society's offices for any purpose related to elections, including, but not limited to, the use of such offices for campaigning. The foregoing does not prevent current Councillors who are candidates from using the Society's offices for KSA business where that business is not related to elections.

(c) Clubs of the Society shall not spend club money or expend club resources on behalf of any candidate.

(d) KSA staff shall not campaign in KSA elections, and shall take all reasonable steps to ensure that they act in a fair and unbiased manner with respect to the election throughout the entire electoral process.

15. Dedicated Fee Organizations, their directors and their staff shall not campaign in KSA elections and referenda. If a Dedicated Fee Organization has, or whose directors or staff, have campaigned in an election or a referendum, the Chief Returning Officer may penalize the Dedicated Fee Organization and determine the appropriate penalty for campaigning in violation of this rule. "Dedicated Fee Organizations" are student-led organizations that receive fees from KSA through a referendum.

16. The upper limit for campaign expenses that may be incurred per candidate is $50.00.

17. The upper limit for campaign expenses that may be incurred by any person or organization that campaigns for or against a referendum question is $150.00. This Clause shall not apply to the Society in cases where a referendum has been initiated by Council.

18. Declaration of Expenses

(a) Campaign expenses include the value of property or services used during a campaign period by or on behalf of a candidate to promote or oppose, directly or indirectly, the election of a candidate. Campaign expenses include an expense incurred by a candidate before they became a candidate.

(b) To demonstrate compliance with the spending limits established pursuant to Clause 16 above, every candidate must submit to the Chief Returning Officer a statement of expenses incurred; even if the amount is zero. The statement must be submitted to the Chief Returning Officer no later than forty-eight (48) hours after the Official Campaign Period, and must be signed by the candidate and supported by itemized receipts. The statement may be submitted in the form of a scanned and emailed copy, a photograph and emailed copy, facsimile or in-person delivery. The Chief Returning Officer may require a candidate(s) to swear an affidavit in regard to expenses, if they see fit. Failure to submit a statement of expenses within the allotted time period is a serious offence.

(c) In the event that a candidate receives goods or services associated with campaigning below market cost, the Chief Returning Officer may assess that candidate the market cost or the actual cost, whichever is higher, for each campaign expenditure. A candidate's total assessment must not exceed the upper limit for campaign expenses set by Clause

16 above, or the Chief Returning Officer shall disqualify the candidate. Candidates are strongly urged to contact the Chief Returning Officer prior to receiving or acquiring any goods or services below market value, so as to ensure that such support does not violate spending limits.

(d) Submitting a false or deceptive statement of expenses to the Chief Returning Officer is a serious offence. Notwithstanding any other Regulation herein, in the event that a candidate's false or deceptive statement of expenses is discovered by the Chief Returning Officer even after the official results of the election have been submitted by the Chief Returning Officer, the Chief Returning Officer may amend those results by disqualifying the candidate in question and their seat shall thereby become vacant.

19. Candidates and organizations that incur campaign expenses will not be reimbursed by KSA for those expenses.

20. A candidate will be disqualified if they publish news articles on their candidacy or platform, engage in interviews with news outlets once the period for nominations is opened, or request a news outlet to publish an article or endorsement on their candidacy or platform. For the purpose of this Clause, news outlets include any student newspaper.

21. Pursuant to Article 5, Clause 11 of the Bylaws and Section XI, Article 3: Clause 2(i), candidates are strictly prohibited from running in slates. Individual support, including nominations, endorsements or personal recommendations from one student for more than one candidate, shall not, on its own, mean those candidates are running as a slate.

22. No candidate shall accept support, endorsements, or assistance of any kind from another organization, alliance or society. A candidate will be considered to accept the support, endorsement or assistance if they have agreed to the endorsement, publicly acknowledged the support, endorsement or assistance without stating they have not accepted it, or have not refused the support, endorsement or assistance. An example of accepting support, endorsement or assistance, is if a candidate shares a social media post endorsing the candidate made by an organization. An endorsement is a public statement made in favour of a particular candidate (for e.g. in a social media post or in an article). Support or assistance includes, but is not limited to, financial contributions (including spending money on endorsements), promotional activities, logistical support (such as assistance with campaigning or providing space for the candidate to campaign), any other form of aid that could influence the election process (including public negative statements made about a candidate with the intention to benefit another candidate), or any direct support that can be reasonably linked to the candidate's campaign. Any candidate found to be receiving or benefiting from any such support, endorsements or assistance from any such organization, alliance or society by the Chief Returning Officer shall be subject to immediate disqualification from the election process and shall be notified as such by the Chief Returning Officer. Candidates who are disqualified under this Clause may appeal the decision to the Chief Returning Officer who shall then review the case and issue a final determination.

23. A candidate may only correspond by e-mail with the Chief Returning Officer for the purposes of any communication on the election, campaigning, complaints or appeals using the e-mail address listed by the candidate on their nomination form.

Article 5: Violations and Penalties

1. The Chief Returning Officer may penalize any candidate and determine the appropriate penalty for campaigning in violation of the campaign rules above and for any other breach of the Electoral Procedures Regulations and any other election irregularity. The Chief Returning Officer may determine their own procedures with regard to investigating and acting on electoral irregularities, provided that:

    (a) the Chief Returning Officer or their designate investigates any reasonable allegations or complaints; and
    (b) the procedures for investigating and acting on electoral irregularities otherwise comply with this Article.

2. In the event that the Chief Returning Officer determines that a candidate(s) has committed an offence, the Chief Returning Officer or their designate must determine whether the offence was serious or minor, and shall use their discretion when determining the appropriate penalty.

3. Generally, minor offences are characterised as being:

    (a) accidental or unintentional; and
    (b) likely to have little or no material impact on the results.

    An example of a minor offence, depending on the circumstances, may be a first offence for posting a physical campaign poster, in violation of Article 4:7 of this Section.

4. Generally, serious offences are characterised as being:

    (a) intentional or deliberate; and
    (b) likely to have a material impact on the results.

    Examples of serious offences behavior includes campaigning that is not permitted under Article 4:, Clause 5 and behavior that is intended to intimidate students in an attempt to persuade them to vote in a particular manner or to discourage other candidates from participating in the election. A second minor offence may be indicative of an intentional or deliberate breach of these Electoral Procedure Regulations and may be treated as a serious offence.

5. For serious offences, without limiting the discretion of the Chief Returning Officer to reasonably determine the appropriate penalty, the Chief Returning Officer may disqualify a candidate and may also lodge a complaint against the candidate with Council with a view to having Council initiate proceedings to suspend some or all of the candidate's Society privileges.

6. For minor offences, without limiting the discretion of the Chief Returning Officer to reasonably determine the appropriate penalty, the Chief Returning Officer may issue a verbal or written warning to a candidate or to a campaigner. If a candidate has committed more than one minor offence, the Chief Returning Officer will take that into account when determining the appropriate penalty, including whether the second minor offence should be treated as a serious offence.

7. The Chief Returning Officer shall not deduct votes as a penalty in any election or referendum.

8. Before the election results become official pursuant to Article 9:5(b) of this Section, if one or more serious offences has been committed by one or more candidates in an election, the Chief Returning Officer may determine that:

    (a) the fairness of the election has been materially impacted and declare the result of the election to be invalid; or
    (b) the fairness of the election for a particular seat in the election has been materially impacted and declare the result of the election for that particular seat to be invalid.

9. If the Chief Returning Officer makes a determination that a candidate was ineligible for election at the time of their purported election under the *Societies Act*, the Bylaws or these Regulations, including because they should have been disqualified for a serious offence, the Chief Returning Officer may, in their discretion, declare that candidate's election as invalid and, if there is another candidate who received the next highest number of votes for that seat, that such other candidate was elected. For greater certainty, this determination can be made after the results of an election have become official.

10. If serious offences have been committed in a referendum, the Chief Returning Officer may determine that the fairness of the referendum has been materially impacted and declare the results of that referendum invalid.

11. Subject to the investigation process and the discretion of the Chief Returning Officer in determining an appropriate penalty as set out in Clause 1 and 2 of this Article 5:, any candidate contesting for an election who engages in defamation or making derogatory remarks against the KSA, KSA's staff, including against the Chief Returning Officer, or other candidates through any method, including but not limited to written statements, social media posts, protests or verbal communications, may be disqualified from the election. "Defamation" is defined as any false or misleading statement that is intended to damage the reputation or standing of the KSA, the Chief Returning Officer or another candidate and is communicated to another party. "Derogatory remarks" include hateful, discriminatory or offensive remarks, whether or not intended to damage the reputation or standing of the KSA, the Chief Returning Officer, or another candidate and whether or not communicated to another party or to the KSA directly. A "protest" is where one or more person participates in a public demonstration (whether through leading the demonstration, speaking publicly at the demonstration, or through being involved as a participant in the demonstration) on a KPU campus, primarily, though not limited to, outside of KSA's offices, during the Official Campaign Period. A protest may involve signs with slogans. For greater certainty, the Chief Returning Officer has sole discretion in determining whether or not a candidate has engaged in defamation or derogatory remarks.

Article 6: General Meetings and Referendum Regulations

1. Annual general meetings, special general meetings, and referendums shall be held and run in accordance with the Societies Act, the Bylaws and this Article. Through these democratic events, the members may vote on matters concerning the business of the Society, and such voting shall include the right to vote on Ordinary Resolutions and Special Resolutions.

2. An Ordinary Resolution:

(a) must conform with the Society's purposes, as stated in the Constitution;
(b) may be adopted in a general meeting or a referendum;
(c) must conform to the required voting majority provisions as outlined in the Society's Bylaws and the Societies Act;
(d) must be consistent with the Society's Bylaws and Regulations and must not be ultra vires the Society's powers;
(e) must not require the Society to breach an existing contract; and
(f) must not include any provision or action that ought to require a Special Resolution, as defined by the Societies Act, the Bylaws, or these Regulations.

3. A Special Resolution:

(a) must conform with the Society's purposes, as stated in the Constitution;
(b) may only be adopted in a general meeting;
(c) must be consistent with the Society's Bylaws, and must not be ultra vires the Society's powers; and
(d) must conform to the required voting majority and notice provisions as outlined in the Society's Bylaws and the Societies Act.

4. In a manner consistent with the latest edition of Robert's Rules of Order, Newly Revised, the chair of a general meeting shall rule out of order any ordinary or special resolutions which do not comply with this Article.

5. Further to Article 4, Clause 9(d) of the Bylaws, a referendum question may only be put to the membership by the Vice-President, University Affairs if it

(a) is an Ordinary Resolution;
(b) is substantively different from any previous referendum question put to the membership in the preceding twelve (12) months;
(c) is not a Special Resolution, as defined by the Societies Act, the Bylaws or these Regulations;
(d) is not frivolous, racist, sexist, homophobic or otherwise demeaning to the membership or the campus community;
(e) in the case of a fee referendum, does not seek to increase or decrease the Society's fees by more than fifteen percent (15%) in any given fiscal year;
(f) in the case of a fee referendum, creates, establishes or increases a fee whereby the funds raised are to be used and dealt with only for the Society's purposes; and
(g) is clear, unbiased, and phrased in a manner that permits a yes/no answer.

6. In the event that a referendum question, called by Council pursuant to Article 4, Clause 3 of the Bylaws, fails to meet all of the requirements of Clause 5 above, then the Vice-President, University Affairs shall rule the question out of order and advise Council, in writing, of their decision.

7. In the event that a referendum question, proposed by petitioners pursuant to Article 4, Clause 4 of the Bylaws, fails to meet all of the requirements of Clause 5 above, then the Vice-President, University Affairs shall rule the question out of order and post a notice within the student newspaper or such other recognized campus media as determined by Council.

8. Notwithstanding Clause 7 above, should a referendum question proposed by petitioners pursuant to Article 4, Clause 4 of the Bylaws meet all of the requirements of Clause 5 above other than subparagraph (g), then the Vice-President, University Affairs shall bring the petition to Council and, if Council agrees that question does not comply with subparagraph (g) by a Two-thirds (2/3) Resolution, the question shall be submitted to the Society's legal counsel for rewording, and their decision on the rewording is final. If Council does not so resolve, the question shall be put to the members exactly as drafted by the petitioners. In the event that the Society's legal counsel are unwilling or unable to reword the proposed question, Council shall be the final determiner of the wording, and shall approve, by a Two-thirds (2/3) Resolution, a clear, unbiased question that permits a yes/no answer.

9. The dates, times and polling locations of a referendum initiated by Council shall be set within the Two-thirds (2/3rds) Resolution adopted by Council. The dates, times and polling locations of a referendum initiated by petitioners shall be set by the Vice-President, University Affairs, provided that Council may overrule their decision with a Two-thirds (2/3rds) Resolution and set its own dates, times and polling locations if it so chooses.

10. In order to allow the membership reasonable notice of a change in their fees, and to allow the Society time to budget for any modification to its revenue, any change to the Society's fees shall take effect no sooner than twelve (12) months after the successful referendum results are reported to Council.

11. The chair of a general meeting shall conduct the general meeting in accordance with Article 3 and Article 23 of the Bylaws, the applicable portions of these Regulations, and other rules as established by the members at the meeting, provided that those rules are consistent with the Constitution, Bylaws and Regulations of the Society.

12. Once officially called in accordance with this Article, the Chief Returning Officer shall conduct referenda in accordance with Article 4 of the Bylaws, the applicable portions of these Electoral Procedures Regulations, and other rules and procedures developed by the Chief Returning Officer, provided that those rules and procedures are consistent with the Constitution, Bylaws and Regulations of the Society.

13. All campaign material with respect to a referendum must be removed within one (1) week of the end of voting.

14. Neutrality

    (a) The Society shall be neutral in all referenda unless Council decides, by Resolution, to support a side.
    (b) If Council does not decide to support a side in a referendum, then none of the Society's offices, materials, or resources may be used by any side in the referendum.

Article 7: Polling Regulations

1. The Chief Returning Officer shall establish polling stations at such locations and times so as to ensure that as many Members as possible have an opportunity to vote, and shall communicate these locations to all candidates at or before the All Candidates Meeting.

2. Polls shall be in conspicuous locations, including locations in or about the Society's offices on each campus, and in such other conspicuous locations at the discretion of the Chief Returning Officer. Subject to Article 5, Clause 9 of the Bylaws, poll times shall be at the discretion of the Chief Returning Officer. Advance polling may be held at the discretion of the Chief Returning Officer, provided that appropriate notice of advance polling is given to all the Members of the Society at least 48 hours before the advance polling through email and posters on bulletin boards. A 48-hour notice is the minimum required and mandatory to be sent to all the Members of the society to conduct advance polling.

3. Poll locations and times shall be advertised in a campus publication or by other means as determined by the Chief Returning Officer. Poll locations and times may be altered from those advertised, depending on the availability of poll clerks.

4. The Chief Returning Officer shall ensure that each polling station has the equipment and personnel required to conduct the voting in an efficient and secure manner, making sure to preserve the secrecy of each voter's ballot and ensuring that voters are properly informed about voting procedures and how to mark their ballots.

5. Instructions on voting procedures shall be fully and clearly communicated at each polling station, including instructions on how to mark the ballot, especially when preferential voting is required.

6. Each candidate shall be permitted to submit a candidate statement of no more than one hundred (100) words and a photo of one's self if inclined and, if approved by the Chief Returning Officer, the Chief Returning Officer will cause the statement to be posted on the Society website. In preparing the statements for posting, the Chief Returning Officer shall ensure that each statement uses a standardized font and font size for all candidates. The Chief Returning Officer may determine if the polling stations will have photos of all candidates, but the statements will not be posted at polling stations or on ballots.

7. At the discretion of the Chief Returning Officer, groups wishing to publicize their point of view on a referendum question may be granted the right to have a sign or poster not exceeding 8.5" x 11" to be posted at each polling station.

8. The Chief Returning Officer shall take whatever steps necessary to ensure that only eligible voters cast ballots and to ensure that each eligible voter votes only once. For greater certainty, an eligible voter is considered to have voted when they first submit their ballots. If they submit ballots, they will be considered to have voted, even if they did not submit ballots on all Council positions for which they were entitled to vote, and cannot attend a polling station a second time for the purpose of submitting a second ballot or set of ballots, even if those ballots were for positions on which they had not yet voted. Only eligible voters belonging to a given faculty are permitted to cast their ballot for that faculty's Faculty Representative positions. All eligible voters are permitted to cast their ballot for each Constituency Representative and Campus Representative position.

9. Poll Clerks

    (a) Poll clerks shall be hired by the Chief Returning Officer at least two weeks prior to an election under contract with the Executive Director.

(b) Poll clerks shall be required to attend a training session arranged by the Chief Returning Officer, at least one week before the election, at which they shall be given information on the rules and regulations relevant to them.

(c) While working at a polling station, no poll clerk shall make remarks supporting or opposing any candidate or referendum question; nor may a poll clerk inspect a voter's marked ballot; nor may a poll clerk vote while working. Any poll clerk who violates the provisions in this paragraph or any other provision in the Electoral Procedures Regulations shall be subject to disciplinary action by the Chief Returning Officer.

(d) Poll clerks shall ensure that polling stations are kept clean and free of any debris, materials, or other items that may have been left behind by a student voter.

(e) Polling stations shall not be left unattended during polling hours. In the event of an emergency which requires the polling station to be temporarily closed or left unattended, poll clerks shall remove the ballot boxes, ballots and other voting materials to a secure locked location.

10. Loitering is not permitted around polling stations. Candidates may only attend polling stations for the purpose of voting, must promptly leave after voting, and may not attend more than one polling station. All other attendance by a candidate at a polling station will be considered loitering.

11. If an emergency arises at a polling station and the Chief Returning Officer is absent for that particular polling station and cannot be reached immediately by phone or other communication means, the Executive Director is empowered to make a decision with respect to the handling of the polling station or ballot boxes during the emergency. An example of an emergency is a fire alarm that requires closing the polling station.

Article 8: Ballots

1. In elections, each candidate's name shall appear on the ballot as it appears on that candidate's student card, except that, at the discretion of the Chief Returning Officer and upon providing proof satisfactory to the Chief Returning Officer that they are known by a different name, candidates who identify that use of their legal name would negatively impact their way of life may choose to have a different name, that they are known by, appear instead of their legal name.

2. Candidates are not permitted to run using nicknames.

3. The names of the candidates shall appear on the ballot surname first, and alphabetised by surname.

Article 9: Counting of Ballots and Release of Results

1. The Chief Returning Officer shall be responsible for the custody of the ballots, and may make arrangements with the Executive Director for their custody. This includes supervision of the ballots when being collected, stored, emptied, or opened. The Chief Returning Officer shall take whatever measures necessary to ensure the security of the ballots, including but not limited to measures to ensure that the ballots are kept secure between the time they are removed from the polling stations and the time they are counted.

2. The Chief Returning Officer must be present at all times when ballot boxes are being emptied.

3. When the Chief Returning Officer is conducting an election for another organization, a representative of that organization may be present when ballot boxes are being emptied.

4. Ballot Counting

(a) The Chief Returning Officer shall take all measures necessary to ensure that an accurate count of the ballots cast is obtained.
(b) The Chief Returning Officer shall take all measures necessary to ensure that only validly cast ballots are counted.
(c) Only correctly marked ballots shall be counted.
(d) The Chief Returning Officer must be present at all times during ballot counting.
(e) The Chief Returning Officer shall ensure that the ballots are counted as soon as is reasonably possible after the close of an election, with the exception of enveloped ballots that have student numbers that have to be verified by the Office of the Registrar.
(f) Each candidate may have one scrutineer present during ballot counting. The scrutineer must be a Member. Candidates may not be scrutineers.
(g) Scrutineers shall be responsible for observing the counting of ballots, witnessing all decisions made concerning spoiled or questionable ballots, and reporting to their candidate of any perceived problems or irregularities.
(h) The Chief Returning Officer may establish further rules concerning the conduct of scrutineers. The Chief Returning Officer shall be responsible for enforcing such rules and monitoring the conduct of the scrutineers and shall have the power to eject scrutineers from the ballot counting area.
(i) The Chief Returning Officer shall conduct a recount of the ballots, for the entire election, or a given position/referenda question, when

(i) the difference between the successful candidate (or winning side in a referendum) and the next candidate (or losing side in a referendum) is 10 votes or less, or 2% of the ballots cast, whichever is greater; or
(ii) the Chief Returning Officer believes, for whatever reason, that a second (or subsequent count) would yield a more accurate result.

Whenever possible, different ballot counters than those involved with the original count shall be assigned to any recount.

(j) As soon as the counting has been completed in elections and referenda, and all relevant complaints disposed of, the Chief Returning Officer may release the results, which shall include the heading, “Official Results, pending their presentation to Council and the resolution of any pending appeals”.

(k) Results for elections conducted for other organizations shall be released in accordance with the agreements made with those organizations.

(l) The Chief Returning Officer shall ensure that the counted ballots are kept secure until the results of the election or referendum become official by being presented to Council, at which time the ballots shall be moved to storage to be kept for one (1) year.

5. Presentation of Results

(a) The Chief Returning Officer shall prepare a written report on the election or referendum, including the results and the exact text of all referendum questions, to be presented to Council once any complaints or appeals pending before the Chief Returning Officer have been ruled on in accordance with Article 10: below.

(b) As soon as the Chief Returning Officer's report is presented to Council, the results shall be official and binding upon the Society. A resolution of Council to receive or approve the report is not required for the results to be binding.

(c) In the case of a tie in an election, the winner shall be decided by the toss of a coin, such coin toss to be conducted by the Chief Returning Officer in the presence of the tied candidates and/or one witness for each of the tied candidates.

Article 10: Interpretations, Rulings, and Complaints

1. During an election or referendum, the Chief Returning Officer or their designate may make rulings and interpretations.

2. Complaints of irregularities regarding candidates, referendum campaigners or election officials may be submitted to the Chief Returning Officer or their designate, provided that the complaint is submitted in writing no more than seventy-two (72) hours after the occurrence or the discovery of the occurrence to which it relates. This provision notwithstanding, the Chief Returning Officer may consider a protest or complaint submitted more than seventy-two (72) hours after the occurrence to which it relates if, in the opinion of the Chief Returning Officer or their designate, it would be reasonable to do so under the circumstances (for instance, if there has been a delay in discovering an alleged irregularity), but no protest or complaint shall be submitted more than seventy-two (72) hours after the end of balloting.

3. Written complaints must be signed by the complainant and include:

(a) a description of the issue in question, including the names of all persons involved;

(b) a statement of the provision(s) of the Bylaws, Regulations, or Chief Returning Officer's rules which were allegedly violated;

(c) a statement of the remedy being sought; and

(d) a fifty (50) dollar filing deposit, which, unless the Chief Returning Officer determines that a complaint is frivolous or vexatious, shall be returned to the complainant within fourteen (14) days of the close of the resolution of the complaint.

The complainant must also provide the Chief Returning Officer of their designate with copies of all supporting documents that the complainant wishes to have considered.

4. With regard to complaints against election staff, the onus of proof is upon the complainant to demonstrate that the election staff erred in some material way. The failure of the Chief Returning Officer or any election worker to strictly abide by any given rule shall not be sufficient, in and of itself, to establish the merits of complaint: a material effect in the result of the election must be established.

5. Upon receipt of a written complaint, the Chief Returning Officer or their designate shall provide copy of that complaint including the identity of the complainant to all respondents and to any other interested parties referenced in the complaint. The Chief Returning Officer will not approve any request from a complainant requesting that their identity be concealed. The respondents and any other interested parties referenced in the complaint shall have, at their discretion, the opportunity to respond in writing in regard to the complaint(s) in question.

6. The Chief Returning Officer must not hear or consider verbal complaints as a part of the rulings and complaints process, though the Chief Returning Officer may choose to informally discuss the complaint with the complainant, elections staff, KSA staff or such other people as they deem necessary in order to understand the details of the matter, as presented in the written submissions.

7. The written decision of the Chief Returning Officer shall be released as soon as possible, and shall include reasons for the decision.

8. All elements of the decision referred to in Clause 5 above must be in writing, and copies must be given to the complainant and all interested parties. Decisions of the Chief Returning Officer or their designate shall be in force upon the release of the written decision, or at some later time as outlined in the decision itself. They are binding upon all participants in the election, even if under appeal as provided in Article 11: below.

Article 11: Appeals

1. In the event that a complainant believes that the Chief Returning Officer or their designate erred in any decision pursuant to Article 10: above, the complainant may appeal that decision to the Chief Returning Officer. Such applications for appeal must include:

    (a) description of the issue in question;
    (b) report of the decision being appealed;
    (c) statement of the remedy being sought;
    (d) description of the errors made by the Chief Returning Officer or their designate;
    (e) all documentation the appellant intends to have considered with the appeal; and
    (f) a fifty (50) dollar filing deposit, which, unless the Chief Returning Officer determines that an appeal is frivolous or vexatious, shall be returned to the appellant within fourteen (14) days of the close of the resolution of all appeals.

2. On receiving the appellant's application, the Chief Returning Officer shall decide whether it meets the requirements of paragraph 1 above. If it does not, the Chief Returning Officer shall dismiss the application, and notify the appellant in writing. If it does, the Chief Returning Officer shall proceed with the appeal.

3. The Chief Returning Officer shall consider the merits of the appeal, but shall undertake whatever process for considering the appeal that they see fit, provided that they maintain the principle that the onus of proof is upon the appellant to prove that the Chief Returning Officer or their designate erred in some material way in the original decision. The failure of the Chief Returning Officer, their designate or any other elections staff to abide by any given rule shall not be sufficient, in and of itself, to establish the merits of an appeal: a material effect in the result of the election must be proved.

4. The Chief Returning Officer shall:

    (a) determine if the appeal is dismissed or upheld;
    (b) if upheld, then the Chief Returning Officer shall determine in what ways and to what extent the original decision is overturned or amended; and
    (c) deliver a written report to the appellant, all interested parties and Council regarding their judgement.

Article 12: By-Elections and Other Special Elections

1. Notwithstanding the provisions elsewhere in these Electoral Procedures Regulations prescribing the number of polling hours for elections and the procedures to follow for nominations, the Chief Returning Officer may set different polling hours and prescribe different procedures for nominations in the case of a by-election to fill a vacancy and in the case of other special elections.

2. During a by-election, those candidates currently holding office who wish to run for another position in the Society shall be required to resign their currently elected position by submitting their resignation before the start of the nomination period. When possible, the Chief Returning Officer will post an addendum to the Notice of By-election listing any positions that may have become vacant between the initial posting of the initial Notice and the actual opening of nominations.

Article 13: Conduct of Elections for Other Organisations

1. The Chief Returning Officer shall conduct elections and referenda for other organizations only under the following conditions:

    (a) The election must primarily involve the Society's Members;
    (b) A contract to run the election must exist between the Society and the other organization, such a contract to be approved by Council.
    (c) The contract between the Society and the other organization must specify that the Chief Returning Officer shall manage and administer the whole election from the close of nominations through to the counting of ballots.
    (d) The contract must specify the rules to be followed concerning the eligibility of candidates and voters.
    (e) The rules referred to in paragraph (d) must be in accord with the basic principles of democratic elections.

(f) The contract between the Society and the other organization must state that the election shall be conducted according to the relevant provisions of the Electoral Procedures Regulations except for those rules specified in the contract.

(g) The contract must specify what body or person in the other organization shall be the liaison with the Chief Returning Officer.

(h) The contract must specify what the duties of the other organization shall be in the running of the election.

(i) The contract must specify who shall pay for the costs of running the election and specify in what manner payment will be made.

(j) The contract must prescribe a procedure for appealing decisions of the Chief Returning Officer.

2. The contract must be renegotiable at least every two (2) years.