



ELECTIONS AND REFERENDUM PROCEDURES

JULY 2024

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1. DEFINITIONS

1. **Annual General Election** means the regular election occurring between the first (1st) day of the winter term and April 1st of each calendar year to elect directors for the regular Board term.
2. **Appeals Committee** means an adjudicative committee tasked with arbitrating disputes arising out of any annual general election, by-election, and/or membership referendum.
3. **Association** means the Students' Association of Bow Valley College.
4. **Board** means the Board of Directors of the association.
5. **By-Election** means a special election occurring outside the annual general election period to fill vacant directorships for the remainder of the term.
6. **Bylaws** means the corporate bylaws of the association.
7. **Campaign/Campaigning** means efforts undertaken by or on behalf of a candidate(s) designed to promote their election as a director(s) to the Board.
8. **Campaign Agents** means voting members affiliated with the campaign to elect a particular candidate and authorized to act on their behalf.
9. **Candidate** means a voting member who meets the eligibility requirements for directorship established in the bylaws, has completed the requirements for nomination, and is authorized by the Chief Returning Officer to contest an election.
10. **Candidates' Meeting** means a meeting hosted by the Chief Returning Officer or their designate and attended by candidates for the purposes of orienting candidates to the rules governing elections.
11. **Chief Returning Officer** means the person designated to act as the chief administrator of the association's annual general elections, by-elections, and membership referendum.
12. **College** means Bow Valley College located in Calgary, Alberta and surrounding communities.
13. **Complaint** means a written request by a particular candidate(s) for enforcement action by the Chief Returning Officer.
14. **Director** means a director on the Board.

- 15. Election Officers** means staff assigned in an official capacity to assist the Chief Returning Officer with the administration of annual general elections, by-elections, and membership referendum.
- 16. Expense Report** means a complete and accurate detailing of all monetary and in-kind campaign costs submitted by each candidate to the Chief Returning Officer.
- 17. External Authorities** means any external bodies corporate with proper authority to regulate certain election and referendum-related activities, in particular Bow Valley College and the Government of Alberta.
- 18. In-kind** means the non-monetary provision of goods and services, excepting volunteer labour by voting members, any goods and services freely available to all candidates, and any benefits provided equally to all candidates by the association.
- 19. Member Staff** means employees, agents, contractors, or volunteers of the association who are simultaneously voting members.
- 20. Nomination** means the written support of a voting member to contest an election for the position of director.
- 21. Non-Member Staff** means employees, agents, contractors, or volunteers of the association who are not voting members.
- 22. Procedural Fairness** is the right to fair and impartial decision-making processes that provide all parties with an equal opportunity to be heard and the reasons for decisions rendered.
- 23. Prospective Candidate** means a voting member who has commenced but not finalized their nomination.
- 24. Referendum** means a general vote by Active Members for their authoritative decision, performed through a ballot vote that takes place on a single day or over the course of a number of days. This vote must ask a direct question that can be answered with a 'yes' or a 'no'.
- 25. Slate** means a group of two or more candidates who affiliate for the purposes of campaigning.
- 26. Staff** means employees, agents, contractors, or volunteers of the association.
- 27. Voting Member** means a member of the association as defined in the bylaws.

2. GENERAL

1. These procedures replace and supersede all election procedures of the association.
2. To the extent these procedures contradict higher-order documents, including but not limited to statutes, regulations, the incorporating instrument, corporate bylaws, or Board policies, the higher-order documents shall prevail in order of sequence.
3. To the extent that lower-order documents contradict these procedures, including but not limited to non-amendatory minuted resolutions and administrative policies and procedures, these procedures shall prevail.

3. MANAGEMENT

1. Annual general elections, by-elections, and membership referendum shall be administered by a Chief Returning Officer and such election officers as are assigned to support them.
2. The Chief Returning Officer shall have general managerial responsibility for annual general elections, by-elections, and membership referendum and all other election officials shall report directly or indirectly to them in their election-related capacities.
3. The Chief Returning Officer shall be a non-member appointed by the Board with expertise and/or training in elections management.
4. The Chief Returning Officer is empowered to enforce all relevant election and referendum-related provisions of the bylaws, Board policies, and these procedures, subject to the authority of the Appeals Committee as delegated therein.
5. For such residual matters where bylaw, policy, or procedural guidance related to annual general elections, by-elections, and/or membership referendum is omitted or unclear, the Chief Returning Officer may, at their discretion, make procedural determinations.
 - 5.1. Procedural determinations shall be made in the interest of fairness to all parties and to mitigate any materially negative effects.
 - 5.2. Procedural determinations shall be made in writing and communicated to all candidates.

4. OVERSIGHT

1. Oversight for each annual general election, by-election, or membership referendum shall be provided by an Appeals Committee established in accordance with the bylaws and Board policies.
2. The Appeals Committee shall consider and render decisions on appeals in accordance with the bylaws, Board policies, and these procedures. Such decisions shall be binding within the scope of the authority delegated to the Appeals Committee.
3. Appeals brought before the Appeals Committee shall be conducted in accordance with principles of procedural fairness.
4. Appeals may be filed by candidates from the commencement of nominations until no more than twenty-four (24) hours after the conclusion of voting and the Appeals Committee shall render decisions within seventy-two (72) hours of their written submission.
5. Hearings on appeals shall determine whether decisions made by the Chief Returning Officer shall be upheld or overturned. If overturned, the Appeals Committee shall, within the scope of its delegated authority, render a decision remediating the effect of any misapplication or malpractice.

5. SCHEDULING

1. The Chief Returning Officer shall establish a schedule for the annual general election each year and by-elections as required provided such schedules conform to the following provisions:
 - 1.1. The voting period shall be not fewer than two (2) days and conclude prior to March 31st for the annual general election;
 - 1.2. The campaigning period shall be not fewer than ten (10) days. Campaigning is strictly prohibited during the voting period;
 - 1.3. The nomination period shall be not fewer than twenty (20) days and shall conclude at beginning of the campaigning period;
 - 1.4. The nomination period for the annual general election shall not commence prior to the first (1st) day of classes in the winter term;
 - 1.5. The schedule for each annual general election shall be set and advertised no later than December 1st of the preceding calendar year;
 - 1.6. The schedule for by-elections shall be set and advertised not fewer than ten (10) days prior to the commencement of the nomination period; and,

- 1.7. Each schedule shall conform to any other requirements of the bylaws, Board policies, or these procedures.
2. Membership referendum shall be scheduled by the Board of Directors between November and April. The date and time shall be advertised, and notice shall be given not less than thirty (30) days prior to the commencement of the voting period.
 - 2.1. The Executive Director shall proceed with the process of recommending a Chief Returning Officer and shall select dates to be approved by the Board of Directors for the close of campaign registration, an orientation session similar to an All-Candidates' Meeting, and the start of the Campaigning Period.
 - 2.2. Proponents, groups, clubs, or individuals of a particular perspective of a Referendum question may organize campaigns, but must be registered with the SABVC as a Registered Campaign using the process and dates determined by the Election's Committee.

6. NOMINATION

1. Any voting member who meets the eligibility requirements for directorship established in the bylaws may be nominated as a candidate for director in an annual general election or by-election to the Board.
2. To be nominated as a candidate each eligible voting member must be authorized by the Chief Returning Officer. The Chief Returning Officer shall authorize any eligible voting member as a candidate provided that prior to the end of the nomination period they:
 - 2.1. Submit a nomination form as established by the Chief Returning Officer with no fewer than fifteen (15) valid nominations from other voting members;
 - 2.2. Sign a declaration as established by the Chief Returning Officer indicating their agreement to abide by the bylaws, Board policies, these procedures, and directives of the Chief Returning Officer during their campaign; and,
 - 2.3. Attend an official candidates' meeting.
3. Candidates must submit completed nomination forms by 3pm on the final day of the nomination period.
4. The Chief Returning Officer shall hold not fewer than one (1) official candidates' meeting and will schedule such meetings with due consideration for the ability of prospective candidates to attend.

5. All candidates affiliating with slates shall submit a form registering their affiliation that shall identify the slate name and be undersigned by all slate members. Slates are restricted to a maximum of three (3) candidates.

7. CAMPAIGNING

1. Candidates and their campaign agents shall be permitted to freely campaign, excepting restrictions imposed to ensure secure, fair, and transparent process and those legitimately imposed by external authorities.
2. Campaigning shall be subject to the following restrictions:
 - 2.1. Campaigning shall not occur prior to 8am on the day after the close of nominations;
 - 2.2. Locations for campaigning or the placement of campaign materials may be prohibited, limited, or restricted by the Chief Returning Officer to ensure the unperturbed operations of the association or satisfy restrictions imposed by the College;
 - 2.3. Specific types of campaign materials may be prohibited to satisfy restrictions imposed by the College or because they are likely to permanently damage or alter property;
 - 2.4. Only candidates and campaign agents registered with the Chief Returning Officer shall campaign on behalf of a candidate;
 - 2.5. Candidates shall not appear on each other's campaign materials, though candidates affiliated in slates are permitted to use their slate name and harmonize their designs and branding;
 - 2.6. Campaign agents shall not be registered for more than one candidate;
 - 2.7. Classroom talks shall only be permitted if candidates have the explicit permission of the instructor, and the instructor provides such opportunities indiscriminately to all candidates;
 - 2.8. The use of existing trademarks, logos, or copyrighted materials, or any likenesses thereof, shall be strictly prohibited;
 - 2.9. The use of any corporate or official mailing lists, listservs, or other communications media other than those established for the purposes of the candidate's campaign shall be strictly prohibited; and,

- 2.10.** Campaigning within ten (10) metres of any voting station shall be strictly prohibited.
 - 2.11.** Referendum campaigning shall adopt an educational approach, providing accurate information to allow informed decision making by students.
 - 2.12.** Referendum campaigning shall not include bribery, coercion, and any form of financial incentives to influence voting outcomes.
- 3.** The Chief Returning Officer shall provide all prospective candidates with written information detailing the restrictions imposed upon their campaigning activities and placement of campaign materials.
 - 4.** The Chief Returning Officer shall endeavour to provide official outreach opportunities and channels for all candidates throughout the campaign and shall provide sufficient notice in writing of such opportunities to all candidates.

8. VOTING

- 1.** All voting members shall be eligible to vote in the annual general election, by-elections, and membership referendum.
- 2.** Voting shall occur according to the following provisions:
 - 2.1.** Voting shall occur over a period of not fewer than two (2) days;
 - 2.2.** Voting members shall receive notification and access information through their College emails not fewer than two (2) days prior to the commencement of the voting period;
 - 2.3.** Voting shall be conducted by secret ballot through electronic and/or telephonic means and shall be sufficiently accessible that all voting members can reasonably participate;
 - 2.4.** The Chief Returning Officer may erect physical voting stations equitably throughout campus for the purpose of allowing voting members to securely, accessibly, and conveniently vote;
 - 2.5.** Voting members requiring assistance shall be assisted impartially by the Chief Returning Officer or Election Officers;
 - 2.6.** Candidates shall appear in alphabetical order by last name on each individual ballot;
 - 2.7.** Slate affiliations shall appear in brackets after Candidates' names; and,

2.8. In the event of a campus emergency, technical failure, malicious interference, or other unforeseen complication, the Chief Returning Officer may alter the voting period and/or reset the poll to accommodate the situation provided such accommodation provides all voting members with sufficient notice and time to cast their votes.

2.9. Membership referendum requires a Special Resolution to be approved. Motions failing to fulfill the Special Resolution requirement will be automatically deemed unsuccessful.

9. VIOLATIONS

- 1.** Any violation of these procedures by candidates and their campaign agents may result in disciplinary action up to and including disqualification of a candidate by the Chief Returning Officer.
- 2.** If the Chief Returning Officer deems that violations are reasonably unintended or inconsequential, they may, at their discretion, issue up to three (3) written warnings to a candidate prior to disqualifying them.
- 3.** Repeated identical infractions will be treated as discrete instances provided that subsequent infractions occur after warnings and remedial directives issued by the Chief Returning Officer.
- 4.** The Chief Returning Officer shall comparably discipline all candidates for equivalent or similar violations.
- 5.** Violations by campaign agents shall be treated as though violations by the candidate themselves.
- 6.** Violations by candidates may be reported to the Chief Returning Officer by other candidates, their campaign agents, voting members, staff, or others. Such complaints shall detail violations in writing and append all available evidence.
- 7.** The Chief Returning Officer will investigate all complaints, render appropriate decisions in accordance with the bylaws, Board policies, and these procedures, and provide a written response both to the complainant and candidate about whom the complaint has been filed.
- 8.** Candidates shall be disqualified if they fail to remove their physical campaign materials from all College facilities after each election in accordance with timelines established by the College and in no event more than forty-eight (48) hours following the close of voting.
- 9.** The Chief Returning Officer may discipline or disqualify candidates for repeated complaints deemed to be frivolous, vexatious, or malicious.

10. Disqualified candidates will not appear on the ballot if their disqualification is concluded prior to the commencement of the voting period.
11. If a disqualified candidate is elected, their position shall be filled by the next candidate that would have been elected due to the removal of the disqualified candidate.
12. No candidate shall be disqualified after the certification of results.

10. CERTIFICATION

1. The provisional results of annual general elections, by-elections, and membership referendum shall be publicly released by the Chief Returning Officer at the earliest opportunity following their tabulation.
2. The provisional results of annual general elections, by-elections, and membership referendum shall become final and official upon their certification by the Chief Returning Officer following the closure of the appeals period including the implementation of any remedial directives emanating therefrom.
3. Following the certification of any election and/or referendum event, the Chief Returning Officer shall submit a report to the Board detailing the process, the results, and any recommended procedural, policy and/or bylaw amendments.

11. AMENDMENTS

1. These procedures may be amended by a simple majority resolution of the Board at a properly constituted Board meeting.
2. Notices of motion proposing amendments to these procedures shall follow the established prescriptions for all notices of motion.
3. Until such time these procedures are properly amended, they remain in full force and effect.