

**THE ELECTION BYLAWS  
OF THE**



**BRANDON UNIVERSITY  
STUDENTS' UNION**

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## **ByLaw 700 - Executive Positions**

1. A BUSU Executive Member's term of office shall commence at 8:30am on May 1st in the year that the Member is elected and shall expire at 4:30pm on the subsequent April 30th.
2. BUSU Executive Members, while at all times keeping in mind the best interests of the BUSU and all of its Members, shall perform their duties faithfully, and to the best of their abilities, as laid out in the BUSU Policies and Oath of Office.

## **ByLaw 800 - Director Positions**

1. A BUSU Director's term of office shall commence at 8:30am on May 1st in the year that the Member is elected and shall expire at 4:30pm on the subsequent April 30th.
2. BUSU Directors, while at all times keeping in mind the best interests of the BUSU and all of its Members, shall perform their duties faithfully, and to the best of their abilities, as laid out in the BUSU Policies and Oath of Office.

## **ByLaw 900 - Returning Officer**

1. The Returning Officer shall be hired at the discretion of the BUSU Executive Director and the Services Coordinator.
2. The following people are not eligible to be appointed RO:
  - a. a Council Member;
  - b. any board member, employee or editor of the Quill;
  - c. any individual running for a position in the election or acting as an agent in the election
3. The Returning Officer is accountable only to the ERDIE Board
  - a. Questions arising from the interpretation of their position may be directed to the Executive Director, Services Coordinator, or the ERDIE Board.
4. The RO may only be suspended or dismissed from their position with just cause, as outlined in the BUSU Policies, by a unanimous vote from the ERDIE Board.

## **ByLaw 1000 - BUSU Annual Election, By-Election & Referenda**

### **ByLaws**

1. ByLaws 900 through 1900 apply to all elections and referenda run either solely or jointly by BUSU

### **Definitions**

The following definitions apply to the Election By-laws, unless specifically excluded:

- a. "banner" is any sheet of paper, or other material which is displayed as part of a campaign, size restrictions are at the discretion of faculty building guidelines;
- 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; this role is strictly optional and if chosen, serves to represent a candidate/slate/side and to act as a scrutineer on their behalf;
- 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 Constitution, 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 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.

## **Annual Election**

1. BUSU shall hold an annual general election, on a schedule set out in the BUSU Policies, whereby the Members of the Union shall vote for:
  - a. Executive Members of the Union
  - b. Community Representatives
  - c. Faculty Representatives
  - d. Any Referenda deemed valid by the Returning Officer.
2. The BUSU Executive Director (or designate) shall be the BUSU Elections Staff Liaison for the duration of the election and referenda.

## **By-Election**

3. BUSU shall hold a by-election only to elect candidates for vacant Executive positions, on a schedule set out in the BUSU Policies.
4. A BUSU By-Election is only held if:
  - a. An Executive member position was vacant in the previous BUSU General Election, and
  - b. No successful candidate was hired for the position before 5:00pm on September 30<sup>th</sup>.

5. The BUSU Executive Director, or designate chosen by the BUSU Executive Director, shall hold the same authority as a Returning Officer (RO) in a BUSU By-Election.

## **ByLaw 1100 - Calling of Referenda**

1. Referenda may only be called in 3 methods:
  - a. by the receipt of a formal BUSU petition, signed by 50 Members of the Union demanding a referendum, by the:President, Chair of Council; or RO
  - 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. Valid referendum petitions must be received by the President, Chair of Council or RO prior to the last Council Meeting in January to have their referendum question included in the annual election for that year.
3. Referenda must have a majority of 50% + 1 of total votes cast to be successful

## **ByLaw 1200 - Nominations**

### **Nomination Requirements**

1. A person who is nominated as a candidate must:
  - a. Be a Member of the Union, and be returning as a member of the union for the entirety of the Regular Session (September to April),;
  - b. Be nominated under their legal name or a reasonable derivative thereof;
  - c. Be a self-identified member of the constituency one is being nominated to represent if they are being nominated for a Community Director position;
  - d. Be registered as an international student with the University if they are being nominated for International Students' Director;
  - e. Be registered as a part-time (less than 9 credit hours per term) or as a mature student with the University, or a be a parent, if one is being nominated for Part-Time/Mature Students Director;
  - f. Be registered as living in one of the three Residence Halls of the University and returning to residence for the entirety of the Regular Session (September to April), if one is being nominated for Residence Director;
  - g. Be of Indigenous ancestry if they are being nominated for Indigenous Peoples' Director;
  - h. Have provided a completed nomination package, as laid out in the BUSU Policies, to the RO prior to the end of the nomination period.
  - i. In accordance with the Conflict of Interest Policy, Members running for executive positions of the Union may not have personal connections, whether romantic or familial, with any other candidate;

## **Nomination Vacancies**

2. If an open position receives no nominations by the close of the second nomination period, then it shall remain vacant until the process described in Bylaw 1900 can be followed.

## **All Candidates' Meeting**

3. 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").
4. All candidates and campaign managers are required to attend the candidates meeting in its entirety.
  - a. 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.

## **ByLaw 1300 - 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.

## **ByLaw 1400 - 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.
3. No Campaign material may claim or imply any association or endorsement from BUSU or Brandon University in relation to any individuals' candidacy.

## **ByLaw 1500 - Campaigning**

1. Campaigning shall last for 17 consecutive days starting at 8:30am on the Wednesday of Reading Week 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 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 referendum 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, the RO may consider any additional factors in addition to the definition of campaigning.

## **Post Election Period**

4. 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.

## **Campaigning Standards and Prohibitions**

5. 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.
6. 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.
7. Campaigning is restricted to Members of the Union, and no one who is not a Member of the Union shall campaign.
8. No candidate, campaign manager, or volunteer may campaign:
  - a. in a business or service owned or operated by the Union, 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 referendum process.
9. 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 of the referenda.

## **ByLaw 1600 - Election Town Hall**

1. There shall be at least one Election Town Hall during the campaigning period, which shall be held at least one day before the first day of polls.
2. Any person(s) who attempts to disrupt the orderly conduct of the Election Town Hall shall be removed from the facility.

## **ByLaw 1700 - 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 for a ruling of the ERDIE Board
  - a. a ruling of the ERDIE Board shall be final and binding on the parties to the Appeal.

## **Penalties**

5. 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.
6. 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.
7. A penalty may be assessed for an individual breach, or for a series of repeated violations that in aggregate constitute a greater breach.
8. A candidate shall only be disqualified where one commits 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.
9. Where candidates are part of a side, any disciplinary action, including disqualification, taken by the RO against any candidate shall not affect other members of the side unless they are named in the complaint and the RO determines they are also at fault.
  - a. Each infraction by a member of a side shall be considered a violation by



that individual candidate.

10. 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.
11. If all or part of an election or referendum is voided, the election or referendum shall be repeated at the earliest opportunity by which the ERDIE Board feels the preference of the voters can be determined.

## **ByLaw 1800 - Voting, Vote Counting, & 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. 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 one is eligible to vote.
4. To facilitate an online election, confidential ballots will be emailed to students based on their faculty.

## **Ballot Counting**

5. As the BUSU General Election is conducted via electronic ballots, "ballot counting" refers to the process of retrieving the voter results from the electronic ballots submitted, results shall be calculated after the polls close on the evening of the final day of voting.

## **Recounts and Ties**

6. 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.
7. A recount may not be requested by any candidate or side that did not have a scrutineer present at the time when electronic ballots were retrieved.
8. 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:
  - a. A run-off election between the tied Candidates conducted as far as practicable in accordance with the Election ByLaws.
    - i. Any such run-off election shall occur within 14 days of the final

recount of the ballots of the General Election;

## **Record of Elections**

9. A record shall be kept of voter turnout in BUSU general elections, by-elections and referenda, for each faculty, and constituency.
10. 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 shall be archived by the Union and accessible to Members.

## **Referenda Results**

11. Council shall not have the power to void a valid referendum.
12. 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**

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

## **ByLaw 2800 - ERDIE Board**

### **Committee Mandate**

1. The mandate of the Elections and Referenda Discipline, Interpretation, and Enforcement Board (ERDIE) is to consider and adjudicate appeals that arise during BUSU Elections and Referenda.

### **Committee Membership**

2. The ERDIE Board shall be composed of:
  - a. Four (4) Members of the Union, who are selected by the BUSU Executive Director and the Services Coordinator, to a maximum of 2 council members.
    - i. In the event that BUSU is unable to find non-council members to sit on this committee, council members may fill the vacant positions.
    - ii. Positions on this committee must be advertised no later than December 1st.
  - b. Four (4) Members of the Union who shall serve as alternate members and shall sit as ERDIE Board members when regular members or the Chair are absent or disqualified pursuant to Bylaw 2800; and
  - c. The Committee shall elect a Chair and Vice-Chair.
3. The term of an ERDIE Board member shall commence by their appointment and shall expire April 30th.
4. ERDIE Board Members must be:
  - a. objective and impartial;
  - b. free of any real or perceived conflict of interest;
  - c. from different faculties, where possible; and

- d. available on short notice.

## **ByLaw 3400 - Student Senate Caucus**

1. The mandate of the Student Senate Caucus is to:
  - a. Provide an open forum for student senators to discuss the affairs of Senate;
  - b. Facilitate the development of questions to be brought forward to Senate; and
  - c. Nominate members to the standing committees of the Senate.
2. The Student Senate Caucus shall consist of elected student senate members who shall participate in the deliberations and activities of the Student Senate Caucus.
3. The Vice-President Internal shall be the Chair of the Student Senate Caucus.
4. The Vice-President Internal shall make regular reports to Council on the activities of the Student Senate Caucus.
5. The Student Senate Caucus shall meet prior to every Senate meeting to discuss Senate agenda items.