

BY-LAW #2

ELECTIONS PROCEDURES Of the UNIVERSITY STUDENTS' COUNCIL

AMENDMENT LIST

Meeting #	Meeting Date	Motion #	Description	Created/ Amended/ Removed/ Defeated	Date By-Law Changed
10	17 Jan 2001	C10.6	Part A, Section 1 Adding definitions for Campaign Material and Campaigning	Created	24 January 2001
		C10.7	Part A, Section 11(4)(f) Allowing for candidates to attend meeting discussing violation charges.	Amended	24 January 2001
		C10.8	Part A, Section 11(2)(b) Amending spending limits.	Amended	24 January 2001
		C10.10	Part A, Section 11(4)(k) Changing monetary fine based on demerit points.	Amended	24 January 2001
		C10.11	Section 11(4)(1) Changing amount of allowable demerit points.	Amended	24 January 2001
		C10.12	Part B, Section 1(5) Adding statement requiring motion of Council.	Amended	24 January 2001
			Part A, Elections, Section 1 (Definitions) Adding definitions for "Committee" and "LAO"	Amended	3 February 2003
			Part A, Elections, Section 11(1)(k)(iii) Amending use of electronic campaigning	Amended	3 February 2003
2002/03					
12	22 Jan 03	C12.4	Part A, Elections, Section 11(1)(m) Change in deadline for removal of campaign material	Amended	3 February 2003
			Part A, Elections, Section 11(2)(b)(i) Addition of First Year Off Campus Councillor	Amended	3 February 2003
			Part A, Elections, Section 11(4)(j) Changes to the assessment of demerit points	Amended	3 February 2003
			Part A, Elections, Section 11(4)(m) Deletion of current sub-paragraph and	Deletion/Created	3 February 2003

			addition of new paragraph regarding payment of fines and disqualification		
			Part A, Elections, Section 11(4)(n) Appointment of winner subsequent to disqualification of winning candidate	Created	3 February 2003
			Part A, Elections, Section 13(1)(c) Deletion of current sub-paragraph and insertion of new paragraph regarding appeals of a Committee decision	Deletion/Created	3 February 2003
			Part A, Elections, Section 13(1)(d) Deletion of current sub-paragraph and insertion of new paragraph regarding the handling of appeals by the Board of Directors	Deletion/Created	3 February 2003
			Part A, Elections, Section 13(1)(e) Deletion of current sub-paragraph and insertion of new paragraph regarding the decision of the Board Directors on an appeal	Deletion/Created	3 February 2003
			Part A, Elections, Section 13(1)(f) Deletion of current sub-paragraph regarding how the Elections Appeals Board may conduct its sessions	Deletion	3 February 2003
2003/04					
			Changes made to entire By-Law including additions to the Definitions section and deletion of CRO and DRO duties in the Administration of Elections section.	Created/Deletion	January 2004
2006/2007	March 14	#2	Changes made to VP election, added procedure for election of Speaker of Council	Created/Deletion	March 2007

BY-LAW NUMBER 2
of the
UNIVERSITY STUDENTS' COUNCIL

ELECTION PROCEDURES
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ELECTION PROCEDURE CODE

The University Students' Council of the University of Western Ontario, hereinafter called the "Corporation" is a governing body incorporated in 1965 under Letters Patent with Directors and members duly elected by the students of the University of Western Ontario, and, in this capacity, the Corporation finds itself concerned with the democratic operation of electoral rules and procedures by which it abides. As such, the Corporation has approved the procedures and standards set out in this By-Law in an attempt to accomplish the following:

VISION STATEMENT

To maximize the opportunity for students to be involved in USC-governed elections at the University of Western Ontario, as candidates, voters and informed individuals.

Principles:

- To ensure fairness and democracy
- To provide a manner of balloting that is efficient, effective, impartial and confidential
- To increase student awareness as to the occurrence of student elections
- To allow any student to be a candidate in an election, regardless of financial status
- To raise the level of debate surrounding student issues
- To protect the reputation of the University and the USC in the city and elsewhere

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PART A: ELECTIONS

1.00 DEFINITIONS:

For the purpose of this By-Law:

- 1.01 “Arm’s-length Party”** means any individual or group who is not a “Non-arm’s-length party”;
- 1.02 “Building On Campus”** means any building owned and/or operated by the University of Western Ontario, except for a student residence;
- 1.03 “Campaign Material”** means any item, giveaway, design, sound, symbol, or mark that is created or copied in any form in order to and/or likely to influence at least one voter to cast a ballot in favour or in opposition of a candidate;
- 1.04 “Campaign Period”** means the designated days during which a candidate may campaign, as set by the CRO;
- 1.05 “Campaigning”** means any attempt by an individual or organization to encourage a student to cast a ballot in favour or in opposition of a candidate. This may occur with or without campaign material;
- 1.06 “Candidate Forums”** means organized events by the Committee, where candidates may present their platforms;
- 1.07 “Committee”** means Elections Committee;
- 1.08 “CRO”** means Chief Returning Coordinator of the USC;
- 1.09 “Days”** means school days unless specified otherwise;
- 1.10 “Designated Polling Station”** means an electronic polling station installed and under the control of the CRO during balloting;
- 1.11 “Distribute”** means the dissemination of campaign materials by a candidate, or a non-arm’s-length party, to any individual or group;
- 1.12 “Divisional Election”** means an election other than for the USC President or Vice Presidential Elections;
- 1.13 “DRO”** means Deputy Returning Commissioner of the USC;
- 1.14 “Election”** shall include any by-election;

- 1.15 “**Endorsement**” means supporting a candidate either verbally, or through the provision of materials, advertisements, or non-financial donations;
- 1.16 “**LAO**” means Legal Affairs Officer;
- 1.17 “**Non-arm’s-length Party**” means an individual or group who a Candidate knew, or reasonably ought to have known, would assist that candidate with her campaign. An organization will be deemed to be non-arm’s-length of a Candidate if the candidate is a member of the organization. Knowingly distributing more than one of the same type of campaign item to an individual shall result in that individual being deemed an non-arm’s-length party;
- 1.18 “**Presidential Election**” means an election for the USC President;
- 1.19 “**Public Domain**” means any place to which the public has an automatic right of access;
- 1.20 “**Secretary of the University**” as defined by the University of Western Ontario;
- 1.21 “**Spoiled vote**” means any ballot cast that is not a valid vote;
- 1.22 “**Sponsorship**” means a financial contribution made for the purpose of supporting a candidate’s campaign;
- 1.23 “**Student**” includes any individual with undergraduate status registered at the University of Western Ontario or any of its affiliated colleges. As well, the President of the Corporation shall be recognized as a student for the purpose of this By-Law;
- 1.24 “**University**” means the University of Western Ontario;
- 1.25 “**USC**” means University Students’ Council of the University of Western Ontario;
- 1.26 “**USC recognized organization**” shall include, but is not limited to, Members of Council, clubs, Faculty Councils, USC Services, Affiliate Councils, and accredited groups;
- 1.27 “**University recognized organizations**” shall include, but is not limited to, Western Athletics, sports teams, Residence Councils, Faculty Associations;

1.28 “**Valid Vote**” means any ballot that is cast with x number of candidates selected when the voter can legally select y number of candidates, and where $y+1 > x > 0$;

1.29 “**Vice Presidential Election**” means an election for the USC Vice Presidential positions;

1.30 “**Votes Cast**” means the total of valid votes and spoiled votes.

2.00 JURISDICTION:

2.01 Jurisdiction of this By-Law shall extend to include all students registered at the University.

2.02 The provisions of this By-Law shall apply to those USC elections, by-elections, plebiscites and referenda conducted by the USC.

2.03 Notwithstanding section 2.02, the Secretary of the University is the Chief Returning Officer of the Board of Governors’ and Senate’s elections. The CRO shall assist the Secretary of the University in the facilitation and regulation of Board of Governors and Senate campaigning.

2.04 For the purposes of expediency and fairness, in the event of a by-election for faculty, residence or college representatives, the Committee may, at its discretion, surrender jurisdiction of the election to the respective faculty, residence or college student council.

3.00 ADMINISTRATION OF BY-LAW 2:

3.01 It will be the duty of the CRO, the DRO and the Committee to administer this By-Law, and to uphold its Vision and Principles.

3.02 Elections Committee

(1) The Elections Committee shall:

- i. Be composed of:
 - a. the Chief Returning Coordinator (CRO), *ex-officio*, as chairperson, voting,
 - b. the Legal Affairs Officer, *ex-officio*, as vice-chair, voting,

- c. the Deputy Returning Coordinator (DRO), *ex-officio*, voting,
- d. the Communications Officer, *ex-officio*, non-voting,
- e. a faculty member, non-voting,
 - (a) where possible this person shall be drawn from the Faculty of Law, and shall serve as an advisor to the Committee,
 - (b) the position shall carry a \$1500 honourarium per annum,
- f. six (6) students of the University at least one of whom is a first year student and at least one of whom is from an affiliate, voting, and,
 - ii. Oversee the Spring and the Fall Elections in accordance with the provisions of By-Law #2;
 - iii. Develop and maintain a clear set of criteria and considerations to be used by the Committee when making decisions relating to elections;
 - iv. Make recommendations to Council on all matters, including By-Law amendments, that relate to the elections;
 - v. Not seek office in an election, support any candidate, or endorse a position in a referendum administered by the Elections Committee during her term; and,
 - vi. Failure to comply with the above section v will result in the immediate removal from the Elections Committee;
 - vii. Seek the USC President's advice on electoral matters.

4.00 AMENDMENTS TO BY-LAW 2:

4.01 Written notice of any amendments to provisions of this By-Law regarding Board of Governors or Senate elections, as approved by the USC, shall be provided to the Secretary of the University by the LAO as soon thereafter as practicable.

5.00 ANNUAL ELECTIONS TIMETABLE:

5.01 There shall be two sets of USC elections each year: Fall and Spring Elections. The Fall Elections will consist of Divisional candidates; whereas, the Spring Elections will consist of both Divisional and Presidential candidates.

5.02 Subject to necessary changes by the Corporation, the Fall Election timetable shall be as follows:

- (1) Nominations: Nominations for Divisional candidates shall open no later than September 28th and close no later than October 16th and in the event of change, nominations shall open not less than two (2) days prior to the commencement of the campaign period;
- (2) Campaigning: The campaign period for Divisional candidates shall begin no later than October 19th and shall continue up to and including the day preceding the balloting; and,
- (3) Balloting: Balloting shall take place on-line over two consecutive days (from 12:01a.m. on day 1 to 8:00p.m. on day 2), and shall commence no later than October 29th.

5.03 Subject to necessary changes by the Corporation, the Spring Election timetable shall be as follows:

(1) Presidential and Divisional Candidates

- i. **Nominations**: Nominations shall open no earlier than January 1st, and no later than January 12th; and close, in any event, not more than two (2) days prior to the commencement of the campaign period;
- ii. **Campaigning**: The campaign period for both Presidential and Divisional candidates shall begin not more than two (2) days after nominations close and shall continue up to and including the day preceding balloting. In any event, the campaign period shall begin no earlier than January 24th each year;
- iii. **Balloting**: Balloting shall take place on-line over two consecutive days (from 12:01 a.m. on day 1 to 8:00 p.m. on day 2), and shall not commence earlier than February 1st.

(2) Vice Presidential Elections

- i. **Nominations:** Nominations for Vice-Presidential candidates shall be open for at least 5 days and shall not close before the announcement of the Presidential elections results and close no later than fifteen (15) days prior to the second-half of the Annual General Meeting of the Corporation;
- ii. **Special Rules for Vice Presidential Campaigning:**
- iii. **Campaign Period** - The campaign period for Vice-Presidential candidates shall continue up to and including the day preceding balloting at the second half of the Annual General Meeting of the Corporation.
 - a. Campaigning shall not be permitted in the USC Office, notwithstanding any other provision of this By-Law, except for making campaign materials available to current Council members through the front desk.
 - b. No campaigning shall be allowed during the first-half of the Annual General Meeting of the Corporation.
 - c. No campaigning shall be allowed during the second-half of the Annual General Meeting of the Corporation, except for the following:
 - (a) Candidates may place campaign materials in an area designated by the CRO;
 - (b) Candidates shall be allotted five (5) minutes to address Council; and,
 - (c) A group-formatted question period shall be available for all candidates competing for a Vice-Presidential position. The Speaker of Council shall set the length of time for the question period.
- iv. **Special Balloting Rules for Vice Presidential Elections:**
 - a. Balloting for the Vice Presidential election shall occur during the second-half of the Annual General Meeting of the Corporation.
 - b. Voting shall take place by secret ballot.

- c. Each Voting Member, including the incoming and outgoing Council Voting Members, and the Assistant to the President shall be entitled to one (1) vote per ballot for any given Vice-Presidential position.
- d. No Voting Member shall cast more than one (1) ballot for each Vice-Presidential position.
- e. **Advanced Polling** - The CRO shall designate a time and place for advanced polling subject to the following:
 - (a) Voting in the advanced poll shall take place the week prior to the second-half of the Annual General Meeting of the Corporation;
 - (b) The option to vote in the advanced poll shall not be available for more than 2 days;
 - (c) The votes cast in the advanced poll shall be received by the CRO or designate;
 - (d) All votes must be cast in person;
 - (e) A vote cast in the advanced poll shall be placed in a sealed envelope and shall be counted at the same time as the votes that are cast at the second-half of the Annual General Meeting of the Corporation; and,
 - (f) Notwithstanding By-Law #1, a vote cast in an advanced poll is final. Once a Voting Member has cast her vote the vote shall not be altered or cancelled.
- f. **Ballots:** Preferential voting will proceed by a numbered ballot such that on the preferential ballot for each position, each voter must indicate the order in which she prefers the candidates by placing a numeral '1' beside her first preference, a numeral '2' beside her second preference, in numerical order up to and including the final candidate.
- g. **Counting Ballots:** The counting of the ballots shall take place according to the following:

- (a) Each candidate may designate an agent to act as her scrutineer during the counting of the ballots;
- (b) In the first count, first preference votes for each candidate are counted;
- (c) If a candidate receives 50% + 1 of the eligible votes cast, that candidate shall be elected.
- (d) Where the top place candidate fails to achieve 50% + 1, the second choice votes of the candidate finishing last in that round of ballot counting shall be reassigned accordingly. This process is repeated until one candidate receives the majority of the highest preferences remaining on the ballots;
- (e) If two (2) or more candidates are tied for the least popular position, those candidates shall be redistributed accordingly;
- (f) Failure to select a preference in any round of voting shall result in that ballot being spoiled for that and all subsequent rounds of balloting. A ballot shall not be deemed spoiled so long as the voter's intentions can be reasonably ascertained from the ballot;
- (g) **Tie result** - In the event of a tie, whenever possible, tie shall be resolved in favour of the candidate with the most first place votes;
- (h) **Tie result**- Where the election outcome cannot be resolved by the method outlined above, the election shall be resolved by a re-vote between the tied candidates to take place at the next Duly Constituted Meeting. The re-vote shall be subject to the following procedures:
 - (i) The tied candidates shall be permitted to campaign following the end of the second-half of the Annual General Meeting of the Corporation;

- (ii) All Voting Members who were eligible to vote at the second half of the Annual General Meeting of the Corporation shall be permitted to vote;
 - (iii) The CRO shall designate a time and place for advanced polling in accordance with the procedures set out in paragraph (2) (iii.) (e.);
 - (iv) The votes shall be counted in accordance with rules as set out above in paragraph (2)(iii)(g); and,
 - (v) Should the re-vote result in a tie between two candidates, the election shall be resolved by way of a coin toss.
- h. **Vote of Confidence** - If only one candidate stands to be elected for a Vice-Presidential position, the Speaker of Council shall initiate a vote of confidence in place of balloting during the second-half of the Annual General Meeting. The candidate shall be acclaimed if a simply majority of eligible Council members votes in favour of the resolution to acclaim the candidate.

(3) Special Rules for Electing the Speaker of Council

- i. The Speaker of Council shall be determined by way of election, subject to the following procedure:
 - a. Any individual may be a candidate for the Speaker of Council position;
 - b. Each candidate shall be permitted to participate in a Candidates Forum at the first Duly Constituted Meeting following the second-half of the Annual General Meeting of the Corporation;
 - c. Campaigning for the position of Speaker of Council is strictly prohibited excepting activities that that take place during the Candidates Forum provided for above;
 - d. Voting for the Speaker of Council shall occur at the second Duly Constituted Meeting following the second-

half of the Annual General Meeting of the Corporation,
and;

- e. The voting process and method shall be the same the Vice-Presidential elections provided for herein.

5.04 All campaign periods shall be no longer than twelve (12) days and no shorter than seven (7) days.

5.05 For the purposes of this By-Law, a campaign period is that determined by the Committee subject to subsections (2) and (3) above.

5.06 Referenda. Referenda and plebiscites are subject to PART B of this By-Law, and they shall be held concurrently with either the Fall or Spring election period.

6.00 THE CONSTITUENCY:

6.01 The constituencies and number of Councillors representing each shall be as indicated by the By-Laws of the Corporation.

7.00 CANDIDATE ELIGIBILITY:

7.01 Any student who has any outstanding fines, as issued by the Elections Committee or the Secretary of the University shall be deemed ineligible to be a candidate for election, until such time as those fines are paid.

7.02 Any student who has outstanding loans from the USC Presidential election, and who has not made arrangements for the repayment of the said loan with the Controller of the Corporation, shall be deemed ineligible for election until such time as repayment arrangements are made.

7.03 Candidates as students at the University:

(1) Candidates in the Fall Elections shall be full- or part-time undergraduate students at the University at the time of their candidacy.

(2) Candidates in the Spring Elections shall be full or part-time undergraduate students at the University at the time of their candidacy and shall be planning to be full- or part-time undergraduate students at the University for the duration of the term of office relating to the position for which they are running, except for Presidential or Vice Presidential candidates.

7.04 Candidates shall only be eligible if, prior to the opening of the campaign they leave a deposit of:

- (1) Presidential candidates: \$200.00
- (2) Vice Presidential candidates: \$25.00
- (3) Divisional candidates: \$25.00
- (4) Board of Governors and Senate candidates: \$75.00

with the USC Controller as a bond to cover campaign fines, with the balance to be returned to the candidate.

7.05 Candidates for all elected positions must complete a nomination form.

- (1) A nomination form shall only be valid if the required nomination form has been submitted prior to the closing of nominations, and has been filled out completely and accurately.
- (2) Appeals regarding the validity of a nomination shall be made in writing to the Committee no later than twenty-four (24) hours following the closing of nominations. The Committee will render a decision prior to the beginning of the campaign period.
- (3) A person may not submit a nomination form to be both a Divisional and a Presidential candidate in the same election.

7.06 Candidates will be declared ineligible if they fail to attend the All-Candidates Meeting or if the candidate fails to send a proxy to the All-Candidates Meeting. The Candidate, whether present in person or not, is entirely responsible for all information provided at the All-Candidates Meeting.

8.00 ADMINISTRATION OF ELECTIONS:

8.01 The Committee

- (1) Elections sponsored by the Corporation shall be conducted and supervised by the Committee as provided for in the By-Laws of the Corporation.
 - i. the Committee reserves the right to suspend any one or more of these By-laws at any time. This can only be accomplished by a two-thirds majority vote by the Committee.

- ii. all Committee members must abide by the Conflict of Interest Policy as per the USC Policies and Procedures.
- iii. the voting positions on the Committee shall be determined by the relevant section in the USC's Policies and Procedures.

8.02 The Chief Returning Coordinator

- (1) The CRO's duties shall be specified by the USC Policies and Procedures:
- (2) The following items will be publicised by the CRO, on behalf of the Corporation, during each election period:
 - i. call for nominations for USC elections;
 - ii. announcement of candidates for USC elections;
 - iii. announcement of the time and date for on-line balloting and,
 - iv. announcement of official results for USC elections.

8.03 The Deputy Returning Commissioner

- (1) The DRO's duties shall be specified by the USC Policies and Procedures.

9.00 THE BALLOT:

9.01 The ballot shall include the following segments:

- (1) Fall Elections: the list of constituencies being contested by Divisional candidates and the slate of candidates in each constituency;
- (2) Spring Elections: the slate of Presidential candidates, as well as a list of constituencies being contested by Divisional candidates and the slate of candidates in each constituency; and,
- (3) Any Election: referendum/plebiscite question(s), if applicable.

9.02 A hyperlink to the voter sign-in page shall be placed in a prominent location on the USC Homepage and USC Elections page during the balloting period.

9.03 The following criteria must be met when developing the layout of the ballot:

- (1) The name of the candidates for a constituency shall be listed in alphabetical order, by last name;
- (2) Only the legal names of candidates, or reasonable derivations thereof, shall appear on the ballot, as approved by the CRO.

9.04 The layout of the ballot shall be inspected by the LAO prior to balloting, to ensure that it conforms with the criteria set out herein.

9.05 All candidates will have an opportunity to review the ballot not less than seventy-two (72) hours before balloting.

9.06 Any candidate who, after inspecting the ballot, has concerns about the layout of the ballot, may address those concerns in writing to the CRO for consideration by the Committee.

- (1) The Committee shall respond to any concerns within twenty-four (24) hours of the submission; and,
- (2) Any appeals of a decision made by the Committee with respect to a submission made under paragraph (a) must be submitted in writing to the LAO not less than twenty-four (24) hours before balloting begins.

10.00 VOTER IDENTIFICATION:

10.01 In order to be entitled to vote, each student must log online with a Student Identification Number (SID) and Personal Identification Number (PIN). The President and Vice Presidents of the Corporation's SID and PIN shall be added to the database for all elections.

11.00 RULES FOR ELECTIONS, PLEBISCITES AND REFERENDA

11.01 Campaigning

- (1) All forms of advertising through any campus media, the distribution and/or posting of any material designed and/or likely to influence voters, speeches, shall not take place prior to the campaign period;
- (2) Candidates for Divisional and Presidential Elections may, once duly nominated, meet with members of the executive body, or equivalent representative of USC or University recognized organizations on a consultative basis to develop a platform of ideas for the campaign

- period. Candidates may not address Executive or General meetings of USC or University recognized organizations prior to the start of campaigning, and must schedule meetings with executive members on their own initiative. The candidate may not solicit votes or support during consultative meetings.
- i. Any student may meet with any voting member of Council at any time to discuss issues reasonably connected to an office that they intend to, or are considering seeking.
 - (3) The foregoing shall not impede any officer or member of the Corporation from carrying out all duties reasonably incident to her portfolio;
 - (4) Campaigning must cease by 11:59 pm before the first day of balloting subject to the following:
 - i. Candidate websites and online campaigning may remain online;
 - ii. Candidates may campaign by email and electronic messaging;
 - iii. Candidates may campaign in the UCC Atrium, subject to specific rules set out in this By-Law and by the CRO.
 - (5) Candidates shall be responsible for the actions, and violations stemming from such actions, of any non-arm's-length party, however occurring;
 - (6) Candidates shall campaign in accordance with the rules of fair play. Breaking the rules of fair play include, but are not limited to, breaching generally accepted community standards, libel, slander, general sabotage of the campaigns of other candidates, and misrepresentation of fact;
 - (7) It is the responsibility of the Candidate to ensure that all campaign plans, materials and/or advertisements, conform with all policies and regulations of the USC and the University, and with all municipal, provincial and federal laws. Campaign displays and the distribution of literature on campus are also subject to the approval of the Physical Plant and/or the Reservations Office;
 - (8)
 - i. All campaign materials and posters to be printed commercially shall be printed at Inprint, unless the printing required is unavailable, or a reasonably comparable replacement is unavailable at Inprint.

- ii. Where Inprint services are priced significantly above Fair Market Value, the candidate shall be reimbursed for the cost of printing services charged by Inprint. The amount charged to the candidates campaign expenditures shall be Fair Market Value.
- (9) Candidates may campaign and distribute campaign material at their own discretion, subject to this By-Law. Candidates that receive the prior approval from the CRO for campaign materials shall not be found in violation of this By-Law, but may nonetheless be prohibited from distributing certain materials at the discretion of the Committee.
- (10) All emails sent for the purpose of campaigning to a managed list of more than one person must be approved in advance by the list administrator. A copy of the email and a statement from the list administrator who authorized the email must be sent to the CRO within one hour of the message's distribution.
- (11) Restrictions regulating campaigning that are unique to:
- v. the University's Affiliated Colleges,
 - vi. student residences, and,
 - vii. any building on campus,
- must be strictly adhered to. It is the responsibility of the candidates to familiarize themselves with the different rules which may govern each of the aforementioned entities;
- (12) Campaign signs may NOT:
- i. overlap or be attached to a campaign sign already affixed to something,
 - ii. be posted on the outside of any building on campus or on windows in any such building, regardless of the way the sign is facing,
 - iii. be posted in classrooms or seminar rooms, and,
 - iv. be removed from any posted location, legal or illegal, without the authorization of the CRO, except a candidate's own sign removed by that candidate;

- (13) Areas designated for campaigning will be determined and disclosed by the CRO at the All-Candidates Meetings, subject to the following restrictions:
- i. no campaigning of any form is permitted in the USC office,
 - ii. the use of campaign materials or campaigning within a classroom is forbidden, without the expressed permission of its presiding faculty member(s). To campaign in a classroom, a candidate must obtain consent from the professor/lecturer before the start of class.
- (14) All candidates shall be responsible for the removal of all posters and other materials, within the control of the candidate, within forty-eight (48) hours following the close of balloting. Items beyond the control of the candidate are limited to distributed materials and the actions of any arm's-length party.
- i. Posters and other campaign materials shall not be within a direct line of sight of a Designated Polling Station during the balloting period, and may be removed at the discretion of the CRO.
 - ii. A candidate will forfeit her bond if all campaign materials and posters that are within the control of the candidate are not removed within the forty-eight (48) hours following the close of balloting.
 - iii. Where the cost of cleanup incurred as a result of an infraction is greater than the candidates bond, the Committee may withhold campaign reimbursements until the candidate removes the offending materials.
- (15) Candidates are not entitled to use in their campaign, any service or tangible benefit conferred onto them by virtue of their holding any position in any organization on campus. This includes, but is not limited to, office supplies, equipment, advertising space and, secretarial services;
- (16) In determining a candidate's campaign expenditure, the Committee reserves the right to include the fair market value (FMV) of any materials or advertisements which endorses or supports a candidate, as per Section 11.02(5). This may, at the discretion of the Committee, include situations whereby a non-arms length party producing the material or advertisement does so without the consent of the candidate.

(17) Where a candidate purchases goods or services at a discounted price, or receives them as a donation, the FMV of the purchase will be included in determining a candidate's campaign expenditure, as per Section 11.02(5).

(18) Candidates may not, through any means, electronic or otherwise, influence, appear to influence or attempt to influence a voter while she is in the process of voting.

11.02 Campaign Expenditures

1. The spending limit for Presidential and Divisional Elections shall be \$0.05 per voter, subject to the following limitations:
 - i. The maximum spending limit for Divisional Elections shall be \$150.
 - ii. The minimum spending limit for Divisional Elections shall be \$50.
 - iii. Notwithstanding s. 11.02 (1) i. the spending limit for Faculty Presidents Elections shall be increased by \$25.00 above what other Divisional candidates for that faculty may spend.
2. The CRO shall make available the spending limit for each candidate no later than September 15th.
3. The spending limit for Vice Presidential Elections shall be \$150.
4. All candidates shall submit to the CRO original receipts of all expenditures, a statement indicating the FMV of an expenditure for which no receipt is available or a signed statement to the effect that no campaign expenses were incurred by 12 noon on the last day of campaigning. The CRO may, at any time, request from any candidate, original receipts prior to this date;
5. Only campaign expenses with valid, verifiable and corresponding receipts will be eligible for reimbursement. Any item deemed not to be an appropriate campaign expense may be excluded from reimbursement by the Committee or the USC's Controller.
6. All Presidential candidates shall submit a interim calculation of all expenses to the CRO, by a date to be determined by the CRO;

7. The calculation of a candidate's spending shall be made according to the fair market value of all purchases, services, donations, and items, which are deemed by the Committee to be used for the purposes of the campaign.
 - a. Fair Market Value (FMV) of a product or service shall be the lowest price, without special concessions or discounts that is available in London for that product or service, to all persons who approach a person or company that sells, or deals in, that product or service, and,
 - b. the Committee shall contact three (3) major suppliers in the London area and shall adopt the lowest price as the FMV. Such FMV may be rebutted by the candidate if the Candidate is able to produce/submit receipts from London area merchants which evidence a lower FMV than that obtained by the Committee;

8. The Corporation shall reimburse Presidential, Vice Presidential and Divisional candidates for campaign expenses incurred according to the following formulas.
 - a. the Corporation shall provide full reimbursement for campaign expenses incurred by Presidential candidates who receive at least 10% of the total number of valid votes cast in the Presidential election,
 - b. the Corporation shall provide full reimbursement for campaign expenses incurred by Vice Presidential candidates who receive at least 10% of the total number of valid votes cast in the Vice Presidential election,
 - c. the Corporation shall provide full reimbursement for campaign expenses incurred by Divisional candidates according to the following formula:
 - i. $(\text{total votes cast} \div \text{positions available}) \times 10\% < \# \text{ of votes received}$
 - ii. (e.g. if 1000 votes were cast, and there were 10 councillor positions available, a full reimbursement would be provided where the candidate received more than 10 votes)
 - iii. The following Divisional candidates will not be reimbursed for their campaign expenses:

- (a) Senate and Board of Governors candidates; and
 - (b) Candidates in elections administered by their Faculty.
- iv. the Corporation shall provide partial reimbursement for campaign expenses incurred by Presidential candidates who receive less than 10% of the total number of valid votes cast in the Presidential election. The amount of the reimbursement shall be determined by the following formula:
 - v. $(\% \text{ of total votes received by candidate}) \times (10\%) = \% \text{ of campaign expenses reimbursed}$
 - vi. (e.g. - if a candidate received 4% of the votes, the calculation would be: $4 \times 5 = 20\%$);
 - vii. the CRO and the Committee shall have the authority to disallow any campaign expenses, and to decide whether an expenditure shall be included as a campaign expense; and,
- d. A Presidential Candidate disqualified prior to the election shall be reimbursed 10% of the Candidate's campaign expenditures or 10% of the maximum spending limit as set by the Committee, whichever is less. This shall be subject to any fines issued and/or outstanding loans.

11.03 Campaign Loans

- (1) A Presidential candidate may obtain an interest-free loan for the amount of the bond plus the spending limit established pursuant to Section 11(2)(a), by applying to the USC Comptroller.
- i. any loans granted pursuant to this section must be repaid, subject to any amount reimbursed and fines owed, within 30 business days from the close of balloting, and,
 - ii. any loan which is not repaid within this time period will be pursued legally and will be subject to an interest rate as provided for in the Courts of Justice Act, RSO 1990;

11.04 Violation of Campaign Rules

- (1) The Committee shall have the sole authority to enforce the provisions of this By-Law and no candidate may attempt to enforce the provisions of this By-Law;
- (2) Allegations of violation of this By-law shall be submitted in writing to the Committee who shall decide on the charge;
- (3) The Committee may lay charges of violations of campaign rules on its own initiative;
- (4) Any charge of a violation must be given in writing within five (5) days of the close of balloting to the CRO;
- (5) The Committee shall meet from time to time, at the call of the CRO, to discuss any charges of violations to this By-Law, and decide on the appropriate action to be taken, with such meeting being subject to the following:
 - i. for a decision of the Committee to be valid, the majority of the voting members of the Committee must be present at the said meeting; and,
 - ii. the CRO shall invite the candidate to the meeting where the alleged violation will be addressed, at least eighteen (18) hours in advance. At the time notice is given, the candidate shall be informed of the nature of the complaint and all relevant facts surrounding the alleged violation.. The candidate may attend the meeting and present her case.
 - iii. a written report of the minutes of the said meeting will be made available to the public on written request within a forty-eight (48) hour period;
- (6) It will be the responsibility of the candidate to ascertain his/her position on a daily basis with respect to decisions made by the Committee regarding alleged violations committed by the candidate;
- (7) The Committee, where it finds there has been a violation of this By-Law, must make available for publication the details of the violation;
- (8) The Committee, where it finds there has been a violation, may:
 - i. assign a demerit point penalty and resulting fine against a candidate or a group representing a side;

- ii. assign multiple penalties where the violation encompasses more than one offence;
- iii. disqualify a candidate from the election automatically or by accumulation of demerit points;
- iv. reduce or eliminate a candidate's or referendum/plebiscite group's reimbursement;
- v. declare that an election in a particular USC constituency or the election of a specific candidate be ruled void; and/or
- vi. declare a referendum or plebiscite to be void;

(9) The Committee, where it finds that there has been a violation, must communicate to the candidate the reasons for the decision within 48 hours after any penalties take effect. An instance of a failure of the Committee to communicate these reasons does not invalidate or otherwise affect the status of the penalties.

(10) Demerit points as outlined in subsection (8)(i) above shall be assigned for one or more of the following types of infractions on the following basis, except where the Committee decides that there are mitigating circumstances which warrant the reduction of the amount of demerit point assigned:

i. Campaign Materials:

Displayed in an unauthorised area (per piece of material	1*
Unintentional Misrepresentation of Facts	3
Pre/Post Campaign Materials	6**

* Up to a maximum of ten points per location

** The first poster will receive six (6) demerit points, and each additional poster shall receive one (1) point

ii. Campaigning

Unintentional Misrepresentation of Facts	3
Failure to submit campaign receipts (or signed statement of having no expenses)	4*
Multiple violations in same location	4
Same violation in multiple locations	4
Improper distribution of campaign materials	8
Multiple violations in different locations	8
Campaigning in unauthorised area	10
Pre/Post Campaigning	10
Breaking any municipal, provincial or federal law while campaigning	**

* If the Committee has reason to believe that the said candidate has exceeded her campaign spending limit, discretion shall lie with the Committee to disqualify the candidate, or attach sufficient demerit points as found reasonable, considering all surrounding circumstances.

** The Committee reserves the right to assign a demerit point penalty of an amount determined at its discretion, including a sufficient amount to disqualify a candidate, to any candidate who has committed this offence.

iii. Fair Play

Unsanctioned use of USC resources	15
Gross Misrepresentation of facts	15
Abuse of position or status	15
Failure to Comply with the Spirit and Purpose of the Elections	20*

* The Committee reserves the right to assign a demerit point penalty of an amount determined at their discretion, not to exceed 20 points, to any candidate who has failed to comply with the spirit and purpose of this By-Law. Demerit points of this nature may be levied in addition to another explicitly listed offence.

(11) In addition to demerit points, candidates will be levied a monetary fine on a per demerit point basis as follows:

USC President	\$6 per point
USC Vice President	\$4 per point
All Other USC Candidates	\$2 per point
Board of Governors	\$4 per point
Senator At Large	\$4 per point
All Other Senators	\$2 per point;

(12) Violations of the following nature will result in automatic disqualification of a candidate:

- i. anyone improperly declared an eligible candidate,
- ii. intentional misrepresentation of campaign expenditures,
- iii. a candidate accruing greater than 100% her allowable demerit point limit as follows:

USC President	30 points
USC Vice President	25 points
All Other USC Candidates	20 points
Board of Governors	25,points
Senator At Large	25 points
All Other Senators	20 points,

- iv. any attempted interference in the election process as regulated by this By-Law,
- v. solicitation of PIN numbers,
- vi. action or conduct which represents a flagrant undermining of the purpose and effect of the electoral process set up under this By-Law, and,

(13) All candidates must pay all fines levied by the Committee within seven (7) days of receiving notification of the fine from the Committee. If the Committee’s decision is under appeal, candidates need not pay until seven (7) days after receiving notification of the USC Board of Directors’ decision. If the winning candidate in any election does not comply with this provision, she will be disqualified automatically; and,

(14) If a winning candidate in any election is disqualified, the candidate who received the greatest amount of votes and who has not been disqualified shall be deemed the winner.

12.00 INTERFERENCE BY OUTSIDE PARTIES

(1) No USC recognized organization or organization executive member shall act as an arms-length or non-arms-length party in order to engage in conduct that violates this By-law or brings the elections into disrepute.

(2) Where a USC recognized organization or organization executive member has been alleged to have violated By-Law 2:

- (i) The Committee shall send a summary of the alleged violations to the organization e-mail address on file with the USC, including information about any subsequent action that may be taken under this By-Law and any relevant times or dates.
 - (ii) The organization shall have a reasonable period of time to send a response to the Legal Affairs Officer, having regard to the timing and nature of the alleged violation.
 - (iii) The Committee shall hold a hearing to determine if the organization has violated By-Law 2 and may impose sanctions or prohibitions on the club at the Committee's discretion that shall last for the remainder of the campaign and balloting period.
 - (iv) Upon the announcement of the electoral results, the sanctions shall be suspended and the matter shall be referred to the Clubs Policy Committee for further measures at their discretion, where the organization is a club.
- (3) Notwithstanding provisions dealing with candidates, non-arms-length parties, and clubs, no student may engage in actions that are likely to bring the electoral process into disrepute. Where such an action takes place, the following procedure shall be followed:
- a. Any student alleged to be violating this by-law by the Committee shall be notified via their UWO e-mail address, including information about any subsequent action that may be taken under this By-Law and any relevant times or dates.
 - b. The student shall be given the opportunity to respond with a written statement to the Committee within a reasonable period of time.
 - c. Where the Committee finds a violation has occurred, the Committee may refer the matter to an outside person or body with recommendations, including, but not limited to, the Vice Provost, Student Services regarding the Code of Student Conduct, University Police and Information and Technology Services.

12.00 ELECTION RESULTS:

- 12.01** In each constituency the candidate with the most number of votes shall be declared the winner.

12.02 In the event of a tie, the winner shall be decided by a coin toss initiated by the CRO.

12.03 Election results for a constituency will be valid only if at least half of the votes cast are valid votes.

12.04 In the event of an invalid election, the Committee shall convene and recommend a course of action to Council.

13.00 APPEALS OF COMMITTEE DECISIONS OR ELECTION RESULTS:

13.01 Appeals of Committee Decisions

(1) Appeals regarding decisions made and/or sanctions levied by the Committee shall be made in writing to the LAO within (2) days of the candidate being informed of the decision;

(2) A candidate is deemed to be informed of a Committee decision six (6) hours after the decision is posted on the designated elections space in the USC office. All decisions shall indicate the time posted;

(3) Appeals from a Committee decision shall be heard by the USC Board of Directors. The Board shall assemble and hear the case forthwith to respect the fact that time is of the essence;

(4) The Board of Directors, acting as the appellate body, may conduct appeals from decisions of the Committee on an inquisitorial or adversarial basis, at its discretion. The Board may accept written and oral submissions from the LAO, the CRO or her agent, the candidate in question or the said candidate's agent, and any person who the Board believes may provide relevant information; and,

(5) The Board of Directors shall, within twenty-four (24) hours of hearing the appeal, submit to the LAO its written (consensus) decision.

(6) The decision of the Board shall be final, subject to the following:

- i. Where the Board upholds the decision of the Elections Committee to disqualify a candidate for the Board of Governors or Senate, the candidate may submit a written request for further appeal to the Secretary of the University

13.02 Appeals of Election Results

- (1) Any candidate may challenge the validity of her election result in a written submission containing her reasons to the LAO no sooner than two (2) days and no later than five (5) days after the close of balloting;
- (2) Written submissions appealing election results shall contain the appellant's name, student number, telephone number and address, as well as a detailed explanation of the reason(s) for challenging the results; and,
- (3) The Committee shall investigate any appeal and decide on the appropriate action.

PART B: REFERENDA AND PLEBISCITES

1.00 GENERAL:

- 1.01** Without limiting any section of By-Law Number 2, Part A, this Part covers any referendums or plebiscite conducted by the USC.
- 1.02** The administration of this Part, unless otherwise stated, is vested with the CRO.
- 1.03** The results of any referendum shall be binding on the USC unless the results affect the Letters Patent or the Articles of Incorporation of the USC or unless, by implementing the directive of the referendum, the Board of Directors would be breaching its fiduciary obligations to the corporation.
- 1.04** The results of a plebiscite shall not be binding.
- 1.05** Any referendum or plebiscite requiring a motion of Council must be posted as required by By-Law #1. The CRO shall advertise meetings of Council, in which motions and writs to hold referenda or plebiscites will be put forward, in *The Gazette* at least forty-eight (48) hours prior to such a Council meeting.
- 1.06** For the purposes of this part, the number of students in the student body shall be the number of full-time equivalent students registered at the University during the previous academic year.
- 1.07** The results of any referendum shall be binding only if a minimum of 20% of the student body vote in the referendum.
- 1.08** A referendum may be initiated either by Council or by students at large.
- 1.09** A plebiscite may be initiated either by Council or by students at large.

2.00 STUDENT INITIATED REFERENDUM:

- 2.01** Any student may present a petition to the CRO requesting that a referendum be held on any matter.
- 2.02** Any petition requesting a student-initiated referendum must be submitted to the CRO no later than seven (7) days before the last Council meeting prior to the commencement of the campaign period for the election.

- 2.03** A petition is only valid if it contains the following:
- (1) The names, student numbers and signatures of at least 10% of the student body when a request is being made for a referendum on any issue; and,
 - (2) A clear indication of the issue on which the requested referendum is to be held.
- 2.04** The CRO shall check the validity of each name on the petition. If greater than 10% of the names are invalid, the petition shall be deemed invalid.
- 2.05** Any petition which contains any material misstatements of fact or material misrepresentations shall be deemed to be invalid.
- 2.06** For a petition to contain a clear indication of the issue, it must include at least the following:
- (1) The amount of any fee which will be levied upon students directly for the purpose of implementing the proposal; and,
 - (2) A statement summarising the question which will be decided by the referendum.
- 2.07** For the purposes of this Section:
- (1) A policy issue is deemed to be any issue or proposal which is not likely to have any direct financial or legal implications on the USC;
 - (2) The Board of Directors, in consultation with any relevant individuals and/or committees, shall determine whether an issue is one which is likely to have direct financial or legal implications on the USC; and,
 - (3) An issue shall be deemed to have a direct financial implication on the USC if it will result in the imposition of any fee on students.
- 2.08** Any student may submit a petition to the LAO for review before seeking support for the petition from the student body. Any petition which is reviewed and endorsed by the LAO shall be deemed to contain a clear indication of the issue and not to contain any material misstatements of fact or material misrepresentations.
- 2.09** The Committee shall assess the validity of all petitions and shall notify the student submitting the petition if it is found to be invalid.

2.10 The Committee shall be responsible for developing an objective referendum question.

(1) A valid petition requesting that a referendum be held on a policy issue shall automatically result in the initiation of a referendum and shall not require the approval of Council; and,

(2) A valid petition requesting that a referendum be held on an issue or proposal which is likely to have direct legal or financial implications on the USC must be approved by Council before a referendum may be initiated. A simple majority vote of Council will be required to prevent the referendum as requested from being placed on the ballot.

2.11 If a petition is found to be valid, a writ of referendum shall be drafted by the CRO in consultation with the Committee, which shall include the following:

(1) The particulars of the petition, including the name of the petitioner and the number of student signatures on the petition;

(2) The Board's decision about the financial and legal implications of the proposal, with a brief summary of the reasons for that decision;

(3) The proposed referendum question; and,

(4) A budget outlining the projected cost of holding the referendum.

2.12 The CRO shall present to Council:

i. The writ; and,

ii. Either:

i. a motion to place the referendum question on the ballot, if the proposal is likely to have direct legal or financial implications on the USC, or

ii. the referendum question, if the proposal is on a policy issue.

3.00 COUNCIL INITIATED REFERENDUM:

3.01 Council may initiate a referendum on any issue through a motion of Council, duly passed by a simple majority vote of those present and voting.

4.00 STUDENT INITIATED PLEBISCITE:

4.01 A student initiated plebiscite is subject to the same rules and procedures as a student-initiated referendum, with the only exception being as follows:

- (1) The names, student numbers and signatures of at least 5% of the student body are required when a request is being made for a plebiscite on any issue.

5.00 COUNCIL INITIATED PLEBISCITE:

5.01 Council may initiate a plebiscite on any issue through a motion of Council, duly passed by a simple majority of those present and voting.

6.00 REGISTERED INTERESTED PARTY:

6.01 Registered interested parties are entitled to campaign on behalf of any side in any referendum or plebiscite. More than one registered interested party may represent each official side.

6.02 (1) Any group may request recognition as a registered interested party provided that the following conditions are met:

- i. They are a student group, or party approved by the Committee, external to the USC that has been in existence for at least six (6) months prior to the writ, including, but not limited to the following: clubs, Faculty Councils, Affiliated Colleges and Residence Councils; or,
- ii. If a student group or party approved by the Committee, as described in paragraph (i), does not register, then a group of students may register.

6.03 When applying to be a registered interested party, a group must prepare a written submission indicating how they will be directly affected by the result of the referendum or plebiscite.

6.04 All applications for status as a registered interested party must be submitted to the CRO within seven (7) days of the passing by Council of the motion or writ of referendum or plebiscite.

6.05 The Committee will decide on the merit of an application for status as a Registered Interested Party with such decision being subject to appeal to the Board of Directors and finally to Council.

6.06 All registered interested parties must name an official spokesperson and this name must be handed into the CRO with the request.

6.07 Where there is only one registered interested party, it will constitute the only official side.

6.08 All registered interested parties, including the USC, when applicable, are deemed to be candidates, and are bound by the campaign rules in Part A, as well as by the rules and procedures governing referendums and plebiscites, when representing their side of the issue.

6.09 Registered interested parties will not be permitted if Council opts to run an information-based campaign.

7.00 USC-SPONSORED SIDE:

7.01 Where the USC has an interest in the outcome of a referendum or plebiscite, or where it is felt that a side of an issue is not being adequately represented by a registered interested party, the Board of Directors has the option of campaigning or appointing someone to campaign on behalf of a particular side.

8.00 INFORMATION-BASED CAMPAIGN:

8.01 Where the USC has no interest in the outcome of a referendum or plebiscite, but where said Council supports the provision of information to the electorate, the USC, by a simple majority vote of Council, may provide financing for an information-based campaign in accordance with the financing rules prescribed in Part B, Section 9.00.

(1) If a referendum or plebiscite is student-initiated, then Council may only choose to run an information-based campaign if the petitioning student group or group of students does not wish to be a registered interested party.

(2) If a referendum or plebiscite is Council-initiated, then Council may choose to run an information-based campaign.

(3) If Council chooses not to run an information-based campaign, then any student group or group of students may apply to be a registered interested party.

9.00 FINANCES:

- 9.01** Registered interested parties may apply to the Committee for the funding available for their official side.
- 9.02** Each official side shall be entitled to funding up to 100% of the Presidential limit as established, unless there is only one official side in which case the spending shall be at 50% of the Presidential limit.
- 9.03** Registered interested parties shall be entitled to spend the equivalent of 20% of the official side's allowable limit on non-campaign expenditures where non-campaign expenditures shall include, but not be limited to, the following:
- (2) Research material; and,
 - (3) Administrative costs.
- 9.04** If any registered interested party overspends their allowable limit, the surplus shall be applied to the official side's spending in addition to an automatic fine of 100% of the surplus.
- 9.05** All official sides and registered interested parties shall present a full financial statement to the CRO by 12:00 noon on the last day of campaigning.
- 9.06** Each official side shall be subject to all fiscal regulations as established for Presidential candidates.
- 9.07** Each official side will give the USC a three hundred dollar (\$300.00) bond to be used for election fines.
- 9.08** Interested parties are not eligible for any USC loans for either bonds or expenses.
- 9.09** Any infractions of this By-Law committed by a registered interested party may result in one, more than one, or all of the following:
- (1) A fine;
 - (2) Prohibition from any further activity in the campaign;
 - (3) A disqualification of the official side; or,

(4) A voiding of the result of the referendum or plebiscite.

10.00 APPEALS OF PLEBISCITE OR REFERENDUM RESULTS:

10.01 Any student may challenge the validity of any referendum or plebiscite results. All appeals must be done in a written submission that:

(1) Is presented to the Committee no sooner than two (2) days and no later than five (5) days after the close of balloting; and,

(2) Contains the appellant's name, student number, telephone number and address, as well as a detailed explanation of the reason(s) for challenging the results.

10.02 The Committee shall investigate the appeal within fourteen (14) days, and decide on the appropriate action.

10.03 All voting data collected shall be destroyed not less than thirty (30) days after the close of balloting.