

## CODE CHANGES 2023: MISCELLANEOUS ELECTION CHANGES

TO: Council  
FROM: Elections Committee  
February 2023

Amendment to update the Code.

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

### SECTION IX: CODE PROCEDURES

#### A. ELECTORAL PROCEDURES

##### Article 1. Elections Committee

#### B. Powers and Duties

2. The administration and conduct of Executive elections, as defined in Bylaw 5(3), and of Society referenda, as defined in Bylaw 4, shall be vested in the Elections Committee. Without limiting the generality of the foregoing, the Committee shall:  
...
  - (f) determine the campaign spending limit and ~~the reimbursement limit, and the assessed market cost for materials and services~~ in accordance with Article 2(9);
  - (i) hire poll clerks, ~~staff to remove campaign material,~~ and other staff deemed necessary;
  - (k) report the results and an overview of the logistics of Executive elections and Society referenda to Council, ~~and publish the results of such elections and referenda in a campus publication or publications;~~
  
7.
  - (a) During the Official Campaign Period for the Society's executive elections, as defined in Article 2(6)(a) below, ~~and until any and all appeals have been adjudicated by an Election Appeals Committee,~~ at least one member of the Elections Committee shall be on duty every weekday between the hours of 9 a.m. and 5 p.m.
  - (b) The Elections Administrator shall be on duty every weekday during the Official Campaign Period, ~~and until any and all appeals have been adjudicated by an Election Appeals Committee,~~ during hours posted on the Elections Committee office door and shall post information on how they can be reached outside the

posted hours.

**C. Duties of Committee Members**

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5. The Polling Officers shall:

- (a) attend all meetings of the Elections Committee from the date they have been hired;
- (b) attend all events organized by the Elections Committee, including but not limited to the All-Candidates Meeting and Candidate Forums;
- (c) manage voting stations (including opening and closing, enforcing campaign regulations, and safeguarding electoral equipment);
- (d) communicate any technical difficulties at the polling stations to the Chief Returning Officer; ~~(e) clean up promotional material after the end of elections as required and~~
- (~~f~~e) have such other powers and duties as are outlined in the Bylaws or the Code or assigned by the Elections Committee, the Elections Administrator, or the Chief Returning Officer from time to time.

**Article 2. Nomination and Campaign Regulations**

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4. Interview by a Campus Publication

- (a) The Elections Committee shall facilitate the publication of interviews with the candidates in a campus publication. ~~(b) Candidates who decline to be interviewed shall have a statement to that effect published by the Elections Committee~~

...

6. Campaigning

- (f) Only the following forms of campaigning, and no others, shall be permitted during elections and referenda:
  - (i) distribution of buttons: buttons may be distributed without restrictions, but may not be affixed to bulletin boards or other stationary objects;
  - (ii) distribution of leaflets, brochures, and handbills: non-adhesive leaflets, brochures, and handbills may be distributed without restrictions, but may not be affixed to bulletin boards or other stationary objects;
  - (iii) e-mailing and web pages: campaign-related e-mail messages may be sent,

and campaign-related material may be posted on web pages, subject to restrictions put in place by the Elections Committee;

- (iv) social media: social media may be used for campaigning, subject to restrictions put in place by the Elections Committee;
  - (v) distribution of food and non-alcoholic drink;
  - (vi) the distribution and wearing of T-shirts with campaign slogans or other campaign messages on them;
  - (vii) speech-making and any other form of oral communication;
  - (viii) advertising in the media: advertising in all forms of media shall be permitted, including in Society publications;
  - (ix) letters to the editor and opinion pieces: these may be published in any newspaper or other media outlet, including Society publications; and
  - (x) any other form of campaigning approved by the Elections Committee before the beginning of the Official Campaign Period, ~~except postering (g) — Postering shall not be permitted as a form of campaigning in elections or referenda, but the Elections Committee may use posters to advertise elections and referenda.~~
- ...
- (j) Candidates and campaign organizations must ensure that their physical campaign material is removed within one (1) week following the end of the Official Campaign Period. If this is not done, ~~the poll clerks shall remove the material and~~ the cost of removal shall be deducted from the candidate's reimbursement.

## 9. Spending limits and Reimbursement of expenses

- (a) By January 15 of each year, the Elections Committee shall set an upper limit for campaign expenses. This upper limit shall be re-evaluated each year.
- (b) The upper limit for campaign expenses shall also be the upper limit for the amount of reimbursement candidates may receive for campaign expenses. ~~(e) — Material used during the Official Campaign Period shall be valued at market cost, which shall be set annually by the Elections Committee. The market cost of campaign material as well as the data used to determine market cost shall be included in the Candidates' Handbook.~~

## 10. Declaration of Expenses and Application for Reimbursement

...

- (b) The Elections Committee shall assess each candidate ~~the market cost or~~ the actual cost, ~~whichever is higher~~, for each declared campaign expenditure. A candidate's

total assessment must not exceed the upper limit for campaign expenses set by the Committee in accordance with paragraph 9(a) above.

...

- (d) Candidates shall be reimbursed for **the actual cost of their materials** ~~each of their actual expenditures up to market cost~~. Their total reimbursement, including their reimbursement for minor supplies in accordance with paragraph (e) below, shall not exceed the limit set in accordance with paragraph 9(b) above. Reimbursement shall be made only for expenditures on forms of campaigning permitted by paragraph 6(f).
  - (f) If an organization to which a candidate belongs spends money on campaign materials explicitly endorsing that candidate, the money so spent shall be counted as part of that candidate's expenses when determining whether the candidate remained within the campaign spending limits, but the candidate shall not be eligible for reimbursement for such expenses. The term "campaign materials" in this provision does not include the publication of written endorsements ~~by media outlets~~.
15. Pursuant to the rules against slates in paragraphs 11 through 13 above, current members of the Executive may not publicly endorse candidates other than themselves and also may not publicly help such candidates in any way. If a public endorsement is made by a member of the Executive, the candidate endorsed must reject the endorsement ~~in accordance with the rules in paragraph 17 below~~. **Any Executive who violates this provision shall be referred to the Ethics and Accountability Committee.**
16. Non-Executive Council members, employees in the Society's Student Services, Associate Vice-Presidents, and ~~assistants to~~ **staff working for** members of the Executive may endorse and assist candidates other than themselves only if they sign an Endorsement and Campaigning Agreement provided by the Elections Committee and submit the agreement to the Elections Committee before the commencement of the Official Campaign Period.
17. Third Party Endorsements
- (a) Candidates must publicly declare their acceptance or rejection of third party endorsements by media outlets and any other group or individual.
  - ~~(b) When a third party endorsement is made, candidates must notify the Elections Committee of their acceptance or rejection within twenty four (24) hours. However, the Elections Committee may at its discretion extend this period in exceptional circumstances. If the Elections Committee discovers an endorsement unknown to a candidate, it shall inform that candidate, who shall then have twenty four (24) hours to accept it or reject it; the Elections Committee may at its discretion extend this period in exceptional circumstances.~~
  - (c) Candidates who accept a third party endorsement ~~must state whether that third party will be solely an endorser or also~~ **from a third party that will also be** a financial

supporter **must report that endorsement to the Elections Committee within 24 hours of receiving the endorsement.**

- (d) Any spending by a financial supporter on campaign materials ~~explicitly endorsing~~ **supporting** a candidate shall be counted as part of that candidate's expenses when determining whether the candidate remained within the campaign spending limits, but the candidate shall not be eligible for reimbursement for such expenses. The term "campaign materials" in this provision does not include the publication of written endorsements **with no paid promotion** ~~by media outlets.~~
- (e) If a third party endorser who has not been accepted as a financial supporter begins spending money on campaign materials ~~explicitly endorsing~~ **supporting** a candidate, that candidate may notify the Elections Committee that they no longer accept the endorsement, at which point the Elections Committee shall determine how much of the spending will be counted as part of that candidate's expenses. If the candidate decides to continue accepting the endorsement, the third party shall be considered a financial supporter, and the rules in paragraph (d) shall apply.

### **Article 3. Violations and Penalties**

1. The Elections Committee may penalize any candidate and determine the penalty for campaigning in violation of the campaign rules in Article 2(6) above and for any other breach of the Electoral Procedures and any other election irregularity.
2. For serious offences, as defined in the Candidates' Handbook, the Elections Committee may disqualify a candidate. If they decide not to disqualify, they must impose at least one of the penalties for less serious offences.
3. ***The Elections Committee must consult with the UBC Registrars Office on the disqualification of any candidates for UBC Senate or Board of Governors before a decision is made.***
3. For less serious offences, as defined in the Candidates' Handbook, the Elections Committee may withdraw one or more of a candidate's campaign rights, including, but not limited to, the rights enumerated in Article 2(6) above. However, the Committee shall not remove a candidate's right to have an interview published in a campus publication pursuant to Article 2(4) above. And the Committee shall not remove a candidate's right to have a picture and a statement on the election website and on the ballot.
4. The Elections Committee may, at its discretion, issue a warning rather than imposing a penalty for less serious offences, especially in the case of a first offence. ***Warnings to candidates will not be publicized.***
- ...
10. The Elections Committee shall create a violations chart with examples and specific punishments. ***This violations chart does not need to be exhaustive.***

#### Article 4. Referendum Regulations

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5. ~~The Elections Committee shall publicize each referendum by means of advertisements containing the wording of the referendum question, such advertisements to appear in a campus publication or publications no later than seven (7) days prior to the referendum and during the week of the referendum.~~
6. All campaign material must be removed within one (1) week of the end of voting.  
***Referendum campaigns shall be charged for the removal of materials after this period.***
7. Neutrality
  - (a) The Society shall be neutral in all referenda unless Council decides by resolution to support a side. Council may only support one side in a ***referendum and it must be either the Yes or No side of the referendum.***
  - (b) If Council does not decide to support a side in a referendum, then none of the Society's offices, materials, or resources, as described in Article 2(8) above, may be used by either side in the referendum.
  - (c) If Council decides to support a side, it must abide by all campaign rules set out in the Code ~~or~~***and*** in the Referendum Handbook. It must also make public its campaign expenditures.
8. Yes and No committees:
  - (a) The Elections Committee shall allocate \$1,000 for reimbursement of expenses for one Yes committee and \$1,000 for reimbursement of expenses for one No committee in every referendum.
  - (b) ***If Council endorses a side in a referendum there will not be a Yes or No Committee for the side that Council has endorsed, unless a committee has already been established.***
  - (b) To qualify for funding, a Yes or No committee must:
    - (i) obtain a copy of the referendum handbook referred to in paragraph 9 below; and
    - (ii) submit to the Elections Committee a petition for funding before voting has begun on which must appear the following:
      - 1) the signatures and student numbers of at least ***fifty (50)*** ~~one hundred and fifty (150)~~ Active Members;
      - 2) a list of the members of the Yes and No Committee identifying them as members of that committee; and
      - 3) a budget outlining any proposed expenditures.

...

- (g) The Elections Committee shall publicize the availability of funding for Yes and No committees by means of advertisements appearing on ~~the Committee's and the~~ Society's social media sites within **five (5)** ~~two (2)~~ business days of the receipt of a referendum petition by the Vice-President Academic and University Affairs or the passing of a motion by Council calling for a referendum.

...

- 10. The Elections Administrator shall organize a Referendum Meeting to take place no later than seven (7) days prior to the referendum. At this meeting, the Elections Administrator shall provide interested parties with information about the parts of the Electoral Procedures relevant to referenda and shall distribute a copy of a referendum handbook to interested parties. If the referendum is taking place in conjunction with elections, the Referendum Meeting may be combined with the All-Candidates Meeting. ***Campaigning for a referendum may not begin until after this meeting has been held.***
- 11. The referendum handbook shall contain a summary and explanation of the parts of these Electoral Procedures relevant to referenda. The handbook shall also include a summary and explanation of rules and regulations relevant to referenda which are not in these Electoral Procedures.

#### **Article 5. Polling Regulations**

- 1. The Elections Committee shall ensure that all Active Members have an opportunity to vote and shall establish polling stations and take other measures to publicize the election or referendum so as to ensure that as many Active Members as possible do vote.
  - 2. Polling stations shall be in conspicuous locations, including a location in the AMS Student Nest and in other conspicuous locations at the discretion of the Elections Committee. Staffing times shall be at the discretion of the Elections Committee ~~but each polling station must be staffed for at least four (4) hours per voting day during Society elections and referenda.~~
  - 3. ~~The election or referendum shall be advertised in a campus publication or publications as determined by the Elections Committee.~~
- (a) The Elections Committee shall ensure that each polling station has the equipment and personnel required to conduct the voting in an efficient and secure manner, making sure to preserve the secrecy of each voter's ballot and ensuring that voters are properly informed about voting procedures and how to mark their ballots. ~~(b) Instructions on voting procedures shall be clearly posted at each polling station.~~
- 6. ...
  - (b) Each Yes or No committee in a referendum shall be permitted to have a statement

on the election website **and on the ballot**, the word limit to be determined by the Elections Committee. ***If Council endorses a side in the referendum the Society shall be permitted to have a statement on the elections website and on the ballot, the word limit to be determined by the Elections Committee. The Society shall not be entitled to this statement if a Yes or No committee was established before Council endorsed that side.*** The deadline for submission of the statement shall be set by the Elections Committee and publicized in the Referendum Handbook.

8. Poll Clerks

...

(c) Poll clerks shall:

- (i) manage voting stations (including opening and closing, enforcing campaign regulations, and safeguarding electoral equipment);
- (ii) communicate any technical difficulties at the polling stations to the Chief Returning Officer; ~~clean up candidate posters and other promotional material after the end of elections as required;~~ and
- (iii) have such other powers and duties as are outlined in the Bylaws or the Code or assigned by the Elections Committee, the Elections Administrator, or the Chief Returning Officer from time to time.

**Article 6. Ballots**

...

2. For all ballots, if possible, various versions shall be prepared with the names of the candidates listed in ~~different~~ random orders on each version, so that voters will not all vote on identically ordered ballots.

**Article 7. Counting of Ballots and Release of Results**

...

3. Ballot Counting System

- (a) Ranked ballots shall be used for Executive elections. The voters shall be asked to rank candidates for each position using numeral marks, with “1” indicating the most preferred, “2” the second most preferred, and so on. ~~Identically marked (or unmarked) candidates shall be counted equally, with no preference between them.~~

- (b) Candidates who are not ranked shall be considered to have a lower preference than any ranked candidate.—The ballot shall contain the following statement: “Rank the candidates on the ballot using numbers, with 1 indicating the most preferred, 2 the second most preferred, and so on. You may leave blanks; these will be counted as your lowest preference. You may also give equal rankings, for instance ranking two candidates as your number 1 choice.”
- (c) —The Condorcet voting method with Ranked Pairs shall be used to determine the winner for

**Instant Run-Off voting shall be used for** each Executive position:

- (i) **Voters shall rank the candidates in order of preference. Ballots are first counted for each voter's top choice. If a candidate has more than half of the top-choice votes, that candidate wins the election.** The set of all unique candidate pairs for that position shall be established.

(a) **If not, then the candidate with the fewest votes is eliminated, and the voters who selected the eliminated candidate as a first choice then have their votes added to the totals of their next choice. This process continues until a candidate has more than half of the votes.** For each unique pair of candidates on each ballot, if the ballot indicates a preference for one of the candidates over the other, then a tally of one shall be counted for the preferred candidate, within that candidate pair. If the ballot does not indicate a preference for one of the candidates over the other, then no tally shall be counted within that pair.

- (iii) Within each pair, the absolute difference between the candidates' tallies shall be called the “margin of victory” for that pair. Once all ballots cast have been tallied, the pairs shall be ordered in decreasing order of margin of victory beginning with the largest margin of victory and ending with the smallest. Starting with the pair with the largest margin of victory and progressing to the smallest margin of victory, it shall be determined whether the candidate preference in each pair is compatible with all previously determined preferences (i.e. introduces no circular ambiguities or contradictions). If the preference is incompatible or there is a tie, the result from that pair shall be ignored. Otherwise, the candidates' names shall be joined by a “greater than” sign (>) from the winner to the loser (it may be possible to express some preferences more compactly in a chain, as  $A > B > C$ ).

- (iv) —Once all pairs have been processed, if there is only one candidate that is greater than all other candidates, (i.e., at the front of all chains) this candidate shall be declared the winner.

- (v) If there is no clear winner as defined in paragraph (ii) above, the election shall be decided by a coin toss **by the Elections Administrator and witnessed by the elections committee and the two remaining candidates**. or some other method that ensures a random result.

4.
  - (a) Ballot counting shall be completed no more than two (2) hours after the close of polling on the last day of polling.
  - (b) As soon as the counting has been completed in Executive elections, the Elections Administrator shall release “partial unofficial results,” to include only the winners for each Executive race. “Full unofficial results” for Executive elections shall be withheld for no ~~less~~**more** than forty-eight (48) hours ~~and no more than seventy-two (72) hours~~ after the release of the partial unofficial results ~~to allow winning candidates to withdraw~~. In the case of Society referenda, “unofficial results,” consisting of the number of votes received by each side, shall be released by the Elections Administrator as soon as the counting has been completed. The results of Executive elections and Society referenda shall be official only when received by Council.
  - (c) If a winning candidate withdraws from an Executive election ~~before the release of the “full unofficial results,”~~ **before the results are made official during the presentation to Council** a new winner shall be determined by recounting the ballots using the procedure described above ~~in paragraph 3(e), but excluding all candidate pairs in which the withdrawn candidate appears.~~
  
7. Presentation of results
  - (b) Once the Elections Administrator’s report is presented to Council, the results shall be official and binding upon the Society. A Resolution of Council to receive or approve the report is not required for the results to be binding. ~~Once the results have been presented to Council, the Elections Administrator shall publish them in a campus publication or publications.~~

## **Article 8. Interpretations, Rulings, Complaints, and Appeals**

1. During an election or referendum, the Elections Administrator, or their designate in the case of a conflict of interest, may make preliminary rulings and interpretations which must be ratified by the Elections Committee within forty-eight (48) hours.
2. Protests or complaints of irregularities regarding candidates, referendum campaign groups, or election officials may be submitted to the Elections Committee, provided that the protest or complaint is in writing, **and** is signed by ~~at least three (3)~~ **one (1)** Active Members, and is submitted no more than **72 hours** ~~three (3) school days~~ after the close of balloting. The Elections Committee must reach a decision on the protest or complaint no more than twenty-four (24) hours after it has been received ~~in person~~ by a member of the Committee.

**Article 9. Constituency Elections and Referenda**

1. Constituencies shall determine the rules and procedures to be followed in conducting their elections and referenda, provided however that the following conditions are adhered to:  
  
...  
  - (d) a Constituency’s elections officials must undergo training provided by the AMS Elections Administrator ***in order to use the Society’s electronic voting system;***
  
3. Provided that at least one ***attempt has been made to launch an*** internal appeal ~~has taken place~~ within a Constituency, the Elections Committee shall rule on the validity of a Constituency election or referendum and on any decisions made by that Constituency’s election officials if requested to do so by an Active Member of that Constituency. This provision notwithstanding, a request may be made to the Elections Committee without a previous internal appeal in a Constituency if such an appeal would not take place before the results are finalized or if the Elections Committee determines that it would be unreasonable to wait.

...  
**Article 11. By-Elections, Paper Ballot Elections, and Other Special Elections**

- ...
2.
    - (a) Council may decide, by Resolution, to hold an election or referendum exclusively by paper ballot, or for technical reasons it may be necessary for all or some of the voters to vote by paper ballots.
  
    - (b) If all or some of the voters are voting by paper ballot in accordance with paragraph (a) above, the Elections Committee shall prescribe procedures for conducting such a vote. Such procedures may deal with any or all of the following:
      - (i) the rules on the timing of the vote,
      - (ii) the deadline for finishing the counting of the ballots,
      - (iii) the use of ~~Condoreet~~ ***instant run-off*** voting,
      - (iv) absentee voting,
      - (v) scrutineers,
      - (vi) procedures for handling ballot boxes, and
      - (vii) the rules for counting paper ballots.

