

**University of Toronto
Students' Union**

**CHIEF RETURNING
OFFICER 2013 FALL
ELECTIONS
REPORT**

FINAL REPORT OF THE CHIEF RETURNING OFFICER

University of Toronto Students' Union Fall 2013 Elections

Submitted by: Mariam El Badan, Chief Returning Officer

Monday, October 25, 2013

Introduction

This report accounts the events of the UTSU Fall 2013 By-Elections period. It also provides recommendations for consideration by the Board of Directors and the Elections and Referenda Committee for improving processes and policies in order to facilitate future elections.

The Fall 2013 By-Election period held by-elections for the UTSU Executive Committee: Vice-President External position and Board of Director candidates for the following seats: Transitional Year Program (TYP), Faculty of Engineering, Faculty of Dentistry, Faculty of Law, Faculty of Nursing, Toronto School of Theology and OISE. No referenda were held during this period.

Activities before Voting Period

In preparation for the nomination and campaign period, and in accordance with the UTSU Elections Procedures Code, a number of tasks were completed prior to the start of the nomination and campaign periods:

1. Reviewing all relevant UTSU governing documents.
2. Preparation of nomination and election-related publicity materials for campus newspapers, and the UTSU website.
3. Preparation of the nomination packages for Board of Director candidates.
4. Hiring of one (1) Deputy Returning Officer (DRO) for the St. George campus.
5. Site inspections, selection and booking of potential polling locations.
6. Obtaining an up-to-date voters list from the Office of the Vice-Provost, Students.
7. Arranging the online voter eligibility verification system.
8. Setting a training session with the online system.
9. Testing the online system, and insuring that the system works fine.
10. Scheduling and logistics for the All-Candidates' Meeting.

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11. Arranging for the secure storage of ballot boxes between voting days.
12. Ordering ballot boxes, voting screens and seals from Elections Canada.
13. Organizing poll clerk hiring, scheduling and logistics for poll-clerk training sessions.
14. Preparation of polling station kits.
15. Ensuring the UTSU website was updated with relevant election material.
16. Designing ballots and determining ballot quantities and distribution.
17. Preparing laptops for use at the voting stations

Nominations

Nominations for the UTSU elections opened Monday September 30, 2013 at 10:00 and closed Friday, October 4, 2013 at 16:00. Three (3) Executive nomination packages were signed out (for Vice-President External), and one (1) was returned before the end of the nomination period. Seventeen Director nomination packages were signed out and 15 were returned before the end of the nomination period. All of the submitted nomination packages were ultimately approved except for one (1) for a student seeking nomination for the Toronto School of Theology Representative, who was found to have an insufficient number of nominators and one (1) for a student seeking nomination for the Transitional Year Program Representative, who was found to be ineligible to run as a candidate. There was initial uncertainty regarding the eligibility of a nominee for the Faculty of Law, Billi Wun. It was ruled that Mr. Wun was not eligible to run as a candidate, but this ruling was overturned on appeal and Mr. Wun was permitted to stand as a candidate after clarification from the Office of the Vice-Provost, Students.

After a long process of verifying signatures, three (3) candidates were acclaimed. One (1) candidate sought one (1) Executive position, while ten (10) candidates prepared to vie for four (4) available Director positions.

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All-Candidates' Meeting

The all-candidates' meeting was held on Sunday October 6, 2013 at 14:00 in Hart House, Committees' Room. Attendance was limited to candidates and candidates' authorized representatives, and all-candidates packages were distributed to all attendees. The meeting lasted approximately 1.5 hours, as the DROs reviewed the relevant sections of the Elections Procedure Code, University of Toronto and University of Toronto at Mississauga policies and the UTSU By-Laws, and discussed the role of the elections staff.

Some candidates expressed concern about the rule prohibiting candidates from collecting UTORids. The candidate's concerned went as far as to request clarification as to what definition of "collecting" UTORids. This led to concern from elections officials that UTORids were being collected or used for the purposes of the elections. When asked what their intentions were, the candidates who expressed concern declined to comment.

Campaigning

The campaign period opened on Monday October 7, 2013 at 09:00 and closed on the last day of voting on Thursday October 17, 2013 at 18:30. Campaign materials, including posters, flyers, rave cards, buttons, stickers, t-shirts, websites, Twitter content and Facebook content were submitted and approved by the CRO throughout the campaign period.

During the campaign period, complaints were submitted to the Elections Office alleging violations of the Elections Procedure Code. All the complaints submitted to the Elections Office were via email, some with accompanying photographic evidence. Eight (8) CRO rulings were made regarding complaints submitted during the campaign period. The complaints varied, encompassing allegations of

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unapproved material, campaigning materials found within 6 meters of a computer lab, multiple violations in the same location and violations of fair play. All CRO rulings are appended to this report.

Executive Candidate's Forum

The CRO arranged an Executive Candidates' Forum executive candidates could present a statement to and answer questions from the UTSU membership. The forum was held on October 11, 2013 at Galbraith Building at 17:00.

The CRO acted as the moderate for this year's forum. The candidate running for the VP External position was given five minutes for an opening statement, 20 minutes of open questions from the floor, and 5 minutes for closing remarks.

UTSU Elections at St. George Campus

Poll Locations

As a large campus spread out across downtown Toronto, the University of Toronto St. George campus presents some challenges in ensuring representative distribution of poll stations. The Election and Referenda Committee (ERC) is required to consider a number of factors in allocating poll stations, including but not limited to: cost, wireless access, proximity to other poll stations, accessibility for residence and commuter students, and student traffic. There were some last minute changes made to the polling stations. The OISE building that has been a polling location in the past was unavailable. It was moved from the OISE building to the Faculty of Social Work, located right next door. In addition to Bahen building, which was moved to Koffler building located next door on one voting day.

Poll Clerk Training

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Poll Clerk training sessions were held at the CRO's office on Thursday October 10 and at UC 326 on Friday October 11. The training sessions were one hour long and consisted of a brief introduction to the roles and responsibilities of the CRO and DROs, poll clerk duties and responsibilities, polling station setup and closing, trouble-shooting and scenario role-play. During the training sessions, poll clerks were given the opportunity to complete any missing paperwork (tax forms, confidentiality agreement, etc). Polling location specifics such as expected voter turnout and considerations were expressed to both UTM and St. George poll clerks.

Voting

Voting took place on Tuesday October 15, Wednesday October 16 and Thursday, October 17, 2012. Poll stations were open from 09:00 to 18:30, with the exception of Faculty of Dentistry polling location that was opened between 09:00 to 18:00. Twenty-five (25) poll clerks worked in shifts from 08:00 to 12:00, 12:00 to 15:00 and 15:00 to 18:30. Poll clerks used the online voting system (utsu.simplyvoting.com) to confirm voters' eligibility by typing the student's UTORid. Other than some occasional delays due to slow Internet connections, the online system functioned smoothly. Voters were asked to sign in and provide their name, student number, faculty/college and signature. Poll clerks were instructed to initial each ballot as they were given out to students upon confirmation of their eligibility as voters. Poll clerks were provided with a sheet indicating which ballots to give to each voter.

If prospective voters did not have their T-Card (but knew their student number and had other photo ID) or if the prospective voter's status came up as 'ineligible' but the prospective voter believed that they were a full-time undergraduate student and a UTSU member, poll clerks were instructed to use the double envelope system.

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St. George poll clerks met each morning at 08:00 at the UTSU office to collect the necessary equipment and materials from the CRO and DRO. Ballot boxes were assembled at the polling locations using Elections Canada seals, clearly marked. Poll stations were closed each day at 18:00 and ballot boxes were sealed and signed by poll clerks. On October 17, poll clerks transported ballot boxes, accompanied by the CRO and DROs, from the Ombudsperson office to the UTSU office. Ballot boxes from October 17 were brought directly to the UTSU office for the count.

All the ballots were designed in house and ballots were printed at Copyrite. The ballots were delivered on Friday, October 11 where they were locked and stored in the Elections Office. The ballots were then sorted to the appropriate designated polling location box along with all the other election items.

Storage and Transportation of Ballot Boxes

At the close of each voting day, poll clerks transported the sealed ballot boxes to the University of Toronto Ombudsperson Office, where it was to be kept for safekeeping. The Ombudsperson along with another staff facilitated access to the room through a secured key process. Only the Ombudsperson, CRO and DROs had access to the office.

UTSU Elections at UTM

This section details the following: (1) poll station materials shared with UTM; (2) poster locations allotted for UTSU candidates; (3) poll location and voter eligibility; and (4) the storage and transportation of ballot boxes.

Poll Station Materials at UTM:

The following materials were used at UTM:

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- Voting screens
- Ballot boxes
- Laptops
- Extension cords
- Envelopes
- Ballots for UTSU executives
- Pens and markers
- Scissors

Poster Locations at UTM:

Several poster locations were allotted for UTSU candidates. The locations were the CCIT Building and the Davis Building. In contrast with St. George campus practices, postering boundaries were clearly delineated on the UTM campus through the DRO's guidance. Candidates faced demerit point assessments if they violated poster boundaries. There were some issues with the designated space for the UTSU elections being defined late in the campaigning period.

Polling Locations and Voter Eligibility

Voting took place at UTM from Tuesday, October 15 to Thursday, October 17.

The following poll stations were set up at UTM:

- CCIT* – 9:00 to 18:30
- Davis Building* – 9:00 to 18:30

All full-time UTM and St. George students were eligible to cast ballots for UTSU executives at any UTM poll location. UTM students were not, however, eligible to vote for Director candidates.

Storage and Transportation of Ballot Boxes

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UTSU ballot boxes were transported to UTM Campus Police Office, located at the Davis Building as voting concluded on each day. When voting concluded on the last day of voting, all ballot boxes and polling station materials were transported via a van taxi by two poll clerks.

Ballot Counting

At 19:30 after the close of voting on Thursday October 17, 2013, the CRO oversaw the vote count at the UTSU office. The count was concluded at 23:30.

Each candidate was allowed one scrutineer to be present for the count.

Scrutineers were instructed to request any contested ballots to be put aside and ruled on by the CRO. Scrutineers were not allowed to touch ballots or disrupt the count. There was a total of one (1) scrutineer that signed in for the ballot count.

Present for the vote count was the CRO as supervisor, the DRO, and UTSU administrative support staff. Ballot boxes were opened and both the DRO and the Internal Coordinator sorted the different colour-coded ballots. Teams of two counters were set up in the rest of the office, there were six (6) teams overall. In each team of two, one person read the ballot result aloud while the other one recorded the result on a tally sheet.

Spoiled Ballots

Ballots were considered spoiled if:

- No voter intent was indicated on the ballot;
- Only one poll clerk initialed the ballot;
- No poll clerks initialed the ballot;
- Too many candidates were selected on the ballot

Double Envelope Ballots

Elections staff verified the eligibility of voters who had used the double envelope system. Double envelopes were checked against the master voters list to

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determine if (a) the voter was eligible; and (b) the student had not already voted using their T-Card. Eligible voters' ballots remained in the second, interior unmarked envelope and were sorted and counted normally in order to maintain the anonymity of the voters' choices. All ineligible ballots were separated and not counted.

Announcement of Results and Recount

At the conclusion of ballot counting on October 17, 2013, unofficial election results were posted on the UTSU website on October 18, 2013.

Appeals

A number of appeals were made throughout the elections, challenging both CRO rulings (see Appendix B and C). While the CRO and all committees endeavoured to respond to complaints and appeals in a timely manner, the high volume of complaints and appeals caused some minor and unavoidable delays. However, all complaints and appeals were ultimately dealt with.

Complaints Regarding the Online System

Complaints were made about the security of the vote and the necessity of the UTSU to request UTORids. Best efforts were made to provide security information to members who inquired about the security of the system. Complainants seemed satisfied with the information provided.

Results: Acclamations and Election

Acclamations:

Transitional Year Program: Tint, Htay

Faculty of Nursing: Roman, Tonia

Ontario Institute of Studies in Education of The University of Toronto (OISE):

Bodley, Joseph

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Election Results:

The total for the elections results are for all polling locations.

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UTSU EXECUTIVE COMMITTEE

Vice President External

Khan, Onik:

YES 1088 (67.6%)

NO 268 (16.66%)

Spoiled 253 (15.7%)

UTSU BOARD OF DIRECTORS

Faculty of Dentistry

Mahmood, Ahsan: 12 (10.5%)

Nguyen, Catherine; 102 (89.5%)

Spoiled: 0

Faculty of Engineering

Gomes, Ryan: 40 (8.95%)

Lee, Matthew J. 62 (13.88%)

Mathur, Sanchit: 116 (25.95%)

Harfouche, Pierre: 145 (32.4%)

Shum, Eric: 42 (9.4%)

Semelhago, Mark: 24 (5.4%)

Spoiled: 18 (4.0%)

Faculty of Law:

Sayani-Mulji, Riaz: 44 (31.7%)

Wun, Billi: 95 (68.3%)

Spoiled: 0

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Recommendations

1. The Social Work Building at the University of Toronto St George should be removed or replaced as it had very low traffic.
2. The UTSU should seek approval from the administration to use the email function on the online voting system.
3. The UTSU should investigate whether students have access to UTORids, and whether knowledge of UTORids can provide an unfair advantage in the elections.
4. The Elections Procedure Code should be amended to eliminate the Schedule of Common Costs. While a good idea, it is almost impossible to create a schedule due to the different variations of items a candidate could use for campaigning.

Acknowledgements

The CRO would like to thank the DRO, poll clerks, UTMSU staff and UTSU staff who provided logistical support for the elections.

Notes

Two ERC rulings have been left out of this report, as they were not available upon its completion.

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Appendix A – CRO Rulings 001-008

UTSU Fall Elections 2013

Chief Returning Officer

CRO Ruling 001

Date: October 15, 2013

Time: 4:45PM

A complaint was filed on October 15, 2013, alleging that the Faculty of Engineering Director candidate Sanchit Mathur, committed a violation of Article VI (1)(f) of the Elections Procedure Code. The complaint alleges that the candidate's campaigning materials were posted in Sandford Fleming without approval by the Chief Returning Officer.

The CRO has investigated and determined that there is sufficient evidence to find a violation of Article VI (1)(f) of the EPC. The CRO found that the campaign posters had not received approval by the CRO in advance of posting in the Sandford Fleming and Galbraith buildings. Furthermore, the campaign materials violated Article VI(1)(g) as they did not include the phrase "please pass this on to a friend and recycle after the election" somewhere on the material. The campaign materials were found to violate Article VI(1)(s)(iv). The campaign materials were found within six (6) metres of a computer lab in Sandford Fleming.

In response to this complaint, the CRO hereby issued 15 demerit points in total to Sanchit Mathur for the following violations.

Unapproved material (including lacking the environmental statement) – 13 demerit points

Displayed in an unauthorized area (within 6 metres of a computer lab) – 2 demerit points

Sanchit Mathur (Faculty of Engineering Director Candidate) – 15 demerit points issued.

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UTSU Fall Elections 2013

Chief Returning Officer

CRO Ruling 001

Date: October 16, 2013

Time: 2:00PM

A complaint was filed on October 16, 2013, alleging that the Faculty of Engineering Director candidate Sanchit Mathur, committed a violation of Article VI (1)(i)(viii) of the Elections Procedure Code. The complaint alleges that the candidate's campaigning materials were posted in Sandford Fleming within one (1) foot of another one of their own posters.

The CRO has investigated and determined that there is sufficient evidence to find a violation of Article VI (1)(i)(Viii) of the EPC. The CRO found that the campaign posters were within one foot of another one of his own posters at Sandford Fleming.

In response to this complaint, the CRO hereby issued 2 demerit points in total to Sanchit Mathur for the following violations.

Multiple violations in the same location/ building – 2 demerit points

Sanchit Mathur (Faculty of Engineering Director Candidate) – 2 demerit points issued.

Total Demerit point: 17 points

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Chief Returning Officer

CRO Ruling 003

Date: October 16, 2013

Time: 2:00PM

A complaint was filed on October 16, 2013, alleging that the Faculty of Engineering Director candidate Eric Shum, committed a violation of Article VI(1)(s)(iv) of the Elections Procedure Code. The complaint alleges that the candidate's campaigning materials were posted in Sandford Fleming within six (6) metres of a computer lab.

The CRO has investigated and determined that there is sufficient evidence to find a violation of Article VI(1)(s)(iv) of the EPC. The CRO found that the campaign posters were within six (6) metres of a computer lab at Sandford Fleming.

In response to this complaint, the CRO hereby issued 2 demerit points in total to Eric Shum for the following violations.

Displayed in an unauthorized area (within 6 metres of a computer lab) – 2 demerit points

Eric Shum (Faculty of Engineering Director Candidate) – 2 demerit points issued.

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CRO Ruling 004

Date: October 16, 2013

Time: 2:00PM

A complaint was filed on October 16, 2013, alleging that the Faculty of Engineering Director candidate Eric Shum , committed a violation of Article VI (1)(i)(viii) of the Elections Procedure Code. The complaint alleges that the candidate's campaigning materials were posted in Sandford Fleming within one (1) foot of another one of their own posters.

The CRO has investigated and determined that there insufficient evidence that the candidate violated Article VI (1)(i)(Viii) of the EPC. No demerit points will issued in regards to this complaint. The CRO has ruled that the posters be removed by the candidate immediately.

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CRO Ruling 005

Date: October 17, 2013

Time: 9:00AM

A request was made on October 16, 2013, by the Faculty of Law Director candidate, Riaz Sayani-Mulji to post his candidate statement online. The request was denied by the CRO on the basis that as per the Board of Director Nomination Information Package Fall 2013, candidate statements were to be submitted by October 4th, 2013 at 4pm for it to be valid.

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CRO Ruling 006

Date: October 17, 2013

Time: 4:25PM

A complaint was filed on October 17, 2013, alleging that the Faculty of Engineering Director candidate Pierre Harfouche, committed a violation of Article VI (1)(d)(iv) of the Elections Procedure Code. The complaint alleges that the candidate's commentary on an opponent's Facebook page constitutes breaking the rules of Fair Play in the form of attacking his opponent.

The CRO has investigated and determined that there is sufficient evidence to find a violation of Article VI (1)(d)(iv) of the EPC. The CRO found that the commentary on the opposing candidate's Facebook page was severe enough to constitute harassment by the candidate.

In response to this complaint, the CRO hereby issued 10 demerit points in total to Pierre Harfouche for the following violation.

Breaking the rules of Fair Play (Harassment) – 5 demerit points

Pierre Harfouche (Faculty of Engineering Director Candidate) – 5 demerit points issued.

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CRO Ruling 007

Date: October 17, 2013

Time: 4:30PM

A complaint was filed on October 17, 2013, alleging that the Faculty of Engineering Director candidate Matthew Lee, committed a violation of Article VI (1)(d)(iv) of the Elections Procedure Code. The complaint alleges that the candidate's commentary on an opponent's Facebook page constitutes breaking the rules of Fair Play in the form of attacking his opponent.

The CRO has investigated and determined that there is sufficient evidence to find a violation of Article VI (1)(d)(iv) of the EPC. The CRO found that the commentary on the opposing candidate's Facebook page was severe enough to constitute harassment by the candidate.

In response to this complaint, the CRO hereby issued 10 demerit points in total to Matthew Lee for the following violation.

Breaking the rules of Fair Play (Harassment) – 5 demerit points

Matthew Lee (Faculty of Engineering Director Candidate) – 5 demerit points issued.

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CRO Ruling 008

Date: October 17, 2013

Time: 5:45PM

A complaint was filed on October 17, 2013, alleging that the Faculty of Engineering Director candidate Pierre Harfouche, committed a violation of Article VI (1)(d)(iv) of the Elections Procedure Code. The complaint alleges that the candidate's post on his own Facebook account, in addition to a candidate's campaigning page constitutes violating the rules of the spirit of Fair Play.

The CRO has investigated and determined that there is sufficient evidence to find a violation of Article VI (1)(d)(iv) of the EPC. The CRO found that the post by the candidate on his own Facebook account is not of a nature to breach the rules of Fair Play. However, as a result of investigating this complaint, it was determined that the post itself is publically accessible and therefore constitutes campaign material. Such material needs to be approved by the CRO in advance of posting and therefore violates Article VI (1)(f) of the Elections Procedure Code.

The CRO hereby issued 15 demerit points in total to Pierre Harfouche for the following violation.

Unapproved campaign material – 10 demerit points

Failure to comply with the spirit and purpose of the elections(Fair play) - 5 demerit points

Pierre Harfouche (Faculty of Engineering Director Candidate) – 15 demerit points issued in total.

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Appendix B – ERC Rulings 001-004

UTSU Fall 2013 By-Elections

Elections and Referenda Committee

ERC Ruling 001

Date: October 7, 2013

Time: 16:37

On October 6, 2013 Billi Wun, Faculty of Law student, was notified by the Chief Returning Officer that he did not meet the eligibility requirements to become a candidate in the Fall 2013 elections. Mr. Wun submitted an appeal to the Elections and Referenda Committee on the same day.

Upon further investigation, the ERC has ruled that Mr. Wun has met the requirements to be a candidate. The previous acclamation announced for the Faculty of Law Director Position has been overturned.

The Elections and Referenda Committee has approved the appeal. Mr. Wun has met the eligibility requirements to run in the election.

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UTSU Fall 2013 By-Elections

Elections and Referenda Committee

ERC Ruling 002

Date: October 17, 2013

Time: 11:25

On October 16, 2013 Riaz Sayani-Mulji, Faculty of Law student, requested that his candidate's statement be posted on the UTSU website for the last day of voting. The Chief Returning Officer notified Mr. Sayani-Mulji that he did not submit his candidate's statement before the end of the nomination period for the Fall 2013 elections. Mr. Sayani-Mulji submitted an appeal to the Elections and Referenda Committee on the same day.

Upon further investigation, the ERC has ruled that Mr. Sayani-Mulji may have his statement posted online for the voting day of October 17, 2013 based on the loose language regarding this issue in the Elections Procedure Code.

The Elections and Referenda Committee has approved the appeal. Mr. Sayani-Mulji may have his candidate's statement posted online for the voting day of October 17, 2013.