



2024 Spring By-Election Terms of Reference

Purpose

1. This document sets out the terms, conditions, rules, and requirements pertaining to the 2024 Spring By-Election (the "Election") held by the Acadia Students' Union (the "ASU").

Authority

2. The Act to Incorporate Acadia Students' Union at Section 5(b) authorizes the ASU to create and amend by-laws relating to the election of officers of the ASU and members of the Students' Representative Council (the "Council").
3. By-law 8 of the ASU governs the election process. These terms and all election related activities are subject to the provisions of By-law 8.

Principles

4. The ASU shall ensure that Union Elections are administered in accordance with the ASU's mission, vision, and values and that Union Elections shall be:
 - a. Fair and equitable for all participants;
 - b. Administered in a manner that is independent and impartial;
 - c. Transparent and accountable;
 - d. Democratic;
 - e. Environmentally and financially sustainable; and
 - f. Grounded in professionalism and respect for all parties.

Statement of Independence

5. The ASU and the SRC will not endorse or support the views of any candidate in any Union Election and the views of any candidate during the campaign shall not necessarily represent the views of the ASU, the SRC, or current elected or appointed officials.
6. The Chief Returning Officer, Deputy Chief Returning Officer, Poll Supervisors, Poll Clerks, and all other election officials shall not endorse or support any candidate in any Union Election in which they serve in their respective capacity.

Election Administration

7. The Election will be organized and managed by the Chief Returning Officer (the “CRO”) and the Deputy Chief Returning Officer (the “DCRO”), jointly referred to as the “Election Team”.
8. The Election Team shall be responsible for the organization and execution of the Election in accordance with these terms and the governing documents of the ASU, which include but are not limited to its by-laws, policies, and regulations.
9. The Election Team shall discharge their duties in a fair and impartial manner.
10. The Election Team will hold weekly office hours, which will be communicated to students and candidates in a method determined by the CRO.
11. Council may appoint an Elections Committee in accordance with the ASU’s by-laws. The absence of an Elections Committee will not invalidate any element of the Election or these terms.

Elected Positions

12. The ASU shall hold an Election for the following positions:

Executive Positions

- a. President;
- b. Vice President Finance & Operations.

Councilors

- c. Professional Studies Senator
- d. Theology Senator
- e. Graduate Studies Senator
- f. Community Relations Councilor
- g. Councilor at large
- h. Councilor at large

Election Timeline

13. The Election period will begin on **March 12, 2024**, and end on **March 28, 2024**.
14. Nominations will open on **March 12, 2024**, at **8:00am ADT** and close on **March 19, 2024**, at **8:00pm ADT**.
15. Mandatory training for candidates and official agents will occur at an all candidates meeting on **March 20, 2024**. All candidates must attend the mandatory training session or arrange for a reasonable alternative training session at the discretion of the CRO.
16. The campaign period will begin on **March 21, 2024**, at **8:00am ADT**, and end on **March 26, 2024**, at **11:59pm ADT**.

17. The voting period will begin at **8:00am ADT on March 27, 2024**, and end at **8:00pm AST on March 28, 2024**.
18. Following the close of voting, the results will be certified and announced by the CRO within 24 hours.
19. The CRO and DCRO may organize, at their sole discretion, events such as a candidate forum or debate, and an election results announcement event.
20. Any unexpected closures of the Acadia University Campus or the ASU offices will not impact the Election period unless determined by the CRO and DCRO.

Eligibility

21. Only Ordinary or Associate Members of the ASU are eligible to be nominated and seek candidacy in the Election. Ordinary and Associate Members are registered students at Acadia University who have paid their membership fee (student fees) to the ASU.
22. Candidates for Faculty Senator must be a registered student in their respective faculties at the time of nomination.
23. All candidates must possess a sessional GPA of at least 2.0 at the time of the Election and this requirement shall be confirmed by the CRO within 72 hours of the close of nominations. This requirement is waived for all students in the first semester of their first year of post-secondary study at Acadia University.

Nominations

24. Potential candidates in the Election shall submit completed nomination documents to the CRO and DCRO prior to the close of nominations.
25. No person shall be nominated for or hold more than one position in one election.
26. Notwithstanding the above, the CRO may extend the close of nominations by no more than 48 hours for an elected position at their discretion if they are not satisfied with the number of nominations received.
27. Nomination forms must be signed by the nominee and 25 members of the ASU and shall include the name and student number of the nominee and the name and student numbers of the 25 members who have signed the nomination papers.
28. The CRO may reject a nomination form and consider it invalid if:
 - a. The signature of the nominee or nominators is determined to be a forgery.
 - b. Any person who signed it is not an ordinary or associate member of the Union.
 - c. There are an insufficient number of valid signatures.
 - d. It is submitted after the close of nominations.
 - e. There is evidence that the candidate has breached these terms or any other by-laws, policy, or regulation of the ASU.

Withdrawal of Nomination

29. A candidate may withdraw their nomination before the closing of the nomination period and such candidate shall be deemed to not have been officially nominated.
30. Any withdrawal of candidacy must be submitted in writing to the CRO and must be signed by both the CRO and the candidate wishing to withdraw their candidacy.
31. If a candidate withdraws their candidacy after the commencement of voting or after it is reasonably possible to amend the ballot, votes for this candidate will not be counted and will be automatically redistributed via the preferential voting calculation.
32. The creation and/or publication of a false statement of withdrawal intended to prevent an election of a candidate constitutes an offence under this agreement.

Ineligibility, Disqualification, or Withdrawal of Candidate during Election Period

33. If a candidate withdraws, is disqualified from the Election, or is found to be ineligible at any point during the Election, the candidate shall be deemed to not have been officially nominated for the position. Subject to these terms, the Election will continue as if the candidate was not officially nominated, and any votes cast for the former candidate shall be treated as blank.
34. If the candidate was the only candidate nominated for the position, then the position may be filled by appointment or another by-election may be held, at the discretion of Council.

Campaign Rules and Regulations

35. Campaigning includes all activities related to the use or publication of Campaign Materials, and the promotion of a candidate or campaign in the Election.
36. Campaign Materials are any goods, services, or materials, whether tangible or intangible, used to solicit votes or support for a candidate or campaign in the Election. Campaign. These include, but not limited to:
 - a. Literature
 - b. Poster, signs, sheets, and banners.
 - c. Pins and buttons.
 - d. Clothing items.
 - e. Any material, post, comment, message, promotion or activity on websites or social media.
37. All candidates are encouraged to have Campaign Material approved by the CRO or DCRO to confirm compliance with these terms prior to being used in a campaign.
38. All Campaign Material must be disclosed to the Election Team, and the total value of the campaign materials used.
39. No candidate is permitted to use the logo, corporate seal, or any other copyright material of the Union in their campaign or as part of their Campaign Material.

40. The maximum number of posters that can be displayed by each candidate is as follows:
 - a. Executive candidates: 100.
 - b. All other candidates: 75.
41. A candidate is not permitted to display a poster that exceeds 11 x 17 inches in size with the following exceptions:
 - a. Executive candidates may display a maximum of two posters exceeding 11 x 17 inches in size.
 - b. Candidates for other elected positions may display a maximum of one poster exceeding 11 x 17 inches in size.
42. Candidates must have all posters designs approved before they are displayed, are required to number every poster that they display during the campaign.
43. Candidates are responsible for removing all posters and other Campaign Material within 48 hours after the public announcement of election results. This includes the removal of all electronic campaigning material, unless authorized in writing by the CRO or DCRO.

Cost of Materials and Funding

44. The maximum amount permitted for each candidate to spend on campaign material is:
 - a. Executive: \$250.00 CAD
 - b. All other Councilors: \$150.00 CAD
45. Any items donated or otherwise provided to a campaign at low or no cost must be disclosed and will be assessed at the fair market value and will be included in calculating the total amount that a candidate spent on Campaign Material. Fair market value will be determined by the CRO at their sole discretion.
46. Candidates are required to account for all Campaign Material, whether purchased or donated, used in the Election to the CRO or DCRO prior to the end of the voting period. Receipts must be provided for all Campaign Material that was purchased. Failure to do this may result in the removal of candidacy.
47. Candidates may be eligible to receive reimbursement for the costs of approved Campaign Material at the discretion of the CRO. Candidates may receive up to fifty percent (50%) of the amount spent on approved Campaign Materials provided that:
 - a. The candidate has received a minimum of fifteen percent (15%) of the total votes cast for their respective position.
 - b. That the CRO is satisfied that the Candidate has not violated these terms or any by-law or policy of the ASU.

Respectful Conduct

48. All Campaigning will be positive in nature and in accordance with:
 - a. The rules of fair play and community standards outlined in these terms.
 - b. The governing documents of the ASU, which include but are not limited to its by-laws, policies, and regulations.
49. No candidate shall participate in or encourage libel (i.e., publication of a false statement that is damaging to another candidate's reputation, slander (i.e., making a false or damaging statement about another candidate) harassment, or violence towards any other candidate(s).
50. No candidate or person acting on the instructions of a candidate may deliberately cover, destroy, damage, deface, or remove any campaign material of any other candidate during the Election period. The action of any such person acting on the instructions of a candidate shall be deemed to be the actions of the candidate.
51. Candidates will not engage in any behavior that damages or threatens to harm the assets or reputation of the ASU.

Location and Time of Campaigning

52. No candidate will engage in Campaigning outside of the campaign period.
53. Campaigning is not permitted in the following areas:
 - a. In any class, classroom, lab, or laboratory of the University.
 - b. On the second floor, third floor, or fourth floor and in the basement of the University library.
 - c. In the dining area (second floor) of Wheelock Dining Hall.
 - d. In any office belonging to the Acadia Students' Union.
54. Campaigning in a University Residence will be arranged through respective Residence Hall Associations.
55. Campaigning in the Athletics Complex is permitted subject to applicable rules of the facility.
56. Campaigning in the Axe Bar & Grill is permitted subject to the applicable rules regarding the placement of posters.
57. Campaigning at any social event of the Acadia Students' Union, Internal Organization, Residence Hall Associations, or Club of the Union shall only be permitted with the consent of the ASU, Internal Organization, House Council, or Club of the ASU and with the permission of the CRO.

Ethics and Fairness

58. Candidates are prohibited from forming a slate wherein two or more candidates run on a common election platform, and candidates are further prohibited from participating in shared publicity.
59. No candidate or supporter of a candidate is permitted to use their position as a member of the ASU or the University to their advantage over other candidates.
60. In the event that an all-candidates' debate, event, or forum is held by the ASU, the CRO will advise all candidates and invite them to attend.
61. Any candidate that contravenes any of the Campaign Rules and Regulations outlined in this agreement is subject to disciplinary action as provided in this agreement.

Rules of Fair Play

62. In accordance with the principles established in Article 2, Section 1, Candidates in any Union Election are required to conduct themselves in accordance with the following rules of fair play:
 - a. Candidates will demonstrate respect for others.
 - b. Candidates will engage in fair competition.
 - c. Candidates will compete on equal terms in order for voters to make a fair decision.
 - d. Candidates will demonstrate integrity by adhering to a code of moral values, particularly honesty, during Union Elections.
 - e. Candidates will regard Union Elections with a sense of respect for the democratic process, and with an ultimate goal of enhancing the welfare of students at Acadia University.
 - f. Candidates will demonstrate an ability and willingness to tolerate opposing opinions, behaviors, and decisions; and
 - g. Candidates will demonstrate concern for and attach importance to the interests of members of the ASU and the Acadia Students' Union.
 - h. Any candidate that contravenes any of the Rules of Fair Play in Union Elections outlined in Article 14 of this agreement is guilty of an offence and subject to disciplinary action as provided in this agreement.

Community Standards in Union Elections

63. In accordance with the principles established in Article 2, Section 1, candidates in any Union Election are required to conduct themselves in accordance with the following community standards:
 - a. As students at Acadia University and members of the ASU, all participants in Union Elections, including candidates, volunteers, and voters, shall be required to comply with University and ASU Bylaws, Policies, and Procedures, including rules related to harassment, discrimination, and other types of non-academic misconduct.
 - b. ASU welcomes debate and dissent; however, campaign activities are not permitted to harm the reputation of any individual, the ASU, or Acadia University;

- c. Campaign activities are not permitted to interfere with or cause unwelcome disruption to any person or group including faculty, staff, or students who continue to study, attend class, and work during the Union Elections.
- d. Campaign activities will not insult, attack, harass, bully, threaten, demean, or impersonate others.
- e. Campaign activities will not advocate hate, violence, or contempt against any individual or group based on race, ethnicity, religion, sexual orientation, sex, gender identity, personal expression, or ability.
- f. Campaign activities will not contain content that is graphic, violent, or obscene and this includes content is construed to be explicit, overly suggestive, or intentionally shocking.
- g. Campaign activities will not promote the excessive consumption of cannabis, alcohol or drinking games, or smoking.
- h. Candidates shall comply with all municipal, provincial, and federal laws and campaign activities will not promote or depict illegal activities.
- i. Participants in Union Elections have a right to privacy and campaign activities will not reveal the personal information of others without their consent.

Union Media in Elections

64. Union Media is defined as:

- a. *The Athenaeum*.
- b. Axe Radio.
- c. Any other Internal Organization or ASU-ratified Club that acts as a means of mass communication to students.

65. The CRO must approve the participation of a candidate in any campaigning using Union Media.

66. Any Union Media staff member who is a candidate in the Election shall not in any way be involved with Union Media during any point in the campaign period.

67. Union Media shall have the right to report and analyze Election news but shall not have the right to endorse or oppose any candidate or platform.

68. Union Media must offer every candidate for each position equal opportunity to participate in and comment on any reporting published by Union Media.

69. Candidates may be featured or promoted by Union Media and will be responsible for any information or quotes provided. If any content is published pertaining to a candidate's campaign which violates these terms, the candidate will request it be removed immediately.

70. Any coordination of election or candidate promotion is not the responsibility of the CRO or the ASU, though the CRO may choose to facilitate this at their discretion.

71. The ASU may feature and/or promote the Election and all candidates **equally** at its sole discretion. The CRO and DCRO may facilitate this promotion and all candidates will be provided with an equal chance to provide written submissions for publication.

72. Any publicity purchased by a candidate that is published in Union Media and pertains to a specific candidate will include a disclaimer stating that the ideas printed are those of the author, not of Union Media, or the Acadia Students' Union.

Ballots

73. The Chief Returning Officer shall be responsible for the creation of electronic ballots.

74. Ballots for the Election shall be in a format determined by the CRO, and will include:

- a. The title of the position being elected.
- b. The names of the candidates as listed in the University system or using a public and commonly used personal nickname, at the sole discretion of the CRO. These will be listed alphabetically by last name.
- c. A clearly identified method for voters to select their desired candidate.

75. Should only one candidate be nominated for any position, candidate will require to receive more than 50% support on a Yes / No ballot.

76. A spoiled ballot shall be defined as a ballot in which a voter selects more than the requisite number of positions available in the Election, inputs invalid information, or otherwise completes the ballot in a way which makes it impossible to identify an appropriate vote. A spoiled ballot shall not be counted as an eligible vote.

77. Spoiled ballots shall be counted separately from abstentions.

Voting

78. Only Ordinary or Associate members of the ASU (registered full or part-time Acadia students) may vote in the Election.

79. All votes will be cast virtually in a link sent to all students. The failure of any students to receive this link will not invalidate the results of this Election.

80. The method of voting will be preferential voting.

Preferential or "ranked" voting is where voters rank their preferred candidates in order of preference.

For clarity, candidates must receive an absolute majority, more than 50% of the total formal votes cast, to be elected. If the absolute majority is not gained on the first count, then preferences are distributed until an absolute majority is obtained.

81. Only first year students are eligible to vote in the Election for the First Year Representative and only students in the respective faculty are eligible to vote for the respective faculty Senator.

82. The CRO and DCRO will not be eligible to vote in the Election.

83. In the case of a tie vote for any position, the CRO will determine the winner by way of a coin toss, set the time and place which has been communicated to all candidates involved.

84. There is no Proxy voting permitted in this Election.

Results

85. The CRO will announce the results to the candidates at a meeting to be held after voting has concluded and prior to making public the results.

86. The CRO will announce the results of the Election to the student body within 24 hours after the end of the voting period, unless otherwise decided by the Elections Committee. This will be done through all student email and shall distribute the information through the ASU social media, the ASU website.

Violations, Penalties, and Complaints

87. Any candidate or student who violates these terms or other by-laws, policies, or terms respecting ASU Elections may be subject to discipline, penalty, or disqualification from this or future ASU Elections.

88. As long as the CRO uses a reasonable interpretation of these terms and the respective by-laws, policies, and regulations of the ASU, they are authorized to make all decisions, take actions, establish practices, and develop activities for the Elections.

89. Any member of the ASU or the Acadia community may make a complaint against a candidate.

90. Complaints may be submitted in writing to the CRO or DCRO. If the complaint is regarding the CRO, then it may be made to the Chair of the Elections Committee.

91. In order guarantee consideration, official complaints will typically include the name of the candidate(s) accused, the name of at least one witness of event/occurrence, and term, by-law, or policy allegedly being violated, and a brief description of the event/occurrence in question. The CRO will keep the identity of all complainants anonymous wherever possible.

92. Incomplete, anonymous, or unverifiable complaints may be investigated at the discretion of the CRO.

93. Upon receipt of an Official Complaint, the CRO will:

- a. Reasonably investigate the complaint.
- b. If the CRO finds evidence which supports a violation, they will contact the candidate(s) who are the subject of the complaint and advise them of the violation and offer them an opportunity to provide a response.
- c. Following the receipt of the response to the complaint from the candidate(s), the CRO will make a determination and advise the candidate(s) and the complainant in writing of the decision.
- d. If the CRO determines that a violation has occurred, they may impose a penalty as authorized in these terms.

94. If the candidate or the complainant believes that the CRO has made an error in their interpretation of these terms or the ASU's governing documents, they may appeal the decision to the Chair of the Elections Committee within 24 hours.
- a. The Elections Committee shall convene to address the appeal within 2 working days of receiving it.
 - b. The Elections Committee may, at their discretion, choose to consider the appeal.
 - c. If the Elections Committee chooses to consider the appeal, they may provide the candidate, complainant, and CRO with an opportunity to participate.
 - d. The Chair of the Elections Committee shall inform all parties of the Committee's decision within 24 hours and provide a written decision within 2 working days.
95. The filing of a frivolous or vexatious complaint (i.e., a complaint with no merit, or that has been brought forward solely to harass a candidate) by a candidate is an offence under this agreement.
96. Candidates who have been found to have violated these terms may be subject to one or more of the following penalties:
- a. A written warning.
 - b. A fine, which may be imposed against the maximum for campaign spending.
 - c. A reduction in the amount of election refund eligibility.
 - d. Imposition of limits, restrictions, or prohibitions on campaigning.
 - e. A ban from participating in any Election event(s).
 - f. A requirement to remove all or part of Campaign Material (on or off campus).
 - g. A recommendation for impeachment if already a member of Council.
 - h. Disqualification as a candidate in the Election.
97. Disqualifications may occur at the discretion of the CRO or the Elections Committee.

Amendments & Additional Regulations

98. The CRO has the authority to create additional restrictions and regulations respecting the Election and these terms, so long as these restrictions or regulations do not violate these terms or the governing documents of the ASU.
99. Amendments to these terms can only be made by Council. Amendments will not occur during the Election period except with the unanimous consent of all candidates.