April 6, 2023

Capilano Students' Union
Board of Directors
Maple 121 – 2055 Purcell Way
North Vancouver, BC V7J 3H5

Sent by email to cgirodat@csu.bc.ca

Dear Members of the Board:

Capilano Students' Union 2023 Elections Administrator – Final Report

This report provides an overview and assessment of the electoral processes in the 2023 CSU General Election and offers recommendations for future elections.

Turnout was 15.2%, compared to 12.3% in 2022, 5.7% in 2021, and 9.3% in 2020. A record 39 candidates contested these elections, with most major positions (President and VPs) being contested by multiple candidates. These high participation rates are strongly positive signs about student interest in the CSU and ones that the CSU should work to build on.

The major flaw in these elections, as in the 2022 elections, was the proliferation of complaints, generally by candidates against other candidates. Some of these complaints involved serious allegations of misconduct, including intimidation and threats. These complaints and their implications are discussed more fully below.

Some parts of this election (nomination signatures and candidate briefings) took place in person, while others happened on-line (candidate forums, voting and tabulation of results). This mixed approach worked well, with the exception of the information booths, which are discussed below.

Rules and procedures

The key documents in the legal framework for CSU Board elections are *CSU Policy BD06: Elections* and *CSU Procedure BD06.1: Elections*. There are also some provisions relating to elections in the CSU Procedures Manual, however, some of these seem outdated or do not work well with the scheme set out in the Policy and Procedures. If possible, the CSU Procedures Manual should be updated to avoid any confusion.

Nominations

In 2023, 39 candidates fulfilled the nomination requirements (with 1 withdrawal), which well above the level in recent years and a new record. This level of interest in the CSU governance is encouraging.

The nominations process proceeded smoothly. However, owing to snowstorm that closed the campus in the last days of the nomination period, I extended the nomination period by one day.

In keeping with practice in past elections, I accepted images of signatures in support of two nominations. Given the potential for abuse, however, the use of this practice should be monitored to ensure that it remains exceptional and is not abused. If the use of such signatures creates problems or starts to displace the use of traditional signatures, consideration should be given to requiring original signatures.

Two students attempted to submit nominates shortly after the extended deadline but I did not accept their nominations. In my view, it is important to enforce that deadline strictly since experience shows that many candidates wait until the last minute to submit their documents. If the deadline becomes flexible, I would expect large numbers of late candidates, which would make it difficult to stick to the rest of the electoral calendar.

Candidate Orientation

The Candidate Orientation meeting was an important opportunity for candidates to learn about, or in the case of incumbents, refresh, their knowledge of the rules governing the election. This year, the orientation included increased emphasis on the need to follow the rules and the potential punishments for failing to do so. I think this approach should continue in future, with particular emphasis being placed on types of conduct that we know are problematic, including aggressive and inappropriate campaign behaviour. To emphasise the importance of the meeting, I required in-person rather than remote attendance. While this may have been an inconvenience for some candidates, I think the impact of the meeting was increased by it being in-person.

A few candidates were unable to attend the primary orientation meeting, which required make-up meetings. All candidates eventually received the orientation briefing.

Voter Information

CSU provided information for electors about the election and how to vote through email blasts. Active campaigning by candidates also likely helped to raise awareness. Although turnout in this election (15.2%) was high by recent standards, CSU should continue to explore ways to raise awareness and increase turnout through creative outreach to electors. This might include more frequent email messages, as well as messages targeted towards sub-groups of electors (women voters, disabled, foreign students) that explain why the election matters to them.

As in past years, the Election Administrator established information booths for electors at both the North Vancouver and Sunshine Coast campuses. The booth was hosted by a person familiar with the electoral rules and procedures who was available to answer election related questions. The booths also had printed candidate statements and information guides for distribution.

We asked the staff at these booths to track the number of visitors and their "reasons for visit." The Sunshine Coast campus operated for one day (03/15) and had four visitors. The North Vancouver CSU students' lounge hosted an information booth for three days (03/14, 03/15 and 03/16) and attracted 14 student visits. The most common reason for visiting the booth was for candidate information. The second more common reason for visiting was answering questions about elections procedures (when to vote, how to vote, etc.)

The low level of interaction at the information booths raises the question of whether it makes sense to continue them. The labour cost for the information booth workers was $866. With only 18 student interactions, the cost for each visit was $48.

Taking into account the above, the election booths do not seem to be a very effective – or cost effective – way of disseminating election information or encouraging people to participate.

As an alternative, CSU might consider using large format signage with QR codes that link to election information on the CSU website. Stepped up social media campaigns and email blasts might also yield better results. Eliminating the information booths would, however, require an amendment to the Election Procedures, which currently require them.

All Candidates Forum

In 2023, the All-Candidates Forums were again hosted by representatives of the Capilano Courier. This year, a new forum was used, whereby candidates were interviewed sequentially rather than debate style. This allowed content to be posted online with links to comments by each candidate, which made it easier for interested electors to learn about individual candidates. The videos of the forums, which were posted on Youtube, had 438 views, compared to roughly 100 last year.

Polling and Tabulation

The polling process was held entirely online over 3 days, starting at 9 am on March 14th and ending at 5 pm on March 16th. In at least one case, an elector reported having difficulty casting a ballot because of an error message. SimplyVoting said that the elector likely had multiple versions of the ballot open simultaneously on different windows or tabs on their computer. While the voter in question doubted that that was the explanation, they were able to vote when they tried again.

Counting and tabulation was automatic and preliminary results were announced shortly after the close of polling. None of the candidates expressed concern about the counting or tabulation.

In 2021, procedures were changed to allow for members to change votes as many times as they want before the end of polling. While this system has advantages, it does mean that candidates will want to convince voters to change their vote, which may encourage overly aggressive campaigning of the kind discussed in the section below dealing with complaints. The election administrator and the CSU community at large should continue to be vigilant against this risk.

Ballot

The ballot created on the Simply Voting system was well laid out and easy to understand. Many races had enough candidates that the ranking feature of the STV system came into play and there is no indication that voters were unable to understand or use the ranking system. The referendum question was well worded and offered voters a clear choice between two well defined options.

Complaints and Appeals

As in 2022, these elections gave rise to many complaints and appeals. Almost all of them were complaints by candidates about other candidates and most did not provide solid evidence of the conduct in question, which generally led to follow up investigations by the Election Administrator.

The majority of complaints were dismissed, mostly because complainants were unable to provide supporting evidence. Of the complaints that were upheld, the most significant was a complaint against a candidate for pressuring electors to vote in front of him, in consequence of which the candidate was disqualified (See Decision 2023/11).

As the Election Administrator pointed out after the 2022 elections, investigating and deciding on these complaints is a difficult and time-consuming business. Given the resources available for investigation, and the desire of many complainants to maintain their anonymity, the end results are far from perfect. A dispute resolution process is clearly needed, especially given the pattern of misconduct that has been established over the past two election cycles. However, the current is not system is not well adapted to elections is which candidate misconduct is widespread.

In the short term, the system could be made more effective by:

1. Empowering the Election Administrator to impose sanctions such as disqualification and limitations on campaigning, in future elections. The current rules allow the Administrator to disqualify or place limitations on the ability of violators to campaign only for the current election. This means that the election administrator has limited ability to impose meaningful sanctions in cases filed close to or after the close of the polls, especially for candidates who are not elected.

2. Creating an offence for pressuring a candidate or voter not to file a complaint. In this election, one candidate alleged that another had pressured them not to file a complaint. However, pressuring someone not file a complaint is not mentioned as an offence in the current rules.

3. Rewording the sections governing "minor" and "serious" offences to make it clear that impact on the elections is not necessary for an offence to be treated as serious. Even the most serious offences (threats, proxy voting) will not necessarily affect the outcome of the election. The current wording is ambiguous on this point.

4. Empowering the Election Administrator to delegate some investigatory functions to CSU staff. While some matters, such as interacting with witnesses and corresponding with complainants and respondents, should be handled by the Election Administrator, some steps in the investigation, such as checking compliance with poster placement rules, could be carried out by CSU staff.

While the above noted changes can improve the process, in the longer term, CSU should prioritize fostering a culture of ethical campaigning and respect for the rules among candidates and electors alike. Steps that the CSU might take in this regard include a pre-election public awareness campaign and requiring candidates to sign more detailed pledges to avoid certain problematic behaviour.

Expense Statements

The filing of expense reports and the submission of supporting receipts are important requirements that help to bring transparency to the elections and ensure a level playing field between candidates. However, a several candidates failed to submit the report and receipts by the deadline and had to be reminded to submit. At the time of writing, some of them still have failed to do so. It is possible that some of these candidates will ultimately be disqualified. However, since none of them were elected, disqualification is not a particularly effective sanction. As mentioned above under "Complaints", some mechanism for sanctioning candidates in future elections would be helpful in such situations.
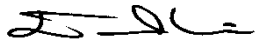
Two candidates exceeded the spending limit by a small amount. Since the sections dealing with expense reports are not very well developed, I will issue a warning to these candidates. However, the rules should be amended to make it clear that exceeding the spending limit, even by a small amount, is a violation of the rules that can result in disqualification.

In two cases, candidates lost their receipts, and I accepted a note to that effect in satisfaction of the reporting requirement. However, I recommend that CSU not reimburse costs in such cases so that candidates have an incentive to be careful with their receipts.

I would like to thank CSU for giving me the opportunity to administer this election and offer congratulations to the winning candidates and the whole CSU community for a successful election.

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David Ennis   Signature: _____

Capilano Students' Union

Elections   Administrator

Date: April 6, 2023