

Departmental Electoral Bylaws

Revision History:

December 3, 2008
February 13, 2013
January 14, 2015 (new by-laws)
February 18, 2015

BACKGROUND

The AUS Departmental Association Electoral Bylaws govern elections for the AUS's departmental associations.

Article I: Definitions

- 1.1 “AUS” shall refer to the Arts Undergraduate Society of McGill University.
- 1.2 “Elections AUS” shall refer to the office of the Chief Returning Officer established by Article 14 of the AUS Constitution.
- 1.3 “Working day” shall refer to any scheduled day of classes as defined by McGill University.
- 1.4 “Association” shall refer to the Departmental and Program Student Associations recognized by the AUS.
- 1.5 Elections shall be held between January 15 and April 1. If necessary, by-elections may take place between September 15 and December 1.

Article II: Scope and Exemptions

- 2.1 Elections AUS shall administer all annual departmental elections required under Article 8 Section 2 of the AUS Constitution (“Departmental Associations Electoral must hold annual elections in accordance with the AUS Departmental Association Electoral By-Laws and their Constitutions”).
- 2.2 *Elections Clause Exemption*: Departmental associations may request an exemption with cause from the provisions contained in Article 8 Section 2 of the AUS Constitution.
- 2.3 *Article Five Exemptions*: Departmental associations may request an exemption with cause from the provisions contained in Article 5 (“Polling”) of these Departmental Association Electoral Bylaws.
 - 2.3.1 Applications for the aforementioned exemptions shall include a detailed proposal for an alternative electoral process. Applications shall be submitted to Elections AUS no later than February 21 and approved or denied by the AUS Executive Committee no later than March 1.
- 2.4 *Inter-faculty departmental associations* shall be granted a de facto exemption from the provisions contained in Article 8 Section 2 of the AUS Constitution.

Article III: Nominations

- 3.1 The nomination period shall be a minimum of five (5) working days, closing at 5:00 PM on the last day. The nomination period for any elected position shall be extended by a minimum of two (2) days if fewer than two (2) candidates are nominated for that position.

- 3.2 The procedure for nomination shall be established by each departmental association and shall be announced to its members through the association's listserv at least three (3) working days prior to the opening of the nomination period.
- 3.3 Where no students declare themselves as candidate for an elected position, the outgoing executive committee shall fill said position by appointment.
- 3.4 Candidates shall not be permitted to collect signatures before the opening of the nomination period.
- 3.5 Members of the Society may nominate more than one (1) candidate for a given position.
- 3.6 Members of the Society may present themselves as candidates for only one (1) elected position in any given Association.

Article IV: Campaigns

- 4.1 The campaign period shall last no less than five (5) working days. Campaigning shall not be permitted before the opening of the campaign period.
- 4.2 No campaign material may be slanderous, libel and/or discriminatory toward a candidate or their position. No campaign material may be unequivocally degrading to any person, organization or department of the University or to any outside group.
- 4.3 No candidate shall be allowed to post more than five (5) posters in any given building on any given day. Permission must be granted by the porter of each building prior to the placement of any poster. The dimensions of a poster shall not exceed 8.5 by 11 inches.
- 4.4 Any poster with the name or photo of one of the members of a slate (defined as a group of candidates who are voluntarily running in support of one-another) shall be counted as one of the candidate's posters. Any poster with the name of a slate shall be counted as one of each candidate's posters. Slates shall not be granted additional posters.
- 4.5 No candidate or member of a campaign committee shall have editorial, programming or reporting duties with any student-funded publication at McGill University for the duration of the campaign period, nor shall they use the means of their position in any other campus group to aid in a campaign. The AUS may not send out endorsements to its official listserv.
- 4.6 The determination of whether an individual is a member of a candidate's campaign committee shall be made using the standard of the reasonable person.
- 4.7 All campaign material shall be presented to the CRO before its distribution. The CRO shall have the right to prohibit use if the content or distribution contravenes these bylaws.

- 4.8 Candidates may not distribute food or any other gifts in kind for the purpose of campaigning.
- 4.9 No candidate or member of a campaign committee shall send unsolicited communications (including e-mail, direct messages, texts and letters) for the purpose of campaigning. Communications shall be considered unsolicited if the recipient does not normally receive communications from the sender. The determination of whether communications are solicited or unsolicited shall be made using the standard of the reasonable person.
- 4.10 Each candidate for any executive position shall be permitted to spend a maximum of twenty-five Canadian dollars (\$25) on materials pertaining directly and exclusively to the campaign. Slates shall not be permitted to spend more than the aggregate spending limit of their individual members. Candidates who violate the spending limits shall have their nomination disqualified by Elections AUS.
- 4.11 Candidates must submit a report of their expenditures to the CRO within five (5) days of the conclusion of campaigning. All candidates shall be entitled to request an inquiry into the campaign expenditures of another candidate no later than ten (10) days after the conclusion of campaigning.

Article V: Polling

- 5.1 The polling period shall last no less than three (3) working days.
- 5.2 The polling period and polling website shall be announced to all registered voters at appropriate times, as determined by Elections AUS.
- 5.3 All ballots shall be cast through an online voting system, which shall use the highest security encryption that is reasonably available to Elections AUS.
- 5.4 All users of the online voting system must provide a valid McGill email address.
- 5.5 Should the online voting system become faulty or unreliable mid-way through the polling period, Elections AUS may indicate a new, fair, method of voting, which may include holding a separate emergency polling period or extending the polling period.
- 5.6 If any problems with the online voting system are detected that may have affected the outcome of the election, Elections AUS may call for a new election as soon as logistically possible.
- 5.7 Any member of the Society with knowledge of a problem with the online voting system may file a report to Elections AUS within ten (10) working days of the conclusion of the election.

- 5.8 Should a candidate or member of a candidate's campaign committee be found to be involved in any form of tampering with the online voting system, the candidate shall immediately be disqualified and permanently barred from holding elected or appointed office in the AUS.
- 5.9 Once the official results are announced by Elections AUS, neither appeals of the final tally nor any recounts may be made.
- 5.10 Elections AUS shall have the power to enforce any additional rules or regulations to run the online voting system, provided they do not contradict the AUS Constitution or these Electoral Bylaws.
- 5.11 The CRO shall submit the results in writing to the executive committee of the concerned departmental associations within 24 hours of Elections AUS witnessing the online polling results.
- 5.12 If two or more leading candidates have received an equal number of votes, a random sample of the vote shall determine which of the tied candidates wins the election. The sampling shall take place no later than five (5) working days after the end of the regular polling period for that election, in the presence of the CRO, the tied candidates, and one (1) witness per candidate.
- 5.12.1 If two candidates have received an equal number of votes, they may jointly petition the CRO to waive the sampling of votes and make a proposal for joint occupancy of the contested position.

Article VI: Rulings

- 6.1 No changes shall be made to these Departmental Association Electoral Bylaws during the nomination, campaign, or polling periods.
- 6.2 Official decisions by Elections AUS shall require the support of a majority of Elections AUS officers. Should Elections AUS not be able to come to a majority decision, the tie-breaking vote shall reside with the CRO.
- 6.3 Official decisions by Elections AUS may be appealed to the Judicial Board of the Students' Society of McGill University (SSMU), as provided in the AUS Constitution, no later than five (5) working days after the election results have been announced or invalidated. The appeals period may not be extended by the AUS Council or the Judicial Board.
- 6.4 Candidates who violate these Bylaws or the AUS Constitution shall be subject to the following penalties:
- i) Upon a first infraction, candidates shall be notified of their infraction.
 - ii) Upon a second infraction, candidates shall be notified and further warned not to

violate the AUS Electoral By-laws. Additionally, Elections AUS may choose to publicly censure the candidate.

- iii) Upon a third infraction, candidates shall be disqualified. If disqualification is deemed too severe a penalty, Elections AUS shall issue a public censure through the AUS listserv or through a note on the ballot itself.

- 6.5 Candidates may be disqualified upon a first or second infraction should the violation be so serious as to have significantly and irreparably advantaged the candidate, such that a fair result at the ballot would be unattainable.
- 6.6 Elections AUS shall invalidate an election if, in its opinion, a violation of the Constitution and Bylaws has adversely affected the outcome of that election. In making this decision, Elections AUS will consider the conduct of the parties and the seriousness of the violations.