



ELECTION POLICY

Definitions

1. The following definitions apply to this Policy

by-election means an election other than a general election

candidate means a person whose nomination as a candidate for an election has been confirmed under section 34(1)

CRO means Chief Returning Officer

election advertising means any act or created object (whether physical or digital) that has the intention of soliciting support or opposition for a particular Candidate or Side.

election period means the period beginning with the issue of the writ and ending on the final day of the polling period

elector means a person who is qualified as an elector under section

2 **fall election** means a general election falling within the Fall Term

general election means fall or winter election

polling period, in relation to an election, means the period fixed for voting during the election under section 45

prescribed, in relation to a form or a solemn declaration, means one that is authorized by the Chief Returning Officer

winter election means a general election falling within the Winter Term

writ means a writ of election

Part I - Electoral Rights

Persons qualified as electors

2. Every member of the Association is qualified as an elector except the CRO.

Persons entitled to vote

3. Subject to this policy, every person who is qualified as an elector is entitled to have their name included on the list of electors and to vote during the polling period.

Additional Requirements to Vote for certain Offices

4. An elector is eligible to vote for
 - a. 1L Class Representative if the elector is in 1L, and if eligible, may only vote for 1L Class Representative in their own respective Class Section;
 - b. 2L Class Representative if the elector is
 - i. in 1L in the case of a Winter Election; or
 - ii. in 2L in the case of a Fall Election or by-election;
 - c. 3L Class Representative if the elector is
 - i. in 2L in the case of a Winter Election; or
 - ii. in 3L in the case of a Fall Election or by-election;
 - d. Part-Time Students' Representative if the elector is a Part-Time Student;
 - e. Gender and Sexual Minority Students' Representative if the elector self-identifies as a gender or sexual minority;
 - f. Students Living with Disabilities Representative if the elector self-identifies as a student living with a disability;
 - g. Women's Representative if the elector self-identifies as a woman;
 - h. Visible Minorities Representative if the elector self-identifies as a visible minority.

MILSA Representative

5. Notwithstanding any other provision of the Election Policy, the MILSA Representative shall be selected in the manner set out in the governing documents of MILSA.

Part II - Chief Returning Officer

Promulgation of Rules by the CRO

6. (1) The CRO may promulgate such rules as necessary for the fair and efficient functioning of elections and referenda, provided that such rules are consistent with the Constitution and Policies of the Association.

(2) The CRO must publish all rules promulgated under this Policy such that they are freely accessible to all members of the Association.

Enforcement of Rules by the CRO

7. The CRO must enforce all rules found within this policy and is empowered to take all reasonable steps to do so, including without limitation
 - a. by ordering the removal of any material the CRO believes on reasonable grounds is in violation of the election policy;
 - b. by removing the name of any candidate from the ballot who is found ineligible to vote for or hold the office they are nominated for; or
 - c. by declaring the outcome of any election or referendum null and void, but only where failing to do so would bring the fair administration of the election or referendum, as the case may be, into disrepute.
8. The CRO may refer any alleged violation of this policy, failure to comply with a rule promulgated by the CRO or failure to comply with an order of the CRO under section 7 to Council where the CRO deems it in the interest of maintaining a fair electoral system to do so.
9. Decisions of the CRO are final and not subject to appeal.

CRO Assistants

10. (1) The CRO may designate up to two consenting members of the Association, except a candidate or their representative, as a CRO Assistant to assist in the planning and execution of an election or referendum.
 - (2) The CRO may delegate any power or responsibility given to them under this Policy to a CRO Assistant, except any power or responsibility
 - a. listed under Part II of this Policy;
 - b. to verify the results of an election; or
 - c. to declare a candidate elected or acclaimed.
 - (3) A CRO Assistant is held to the same standard as the CRO in exercising any power or responsibility under this Policy

Part III - List of Electors

11. (1) As soon as possible after the issue of a writ, the CRO shall prepare the list of electors.

Content of List

- (2) The list of electors shall contain only the name and contact information of each elector.

Number of Electors

- (3) The CRO shall, not later than the 14th day before the polling period, determine the number of names appearing on the list of electors.

Notice of Confirmation of Registration

12. The CRO shall, as soon as possible after the issue of the writ but not later than the 14th day before the polling period, send a notice of confirmation of registration to every elector whose name appears on the list of electors.

Revision of the List of Electors

13. The CRO may receive applications for additions or corrections to, or deletions from, the list of electors.

Revision – Purpose

14. The CRO shall revise the list of electors by
 - a. adding the names of electors who were omitted from the list;
 - b. correcting information respecting electors whose names are on the list; and
 - c. deleting the names of persons whose names were incorrectly inserted on the list.

Deletion of Name of Elector

15. The CRO may delete the name of a person from the list of electors if it is established that the person is not qualified as an elector, or if the person voluntarily removes themselves as a candidate.

Notice of Confirmation of Registration

16. The CRO shall, as soon as possible, send a notice of confirmation of registration to every elector whose name is added to the list of electors.

Revised Number of Electors

17. After any addition or deletion to the list of electors, the CRO shall, as soon as possible, determine the new number of names appearing on the list of electors

Part IV – Conduct of an Election

Date of General Election –Fall Election

18. Council must resolve to hold a general election between September 10th and September 30th, and direct the Council Chair to issue a writ for each 1L representative office and any other offices of Council which are vacant at the time of the resolution.

Date of General Election -Winter Election

19. Council must resolve to hold a general election between February 1st and March 31st, and direct the Council Chair to issue a writ for all offices of Council except 1L Representative and MILSA Representative.

Writs of Election

20. (1) Council shall issue a proclamation, by way of resolution, in order for a general election or by-election to be held.

Contents

(2) The proclamation shall:

- a. direct the Council Chair to issue a writ to the CRO for each office of Council to which the proclamation applies;
- b. fix the date of issue of the writ; and
- c. fix the opening day for voting at the election, which date must be no earlier than the 14th day and no later than the 50th day after the day on which the writ was issued.

General Election

(3) In the case of a general election

- a. the date of issue of the writ shall be the same for all offices of Council
- b. the polling period shall be the same for all offices of Council; and
- c. the proclamation shall fix a date for the return of the writ to the Council Chair which date shall be the same for all of the writs.

Withdrawal of Writ

21. (1) The Council Chair may order the withdrawal of a writ for any office of Council for which the CRO certifies that by reason of a flood, fire or other emergency it is impracticable to carry out the provisions of this Policy.

(2) If the Council Chair orders the withdrawal of a writ, they shall issue a new writ of election for that office of Council as soon as it becomes practicable to carry out the provisions of this Policy.

Vacancies and By-Elections

22. (1) If an office of Council is vacant or becomes vacant following a general election, Council must direct the Council Chair to issue a writ for that office at the next reasonable opportunity.

(2) If the office of the MILSA Representative is vacant or becomes vacant following a general election, Council shall not direct the Council Chair to issue a writ for that office, but shall direct the Council Chair to inform the MILSA of the vacancy.

Vacancy before Council meets after a general election

23. (1) The Council Chair may issue a writ for the election of an office of Council to fill any vacancy that occurs, after a general election and before the first meeting of Council thereafter.

(2) The Council Chair may issue a writ for the election of an office of Council to fill any vacancy that is deemed to occur because a writ was returned to them stating that no candidate was declared elected because of the equality of votes.

Deemed by-election

(3) An election held in the circumstances set out in subsection (2) is deemed to be a by- election.

Date of by-election initiated by the Council Chair

(4) If the Council Chair issues a writ under subsection (1) or subsection (2) they must fix the opening day for voting at the election for no earlier than the 14th day and no later than the 28th day after the day on which the writ was issued.

Notice of Election

24. (1) Within two days after the issue of the writ, the CRO shall issue a Notice of Election that indicates

- a. The deadline for the receipt of nominations; and
- b. The date of the polling period

(2) The CRO shall publish and distribute the Notice of Election such that it is freely accessible to the members of the Association.

Return by Acclamation

25. When, as of 4:00 pm, on the 5th day before the polling period begins, the CRO has confirmed the nomination of only one candidate for an office of Council, the CRO shall

- a. without delay declare the candidate elected by endorsing the return of the writ in the prescribed form on the back of the writ and returning it to the Council Chair; and
- b. within 24 hours after the return of the writ, notifying the elected candidate.

No nominations for office

26. When, as of 4:00 pm, on the 5th day before the polling period, the CRO has not confirmed the nomination of any candidates for an office of Council, the CRO shall indicate that on the return of the writ.

Holding of an Election

27. When, as of 4:00 pm, on the 5th day before the polling period begins, the nomination of more than one candidate has been confirmed for an office of Council, an election shall be held.

Notice of Acclamations and Contested Elections

28. The CRO shall provide notice, by no later than 4:00pm on the 4th day before the polling period begins, of

- a. the name of any candidate declared elected by acclamation and the office they were acclaimed to;
- b. the names of all candidates running for office in a contested election as they will appear on the ballot; and
- c. any other information the CRO believes would assist in facilitating an election or furthering an objective under this Policy.

Part V - Candidates

Ineligible Candidates

29. The following persons are not eligible to be a candidate:
- a. a person who is not qualified as an elector or who is otherwise ineligible to vote for the position in which their nomination paper is filed;
 - b. the Chief Returning Officer; and
 - c. the Council Chair, for the year of their term as chair

Nomination of Candidates

Manner of Nomination

30. A nomination paper shall be in the prescribed form and include
- a. a solemn declaration, in the prescribed form, made by the prospective candidate of
 - i. their name,
 - ii. any other name by which they are commonly known and that he or she wishes to appear on the ballot instead of the name referred to in subparagraph (a);
 - b. a statement signed by the prospective candidate consenting to the nomination; and
 - c. the names, student numbers and signatures of at least 10 electors.

Filing of nomination paper

31. A prospective candidate shall file the nomination paper with the CRO at any time between the date of the issue of the Notice of Election and the close of nominations.

Closing day for nominations

32. The closing day for nominations shall be 7 days before the polling period begins.

Hours of attendance

33. (1) The CRO shall attend between 12:00 pm and 2:00 pm on the closing day for nominations at the MLSA office in order that the CRO may receive nominations for prospective candidates who have not yet filed their nomination papers.

Closing of nominations

- (2) No nomination may be received from any person who enters the MLSA office after 2:00 pm on the closing day for nominations.

Notice to candidate of confirmation or refusal

34. (1) The CRO shall, not later than 24 hours after the nomination paper is filed, give the prospective candidate notice, in the prescribed form, of the confirmation of the nomination or of the refusal to accept the nomination.

Verification of nomination papers

- (2) Before giving confirmation of a nomination or refusing to accept one, the CRO shall verify
- a. that the nomination paper is complete, having at least the number of signatures referred to in section 30(c); and
 - b. that the signatures referred to in section 30(c) are those of electors who are entitled to vote.
- (3) A nomination paper that the CRO has refused to accept may be replaced by another nomination paper or may be corrected if the new or corrected nomination paper is filed with the CRO by the close of nominations.

Notice of nomination to electorate

- (4) Upon providing a prospective candidate with notice of the confirmation of their nomination, the CRO shall publish the name of the candidate and the office in which the candidate seeks to be elected to, in a manner which is freely accessible to the members of the Association.

Name to appear on ballot

35. The name referred to in section 30(a)(i) shall be the name that appears on the ballot in respect of the prospective candidate, unless the candidate has provided an alternative name referred to in section 30(a)(ii), in which case that name shall appear on the ballot instead.

Withdrawal of candidate

36. (1) A candidate may withdraw at any time before 2:00 pm on the closing day for nominations by filing, in person, with the CRO a statement in writing to that effect signed by the candidate and witnessed by two electors.

Consequences of withdrawal

- (2) When a candidate withdraws under subsection (1), any votes cast for the candidate at the election are void.

Minor corrections

37. A candidate may, before 5:00 pm on the closing day for nominations, provide in writing to the CRO any change that they wish to be made to their name as set out in the nomination paper.

Votes for persons not properly nominated to be void

38. Any votes cast for a person other than a candidate are void.

Prohibitions

Ineligible candidate

39. No person shall sign a nomination paper consenting to be a candidate knowing that they

are not eligible to be a candidate.

Publishing false statement to affect election results

40. No person or entity shall, with the intention of affecting the results of an election, make or publish, during the election period
- a. A false statement that a candidate or a prospective candidate has violated the election policy or has been charged with or is under investigation for such an offence; or
 - b. A false statement about the citizenship, place of birth, education, professional qualifications or membership in a group or association of a candidate or a prospective candidate.

Publishing false statement of candidate's withdrawal

41. No person or entity shall publish a false statement that indicates that a candidate has withdrawn.

Information on the ballot

42. Ballots shall contain the names of candidates referred to in section 30(a)(i) or section 30(a)(ii), as the case may be, and taken from their nomination papers, arranged alphabetically.

Part VI - Voting

Manner of Voting

43. The CRO has discretion to choose the method of voting, provided that such method maintains the principle of the secret ballot and is consistent with the objectives of the Association, the Constitution, and the Election Policy.
44. If an elector is unable to cast a ballot using the chosen method of voting, the CRO shall take all reasonable steps to accommodate the elector and ensure their ballot is counted.

Polling Period

45. The polling period begins at 8:30 am on the day fixed by proclamation under section 20(2)(c) or decided by the Council Chair under section 23(4), as the case may be, and ends at 4:00 pm the next day.

Prohibitions in Relation to Voting

46. (1) No elector shall
- a. vote or attempt to vote for a candidate in an election knowing that they are not eligible to do so; or
 - b. induce or attempt to induce another elector to vote for a candidate knowing that the other elector is not eligible to do so; or
 - c. influence or attempt to influence another elector to vote or refrain from voting, or to vote or refrain from voting for a particular candidate, during the election; or

- d. prevent or attempt to prevent another elector from voting during an election.

Exception

(2) Section 46 does not apply to conduct falling within the scope of campaign activities or election advertising that is permitted by any rules promulgated by the CRO under section 56.

Voting more than once -general election

47. (1) No elector who has voted in a general election shall vote again, or attempt to vote again, in that general election.

Voting more than once – by-election

(2) No person who has voted in a by-election shall vote again, or attempt to vote again, in that by-election.

Attempting to obtain information about elector’s vote

48. Except as provided by the MLSA Constitution and policies, or by the rules promulgated by the CRO, no elector shall attempt to obtain any information as to the candidate for whom any elector is about to vote or has voted.

Counting Votes

49. Immediately after the close of the polls, the CRO shall count the votes in the presence of

- a. the Council Chair; and
- b. any candidates or their representatives who are present.

Validation of Results by the CRO

50. After the CRO has counted the votes, they shall, in the presence of the Council Chair, validate the results of the vote; and

(2) Without delay after the validation of the results, the CRO shall prepare a certificate in the prescribed form that sets out the number of votes cast for each candidate

Witnesses at validation

51. Candidates and their representatives may attend the validation of the results.

Release of vote counts barred save exceptions

52. Vote counts will not be released to voters or the MLSA Membership, but candidates or their representative(s) may receive the validated vote breakdown (of their respective race only) from the CRO if requested. This must be communicated to the candidates whom request a breakdown.

53. The MLSA Executive and/or MLSA Council Chair may receive vote breakdowns of any and all MLSA elections from the CRO if requested. These documents are to remain privileged, with full general release barred.

Return of the Writ

Return of elected candidate and publication of election results

52. (1) The CRO, without delay after the completion of the validation of results, shall declare elected the candidate who obtained the largest number of votes by
- a. completing the return of the writ in the prescribed form on the back of the writ; and
 - b. publishing the name of the candidate who was declared elected.
- (2) In the case of 2L Representative or 3L Representative, the CRO, without delay after the completion of the validation of results, shall declare elected the two candidates who obtained the largest number of votes by
- a. completing the return of the writ in the prescribed form on the back of the writ; and
 - b. publishing the names of both candidates who were declared elected.

Equality of Votes -Single Office

- (3) If there is an equality of votes between the candidates with the largest number of votes, the CRO shall indicate that on the return of the writ.

Equality of Votes – Multiple Offices

- (4) In the case of 2L Representative or 3L Representative, if there is an equality of votes between three or more candidates with the largest number of votes, or otherwise an equality of votes between two or more candidates with the second most amount of votes, the CRO shall indicate that on the return of the writ.

Procedure on receipt of return by the CRO

53. The Council Chair, on receiving each return of the writ, shall indicate, in a book kept by the Council Chair for the purpose, that they received it.

Equality of Votes

54. If the return of the writ indicates an equality of votes between the candidates with the largest number of votes or second largest number of votes, as the case may be, the CRO shall without delay
- a. prepare and send to the Council Chair or, if none, two members of Council, as the case may be, a report stating that no candidate was declared elected in that race because of the equality of votes; and
 - b. publish the names of the candidates between whom there was an equality of votes, and notice that as no candidate was declared elected in that race because of the equality of votes, a by-election will be conducted under section 23(2) of this policy.

No candidate elected due to no nominations

55. If the return of the writ indicates that no nominations were confirmed, the CRO shall without delay prepare and send to the Council Chair or, if none, two members of Council, as the case may be, a report stating that no candidate was declared elected in that race because no nominations were confirmed.

Part VII - Campaigning and Election Advertising

56. Subject to this policy, the CRO shall promulgate rules with respect to campaign activities and election advertising.

Blackout period

57. (1) No person shall transmit election advertising to the electors during the polling period.

Exception

(2) Subsection (1) does not apply in respect of the transmission of a message that was transmitted before the blackout period began and that was not changed during that period.

Candidates Forum

58. (1) The CRO must organize at least one Candidates Forum to be held prior to the nomination deadline that is open to all members of the Association. Time allotted for each candidate to speak (separate from Q&A) must not exceed five minutes.

Format of Forum is Discretionary

(2) The CRO may choose the format of any Candidates Forum, provided that the adopted format permits each candidate a fair opportunity to address those members in attendance.

Notice of Forum

(3) The CRO must provide all members of the Association with notice of the time and place that a Candidates Forum will be held at least three days prior.