

**University of Toronto Students' Society**

**2015 Fall Elections**

**Chief Returning Officer's Exit Report**

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*Submitted to the Board of Directors on November 28, 2015 in accordance  
with Article IV.2.g of the Elections Procedure Code*

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## Overview of Election and Referendum

This report accounts the events of the University of Toronto Students' Union Fall 2015 Elections period. It also provides recommendations for consideration by the Board of Directors and the Elections and Referenda Committee to improve processes and policies in order to facilitate future elections.

The Fall 2015 Election period had open nominations for three (3) positions on the UTSU Board of Directors. For the 2015/2016 term, nominations were accepted for the following seats on the Board: Ontario Institute for Studies in Education (OISE), Applied Sciences and Engineering, and the Transitional Year Program (TYP).

A referendum was also held by the UTSU during this election period. The question was directed at Division I students only and, asked "Are you in favour of moving the start of Orientation Week to a few days before Labour Day in order to allow for the introduction of a Fall Reading Week?"

Throughout the elections, the Elections and Referenda Committee (ERC) provided valuable consultation and recommendations to the Chief Returning Officer (CRO) in regards to matters dealing with the Elections and Procedure Code and past practices. The Committee's main duties are to oversee the elections, review the rules governing elections, schedule election dates subject to Board approval, and hire elections officials.

## Pre-Election Activities

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

### Reviewing all relevant governing documents:

1. Elections Procedure Code
2. UTSU By-Laws
3. Charter of Referenda
4. UTSU Policies
5. Ontario labour standards legislation

### Hiring:

DROs:

1. Working with the ERC to formulate questions for applicants to the DRO positions.
2. Consulting with the ERC on applicant selection.
3. Scheduling first meeting with successful candidates and creating work schedule.

Poll Clerks:

1. Creating job posting.
2. Disseminating job posting:
  - a. UTSU website
  - b. UTSU Facebook page
  - c. UofT Job Centre
3. Accepting resumes
  - a. Emailing all qualified applicants
  - b. Asking qualified applicants to submit their availability during voting days

### Notifications:

1. Submitting elections/referendum content to Graphic Designer for poster design
2. Approving materials created by Graphic Designer for submission to campus newspapers and UTSU website
  - a. Campus Newspapers included:
    - i. The Varsity
    - ii. The Newspaper
    - iii. The Strand

3. Sent updates to Graphic Designer for UTSU webpage
  - a. Candidate statements
  - b. CRO rulings
  - c. "What to expect at UTSU voting stations" document

## **Nominations:**

1. Updating nomination package
  - a. Dates/times
  - b. Board positions available
  - c. Making PDF document fillable
  - d. Creating new Nomination Package Guide, outlining procedures for distributing and accepting nomination packages

## **Polling Stations:**

1. Site inspections
  - a. Ask Internal Coordinator to book spaces with building administration
  - b. View floor plans for polling locations
  - c. Asked DROs to scout polling locations
    - i. Photograph locations
    - ii. Determine potential logistical concerns
      1. E.g. how best to make voting stations visible to members, are tables and chairs available at location or brought from office
      2. N.B. in the future the accessibility of sites must be considered in these inspections. How will a person with a disability be able to access the polling station
2. Prepared poll kits
  - a. Ensured that laptops are charged and have chargers
  - b. Set all laptops' Internet Explorer homepages to [utus.Simplyvoting.com](http://utus.Simplyvoting.com)
  - c. Set all poll clerk laptops' Internet Explorer homepages to [utus.Simplyvoting.com/manage](http://utus.Simplyvoting.com/manage)
  - d. Prepared poll clerk binder
    - i. Voter sign in sheet
    - ii. Incident report sheets
    - iii. Poll clerk time sheet
    - iv. "Vote Here" signs
    - v. "No Campaigning" signs
  - e. Purchased voting screens (from Municipal World)
  - f. Purchased extension cords

- g. Purchased five (5) new laptops
- h. Created Non-Disclosure and Consent forms for polling stations to facilitate accessible voting at polling stations.

### **Online Voting System:**

1. Contacted Office of Vice Provost, Students to obtain membership list
  - a. First signed Confidentiality Agreement
2. Contacted Simply Voting
  - a. Made them aware of election schedule
  - b. Requested that they receive the membership list and prepare preliminary segmentation
3. Prepared elections page
  - a. Created new election and referendum
    - i. Dates/times of voting period
  - b. Set questions for election and referendum
  - c. Segmented voting so only candidates' constituencies could vote for them

### **All Candidates Meeting:**

1. Set date/time of all candidates meeting
2. Prepared binders for all successful nominees
  - a. Relevant sections of EPC, By-Laws, and UofT poster policy
3. Coordinated with the ERC to have one executive member at the meeting
4. Asked one DRO to attend meeting

### **Poll Clerk Training/Scheduling:**

1. Set date/time for poll clerk training seminar
2. Created new training materials for poll clerks (Power Point presentation)
  - a. Guide for online voting procedures (this was the first time that no paper ballots were used in an election)
  - b. Updating photos to accurately depict polling sites
3. Collected employment documents and instructed attendees to fill them out
  - a. TD1 Fed
  - b. TD1 ON
  - c. Personal information form
  - d. Employment agreement
  - e. Non-disclosure agreement
4. After training, assembled list of attendees for the purpose of creating a clerk schedule for staffing polling stations

5. Prepared and sent schedule for poll clerks and asked for confirmation of availability from each poll clerk

**Accessibility:**

1. Met with staff from Students for Barrier-Free Access multiple times to get input on how to make online voting accessible to members with disabilities
2. Installed trial versions of JAWS screen reader – an accessible software - onto elections laptops
3. Researched availability of, and costs associated with, purchasing software to make voting computers accessible including JAWS screen reader; ZoomText; and, Dragon Naturally Speaking
4. Converted all elections documents to fillable PDF format
5. Created non-disclosure agreement and consent forms to facilitate voting for members with disabilities
6. Created “what to expect at UTSU voting stations” document to be posted on UTSU elections webpage

## Referendum

### Summary:

The Fall Referendum, open to all Division I members, asked: “Are you in favour of moving the start of Orientation Week to a few days before Labour Day in order to allow for the introduction of a Fall Reading Week?”

### Referendum Advocacy Committees

One advocacy committee was struck during the campaign period. UTSU members created a “Yes” campaign.

### Campaigning

For the referendum, the sole advocacy committee prepared materials for the approval of the office of the CRO. These submissions consisted of posters and leaflets.

### Announcement of Results and Recount

The unofficial results were released on October 29, 2015.

No advocacy committees requested recounts.

### Referendum Results

Yes: 6112 (91.66%)

No: 491 (7.36%)

Abstained: 65 (.98%)

### Voter Turnout

During these Fall 2015 elections, the voter turnout was 22% of 31295 eligible voters.

## Elections

### **Nomination Period**

Nominations for the UTSU elections opened Monday October 12, 2015 at 09:00 and closed Friday October 16, 2015 at 17:00. A total of six nomination packages were signed out, including four for Applied Sciences and Engineering and two for Transitional Year Program. No one signed out Nomination Packages for Ontario Institute for Studies in Education (OISE), despite the fact that an OISE director seat was vacant. At the close of the nomination period, a total of four packages were returned to the office of the CRO, including two for the Applied Sciences and Engineering and two for the Transitional Year Program (TYP). Three of these nomination packages were approved. One nomination package, from a TYP student, had to be considered ineligible due to the student's absence from the membership list provided by the Office of the Vice Provost, Students.

### **TYP Nominations**

The CRO informed the ineligible TYP candidate of his findings and suggested that the student attend the upcoming All-Candidates Meeting in case the list he received was incomplete. The CRO followed up with the Office of the Vice Provost, Students to confirm his finding. The Office of the Vice Provost, Students, confirmed that the student was not a UTSU member and the CRO informed the student of his findings, viz. that the student was not full-time and thus, not a UTSU member. Therefore, it was determined that the student was ineligible as a candidate for the Fall 2015 election. The CRO informed the student of his ruling and that he had the right to appeal this ruling to the ERC.

The student appealed the decision to the ERC. The ERC met on October 26 at 19:00. After convening on this matter, hearing from the student and deliberating on the evidence brought to the meeting, the ERC ruled that the student, regardless of his status as part/full-time, was a member of the UTSU by virtue of UTSU By-Law II. 1. c. Due to the timing of this decision, being one day before voting would commence, and judging it unfair that the student not to have equal time to campaign before the voting period, the ERC decided to postpone the election for the TYP Directorship until a later date. In accordance with this decision, the CRO informed the two TYP nominees of the changes to their election schedule.

The ERC informed the CRO of their decision immediately. Pending Board approval, a tentative campaign period for the TYP Directorship was set for November 2 – 12, with November 10 – 12 being set aside as the voting days. The Board or Directors approved these dates on October 30. The ERC Chair informed the CRO of the confirmed election schedule and the CRO, in turn, informed the TYP candidates of the ERC confirmed election dates.

### **All-Candidates Meeting**

The All-Candidates' Meeting was held on Sunday October 18, 2015 from 11:00 to 12:30 at the UTSU office. 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 CRO reviewed the relevant sections of the Elections Procedure Code, University of Toronto policies and the UTSU By-Laws, and discussed the role of the elections staff.

## **UTSU Elections: October 19 – 29, 2015**

### **Campaigning**

The campaign period for the October election opened on Monday October 19, 2015 at 09:00 and closed on the last day of voting, Thursday October 29, 2015 at 18:00.

For the October election, no campaign materials were submitted for approval.

### **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 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. As the 2015 Fall election period included a referendum, the ERC chose seven locations. These included: Galbraith, Gerstein Library, Wetmore Lounge, Victoria College, TYP, OISE and Sidney Smith.

### **Online Voting**

Online voting was the sole method of voting in this election period. As in the Spring 2015 election, the Fall 2015 election used Simply Voting, a company that provides and hosts online elections. The online system was adapted to match the requirements for the 2015 Fall elections. This included the implementation of a new method of voting utilizing the Single Transferrable Vote system, and segmenting constituencies such that only members represented by a director could vote for that director. There was a problem with the way that the segmentation was implemented on the Simply Voting website. This hindered voting in the referendum for the morning of October 27 between 09:00 – 11:00. However, this problem was quickly resolved and voting resumed without incident for the duration of the voting period.

### **Poll Clerk Training**

Poll Clerk training sessions were held at the University College building, on October 20, 2015. The training sessions were one and a half hours long and consisted of an introduction to the roles and responsibilities of the CRO and DROs, poll clerk duties and responsibilities, polling station setup and closing, online voting system, and trouble-shooting. During the training sessions, poll clerks were asked to fill out Human Resources paperwork. Polling location specifics such as expected voter turnout and considerations were expressed to the poll clerks.

### **Voting**

Voting took place on Tuesday October 27, Wednesday October 28, and Thursday, October 29, 2015. Poll stations were open from 09:00 to 18:00. All voting stations were set up in different buildings across the

campus, except on Tuesday October 27, when the Galbraith polling station was set up in the east side student lounge of Sidney Smith and on Thursday October 29 when the Victoria College polling station was set up in the east side student lounge of Sidney Smith.

The poll clerks were instructed to have each potential voter identify themselves by showing their TCard and completing the voter sign-in sheet. Poll clerks were asked to also verify the eligibility of potential voters on the Simply Voting managing site. However, due to persistent problems with this managing site, and because the Simply Voting website would not permit ineligible members to cast a ballot, poll clerks were told to dispense with the use of the managing site and instead ask for a TCard and to have the potential voter complete in the sign-in sheet. Although we could not ensure that students were eligible to vote before going behind the voting screen, the poll clerks reported no problems.

Poll clerks met each morning at 08:00 at the UTSU office to collect the necessary equipment and materials from the CRO and DRO. Polling stations were closed each day at 18:00. Poll clerks were asked to return, after 18:00, to the UTSU office to drop off all polling station materials.

### **Ballot Counting**

No ballot counting was necessary for this election, as the entire vote was held online with Simply Voting.

### **Announcement of Results and Recount**

The unofficial results were released on October 29, 2015.

No candidates or advocacy committees requested recounts.

### **Complaints and Appeals**

There was one complaint registered during this election period. This related to the TYP nomination (see above, TYP Nominations, p. 6-7). The CRO's ruling was appealed, and overturned by the ERC. It was decided by the ERC that a subsequent campaign and voting period would be established November 2 – 12, 2015 to accommodate this ruling.

## **Results: Acclamations and Election**

### **Acclamations:**

There were no acclamations in this election.

### **Election Results (October 27 – 29):**

UTSU BOARD OF DIRECTORS:

### **Faculty of Applied Sciences and Engineering**

* Dergalstanian, Raffi:	133 (61.3%)
Zhang, Xuyu (Calix):	51 (23.5%)
Abstained:	33 (15.2%)

\*Successful candidate

## UTSU Elections: November 2 – 12, 2015

### **Campaigning**

The campaign period for the rescheduled TYP Election held in November, opened on Monday November 2 at 09:00 and closed on the last day of voting, Thursday November 12 at 18:00.

For the November election, one candidate delivered posters to the office of the CRO for approval. These submissions consisted of posters.

### **Poll Locations:**

As the only candidates running in this election were from the Transitional Year Program (TYP), the sole polling station for this election was held at the TYP building, 123 St. George St.

### **Online Voting:**

There were no issues reported with online voting in this election.

### **Poll Clerk Training:**

Poll clerks we selected from the pool of poll clerks who worked in the October 2015 election. Therefore, no training session was required for this election.

### **Voting:**

Voting opened Tuesday, November 10 at 09:00 and ended on November 12 at 18:00.

Polling stations were open Tuesday November 10 from 11:00 – 13:00; Wednesday November 11 from 09:00 – 16:00; and Thursday November 12 from 9am – 17:00.

### **Ballot Counting:**

No ballot counting was necessary for this election, as the entire vote was held online with Simply Voting.

### **Announcement of Results and Recount:**

The unofficial results were released on November 12, 2015.

No candidates requested recounts.

### **Complaints and Appeals:**

There were no complaints or appeals during this election period.

### **Results: Acclamations and Election**

**Acclamations:**

There were no acclamations in this election.

**Election Results** (November 10 – 12):

UTSU BOARD OF DIRECTORS:

**Transitional Year Program:**

* Rhomey, Paul:	13 (56.5%)
Shafiq, Saad:	10 (43.5%)
Abstained:	0 (0%)

\*Successful candidate

## Challenges and Opportunities

### **Challenge: Lack of Historical Data**

When the CRO took office on September 22, 2015, there was a lack of elections materials for him to work with. Much of the election had to be pieced together from scratch. The CRO recognizes that there are good reasons for why it would be difficult to maintain elections materials from one election to the next. For instance, with each change to the EPC and By-Laws the materials given at the All-Candidates Meeting must be recompiled and as the UTSU moves forward with online voting, polling procedures must be rewritten. While these are understandable barriers to maintaining up-to-date elections materials, the Board should be made aware of the effects that this has on the progress and improvement of the electoral process. With each election being cut from new cloth, the CRO must spend a great deal of time hunting down old materials and creating new documents when they cannot be located. This problem is compounded by the fact that a new CRO comes in for each election. Not having these materials, the new CRO must dedicate crucial time to these activities when he/she should be acquainting him/herself with UTSU elections policy and procedure, initiating these policies and procedures, and working to improve upon the efficiency of the system already in place.

This CRO has been asked to create files and preserve materials for future elections. This has been done to the extent possible, given the time constraints of his contract. There is now a “CRO” folder with organized elections materials on the UTSU server; a master binder with hardcopies of all elections paperwork; binders for both polling stations and All-Candidates Meetings; and an accessibility-training manual for poll clerks. However, By-Laws have recently been changed and the EPC will likely be revised before the next elections. Unless there are systems and policies put in place to update these materials between elections, they will be out-of-date when the CRO for the spring election takes office.

### **Opportunity: Working with Students for Barrier-Free Access**

Staff from Students for Barrier-Free Access (SBA), a UTSU service group, contacted the CRO to discuss the accessibility of our elections. Meeting with their Advocate, he was afforded the opportunity to discuss ways to optimize access to the UTSU democratic processes for members with disabilities. The CRO believes that it is important to continue working with SBA to improve accessibility. They are willing and able to assist the UTSU in bringing its election procedures inline with its Mission Statement and Purposes, as outlined in the union By-Laws. The CRO strongly suggests that both future ERCs and CROs communicate with SBA as election procedures evolve and change.

## Recommendations

### Referendum

#### 1. Introduce Information Sessions for Advocating Committees

Whereas, the Charter for Referenda sets out the rules by which Referenda Advocating Committees must conduct themselves, and whereas there is no formal information session for Referenda Advocating Committees, it is the opinion of the CRO that Advocating Committees ought to attend a meeting that outlines the rules that govern referenda before being able to campaign. Because the rules that govern the activities of both electoral candidates and Advocating Committees run parallel to each other, the CRO suggests inviting the “chief agent” of each Committee to the All-Candidates Meeting.

#### 2. Entrench Demerit Points in Charter

The Charter 6.s states:

*The ERC will set the distribution of demerit points for campaigning for the referendum in question prior to the commencement of the Campaign Period.*

Whereas, the ERC has more than enough business to take care of during an election period. And whereas, there is no conceivable reason why demerit points should be made different from one referendum to the next, it is the opinion of the CRO that the demerit points should be set out in the Charter permanently and not determined on an *ad hoc* basis. This can be easily achieved by adopting the demerit point system used in the EPC.

#### 3. Align Charter and EPC Campaign Restrictions: Polling Stations

Charter 6.o states that:

Restrictions Concerning Union Polling Stations include:

- i. Members of an Advocating Committee are not allowed within six (6) metres of a designated Polling Station, except to vote.
- ii. No Campaign Materials shall be placed within six (6) metres of a Polling Station during voting days.

EPC VI.n states that:

Restrictions Concerning Union Polling Stations include:

- i. Candidates are not allowed within nine (9) metres of a designated Polling Station, or in the same room, whichever is further, except to vote.
- ii. No Campaign Materials shall be placed within nine (9) metres of a Polling Station, or in the same room, whichever is further during voting days.

Whereas, campaigning near polling stations is inappropriate and disruptive to the voting process regardless of the purpose of campaign, the CRO recommends that the EPC and Charter be made parallel with respect to the distance from polling stations that individuals can campaign.

### Elections

#### 1. Accessibility

Given the Accessibility for Ontarians with Disabilities Act, O. Reg. 429/07: ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE (see Appendix D), the CRO has audited the UTSU election procedures and has found the following:

- a. Under the current EPC polling clerks are a necessary component of UTSU elections (for the Fall 2015 election, 25 poll clerks were hired to interact directly with our membership). However, the CRO has found that no UTSU program, as described above, is presently available for training poll clerks. It is the position of the CRO that the UTSU ought to create a poll clerk training program that is in compliance with the AODA.
- b. If the UTSU intends to move away from paper ballots entirely, the computers used for voting at the polling stations must be equipped with accessible software for people disabilities. Programs such as JAWS, Dragon Naturally Speaking, and ZoomText.
- c. If paper ballots will be reintroduced in the Spring 2016 election, large print ballots and ballots typed in braille ought to be made available at all polling stations
- d. All UofT buildings where polling stations are to be held require an accessibility audit. For instance, Gerstein Library and University College (UC) are technically accessible. However, for Gerstein, one must ring a doorbell in order to access the lift services and, for UC a person must go around to the rear of the building and cross a span of very uneven flagstones in order to access a ramp. The UofT online map at: <http://map.utoronto.ca/utsg#> offers good information relating to the accessibility of St. George campus buildings, however, some specific characteristics relating to the accessibility of the building are not detailed on the site. Thus, the CRO suggests that, for future elections, potential sites for polling station be visually inspected to determine their accessibility, prior to the ERC's decision to locate polling stations in any particular buildings.
- e. Because the poll clerks now require accessibility training as part of their introduction to their duties, the CRO has researched training programs for service employees that meet AODA standards. He has found that the Council of Ontario Universities has prepared a tutorial for university employees. It can be readily found at: <https://www.brocku.ca/accessibility/accessibility-resources>. This tutorial contains three (3) modules:
  - i. Module 1 - Understanding the AODA and the Accessibility Standards for Customer Service
  - ii. Module 2 - Communicating with Customers with Disabilities
  - iii. Module 3 - Serving Customers with Disabilities

The instructions indicate that the review of all three (3) modules takes approximately one (1) hour to complete. The CRO suggests that this training tutorial (or another of equal/higher utility) be made mandatory for all poll clerks.

## Conclusion

Given the recommendations of this report and the AODA legislation, and with the understanding that online voting is going to continue as part of UTSU elections, the laptops available for polling stations must be made accessible to people with disabilities. As these laptops do not come with software that meets a realistic accessibility standard, the CRO has researched the software required to make the UTSU laptops accessible to members with disabilities. The programs recommended by the UTSU service group, Students for Barrier-Free Access (SBA), are *JAWS Screen Reader*, *ZoomText* and *Dragon Naturally Speaking*. To purchase licenses for each of these programs for all seventeen (17) UTSU laptops would cost \$33,475.83. The CRO recognizes that training will be needed to familiarize clerks with the various functions of accessibility software so that they can adequately assist students that require these programs.

These realities must be viewed in light of the UTSU's membership's usage of polling stations in the Fall 2015 election. With only 56 votes being cast at polling stations out of a total of 6,885 votes cast in the October election and referendum combined, less than 1% of eligible members voted at polling stations. Furthermore, for the fall election/referendum, there were seven (7) polling stations open for three (3) days, staffed with two (2) clerks each for ten and a half (10.5) hours per poll clerk. Not taking into account floating poll clerks and hours logged by DROs at the polling stations, the voting days required four hundred and forty-one (441) hours of staffing.

The CRO requested recommendations from his DROs, detailing their experiences of the polling stations. The DROs have reported that many students did not recognize the significance of the polling stations when passing them, and when they did, upon learning that they could cast their ballots online at their leisure, opted to do so. One DRO, Vineetha Sivathasan, has suggested that, if we are to continue with seven (7) polling stations on the St. George campus, the UTSU engage in a more robust marketing strategy. She suggests bright banners; t-shirts and name tags for poll clerks; offering UTSU pins and other goodies; and a strong social media awareness campaign as ways to attract members to the stations. The CRO agrees that these are important recommendations to consider, going forward with the system that is currently in place.

However, it must be noted that both DROs have stated their belief that, with the continued exclusive use of online voting, this trend of underutilized polling stations will be ongoing. Therefore, DROs, Vineetha Sivathasan and Mannat Sidhu have suggested a decrease in the use of polling stations in future elections. Given these recommendations, the costs associated with polling stations *per se*, and the legislated requirement to make them accessible, the CRO has been considering the effects of augmenting/eliminating the use of polling stations for UTSU elections.

The CRO recognizes the argument that polling stations offer an added value to the electoral process by engaging with students in the democratic process while also providing assistance to those who feel disenfranchised by online voting. However, in light of the above facts, the CRO finds that the use of polling stations, as they are currently employed and utilized, is inefficient and wasteful. The CRO believes that these are valid concerns that ought to be taken into consideration in any decisions made about the electoral process. However, in the opinion of the CRO, these considerations do not merit the continuation of a system that is costly and underutilized by the Union's membership. Rather, he believes that there are ways to make the elections engaging and provide assistance to those who need it, while also minimizing the UTSU's usage of polling stations. In other words, these are concerns that need to be worked through and problem-solved within the context of making UTSU elections more efficient.

It is privilege of the UTSU Board of Directors to make changes to the EPC and the CRO does not wish to overstep by offering unsolicited suggestions. However, it should be noted that the EPC IV.1.i states:

On voting days, no less than seven (7) Polling Stations on the St. George Campus and no less than three (3) Polling Stations on the Mississauga Campus, with no more than two (2) stations at the same location, shall be organized by the Chief Returning Officer.

Thus, if the CRO's suggestions are to be enacted, the EPC will have to be amended.

It has been this CRO's great pleasure to work for the UTSU, he is open to discussing possible changes to the how the UTSU runs its elections, at the request of the ERC.

## **Acknowledgements**

The CRO would like to thank the DROs, poll clerks, UTSU staff, the ERC, and SBA staff for providing logistical support and advice for the elections.

## Appendices

### Appendix A – CRO Rulings

October 23, 2015: CRO Ruling 001

On October 16 at 5:30pm the Chief Returning Officer (CRO) found that one of the nominees (Saad Shahid Shafiq) for the Transitional Year Program (TYP) was not on the membership list given to him by the University of Toronto (UofT) Office of the Vice Provost. The membership list is the defining document for membership in the UTSU. The Office of the Vice Provost, had informed the CRO that the membership list is fluid, and a more up-to-date membership list might contain names not present on the list sent to the CRO. Therefore, the CRO contacted Saad to inform him of the situation but suggested that he still attend the upcoming All Candidates Meeting (Sunday October 18, 11am) in case a more up-to-date list would confirm his eligibility. Saad did attend the meeting.

The CRO contacted the Office of the Vice Provost to have them recheck Saad's eligibility. The Office of the Vice Provost responded on October 21 informing the CRO that Saad is not on the membership list. This being the case, the CRO ruled that Saad was not eligible to run as a candidate in the Fall 2015 election. The CRO contacted Saad to inform him of this. Saad was removed from the list of nominees.

### Appendix B – ERC Rulings

October 26, 2015: ERC Ruling 001

On Monday October 26th, the ERC met to hear an appeal regarding CRO Ruling 001 and the eligibility of TYP candidate Saad Shafiq. The CRO explained that the ruling was based in the fact that Shafiq did not appear on the membership list provided by the university and had not paid UTSU fees, likely due to him being a part-time student, and thus couldn't be proven to be a member. The appellant argued that he was taking three courses, which was the requirement to be a full time member, and had also registered with accessibility services, which meant he could be enrolled in as little as 2 courses and still be a registered full time student. The appellant also argued that the bylaws made no distinction between part time and full time TYP students and that the UTSU represented both groups, as the bylaws clearly made an exception.

After some deliberation, the ERC ruled that the candidate should be allowed to stand for election. In addition, the ERC moved to delay the campaign period for the TYP Directorship to November 2nd-November 12th, with voting days on the 10th, 11th and 12th. Both candidates running for the TYP Directorship supported this change, and it was later ratified by the Board of Directors.

### Appendix C – Election Notices

No elections notices were released during the elections.

### Appendix D – AODA Legislation

The Accessibility for Ontarians with Disabilities Act, O. Reg. 429/07: ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE states that:

**Training for staff, etc.**

6. (1) Every provider of goods or services shall ensure that the following persons receive training about the provision of its goods or services to persons with disabilities:

1. Every person who deals with members of the public or other third parties on behalf of the provider, whether the person does so as an employee, agent, volunteer or otherwise.
2. Every person who participates in developing the provider's policies, practices and procedures governing the provision of goods or services to members of the public or other third parties. O. Reg. 429/07, s. 6 (1).

(2) The training must include a review of the purposes of the Act and the requirements of this Regulation and instruction about the following matters:

1. How to interact and communicate with persons with various types of disability.
2. How to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person.
3. How to use equipment or devices available on the provider's premises or otherwise provided by the provider that may help with the provision of goods or services to a person with a disability.
4. What to do if a person with a particular type of disability is having difficulty accessing the provider's goods or services. O. Reg. 429/07, s. 6 (2).

(3) The training must be provided to each person as soon as practicable after he or she is assigned the applicable duties. O. Reg. 429/07, s. 6 (3).

(4) Training must also be provided on an ongoing basis in connection with changes to the policies, practices and procedures governing the provision of goods or services to persons with disabilities. O. Reg. 429/07, s. 6 (4).

(5) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document describing its training policy, and the document must include a summary of the contents of the training and details of when the training is to be provided. O. Reg. 429/07, s. 6 (5).

(6) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall keep records of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided. O. Reg. 429/07, s. 6 (6).

## **Appendix E – Accessibility Recommendations:**

### **Students for Barrier-Free Access**

Dear members of the Elections and Referenda Committee,

We are writing to express our concern over the inaccessibility of the upcoming UTSU by-election, scheduled for October 27-October 29, 2015.

The introduction of computerized polling stations, and the elimination of paper ballots, at this upcoming by-election increases the barriers to access for many students with disabilities. These access barriers could lead to the disenfranchisement of UTSU members and undermine the democratic process.

However, we do believe that it is not too late to make the polling stations accessible. To do so, we recommend the following steps be taken:

1. All polling stations be located in accessible buildings.
2. All poll clerks receive accessibility training in order to be able to adequately respond to the needs of voters with disabilities.

3. All paper forms, such as the sign-in sheet, be made accessible by being made available in alternative formats including, electronic, braille, and large print.
4. All computerized polling stations be equipped with laptops with following software installed; JAWS, Dragon Naturally Speaking, and ZoomText. Laptops will also need to be equipped with headphones and a microphone.
5. The online voting program must be compatible with the above-mentioned software.
6. Private rooms at each polling station be made available.
7. Clear instructions on how computerized voting works, and the accommodations available for disabled voters, be posted on the UTSU elections website and circulated over the UTSU member email list.

Please let us know if you have any questions.

Sincerely,

Students for Barrier-free Access  
<http://uoftsba.com/>