

## **Bylaw 1000 - BUSU Annual Election & Referenda**

1. BUSU shall hold an annual general election, on a schedule set out in the bylaws, whereby the Members of the Union shall elect the Executive of the Union and the Community and Faculty Representatives on Council as well as vote on any referenda deemed valid by the Returning Officer.
2. Bylaws 1000 through 1080 apply to all elections and referenda run either solely or jointly by BUSU.
3. The General Manager (or designate) shall be the BUSU Elections Staff Liaison for the duration of the election and referenda, and shall be responsible for providing the Returning Officer with logistical and other support from the Union.
4. The following definitions apply to the Election By-laws, unless specifically excluded:
  - a. "banner" is any sheet of paper or other material, of a total area between 1.5 square metres and 35 square metres, which is displayed as part of a campaign;
  - b. "campaign" includes any planned or organized act by or on behalf of any candidate or registered side which is calculated to gain support for the vote;
  - c. "campaign expense" means any and all expenditures by or on a candidate's or side's behalf for election advertising, equipment or other expenditures associated with the campaign;
  - d. "campaign manager" includes any Member of the Union identified by a campaign as their campaign manager for the purposes of election bylaws;
  - e. "campaign materials" includes posters, pamphlets, newspapers, ribbons, buttons, loud hailers, and banners, and such other materials as are approved by the RO.
  - f. "candidate" means any Member of the Union whose nomination is accepted under procedures established in the Election Bylaws;
  - g. "election rules" refers the Election Bylaws, as well as any other provision of the Act, Bylaws, Policies or Standing Rules of Council related to the Elections and Referenda of the Union;
  - h. "nomination day" means the final day of the period, as set out by these bylaws, that nominations for candidacy shall be accepted.
  - i. "referendum" shall mean a decision made by the Members of the Union in a balloted vote organized by the Returning Officer of the Union;
  - j. "registration day" means the final day of the period, as set out by these bylaws, that registrations for sides in referenda shall be accepted;
  - k. "scrutineer" means a volunteer who oversees part or all of either a polling booth or a vote count on behalf of a candidate, slate, or side;
  - l. "side" means any RO-recognized group of individuals representing a particular position on a referendum question.
  - m. "slate" means candidates who are members of a single campaign, each running for a different position; and
  - n. "volunteer" means any individual who engages in campaigning or scrutineering on behalf of a candidate, slate, or side.

## **Bylaw 1001 - Calling of Referenda**

1. Referenda may only be called in 3 methods:
  - a. by the receipt of a petition by the President, the Chair of Council, or the RO, as specified in Bylaw 1001(5), signed by 50 Members of the Union demanding a referendum;
  - b. upon direction from Council in the form of a motion by the Executive Committee. Such a motion shall specify the precise wording to appear on the ballot; and
  - c. by a majority of members at a General Meeting where the majority must consist of at least 50 Members of the Union
2. A petition shall contain the first and last names, signature and student ID number of each Member of the Union signing the petition.
3. The wording of the petition demanding a referendum or numerous referenda shall only have to be clear in intent; such clarity to be determined by the Chair of Council in consultation with legal counsel if necessary.

4. Upon submission of a valid petition to either the President or to the Chair of Council or to the RO, or as directed by Council on motion by the Executive Committee, the Chair of Council shall:
  - a. draft the appropriate wording for the question, with legal consultation as required; and
  - b. inform the petitioners of the wording of the question, which may then be appealed to Council on a motion by the petitioners.
5. The RO shall be responsible, in accordance with the election by-laws, for the proper advertising, as well as posting notice(s) outside the RO's office and the BUSU offices, that a referendum is to be held.
6. Valid referenda petitions must be received by the President, Chair of Council or RO prior to the last Council Meeting in January to have their referenda question included in the annual election for that year.
7. Referenda must have a majority of 50% + 1 of total votes cast to be successful.

### **Bylaw 1020 - Nominations**

1. The duties of the RO with regards to nominations and registration shall be to:
  - a. advertise for the nominations of candidates and the registration of sides prior to the nomination/registration period;
  - b. advertise in any manner the RO considers just and fair;
  - c. advertise for the forthcoming election or referenda to encourage Members of the Union to actively participate in the democratic process;
  - d. exclusively determine the manner of advertising used;
  - e. prepare a package of written information which shall be available to any Member of the Union no later than February 1, and shall include in the package:
    - i. current copies of the Bylaws, Policies, and Supplementary Rules related to Elections, Referenda, the RO, and the ERDIE Board;
    - ii. nomination forms;
    - iii. registration forms;
    - iv. a list of all nomination requirements and deadlines
    - v. any other forms required of nominees, including a signed acknowledgment and acceptance of nomination by the nominees;
    - vi. the current posted office hours and contact information of the RO;
    - vii. a detailed description of "pre-campaigning" and a list of permitted and restricted activities;
    - viii. a statement of the rules regarding keys and use of offices.

### **Nomination Schedule**

1. The nomination period for Candidates and Sides shall begin on the Monday two weeks prior to Reading Week, and shall end at 17:00 on the Friday before Reading Week (the "Nomination & Registration Day").
2. Complete nominations, containing all material required by the Bylaws and the RO, must be received by no later than 16:30 Hours on the Friday prior to Reading Week by the RO at the Office of the RO.
3. It is the sole responsibility of nominees to ensure the completeness and accuracy of their nominations. Any nomination that fails to comply with any part of the Bylaws shall be summarily rejected, although the RO can, at their discretion, allow an appropriate extension to correct any accidental or unavoidable errors or omissions in the nomination package.
4. Within 36 hours of the closing of nominations, the RO shall post both the legal names of all candidates and the names which shall appear on the ballot, and shall publish the same in the next issue of the Quill newspaper.

### **Nomination Vacancies**

5. If an open position receives no nominations by the deadline for nominations, nominations shall remain open until 16:30 on the Friday during Reading Week, and the RO shall advertise and post this information as the RO deems fair and practical.

6. If an open position receives no nominations by the extended deadline for nominations, then:
  - a. If the position is on the Executive, it shall be vacant until the process described in Bylaw 3300 can be followed.
  - b. If the position is for Community or Faculty Representative, it shall be vacant until the process described in Bylaw 3350 can be followed.

### **Nomination Requirements**

2. A person who is nominated as a candidate must:
  - a. be a Member of the Union;
  - b. be nominated under their legal name or a reasonable derivative thereof;
  - c. be a self-declared member of the community they are being nominated to represent if they are being nominated for a Community Representative position;
  - d. be registered as an international student with the University if they are being nominated for International Students' Representative;
  - e. be registered as a part-time (less than 9 credit hours per term) or as a mature student with the University if they are being nominated for Part-Time/Mature Students Commissioner;
  - f. be registered as living in one of the three Residence Halls of the University if they are being nominated for Residence Commissioner;
  - g. have provided a completed nomination package to the RO prior to the end of the nomination period, which shall include:
    - i. basic information about the candidate, including their name and contact information;
    - ii. for persons nominated for the BUSU Executive, the first and last names, signatures, faculties, and student identification numbers of at least 30 nominators who are Members of the Union;
    - iii. for persons nominated for Community Representative or Faculty Representative, the first and last names, signatures, faculties, and student identification numbers of at least 15 nominators who are Members of the Union and are members of the relevant community;
    - iv. for persons nominated for Student Senators, Knowles-Douglas Commission Board, SUDS Board and the Quill Board, the first and last names, signatures, faculties, years, and student identification numbers of at least 15 nominators who are Members of the Union.
    - v. a signed acknowledgment of acceptance of the nomination by each nominee;
    - vi. a signed document indicating the name which each candidate wishes to appear on the ballot, and an indication of whether he or she considers this name to be a reasonable derivative of his or her legal name.

### **Slates**

1. No candidate may simultaneously run as part of more than 1 slate.
2. Slate names require approval by the RO, and must be submitted in writing to the RO by the end of the nomination period.
3. No slate shall choose a slate name which is the same as that of a registered federal or provincial political party. Where two or more similar slate names are submitted to appear on the ballot for a slate, the RO shall choose which names appear on the ballot.

### **All Candidates' Meeting**

1. Following the closing of nominations, the RO shall schedule a meeting for all candidates and their campaign managers (referred to as the "All Candidates' Meeting").
2. All candidates and campaign managers shall attend the candidates meeting in its entirety. The RO may exempt individuals from attendance under extenuating circumstances, but only if the person requesting an exemption does so in writing at least 48 hours prior to the candidates meeting, or informs the RO of an emergency for which no notice could reasonably be given.

3. At the candidates meeting, all candidates and campaign managers shall be required to deposit with the RO any and all keys, cards, or other methods of access to any building or room on any Campus, except for:
  - a. a candidate's or a campaign manager's personal residence or the residence of a significant other;
  - b. a candidate's or a campaign manager's place of employment.
4. At the candidates meeting, the RO shall:
  - a. review the relevant Bylaws, and any additional rules and Policies, and respond to questions about same;
  - b. announce the times and dates of meetings during the campaign, and announce any other methods that shall be regularly used to communicate with campaigns; and
  - c. take attendance for the purposes of verifying compliance with Bylaw 1020(16);
  - d. deal with any other topics deemed necessary by the RO.

### **Bylaw 1021 - Registration of Sides**

1. On the Nomination & Registration Day, each side shall present its registration forms to the RO.
2. In order to become registered, a side must have:
  - a. An organized committee of Members of the Union (the "Side Committee") that supports the position of the Side;
  - b. The first and last names, signatures, faculties, years, and student identification numbers of the members of the Side Committee; and
  - c. The first and last names, signatures, faculties, years, and student identification numbers of at least 30 nominators who are Members of the Union (which can include members of the Side Committee);
3. The Side Committee shall have as part of its structure:
  - a. An authorized representative, authorized to represent the Side to the RO;
  - b. A treasurer, authorized to handle the Side Committees finances.
4. A Side Committee cannot restrict membership to the Committee from any Member of the Union provided they have joined the Side and support the position of the Side honestly and in good faith.
5. Members of the Executive and Council and candidates for Executive and Community Representative may participate as Members on a Side Committee, provided they meet all other criteria required of any other person sitting on the Committee.
6. Each side shall provide the RO with a list of those who are currently members of the Side Committee.
7. Any Member of the Union wishing to join a side may register with the RO following the specified deadlines. The RO shall forward the name and phone number of the member to the appropriate authorized representative.
8. The name of a side may not include a federally or provincially registered political party name or symbol, or derivation thereof.

### **Bylaw 1030 - Campaign Materials**

1. All campaign materials must be approved in form and content by the RO before they may be used in a campaign.
2. The RO shall use a unique mark, punch or means of identification to verify that only posters approved by the RO have been used.

#### **Approval Process**

3. The following shall be process to be followed for approval of campaign materials:
  - a. Campaigns shall provide the RO with:
    - i. a written description of the proposed campaign material;
    - ii. the complete contents of the proposed campaign material, including text, images and its appearances on final presentation.

- b. The RO shall provide in confidence a written approval or refusal of campaign materials, and shall make all reasonable efforts to respond within 4 working hours of receiving a complete request, subject to any clauses in this Bylaw or the RO's Supplementary Rules.
  - c. Once the material has the approval of the RO, the campaign can have it printed, photocopied, or otherwise created, subject to any clauses in this Bylaw or the RO's Supplementary Rules.
  - d. If the material cannot be created with the RO's identifying mark already on it, it must be given to the RO for them to put their identifying mark on the campaign materials. The RO shall return materials to campaigns within a reasonable time period, but in no case shall the RO return fewer than 150 pieces of material after the greater of either:
    - i. 24 hours; or
    - ii. 8 posted office hours.
  - e. Once the campaign materials have been approved by the RO, created, and have the RO's identifying mark on them, they can be used in the campaign.
4. The RO shall consider written requests from campaigns to use campaign material outside the normal definition of campaign materials, and shall respond in confidence to the campaign within 24 hours of any such request.

### **Banners**

1. Each campaign or side shall be entitled to place a maximum of 2 banners around Campus.
2. Campaigns must construct and place banners in accordance with University building regulations.
3. Banners locations shall be assigned at the first All Candidates' Meeting.
4. Banners, whether made from paper or any other material, shall be restricted to a minimum total area of 1.5 square metres and a maximum total area of 35 square metres.

### **Prohibitions & Violations**

5. The RO shall not approve campaign materials which:
  - a. contain libel or slander (based on consultation with legal counsel if necessary);
  - b. are factually incorrect; or
  - c. violate any federal or provincial statute, or any University rule, regulation, policy, or procedure; or
  - d. are sexist, racist, homophobic or prejudicial.
6. Where the RO determines that campaign material which has not been approved by the RO is being distributed, displayed, or used by a campaign, then the RO shall:
  - a. order the material immediately withdrawn or removed and shall confiscate the material from the campaign for a period of not less than 24 hours; and
  - b. assign an additional penalty, which may include (but is not limited to) any or all of the following:
    - i. destruction of the material
    - ii. a restriction on campaigning, provided that the penalty is balanced against the volume of material distributed or its effect, and that no destruction takes place until the appeal period expires.
7. Each campaign shall comply with any building regulations set out by the University, and the additional limitations that:
  - a. no more than 1 poster per campaign may be affixed to any one bulletin board;
  - b. no more than 1 poster per campaign may be affixed on the same plane within 1 foot of another;
  - c. no more than 2 posters per campaign may be affixed to the same pillar, and these posters must face in opposite directions; and
  - d. no poster may be affixed so as to obscure or cover another campaign's campaign materials.
8. Where a poster or banner is in violation of Bylaw 1030, it may be removed by the RO, or they may order another individual or campaign to make the removal.

9. No individual may remove, deface, damage, or destroy campaign material without the authorization of the RO.
10. Each candidate shall be limited to a maximum of 75 posters on display at any one time, and distribution shall occur through the RO, who shall communicate in advance the rules, Council resolutions or procedures to be followed.

#### **Post-Election Period**

11. All campaign materials must be removed in a manner to be determined by the RO after the close of polls on the final day of voting.

#### **Bylaw 1040 - Campaigning**

1. Campaigning shall last for 12 consecutive days, starting at 8:00 Hours on the first Monday after Reading Week, continuing through the next weekend, and ending at the close of polling on the final day of voting.
2. No Member of the Union shall campaign either for or against a Candidate, Slate, or Side after the opening of the nomination period and prior to the campaign period, with the exception of:
  - a. private campaign organizing meetings involving recognized campaign volunteers;
  - b. the collection of signatures for nomination forms and referenda petitions;
  - c. the normal duties required of the current members of the BUSU Executive and Council; and
  - d. private conversations to recruit volunteers.
3. When applying Bylaws 1040(2), the RO may consider any additional factors in addition to the definition of campaigning.

#### **Weekly Campaign Meetings**

4. Once a week during the campaign period, the RO shall chair a meeting of campaign representatives to review complaints, rulings, orders, rules, procedures and announcements.
5. All candidates and sides are required to do one of the following for each of the RO's weekly campaign meetings:
  - a. attend the meeting themselves;
  - b. send a proxy; or
  - c. ask for and receive the RO's permission to miss that particular meeting.
6. Candidates and sides not directly competing with each other can send the same person as a proxy to the weekly campaign meetings, but such proxies must be approved by the RO.

#### **Campaigning Standards and Prohibitions**

7. Each campaign shall act reasonably, responsibly, and in good faith. Further, each campaign shall:
  - a. ensure that all candidates, campaign managers and volunteers are aware, understand and comply with all relevant Bylaws, rulings, orders, rules, and Policies;
  - b. be responsible to the RO for the conduct of its volunteers;
  - c. report any breach of a Bylaw, rulings, orders, rules, or Policies forthwith;
  - d. comply with any University rules, regulations, policies, and procedures; and
  - e. comply with all local, municipal, provincial and federal laws.
8. No campaign shall collude with another campaign, either prior to, during, or following the campaign period. Specifically, no campaign, campaign manager, volunteer, or candidate shall:
  - a. appear jointly in any campaign material, except in reference to slate members as approved by the RO;
  - b. produce campaign materials whose appearances could cause a reasonable person to associate that campaign with another slate or candidate who is not on a slate; or
  - c. distribute the campaign materials of another slate.
9. Campaigning is restricted to Members of the Union, and no one who is not a Member of the Union shall campaign.
10. No candidate, campaign manager, or volunteer may campaign:

- a. in a business or service owned or operated by the Union, including SUDS, except where specifically provided for by the RO, and where all candidates and sides have been given equal access;
  - b. in a University library; or
  - c. in a classroom during a class period without first obtaining permission from the instructor responsible for the class;
  - d. anywhere else the RO feels would be detrimental to the election and referenda process.
11. candidates and their volunteers may assist with the campaign duties of other candidates that they are not competing with.
  12. In the event of referenda being held during an Annual General Election, candidates, campaign managers, and volunteers may speak to, volunteer for, and/or endorse a side.

### **Bylaw 1045 - Election Forum**

1. There shall be at least one Election Forum, one in the Education building and in the Knowles-Douglas building during the campaign, which shall be held, if possible, no sooner than the 3rd day of campaigning.
2. All Candidates and Sides shall be provided with the opportunity to participate in all Election Forum during the campaign period.
3. Members of the Union shall be provided with the opportunity to ask all Candidates and Sides questions from the floor at an Election Forum.
4. The Election Forum shall be chaired by the RO.
5. Each Candidate, Slate, or Side has the opportunity to speak for a time period as fixed by the RO.
6. Each speaker shall have the same fixed period of time in which to speak as their opponents have.
7. If there is a question from the audience at the Election Forum, each Candidate, Slate or Side shall have a reasonable and fair opportunity to respond thereto.
8. Any person(s) who attempt to disrupt the orderly conduct of the Election Forum shall be removed from the facility.

### **Bylaw 1050 - Violations, Complaints, and Appeals**

1. The RO is empowered to investigate and rule upon any breach of the Election Rules, whether submitted to the RO in a complaint or initiated by the RO.
2. Complaints shall be allegations of a breach of the Election Rules against Members of the Union other than the Returning Officer which are submitted to the Returning Officer for a ruling.
3. Appeals shall be allegations of a breach of the Election Rules which are submitted to the ERDIE Board for a ruling, and such alleged breaches shall be:
  - a. a misapplication of the Election Rules to a Complaint;
  - b. a misapplication of the Election Rules to any other ruling of the RO; and/or
  - c. any other action by the RO during the Election Period that contravenes the Election Rules.
4. No appeal exists from a ruling of the ERDIE Board, and a ruling of the ERDIE Board shall be final and binding on the parties to the Appeal.
5. Rulings of the RO regarding breaches of the Election Rules that were not as a result of a Complaint shall be treated as Complaints for the purposes of posting the ruling.
6. The RO shall prepare and provide a complaint form which requires complainants to indicate the:
  - a. name and student identification number of the complainant;
  - b. specific clause(s) of the Election Rules that is alleged to have been breached;
  - c. specific campaign or individual that is alleged to be in breach;
  - d. specific facts which constitute the alleged breach; and
  - e. evidence of these facts.
7. The RO shall prepare and provide an appeal form which requires appellants to indicate the:
  - a. name and student identification number of the appellant;
  - b. RO's ruling being appealed;

- c. reason for the appeal, including specifically any errors in interpretation or application found in the ruling; and
- d. ruling sought from the ERDIE Board.

### **Complaint Procedure**

8. Any Member of the Union, other than the RO, may file a Complaint regarding an alleged breach of the Election Rules.
9. The following shall be the process by which Complaints are filed, received, and ruled upon:
  - a. The Complainant must submit a Complaint to the RO using the proscribed form within 48 hours of the alleged breach of the Election Rules. However, the RO may accept complaints after this deadline at their discretion.
  - b. If the Complaint is found to be validly submitted, the RO shall send a copy to any other parties named in this Complaint and continue this complaint procedure.
  - c. The RO shall investigate the Complaint using whatever means are at their disposal. This investigation shall include requesting a written response to the Complaint from any party alleged to have committed a breach of the Election Rules.
  - d. The RO shall issue a written ruling within 24 hours of having received the Complaint, and shall:
    - i. send the ruling to all parties to the Complaint via e-mail; and
    - ii. post the ruling as soon as possible at both the office of the RO, the BUSU Website, and the BUSU offices.
    - iii. Any penalties assigned by the RO as a result of their ruling shall take effect immediately unless stated in the RO's ruling.
10. Complaints that are not validly submitted shall be disregarded by the RO, but the Complainant may resubmit as soon as they can make a valid submission. The RO shall still include the complaint in their final report.
11. The following do not require a written complaint and shall be brought to the RO's attention immediately upon being discovered:
  - a. A violation of Bylaw 1070(5) regarding the required number of poll clerks at a voting booth; and
  - b. complaints regarding pre-campaigning.
12. All Complaints other than those filed under Bylaw 1050(12) must be submitted electronically.
13. Any posted ruling of the RO on a Complaint shall contain:
  - a. a summary of the allegation;
  - b. a summary of the parties to the complaint;
  - c. where the RO fails to possess jurisdiction, a summary of the reasons for this finding;
  - d. a listing of all applicable Election Rules that apply;
  - e. a finding regarding the facts;
  - f. a ruling regarding the alleged breach;
  - g. the penalty assigned;
  - h. the time the ruling was posted; and
  - i. the time limit on any appeal.

### **Appeal Procedure**

14. Any Member of the Union may file an Appeal alleging a breach of the Election Rules by the RO in accordance with Bylaw 1050(7).
15. Only Members of the Union who were party to an original Complaint are entitled to Appeal the ruling of the RO to the ERDIE Board.
16. The following shall be the process by which Appeals are filed, received, and ruled upon:
  - a. The Appellant must submit a Appeal to the Chair of ERDIE using the proscribed form within 48 hours of either the alleged breach of the Election Rules or the RO's ruling on a Complaint.
  - b. If the Appeal is found to be validly submitted, the Chair of ERDIE shall send a copy to any other party named in the Appeal, including the RO, and continue this procedure;

- c. The Chair of ERDIE shall schedule a hearing of the ERDIE Board to take place within:
    - i. 12 hours of receiving the Appeal form if the alleged violations could result in the voiding of the Election or Referenda;
    - ii. 24 hours of receiving the Appeal form for all other alleged violations of the Election Rules.
  - d. The Chair of ERDIE shall communicate the time and place of this hearing to all parties named in the Appeal, including the RO.
  - e. Prior to the appeal hearing, the ERDIE Board shall first convene in camera and determine if a prima facie case has been made in the appeal. If a prima facie case has not been made, the ERDIE Board shall dismiss the Appeal or the affected parts thereof.
  - f. The Appeal hearing shall occur, and shall use the following process:
    - i. The Chair shall ask:
      - 1. the members of the ERDIE Board if any perceived conflict of interest exists between them and any party to the Appeal; and
      - 2. the parties to the Appeal if they wish to challenge any Board member based on a conflict of interest.
    - ii. The Board may call a recess to consider any Conflicts of Interest raised at the beginning of the hearing.
    - iii. The Chair shall then explain any procedures to be followed to the parties present, including any time limits on presentations or examinations.
    - iv. The Chair shall invite the Appellant to present their case.
    - v. The Chair shall invite the Respondent to present their case.
    - vi. The ERDIE Board shall investigate the case as they deem appropriate, and may call a recess of no more than twelve hours in duration.
    - vii. The Chair shall offer first the Respondent then the Appellant the opportunity to make a closing statement.
    - viii. The ERDIE Board shall retire for deliberations in camera.
  - g. The ERDIE Board shall tell the parties to the Appeal who are present at the hearing their ruling immediately after coming out of deliberations.
  - h. The Chair shall issue the written ruling of the ERDIE Board within 12 hours of the end of the meeting, and shall:
    - i. send the ruling to all parties to the Appeal via e-mail; and
    - ii. post the ruling as soon as possible at both the office of the RO, the election website, and the BUSU offices.
  - i. Any penalties assigned or modified by the ERDIE Board as a result of their ruling shall take effect immediately unless stated in the ERDIE Board's ruling.
17. The RO may choose to resolve an Appeal informally prior to the Appeal hearing. If the Appeal is resolved to the satisfaction of all parties to the Appeal, the Appellant shall notify the Chair of ERDIE who shall cancel the hearing.
18. The ERDIE Board may request any person to appear at an ERDIE Board Meeting whose evidence would assist the ERDIE Board in making a decision.
19. The ERDIE Board may uphold, modify, or overturn any ruling made or penalty assigned by the RO, and additionally may overturn all or part of the election results and apply penalties under 1005(11) within the spirit of good governance for elections.

### **Penalties**

- 20. Where a breach has occurred, regardless of cause or the intent of the parties involved, and that breach has provided an unfair advantage to a campaign, the RO shall assign a penalty that:
  - a. fully counterbalances any unfair advantage gained;
  - b. penalizes the campaign for committing a violation; and is of the same type or character as the advantage which was gained.
- 21. Penalties available to the RO include, but are not limited to:
  - a. the confiscation or destruction of campaign materials;

- b. limits, restrictions, and prohibitions on any type of campaigning, for any period of time; and
  - c. disqualification.
22. A penalty may be assessed for an individual breach, or for a series of repeated violations that in aggregate constitute a greater breach.
23. A candidate shall only be disqualified where they commit a serious breach that:
- a. cannot be counterbalanced by a lesser penalty;
  - b. involves tampering with ballots, balloting, voting or counting procedures; or
  - c. involves repeated violations for which lesser penalties have already been imposed.
24. Where candidates are part of a slate, any disciplinary action, including disqualification, taken by the RO against any candidate shall not affect other members of the slate unless they are named in the complaint and the RO determines they are also at fault. Each infraction by a member of a slate shall be considered a violation by that individual candidate.
25. Where a serious contravention of the election bylaws occurs, such that the results of the election or referenda could not reasonably be deemed to indicate the actual preference of the voters, that election, referendum, or part related to the contravention, may be declared void if:
- a. the RO submits a formal request to the ERDIE Board;
  - b. the ERDIE Board holds a hearing using the Appeal process as closely as possible, with all Candidates and Authorized Representatives of Sides who would be affected considered to be the Respondents; and
  - c. the ERDIE Board rules that such a request is justified.
26. If all or part of an election or referendum is voided, they shall be repeated at the earliest opportunity by which the ERDIE Board feels the actual preference of the voters can be determined.

## **Bylaw 1060 - Campaign Expenses**

### **Expense Accounting**

1. Campaigns shall include the cost of websites and campaign materials in their campaign expense accounts whether those materials are used or not.
2. Each campaign shall keep an up-to-date and accurate account of all campaign expenses and the campaign manager or treasurer shall be responsible for answering any inquiry from the RO regarding expenses.
3. All expenses incurred by a campaign shall be included in the campaign expenses unless exempted by the Campaign Expense and Advisory Committee. This includes, but is not limited to, the following:
  - a. Campaign materials;
  - b. Incidental costs of campaigning;
  - c. Professional services; and
  - d. Food and beverages for campaign volunteers.

### **Expense Summaries**

4. The RO shall review all campaign expense accounts (containing those products and services that are subject to spending limits), and shall post preliminary summaries of each campaign's expenses by 18:00 Hours on the day before voting begins.
5. The RO shall request the ERDIE Board to convene an ERDIE Board Meeting at 15:00 Hours on the Monday before voting begins in the event that there is an appeal of a ruling made under Bylaw 1060(9).
6. Where a campaign has been disqualified under Bylaw 1060(10), the campaign may only appeal by presenting notice and appearing before an ERDIE Board Meeting within 24 hours of the posting deadline as per 1060(10).
7. Final expense accounts must be provided to the RO by noon on the first Tuesday after voting ends.

## **Bylaw 1070 - Voting, Vote Counting, and Ballots**

1. Every member of the Union shall be eligible to vote in all elections and referenda, unless otherwise prohibited by these bylaws.

2. Voting shall take place on the final two days of campaigning.
3. Notwithstanding Bylaw 1070(2), the RO may provide for advance voting no earlier than the first Monday after Reading Week.
4. Each Member of the Union shall be allowed to cast 1 secret, non-transferable ballot, and the ballot shall entitle each voter to make 1 choice for each position or referendum question for which they are eligible to vote.
5. Ballots may be either paper ballots or some form of electronic ballots, provided the method of electronic voting sufficiently protects both the spirit and letter of these bylaws.
6. Voting shall be conducted at locations and times determined by the RO in consultation with the Campaign Expense and Advisory Committee, and the RO shall advertise the same.
7. At each poll there shall be a minimum of two Poll Clerks in attendance at all times. When, for any reason, only one Poll Clerk is in attendance, voting shall temporarily cease.
8. The RO shall provide for the secure handling and transportation of ballots.
9. Campaigning may continue during voting.
10. Candidates and volunteers shall not campaign or loiter within 50 feet of a polling station or booth.
11. The voting population for the LGBT, Aboriginal, Women's, and Part Time/Mature, Residence, and International Representatives shall include all Members of the Union who self-identify as coming from the community described in the title of each position.
12. Provisions shall be made by the RO so that Members of the Union attending evening classes may vote during the evening.

### **Ballot Design**

1. Notwithstanding these Bylaws, the RO shall decide the design of the ballot.
2. Each ballot shall be identical to the next with the exception of the ordering of ballot options.
3. If a ballot question is a 'Yes/No' choice, the options shall be 'Yes' followed by 'No'.
4. If a ballot question is a choice between anything other than 'Yes' and 'No', the RO may decide whether the ballot options are placed in the same order on every ballot or on a rotating order.
5. The ballots must allow for voters to clearly indicate their choice.
6. Ballots for Community Representatives shall include a method for voters to self-identify as coming from the community in question.

### **Ballot Counting**

1. The ballots shall be counted after the polls close on the evening of the final day of voting or if off campus ballots have not yet been received by the RO, the ballot boxes shall be sealed until all ballots can be counted together.
2. The RO shall supervise the ballot counting process, where they will ensure that the ballot counting process is transparent and fulfills all requirements of these Bylaws.
3. A ballot shall be considered valid and not spoiled if it:
  - a. Indicates clear voter preference for one of the options on the ballot; and
  - b. Does not include any identifying marks.
4. Each Candidate, Slate, or Side may have scrutineers present at the counting of ballots.
5. Once the scrutineers have entered the count room, they may not leave the room until the completion of counting of ballots or with the consent of the RO.
6. Scrutineers may not touch the ballots in any way.
7. All scrutineers shall have equal opportunity to argue for and against the validity of all ballots their Candidate, Slate, or Side is on.
8. Once the count has been completed, the RO shall:
  - a. post election results within 48 hours of all complaints and appeals having been resolved;
  - b. seal ballot boxes until access is required by the ERDIE Board to resolve any complaints and/or appeals;
  - c. store the ballots in a locked container or room for a period of at least two weeks after the last recount has been completed; and

- d. destroy the ballots the later of:
  - i. four weeks after the last recount has been completed;
  - ii. after all complaints and appeals have been satisfied.

### **Recounts and Ties**

1. A request for recount shall be granted where:
  - a. the request is in writing and signed by the candidate(s) or the authorized representative of a Side who are contesting the original count;
  - b. the request is submitted to the RO within 48 hours of the posting of the election results; and
  - c. the difference between the leading candidate or side and another candidate or side contesting the same position or referendum question is less than 4% of the total votes cast or is less than the total number of spoiled ballots for the respective position or question.
2. The RO may in his or her sole discretion initiate a recount independently. This decision is not appealable to the ERDIE Board.
3. As far as is practicable, a recount shall occur by way of the same procedure as the original count.
4. The RO shall post the results of a recount within 48 hours of the recount being completed.
5. In the event that two or more competing candidates receive an equality of votes and have the highest amount of votes for the respective position, the tie-breaking method shall be that there shall be a run-off election between the tied Candidates conducted as far as practicable in accordance with the Election Bylaws. Any such run off election shall occur within 14 days of the final recount of the ballots of the General Election;

### **Record of Elections**

13. A record shall be kept of voter turnout in BUSU general elections, by-elections and referenda, for each faculty, and constituency.
14. Election results (including the final vote count for each candidate or side) as well as turnout shall be made publicly available to Members of the Union, and results of elections and referenda (including sample ballots) shall be archived by the Union and accessible to Members.

### **Referenda Results**

15. Council shall not have the power to void a valid referendum.
16. In the event that a referendum involves less than 10% of eligible voters, the results of the referendum shall be considered as advice to Council that is in no way binding on Council.

### **Damages and Disqualifications**

1. Any damage or similar expenses caused by a Candidate, Slate or Side, or a volunteer for a Candidate, Slate or Side, shall be paid for by the Candidate, Slate or Side deemed responsible by the RO. Failure to do so shall result in immediate disqualification for the offending Candidate or Slate.