

# Departmental Election By-laws

## Revision History:

November 21, 2007

Fall 2012

September 4, 2013

October 2, 2013

November 2013 (via referendum)

February 12, 2014

January 14, 2015 (new by-laws)

February 18, 2015

April 8, 2015

May 24, 2015

February 7, 2018

January 16<sup>th</sup>, 2019



## BACKGROUND

The AUS Electoral Bylaws govern AUS elections and referenda.

### ARTICLE 1 – 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 1.5 Elections shall be held between January 15 and April 5. If necessary, by-elections may take place between September 15 and December 1.

### ARTICLE 2 – 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.
  - 2.2.1 The AUS president must send the AUS departmental elector’s list to the CRO before October 1st for elections taking place in the fall semester and before February 1st for elections taking place in the winter semester.
- 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 3 – 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 4 – 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.
  - 4.2.1 Departments may not send out endorsements to its official listserv
- 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 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.
- 4.5 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.
- 4.6 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.
  - 4.6.1 All candidates must invite the Elections AUS' social media account to all groups and pages. Social media groups and pages are not included but not limited to Facebook, Twitter, and Instagram.
- 4.7 Candidates may not distribute food or any other gifts in kind for the purpose of campaigning.
- 4.8 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.
- 4.9 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 5 – 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 6 - 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 penalties listed in Appendix A.
  - 6.4.1 Upon handing down a penalty listed in Appendix A, Elections AUS is to provide the penalized student(s) with instructions on how to appeal decisions to the AUS Legislative Council and SSMU Judicial board, including the application form listed in Appendix B
- 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.

## Sanctions & Demerit System (Appendix A)

Infraction	Minimum Sanctions	Maximum Sanctions	Demerits
Posting over another candidate's campaign material.	N/A		4-5
Misuse of an elected or appointed position* (incl. moderator positions of social media groups)	Public Announcement	Disqualification	12-18
Posting in a restricted area / unauthorized posting	N/A		2-4
Unauthorized Campaigning* (incl. without Professor's permission / unauthorized publicity thru emails, social media, etc. / falsification of endorsement / campaigning in unauthorized and restricted areas )	Demerit Points	Disqualification	6-18
Pre-Campaigning*	Demerit Points	Public Announcement	4-12
Negative Campaigning*	Campaign Suspension	Disqualification	13-18
Inhibiting their candidates (preventing other candidates from running a campaign including but is not limited to engaging in deception or misinformation)	Public Announcement	Disqualification	12-18
Engaging External Support*	Campaign Suspension	Disqualification	13-18
Spending over given budget	Public Announcement	Disqualification	12-18
Deception of election authorities	Campaign Suspension	Disqualification	13-18
Bribery (attempted or successful)	Campaign Suspension	Disqualification	13-18

\*Up to discretion of Elections AUS, may result in public censure through Listserv, Facebook, or any other public communication means if the above, prove to be unavailable.

These sanctions and demerit points are to be interpreted as a **guideline** only. Elections AUS has the sole authority to interpret the sanctions and demerit system. Appeals may be made to the Judicial Board.

### Demerit Scale :

- 8 Demerits : Issuance of a formal warning to a Campaign Committee or Candidate
- 12 Demerits : Public Announcement
- 13 ~ 17 Demerits : Campaign Suspension
- 18 ~ 20 Demerits : Automatic consideration of disqualification / invalidation

Appendix B

SSMU Judicial Board		P-1
<i>Petition for hearing</i>		
<b>PETITIONER</b> (if more than one, please attach typed sheet including all required information)		
First name	Last name	
Telephone	e-mail address	
<b>PETITIONER'S advocate, if any</b> (if more than one, please attach typed sheet including all required information)		
First name	Last name	
Telephone	e-mail address	
<b>RESPONDENT</b> (if more than one, please attach typed sheet including all required information)		
First name	Last name	
Telephone	e-mail address	
<b>RESPONDENT'S advocate, if any</b> (if more than one, please attach typed sheet including all required information)		
First name	Last name	
Telephone	e-mail address	
<b>Declaration guidelines</b> (declaration should accompany petition)		
<p>❶ <b>Allegation of facts:</b> What happened? Who did what? What were the relevant dates of any: e.g. communications, decisions, official Council motions? A copy of all relevant documents in their entirety should be attached to the petition (do not include the SSMU Constitution or By-Laws)</p> <p>❷ <b>Procedures already followed:</b> Why is it not possible for this petition to be resolved by the parties? Have all possible avenues for dispute resolution been exhausted? If not, why not?</p> <p>❸ <b>What does the petitioner want (remedy sought)?</b> The petitioner must state clearly what he or she wants, e.g. order of Council overturned, an act by an officer declared unconstitutional, an interpretation of the Constitution or By-Laws in reference to a specific fact situation.</p> <p>❹ <b>Reasoned argument:</b> What is the basis of jurisdiction for the Judicial Board? Why should the Judicial Board award the petitioner what he or she wants? What specific statutory provisions are involved and/or have been violated? How do the facts as alleged constitute a violation? How should the statutory provisions be interpreted according to the petitioner?</p>		
<b>PETITIONER'S witnesses, if any</b> (if more than three, attach typed sheet including all required information)		
First name	Last name	
Telephone	e-mail address	
Relation of witness to dispute		
First name	Last name	
Telephone	e-mail address	
Relation of witness to dispute		
First name	Last name	
Telephone	e-mail address	
Relation of witness to dispute		
I, the undersigned, petition the Students' Society of McGill University Judicial Board and agree to submit to its sole jurisdiction and be bound by its decision		
date		signature
<small>Service shall be deemed to have been effected four days following delivery of the petition to a third-party mandated to deliver it to the respondent(s).</small>		