

**STUDENTS' LAW SOCIETY
UNIVERSITY OF TORONTO FACULTY OF LAW**

BYLAW 500

CONCERNING: *Nomination and Election Procedures*

RESPONSIBILITY: Students' Law Society **Caucus** Committee

APPROVED:

A. Chief Returning Officer

1. All nomination and election procedures shall be overseen by the Chief Returning Officer.
2. The Chief Returning Officer shall be appointed by the President from among the Third Year students.

B. Nomination Procedures

1. Candidates for President and Vice President positions and Year Representatives to the Student Affairs Committee and Student Caucus must have submitted their nomination or consented to their nomination submitted by another member to the Chief Returning Officer, as prescribed by and before the deadline set by the Chief Returning Officer.
2. Nominations for President and Vice President positions must be accompanied by ten (10) signatures from Society members in support of the nomination.
 - (a) Prospective candidates are not permitted to make speeches immediately before, during, or immediately after class time for the purpose of collecting signatures.
 - (b) Collection of these signatures is not deemed campaigning for the purposes of provision D(3) of this Bylaw.
3. After the deadline set by the Chief Returning Officer for submission of nominations for a position, no nominations for the position will be accepted.
 - (a) If no nominations are received for the President or either of the Vice-President positions at the close of the nomination period, the nomination period will reopen for a minimum of 48 hours. If no nominations are received at the end of the additional period, there shall be a by-election in the subsequent fall term to elect an individual for the position.
 - (b) With regard to the spring Year Representative elections, if fewer candidates are nominated than the number of positions permit, all of the candidates nominated shall be acclaimed, and there shall be a by-election in the subsequent academic term, at which time nominations shall reopen for the remaining unfilled positions.
 - (c) After the close of the nomination period or the re-opened nomination period, as the case may be, candidates shall be provided with a copy of this Bylaw by the Chief Returning Officer and shall sign a statement confirming that they have read and understood the election procedures and rules. The signed statement shall be submitted to the Chief Returning Officer no less than two business days later.

C. Election Procedures

1. Each member of the Society who has followed and fulfilled the nomination procedures set out in this Bylaw shall be a candidate for the position(s) for which he/she has been nominated.
2. Candidates may simultaneously seek election to different positions unless prevented from doing so by the Constitution of the Society or as stated elsewhere in these Bylaws.
3. Where only one (1) nomination is received for the positions of President or a Vice-President, the election of that candidate shall be ratified by a yes/no vote of the members of the Society with a majority of the members voting 'yes' in order for said ratification to be successful.

Eligibility

4. All members of the Society are permitted to vote in elections for the President and Vice-Presidents.
5. Only first-year students are permitted to vote in the fall elections for First Year Representatives.
6. Only first-year students are permitted to vote in the spring elections for Second Year Representatives.
7. Only second-year students are eligible to vote in the spring election for Third Year Representatives.
8. If a by-election occurs in the fall for positions not filled in the previous spring for a Year Representative, only students in the year at issue for the Representative position are eligible to vote.
9. For the purpose of this Bylaw, the year of a student in a joint program or the part-time program is determined by their academic year in the Faculty of Law.
10. In a run-off election following a tie, the outgoing President is eligible to vote for all positions except for those for which he or she is running, notwithstanding the restrictions in provisions C(4-9) of this Bylaw.

Polling Stations

11. The Chief Returning Officer shall be responsible for the existence of at least one election polling station on the day or days of the election, situated in a convenient location or locations.
12. The Chief Returning Officer shall oversee the poll(s) him/herself or appoint poll clerks to do so. The Chief Returning Officer is responsible for the proper conduct of the polling clerks at each polling station.

Ballots

13. The order of names appearing on the ballot shall be determined by a random draw conducted by the Chief Returning Officer.
14. The Chief Returning Officer shall oversee the counting of all ballots in the election, and any poll clerks who assist in counting the ballots.
 - (a) With regard to the election of the President and Vice-Presidents, the candidate for each who attains the highest number of votes shall be declared elected to that position.

- (b) With regard to the Year Representative elections, the number of candidates in each year with the highest number of votes cast such that all available positions are filled shall be declared elected.
15. Each candidate is allowed one scrutineer to witness the counting of the ballots for the position(s) for which the candidate ran. The Chief Returning Officer shall count the ballots in the presence of the scrutineers.
- (a) A scrutineer may not touch a ballot before it has been counted and tabulated by the Chief Returning Officer or a poll clerk.
 - (b) A scrutineer may object to the tabulation of any ballot or any irregularities in the election processes. The Chief Returning Officer shall note any such objection. If the outcome of an election would be affected by the counting or cancellation of ballots to which scrutineers have objected, the Chief Returning Officer shall decide whether to recognise any such ballots, to cancel any such ballots, or to declare the election results for the affected position null and to hold another election for the position. In this determination, the Chief Returning Officer **shall** take into consideration the reasonableness of the objection and the seriousness of any irregularity or combination of irregularities.
 - (c) A scrutineer may request a recount. The recount shall be overseen by the Chief Returning Officer and take place as soon as is reasonably possible.
16. Each candidate for election shall be informed of the election results pertaining to the office for which the candidate ran prior to the public release of the results.
17. All ballots cast in the election shall be stored securely for at least 30 days following the election. If no objection or appeal is raised within the 30 days following the election, the ballots shall be destroyed.

Absentee Ballots

18. Any voter may cast an absentee ballot in elections in which they are entitled to vote, if they are unable to place a vote during the scheduled election polling times.
- (a) To cast an absentee ballot, the voter must provide a request to the CRO, with an explanation for their inability to cast a ballot at the scheduled election polling times.
 - (b) **Absentee voters may elect to vote using one of the following procedures:**
 - i. **The Chief Returning Officer shall provide the absentee voter with a paper ballot and an envelope. The absentee voter shall mark his or her votes for the election(s) in which he or she is eligible to vote, seal the envelope, sign across the seal, and submit the ballot to the Chief Returning Officer. The Chief Returning Officer shall open the envelope during the election period and place the ballot into the ballot box; or**
 - ii. **The Chief Returning Officer shall set up a poll using an anonymous online survey tool and provide the absentee voter with a link to said survey. The absentee voter shall then vote in the election(s) for which he or she is eligible to vote.**

Run-off Election

19. In the case of a tie between two or more candidates with the most votes for the President or one of the Vice-President positions, a runoff election shall be held between those candidates.

20. In the case of a tie between two or more candidates for Year Representatives on Student Caucus or the Student Affairs Committee where such a tie involves the candidates with the least number of votes to fill the last remaining position, a runoff election shall be held between the tied candidates.
21. In the run-off election, the outgoing President shall vote by ranking all candidates in the run-off in order of his or her preference, unless the outgoing President is running for one of the positions in the run-off election.
22. The outgoing President's ranked ballot shall be sealed in an envelope and placed into the ballot box. If the run-off election also results in a tie, the President's ballot shall be unsealed and the tied candidate with a higher rank on the President's ballot shall be elected.
23. If the tied run-off election involves a position for which the outgoing President is running, the tie shall be resolved by assigning each candidate for the position a number and using a random number generator to select a candidate. The candidate whose number is selected by the random number generator shall be elected.
24. In the event of the resignation or removal of the President, a Vice-President, or a Year Representative, the Executive may call a by-election at the earliest convenient time to select an individual for the position. The by-election shall be conducted by analogy to the procedures established by this Bylaw.

D. Campaigning

1. The Chief Returning Officer shall supervise campaigning by candidates for all positions.
2. Campaigning shall have its ordinary meaning. Whether or not an activity constitutes campaigning shall be determined by the reasonable discretion of the Chief Returning Officer.
3. The Chief Returning Officer shall specify the date when campaigning may begin which shall be a date after the deadline for submitting nominations. Campaigning shall not begin prior to the date specified by the Chief Returning Officer.
4. Campaigning is permitted until the closing of polls on the final day of the election.
5. Campaigning is not required, but it is permitted and encouraged subject to the following conditions:
 - (a) Candidates shall be reimbursed up to a total of \$10.00 for campaign expenses. No candidate may exceed this limit on expenditures even if they do not seek reimbursement for the additional expenses. Reimbursement will be provided to each candidate upon submission of receipts for purchases.
 - (b) A maximum of ten (10) 8.5" x 11" posters may be posted in the Faculty buildings by each candidate at any one time. Posters are restricted to bulletin boards and metal or brick surfaces; all posters on walls or glass will be removed.
 - (c) Headnotes cannot be used for campaigning.
 - (d) No speeches are to be given immediately before, during, or after class time for elections other than first year fall elections, except as organized by the Chief Returning Officer.
 - (e) No flyers or handouts are to be distributed to individual students.
 - (f) Campaigning or the posting of campaign materials is not permitted in the Bora Laskin Law Library.
 - (g) Email campaigning is permitted, subject to the following conditions:

- i. If an individual sends to 15 or more members of the Society one email message or multiple similar email messages advocating one or more candidates or criticising one or more candidates in relation to the election, the individual sending the message shall also send a copy of the message to the Chief Returning Officer with a list of the recipient email addresses. The Chief Returning Officer **may** forward the email message and the list of recipient email addresses to all candidates, to permit the candidates a reasonable opportunity to respond to the message **if the message is negative in nature or otherwise refers to another candidate.**
 - ii. The Chief Returning Officer has the discretion to limit excessive email campaigning. Emails may be deemed to be “excessive” when a single member of the Society receives more than one substantially similar message from the same candidate.
 - iii. Messages sent through social networking tools are deemed to be email messages for the purpose of this provision.
- (h) Campaigning using social networking tools is permitted, subject to the following conditions:
 - i. The Chief Returning Officer shall be provided with access to any social networking campaign materials. Without limiting the generality of the foregoing, this includes Facebook groups and events.
 - ii. No social networking tool shall be used for campaigning prior to the commencement of the campaign period.
 - iii. The Chief Returning Officer had the discretion to share materials concerning the election from a candidate’s social networking tool or site with other candidates.
- 6. The Chief Returning Officer shall be responsible for establishing and informing candidates of the date of the all-candidates debate no later than the first day of campaigning.
- 7. Candidates shall not engage in any campaigning or any other activity intended to compel any other member to vote or to vote for any candidate, within 10 meters of the polls **as traveled by foot**, when the polls are open.
- 8. The SLS shall not endorse any candidate. Any sitting SLS member shall preface an endorsement with notice that they are acting solely in their personal capacity.

E. Breaches of this Bylaw

- 1. If any candidate breaches the Constitution, this Bylaw or any rule or procedure specified by the Chief Returning Officer or is abusive to any other candidate, the Chief Returning Officer may censure the candidate or apply a penalty. Penalties may include, but are not limited to, a reduction in the campaign spending limit, an embargo on further campaigning for a period of time, or disqualification.
- 2. The Chief Returning Officer **may** announce such censure in any public manner **consistent with provision E(5)**, including notices posted publicly and announcements broadcast on email listservs or posted on Faculty online announcement pages.
- 3. In determining an appropriate response to misconduct, the Chief Returning Officer may consider all surrounding circumstances, and shall apply a remedy proportionate to the seriousness of the misconduct at issue.

4. The Chief Returning Officer shall submit a report to the SLS Caucus of any complaints or rule violations on the part of any candidate, including a summary of how such complaint or violation was responded to.
5. An email listing any violations of the rules that the Chief Returning Officer judges to have occurred and the candidate responsible for such violations shall be sent to all members of the Society within one (1) business day before the commencement of the voting period. The CRO shall not post violations or breaches in a location that is accessible to the general public (i.e. a location that is publicly searchable online) outside of the University of Toronto Faculty of Law.
6. With each ruling, the Chief Returning Officer must include the information relied on and the reasons for the decision.
7. Decisions of the Chief Returning Officer concerning censures or penalties levied against a particular candidate or campaign may be appealed to an *ad hoc* panel of no less than three (3) outgoing Third Year Representatives of the Society from either or both of the Student Caucus and Student Affairs Committee. The decision of the ad hoc panel is final and corresponding reasons for decision shall be publicly posted.