

CODE CHANGES 2023: ELECTION APPEALS COMMITTEES

TO: Council
FROM: Governance Committee
February 2023

Amendment to modify composition, procedures, and deadlines.

Additions are indicated by ***bold italics***. Deletions are made by striking through (~~this~~).

SECTION IX A: ELECTORAL PROCEDURES

Article 8. Interpretations, Rulings, Complaints, and Appeals

4. An Election Appeals Committee shall consist of:
 - (a) the Speaker of Council, who shall be Chair;
 - ~~(b) one (1) representative of the person appealing the ruling, interpretation, or decision referred to in paragraph 3 above; and~~
 - ~~(c) one (1) representative of the Elections Committee.~~
 - (b) four (4) non-Executive members of Council, both of whom must either be:**
 - i) voting members;**
 - ii) UBC Vancouver student members of the Board of Governors; or**
 - iii) student Senators elected by the student members of the UBC Vancouver Senate to serve on Council; and**
 - (c) the Ombudsperson, who shall be non-voting.**
5. In the absence of the Speaker of Council, Election Appeals Committees shall be chaired by a person designated by the Speaker.
6. ***In appointing Council members to sit on Election Appeals Committees, Council shall appoint four (4) Councillors to be the regular members and two (2) to be alternates, who shall serve if any of the regular members cannot. The appointments shall be made at the same time as the Winter Session appointments to the Standing Committees.***
7. ***Council members shall not take part in hearing an appeal if:***
 - (a) they are candidates in an ongoing election;**
 - (b) they are actively working with or have endorsed a candidate in the race under appeal; or**
 - (c) they have a close connection with a candidate in the race under appeal, including but not limited to:**
 - (i) Being a family member or relative.**
 - (ii) Being a member of the same club, fraternity, or similar organization.**

- (iii) **Being a former or current employer, employee, or co-worker.**
- (iv) **Being a close personal friend.**

8. **An Election Appeals Committee may at any time, by Resolution, declare that one of its members is in a conflict of interest for any reason. That member may not vote on the Resolution. If the Resolution passes, that member shall step down from the committee.**
9. **Members of an Election Appeals Committee shall avoid socializing with candidates and shall not release confidential information to candidates or anyone else.**
10. **Candidates must not offer gifts to members of an Election Appeals Committee and must not request confidential information from them.**
11. **Candidates shall avoid socializing with members of an Election Appeals Committee.**
12. **Members of Election Appeals Committees must undergo training provided by the Clerk of Council.**

[and renumber]

6. In the case of an appeal of a ruling or interpretation made by the Chief Electoral Officer, the appellant must submit an application in writing to the ~~Administrative Assistant~~ **Chair of the Election Appeals Committee** no more than forty-eight (48) hours after the Elections Committee ratifies the ruling or interpretation. ~~The Administrative Assistant shall immediately forward the application to the Chair of the Election Appeals Committee.~~
7. In the case of an appeal of a decision made by the Elections Committee, the appellant must submit an application in writing to the ~~Administrative Assistant~~ **Chair of the Election Appeals Committee** no more than forty-eight (48) hours after the Elections Committee has made its decision. ~~The Administrative Assistant shall immediately forward the application to the Chair of the Election Appeals Committee.~~
8. The appellant's application must include:
 - (a) a description of the issue in question;
 - (b) a report of the decision being appealed;
 - (c) a statement of the remedy being sought; **and**
 - (d) a description of the errors allegedly made by the Elections Administrator or the Elections Committee. ~~;~~ ~~and~~
 - ~~(e) the name of the representative the appellant wishes to see appointed to the Election Appeals Committee.~~

9. The appellant must also provide copies of all supporting documents that the appellant wishes to have considered by the Election Appeals Committee.
10. On receiving the appellant's application, the Chair of the Election Appeals Committee shall decide whether it meets the requirements of paragraphs 8 and 9 above. If it does, the Chair of the Election Appeals Committee shall notify the Elections Committee of the appeal, **and** provide it with a copy of all relevant documentation, ~~and invite it to name a representative to the Election Appeals Committee. If the Elections Committee fails to name a representative, the Chair of the Election Appeals Committee shall name a representative for them.~~
11. The Elections Committee shall make a written response to the appellant's application.
- ~~12. The two representatives named to an Election Appeals Committee must be Active Members and must not be candidates in any ongoing Society election or any ongoing election being conducted for another organization by the Society. They must also not be members of Council, the Executive Committee, or the Elections Committee. Appellants may not represent themselves on Election Appeals Committees.~~
13. Once constituted, an Election Appeals Committee shall create procedures as it sees fit to deal with the issue before it, **but it must allow the appellant and the Elections Administrator to appear before it in person and make statements. It must also allow them each to name a representative to appear with them or in place of them if they so choose, such a representative to be an Active Member.**
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16. An Election Appeals Committee must hold its first meeting concerning an application made in accordance with paragraphs 6 or 7 above no more than forty-eight (48) hours after the submission of that application.
17. An Election Appeals Committee must come to a decision no more than twenty-four (24) hours after holding its first meeting.