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PART I
DEFINITIONS AND INTERPRETATION

1. The Chief Returning Officer shall be responsible for the interpretation of this By-law.
2. For the purpose of this by-law,

“Campaign Team” shall mean the group of individuals, jointly and severally, registered to assist with a candidate or the official “YES” or “NO” side of a referendum

“Campaigning” shall mean any intentional act planned or organized by or on the behalf of any candidate that is intended to influence any voter to cast a ballot in favour or in opposition of a candidate, and further that;

“Active Campaigning” shall mean any campaign activity, whether planned or unplanned, that has been performed with the intention of influencing any voter by a candidate or member of a campaign team

“Passive Campaigning” shall mean any campaign activity that has been executed by an independent third party without relation to a registered candidate

“Campaigning Endorsement” shall mean any intentional action implicit or explicit by a candidate, or campaign team member, which influences or motivates any voter to vote in a race other than their own

“Campaign Expenses” shall mean any expense incurred by a candidate related to the production or distribution of campaign material or promotion of candidacy

“Campaign Materials” shall mean any items, design, symbol, or mark that is created or copied in form in order to influence any voter to cast a ballot in favour or in opposition of a candidate

“Campaign Period” shall mean the period of time during which campaign activities are permitted, as determined by the Chief Returning Officer

“Campaign Platform” shall mean the stated goals, intentions, or values of an individual candidate used to influence any voter to cast a ballot in favour or in opposition of a candidate

“Campaign Speech” shall mean any speech delivered by a candidate or member of a campaign team to a lecture, seminar, club, athletic team, social media platform, or any group or organization as it pertains to the electoral process

“Campus” shall refer to all the grounds, buildings, and facilities owned by Brock University. This includes but it is not limited to the St Catharines campus, Hamilton campus, and Marilyn I. Walker campus.

“Candidate” shall mean an individual who has been nominated and registered in accordance with the provisions of this by-law

“Committee” shall refer to the Governance, Elections and Nominating Committee, as established by by-law 601

“Constituency” shall mean the group of undergraduate student voters, as a whole, who are entitled, by virtue of their membership, to vote to elect a representative

“Constitution” shall refer to the Constitution of the Brock University Students' Union, Inc.

“Council” shall refer to the Brock University Students' Administrative Council



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"Early Campaigning" shall mean campaigning that occurs any time prior to the commencement of the campaign period

"Election" shall mean all of the races being run during the duration of the same election period

"Extenuating Circumstance" shall mean the mitigating factors which make an act appear to be less serious, less aggravated, or without malicious intent

"Gift in Kind" shall mean any campaign material, whether a tangible good or a service, provided to a candidate without cost or below market value

"Infraction" shall mean any act that contravenes the provisions of this or any other relevant by-law

"Member" shall refer to a member of the Brock University Students' Union

"Natural Justice" shall mean the principle of justice comprised of the right to a decision made in the absence of bias, the right to know the case against one's self and review related evidence, and the right to a fair opportunity to rebut said case

"Nominee" shall refer to a member of the Brock University Students' Union who seeks or intends candidacy in any race

"Non-academic activities" shall refer to campus or Brock student identified co-curricular activities.

"Officer" shall refer to an Officer of the Corporation of the Brock University Students' Union, Inc.

"Ombudsperson" shall refer to the Office of the Student Ombudsperson of Brock University, or an employee, agent, or representative thereof

"Race" shall mean the selection of candidates for election to an office by vote

"Referenda" shall refer to all referendum questions posed to the student population during the same campaign period;

"Referendum Question" shall refer to a specific referendum question posed to the student population in which "YES" and "NO" voting options are available;

"Sanction" shall mean a punishment imposed upon a candidate for an infraction of this by-law

"University" shall refer to Brock University

Wherever a term not mention above appears in this By-law, it is intended to have the meaning ordinarily attributed to it in the English language.

- 2.1 All definitions included in the Constitution of the Brock University Students' Union shall apply to this By-law. Where two terms have different definitions, the definition in this by-law shall apply.
- 2.2 Anywhere the singular form is used, it includes the plural form and anywhere the plural form is used, it includes the singular form, unless explicitly specified in a provision.



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3. Visions and Principles

3.1 The Brock University Students' Union electoral process is governed by the following principles:

(a) Fairness:

- i. Where each candidate is treated equally by the Chief Returning Officer, Elections and Referenda Committee, and the interpretation of this and related bylaws;
- ii. where every candidate should be treated in a manner consistent with both the spirit and the language of this and related bylaws;
- iii. where conflicts of interest of those involved in the administration of the election are fully declared prior to the commencement of the campaign period

(b) Equality:

- i. where each candidate will have an equal opportunity to access the student body during the campaign period to communicate their campaign platform;
- ii. where no candidate may exploit a current or recently held position to gain unequal access to any part of the student body;
- iii. where each undergraduate student will have an equal opportunity to become a candidate, subject only to the qualifications necessary to be eligible to hold office;
- iv. where no candidate's financial resources will create a bias for or against their campaign;
- v. where every undergraduate student shall have the opportunity to question and engage every candidate;
- vi. where any candidate has the opportunity to appeal a decision made by either the Chief Returning Officer or the Elections and Referenda Committee in a manner consistent with natural justice;
- vii. where all members are able to participate in the electoral process notwithstanding any distance, barrier, or obstacle such as, but not limited to, on co-op leave, studying abroad, or on the University's Hamilton Campus.

(c) Transparency

- i. where every member has the right to know how the election is to be administered prior to the start of the campaign period;
- ii. where the rules and processes of the election, and the roles and responsibilities of each position, should be clearly laid out prior to the commencement of the nominations process;
- iii. where every undergraduate student has the right to know the infractions of any candidate once all appeal avenues have been exhausted.

(d) Student Interest

- i. Where at all times the interest of the undergraduate student body shall be held in the highest possible regard
- ii. Where it is understood that no aspect of the elections process or a candidate's activities should unduly interfere with or disrupt the academic pursuits and non-academic pursuits of the student body.
- iii. Where it is understood that every undergraduate student will be encouraged to participate and become engaged in the election process

**PART II
GENERAL ADMINISTRATION**

4. Administration of the Electoral Process

- 4.1 It is the duty of the Chief Returning Officer to administer the elections process through this bylaw and uphold its visions and principles.
- 4.2 The Deputy Returning Officer(s) shall assist the Chief Returning Officer in performing their duties as determined by this bylaw and the Chief Returning Officer. The Chief Returning Officer may delegate their responsibilities to a Deputy Returning Officer, as they see fit
- 4.3 The Elections and Referenda Committee shall act as an oversight body to the elections process, ensuring that the principles and visions of this bylaw are upheld by the Chief Returning Officer and the Elections staff.

5. Schedule of Elections

- 5.1 Each year there shall be three regularly scheduled elections: (1) By-elections, (2) Executive and Board elections and (3) BUSAC Faculty Representative elections and Student At Large BUSAC elections. In special cases, special by-elections may be called as required.
- 5.2 The dates for By-elections must be approved no later than the 3rd regularly scheduled meeting of BUSAC. These elections must be held so that voting is completed on or before October 31st.
- 5.3 The Executive/Board/ election shall be held and completed in the month of February, with the only exception being the case of a tied election. The dates for this election must be approved by BUSAC no later than the last regularly scheduled meeting of BUSAC in the fall academic semester.
- 5.4 The BUSAC Faculty Representative election and BUSAC elections are held for the purpose of electing BUSAC At-large Councillors and undergraduate representatives to any external bodies which require representatives to be elected by the entire student body, such as, but not limited to, Brock University Senate, and the Brock Press Board of Directors. These elections must be held so that voting is completed on or before the final day of regularly scheduled classes. The dates for this election must be approved by BUSAC by the first meeting of January.
- 5.5 A referendum may take place during any of the three election periods mentioned above, as well as during any special by-elections
- 5.6 No election shall take place or be held during the months of May, June, July or August.

6. Nomination Process

- 6.1 The opening and closing of nominations must be duly advertised by BUSU for a period of at least ten (10) days where regular classes are scheduled. The means of advertising may include BUSU's social media platforms, posters around campus and advertising in the Brock Press.
- 6.2 Nominations for each election must be open for a minimum of one week, and may be open in conjunction with the second week of the advertisement of the positions open for election.
- 6.3 For Executive/Board elections, nominations must close at least one week prior to the commencement of campaigning. For all other elections, nominations must close at least one day in which regular classes are held prior to the commencement of campaigning.



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- 6.4 A nominee must submit a completed Nomination Package prior to the closure of the nomination period at a time determined by the Chief Returning Officer in order to be nominated for candidacy in the race of their choosing.
- 6.5 The following are the nominator requirements for each position:
- Executive and Director of the Board – 100 signatures
 - BUSAC Student-at-Large Representative – 25 signatures
 - BUSAC Faculty Representative – 25 signatures from students within the faculty the position is for
 - Additional Seats external to BUSU – 25 signatures unless otherwise stated
- 6.6 During the nominations process, potential candidates may communicate their platform only on a one-to-one verbal basis with potential nominators.
- 6.7 Attendance at the All-Candidates Meeting is mandatory for all those seeking election. If the candidate cannot attend the meeting, arrangements must be made with the Chief Returning Officer prior to the meeting.
- 6.8 Members may seek nominations for more than one position; however, only one nomination package may be handed in before the All Candidates Meeting.
- 6.9 All candidates in an election must sign a statement that they meet the qualifications as set out in the by-laws governing the position they seek. In addition, all candidates must sign a waiver allowing the Director, Government Operations to access the information necessary to verify that they meet the required qualifications as set out in the bylaws governing the position they seek.
- 6.10 If there is an Executive or Director of the Board position that is uncontested at the close of the nomination period, there shall be an affirmation vote for the nominee with a quorum of five percent (5%) of the electorate. A simple majority will be required to affirm the candidate. The vote will be governed by the same rules and principles as a contested election. An affirmation vote may be contested by a “No” campaign, as per the guidelines below.
- 7. Referenda**
- 7.1 All referenda shall be held on matters of Brock University or BUSU properties.
- 7.2 External sponsors of referenda shall abide by all relevant legislation of the Corporation.
- 7.3 The necessity of calling a referendum may be approved by a majority vote at any regularly scheduled meeting of BUSAC or at a General Meeting of BUSU which has reached quorum.
- 7.4 If a referendum is initiated by BUSU, the BUSAC shall direct the Referendum Quality Assurance Committee, as established by by-law 603, to draft the Referendum Question and associated Terms of Reference and Memorandum of Understanding prior to approving the referendum.
- 7.5 A referendum may be called upon the presentation to the Speaker or Chief Returning Officer of an Official Petition, created under the auspices of by-law 402, signed by at least seven percent (7%) of the Full-Time Equivalent (F.T.E.) registered undergraduate students, pursuant to *Article XI, section 1* of the Constitution.
- (1) BUSAC shall be permitted to edit the Referendum Question and associated Terms of Reference or Memorandum of Understanding without changing the spirit of the initiative.
 - (2) BUSAC shall not be permitted to motion to table the initiative once it has been presented to Council for ratification and must approve such prior to adjournment.
- 7.6 Any referendum that seeks to amend the Constitution initiated from within BUSU governance structure must be approved by BUSAC by a vote two-thirds (2/3^{rds}) majority vote.



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- 7.7 Any referendum that seeks to amend the Constitution initiated through a valid petition or during a General Meeting of the BUSU shall be held without necessitating approval from the BUSAC
- 7.8 A referenda concerning the affirmation of an Officer of the Corporation shall require a quorum of five percent (5%) of Full Time Equivalent (F.T.E.) Members of the Corporation to be valid.
- 7.9 For any referendum, the Brock University Students' Administrative Council shall pass a motion indicating whether they allow the Brock University Students' Administrative Council to run either a "YES" or "NO" Campaign Team and may designate one (1) member of the Brock University Students' Union Executive to act as the Chair of the Campaign Team.
- 7.11 Any referendum shall normally be initiated within one (1) month and no later than two (2) months of the approval of the Referendum Question by the BUSAC, provided the timeline of the referendum does not contravene any provision of this by-law. No campaign period shall begin sooner than two (2) weeks after the approval of the Referendum Question by BUSAC.
- 7.12 For an initiative to be eligible for referendum within a regularly scheduled referendum period, BUSAC must approve it by the last meeting prior to the commencement of the nomination period opening.

8. Recall Referendum Rules

- 8.1 Pursuant to *Article XII* of the Constitution, Officers of the Corporation and Student-at-Large Directors of the Board of the Brock University Students' Union, Inc., are subject to recall by a Recall Referendum initiated by a Recall Petition signed by two percent (2%) of the Full Time Equivalent (F.T.E.) Members, as established by by-law 402, the "Referendum Petitions and Polls By-law".
- 8.2 Unless otherwise specified herein, Recall Referenda shall be governed by the provisions of this by-law.
- 8.3 In order for a Recall Referendum to succeed, a super-majority of fifty-five (55) percent of votes cast in favour of recall shall be required.
- 8.4 Pursuant to *Article IX, Section 6* of the Constitution, quorum for any Recall Referendum shall be ten percent (10%) of the Full Time Equivalent (F.T.E.) Members of the Corporations eligible to vote in the Recall Referendum.

9. External Affiliations and External Funding

- 9.1 If a referendum is held for the purpose of joining, withdrawing from, funding, or removing funding from an External Organization, the organization shall be limited to one (1) representative not a registered undergraduate student on campus at any time, subject to the discretion of BUSAC.
- 9.2 Any referendum held for the purpose of joining, withdrawing from, funding, or removing funding from an External Organization shall be administered with the rules and regulations established by this by-law and shall not be superseded by the rules and regulations of that External Organization.
- 9.3 For any referendum held for the purpose of joining, withdrawing from, funding, or removing funding from an External Organization, that External Organization shall be responsible for any financial costs associated with the administration of the referendum, including but not limited by the generality of the foregoing:
 - a. Reimbursement of all approved Campaign Expenses incurred by both the "YES" and "NO" Campaign Teams, as prescribed by this by-law;



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- b. Staffing costs associated with the administration of the referendum process by the Chief Returning Officer and Deputy Returning Officers;
- c. The costs associated with advertising the referendum, as prescribed by this by-law;
- d. Any other reasonable expense relating to the referendum as outlined by the Chief Returning Officer and approved by the Board of Directors

9.4 Notwithstanding section 6.3, the Board of Directors of the Brock University Students' Union Inc. shall be permitted to waive any costs associated with the administration of a referendum by a two-thirds (2/3rds) majority vote at any regularly scheduled meeting.

10. Conflict of Interest

10.1 After the nominations period has closed, each member of the Elections and Referenda Committee, including the Chief Returning Officer and the Deputy Returning Officer(s), and the members of the Disqualification Panel, outlined in 20.6(3) of this by-law, shall each submit a list of their relationships with each nominated candidate and their campaign managers highlighting any potential conflicts of interest.

10.2 Leaves of absences must be declared by Executives and Directors of the Board, who wish to enter an election as a candidate for the duration of the campaign period.

(a) Employees of BUSU, with the exception of the Executives, are not required to take a leave of absence during campaigning, however, they may not campaign during the course of their duties or while acting as a representative of BUSU.

10.3 BUSAC members, Directors of the Board, and employees of BUSU who decide to join campaign teams may not campaign during the course of their duties or while acting as a representative of BUSU.

10.4 Leaves of absences are only required for the campaign period and not prep week, however, Executives and Directors of the Board may choose to go on leave during that time

10.5 Executives will be paid while they are on a leave of absence

10.6 BUSU executives are not permitted to join a campaign team or endorse a candidate without taking an unpaid leave of absence.

11. Appointment of Candidate and Campaign Team Representatives

11.1 Each candidate in an election or referendum campaign team may appoint a campaign manager who, once appointed in writing to the Chief Returning Officer, may act on behalf of the candidate or initiative as their official representative.

11.2 All members of any campaign team shall be Members of BUSU with the exception of the one (1) eligible third party in the instance of an external referendum

11.3 Each candidate and campaign manager must register their entire campaign team with the Chief Returning Officer in writing prior to the commencement of the campaign period. It is the responsibility of the candidate or campaign manager to register any additional campaign team members with the Chief Returning Officer prior to their involvement in their campaign.

12. Campaign Financing



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- 12.1 To ensure equality amongst all candidates, there shall be a limit placed on the campaign expenses a candidate may incur encompassing any reasonable expense for the purchase, production, or procurement of any campaign materials the candidate may use in their campaign.
- 12.2 The opportunity to participate in a referendum campaign with the availability of reimbursement of funds spent pursuant to this bylaw for all candidates and each side to a referendum shall be made known through BUSU's marketing efforts prior to the commencement of campaigning
- 12.3 Maximum campaign expenditure shall be limited to:
 - (a) \$300 for those candidates in any Executive election;
 - (b) \$150 for those candidates in any election for a position as a Director of the Board of the Brock University Students' Union;
 - (c) \$100 for those candidates in any Brock University Student's Administrative Council election, or a limit specified by rules stipulated by deliberative bodies external to the Brock University Students' Union or the Chief Returning Officer, not in excess of \$150 and no less than \$50.
 - (d) \$500 for any general referendum (per side)
 - (e) \$300 for any recall referendum (per side)
- 12.4 Candidates and campaign teams must submit to the Chief Returning Officer a complete itemized list of all their campaign expenses accompanied by receipts by 12:00 p.m. noon on the final day of polling including all expenses incurred during the campaign period, gifts-in-kind, and other campaign material that has been carried over from previous elections.
- 12.5 Candidates and campaign teams will be reimbursed for one-hundred percent (100%) of their reasonable campaign expenses that are incurred so long as they are a valid candidate at the close of polling and have verified receipts for those expenses, subject to any fines or sanctions imposed on a candidate. Any campaign expense incurred by a candidate that is not accompanied by a receipt shall not be reimbursed.
- 12.6 Candidates and campaign teams who demonstrate financial need may be eligible for an Emergency Loan for the purpose of purchasing campaign materials for an amount not exceeding the spending limit of the race the candidate intends to enter. Determination of financial need and eligibility for an Emergency Student Loan shall be solely at the discretion of the General Manager and the Chief Returning Officer of BUSU.
- 12.7 In the event a Candidate or campaign team overspends on their maximum allowable campaign expenditure budget, that candidate shall be fined \$10.00 for every whole dollar overspent, to be deducted from their total allowable reimbursement for their campaign expenses.
- 13. Campaigning Rules**
 - 13.1 Members cannot run in more than one race in any election.
 - 13.2 No person may run in an election that would give them more than one voting positions on BUSAC.
 - 13.3 During any referendum, there shall be a maximum of one (1) "YES" campaign team and one (1) "NO" campaign team. In the event two separate campaign teams submit a nomination package, the two teams shall coalesce or one will voluntarily withdraw
 - 13.3 Candidates and campaign teams are responsible for familiarizing themselves with all material relevant to the electoral process, including, but not limited to, relevant by-laws, the Constitution, BUSU political and administrative policies and any other material distributed by the Chief Returning Officer.
 - 13.4 No Executive candidate will be allowed to promise to donate any portion of their salary.



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- 13.5 Each candidate and campaign manager is responsible for their campaign and their campaign team members abiding by the rules of the election. If a campaign team member commits a violation, the candidate may be penalised as a result of the violation. It is the responsibility of the Chief returning officer to ensure that passive campaigners abide by the rules set out in this document.
- 13.6 The Chief Returning Officer shall make public an information board containing information about each candidate, displayed in the Alumni Students' Centre or other location deemed appropriate by the Chief Returning Officer. Candidate and referendum information will also be available on the BUSU website election page
- 13.7 Each candidate and campaign team shall have the opportunity to give campaign speeches to groups of students, organizations, or classrooms on campus, so long as the candidate has obtained written permission prior to the delivery of that speech and forwarded such to the Chief Returning Officer.
- (a) Candidates or campaign team members who hold an administrative or executive position in an organization or club may not seek permission to speak from themselves.
- 13.8 Campaign materials must be approved by the Chief Returning Officer prior to their use in a campaign.
- 13.9 Each candidate shall have the opportunity to obtain printing services through the Brock University Students' Union for the purpose of printing campaign posters and campaign banners.
- 13.10 All campaign posters shall adhere to the following conditions:
- (a) Candidates may only display the maximum number of posters stipulated by the Chief Returning Officer
- (b) Campaign posters shall be no larger than ledger size, or eleven (11) inches by seventeen (17) inches.
- (c) Campaign posters shall be affixed with painters tape only
- (d) Campaign posters shall not be placed on or affixed to planters, chairs, benches, or displays.
- (e) Campaign posters shall not be placed in washrooms, locker rooms, stairwells, on lockers, elevators, painted or glass surfaces, or anywhere campaigning is prohibited.
- (f) Campaign posters shall not interfere in any way with utility or emergency devices on campus.
- (g) All campaign posters must be stamped with a seal of the Chief Returning Officer.
- (h) Each candidate must remove their campaign materials from their locations by 4:00 P.M. on the day following the close of polling.
- 13.11 Social media and websites may be used as an aspect of a candidate's campaign and shall adhere to the following conditions:
- (a) Each candidate or campaign manager must inform the Chief Returning Officer of all social media or electronic components of their campaign and grant access to view such accounts prior to the commencement of the campaign period.
- (b) All social media accounts and websites must not be made public or active until the commencement of the campaign period.
- (i) Prior to the commencement of the campaign period, candidates are only permitted to add or display their accounts to registered members of their campaign team.
- (ii) During the campaign period, candidates may post freely and openly from their social media accounts without necessitating permission from the Chief Returning Officer, so long as they adhere to the provisions of this By-law.
- (c) Prior to the commencement of the campaign period, candidates may only utilize social media to announce their candidacy through a generic post specified by the Chief Returning Officer at the All Candidates Meeting.
- (d) A candidate who wishes to post in an existing social media group, list, thread, or forum must obtain permission from the Chief Returning Officer prior to posting, pursuant to the following conditions:



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- (i) The candidate must have written permission from the administrator of the group to post in the group.
- (ii) In the event an administrator cannot be contacted, the Chief Returning Officer will grant permission only if the group is not academic based or focused on an area which is also prohibited in this by-law.
- (e) In a group where the candidate is the administrator, they will seek permission from the Chief Returning Officer to post in the group. This does not include any groups directly related to the candidates' campaign.

PART III VOTING AND POLLING

14. Voting



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- 14.1 Voting in all elections governed by this by-law shall be conducted by means of an online vote accessible only by those students eligible to cast a vote in a particular race.
- 14.2 In the event that online voting is not available, the Elections and Referenda Committee shall ensure that an alternative means by which to vote is made available in place of online voting.
- 14.3 Students must be recognized as an undergraduate student of the University on the list of eligible voters provided by the Office of the Registrar of Brock University in order to be eligible to vote.
- 14.4 Students may only vote once in any given election
- 14.5 Online voting shall commence no earlier 12:00 a.m. of the first day of polling and close no later than 9:00 p.m. of the final day of polling.

15. Online Ballots

- 15.1 The position being contested along with the number of available positions in a race shall be clearly indicated on the ballot.
- 15.2 Names of candidates on a ballot shall appear as presented in their Nomination Package submitted to the Chief Returning Officer, unless a candidate has indicated they wish to use a commonly abbreviated version of their name or include a nickname.
- 15.3 The order in which candidates appear on a ballot shall be randomized.
- 15.4 Ballots in all referenda must clearly indicate the title of the Referendum, the Referendum Question, and shall provide a link to or include in its entirety the associated Terms of Reference or Memorandum of Understanding.
- 15.5 Ballots shall include "YES", "NO", and "Abstain" options for voting.
- 15.6 Ballots in all referenda shall include the affirmative position of the referendum as the first voting option.

16. Tied Elections

- 16.1 In the event that two or more candidates or campaign teams have received the same number of votes at the closure of polling and cannot both or all be declared elected to a position, a tie-breaking race shall be held no fewer than five (5) and not in excess of (8) regular days in which regular classes are held subsequent to the closure of polling.
- 16.2 The Chief Returning Officer, with the approval of the Board of Directors, shall choose the date of the tie-breaking election and make public the date of voting.
- 16.3 Only those candidates who have tied may participate in a tie-breaking election and only those voters eligible to vote in that race may vote in the tie-breaking election.
- 16.4 All members eligible to vote in the referendum shall have the opportunity to vote in the tie-breaking vote.



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- 16.4 Candidates and campaign teams shall have up to and including the day of the tie-breaking vote to continue to campaign in compliance with the provisions of this by-law.
- 16.5 Candidates and campaign teams shall be given a budget of half of their expense limit for the original race, to be filed as a separate itemized budget pursuant to section 12 of this by-law.
- 16.6 There shall be no quorum requirement for a tie-breaking election.
- 17. Failure to Achieve Quorum**
- 17.1 An election where quorum is required and not met subsequent to the closure of polling shall be considered invalid and no action shall be taken upon that election.
- 17.2 The results of an election that that does not meet quorum shall not be released to any person.
- 17.3 Notwithstanding section 17.2, the total ballots cast in the race that has not met quorum shall be made public through a posting in the next available issue of *The Brock Press* and online at the Brock University Students' Union website.



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18. General Prohibitions

- 18.1 Without limiting the generality of the foregoing, during the course of an election period, no candidate or campaign team may;
- (a) Interfere with or disrupt the normal operations of the university including, but not limited to, any business or departments which normally operate on the university campus;
 - (b) Disrupt any academic setting on campus or the academic pursuits of the student body;
 - (c) Actively campaign in the Students' Alumni Centre, off campus, any residence, faculty or staff lounges, computer labs, the James A. Gibson Library, in areas where commercial operations are underway, or by using Brock University's interoffice mail system; the University may revoke access to campaign spaces at any time.
 - (d) Remove, reposition, cover, overlap or deface another candidate or campaign teams material;
 - (e) Use campaign material that has not been approved by the Chief Returning Officer;
 - (f) Campaign on campus outside the outside of the hours predetermined by the Chief Returning Officer;
 - (g) Campaign on campus during a non-business day;
 - (h) Campaign prior to the commencement of the campaign period;
 - (i) Offer a student a means by which to vote electronically;
 - (j) Combine, coalesce, or share any campaign material with a candidate in a race other than their own held during the same election period;
 - (k) Campaign in conjunction with a candidate in a race other than their own held during the same election period;
 - (l) Exceed the spending limit for campaign expenses determined prior to the campaign period;
 - (m) Endorse a candidate in a race other than their own; or
 - (n) Fail to abide any provision specified in this by-law.

19. Enforcement Procedure

- 19.1 It is the responsibility of the Chief Returning Officer to ensure compliance with the rules and regulations stipulated by this or any other applicable by-law. The Chief Returning Officer is empowered to sanction, penalize, and disqualify candidates for contraventions of this by-law in accordance with the Visions and Principles contained within this by-law.
- 19.2 Infractions of this by-law shall be classified two-fold;
- (a) "Class A" infractions shall be considered a contravention of the provisions of this by-law that are deemed seriously detrimental to either the elections process or the public perception thereof. Class A infractions shall include any action performed by a candidate or a member of their campaign team, or a referendum campaign team, that confers upon them an unfair or irreparable advantage over their competitors.
 - (b) "Class B" infractions shall be considered a contravention of the provisions of this by-law that are not deemed seriously detrimental to either the elections and can be corrected through the application of a sanction.
- 19.3 The procedure for the investigation and enforcement of a Class A infraction shall transpire in the following manner:
- (a) The Chief Returning Officer, upon witnessing or being informed of an alleged Class A infraction, shall begin to conduct a thorough investigation of the alleged infraction.
 - (b) The Chief Returning Officer shall communicate notice of the alleged infraction to the candidate or campaign manager within twelve (12) hours of commencing an investigation. Any notice given to the candidate or campaign manager must include the section of the by-law alleged to be contravened, a brief description of the alleged event or action that caused the contravention, in addition to the enforcement procedure specified herein and the timeline of the enforcement process. Notice of the investigation of an alleged infraction shall be delivered in writing or through electronic mail.



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(c) Upon conducting an investigation, the Chief Returning Officer shall hold an Infraction Hearing of the Elections and Referenda Committee to determine whether there has indeed been a contravention of this by-law and whether the contravention is seriously detrimental to either the elections process or the public perception thereof. The Candidate or campaign manager alleged to have committed the infraction shall be permitted to participate in the Infraction Hearing pursuant to s. 20.5 of this by-law.

(d) Should the Elections and Referenda Committee ratify the decision of the Chief Returning Officer to assess a Class A infraction, the candidate or campaign team shall be immediately disqualified from the race they are registered in and shall cease to actively campaigning.

(e) Should a candidate or campaign manager request a Disqualification Hearing to appeal the decision of the Chief Returning Officer, they must do so in writing to the BUSAC Speaker or the Chair of the Board of Directors of BUSU within twenty-four (24) hours of the decision of the Chief Returning Officer.

(f) Should the Candidate or campaign manager not request a Disqualification Hearing within the specified time period, they shall be considered permanently disqualified and the candidate or referendum removed from the corresponding ballot. By failing to request a Disqualification Hearing, the Candidate or campaign manager will forego all rights of appeal normally afforded to a candidate or campaign manager in the administration of this by-law.

19.4 The procedure for the investigation and enforcement of a Class B infraction shall transpire in the following manner:

(a) The Chief Returning Officer, upon witnessing or being informed of an alleged Class B infraction, shall begin to conduct a thorough investigation of the alleged infraction.

(b) The Chief Returning Officer shall communicate notice of the alleged infraction to the candidate or campaign manager within twelve (12) hours of commencing an investigation. Any notice given to the candidate must include the section of the by-law alleged to be contravened, a brief description of the alleged event or action that caused the contravention, in addition to the enforcement procedure specified herein and the timeline of the enforcement process. Notice of the investigation of an alleged infraction shall be delivered in writing or through electronic mail.

(c) Upon notification of a Class B infraction, the candidate or campaign manager shall have twenty-four (24) hours to submit an explanation, rebuttal, or letter acknowledging the alleged infraction in the form of a written submission to the Chief Returning Officer. The Candidate alleged to have committed the infraction shall be permitted to participate in the Infraction Hearing pursuant to s. 20 of this by-law.

(d) Upon receipt of a submission, or after twenty-four (24) hours of issuing a notice, the Chief Returning Officer shall hold an Infraction Hearing of the Elections and Referenda Committee to determine whether the alleged infraction has been committed and to impose an appropriate sanction.

(i) A sanction imposed on candidates who have committed a Class B infraction shall be equal to the severity of the infraction, shall have a rational connection to the effect of the infraction committed, and shall serve to rectify any favour, position, or advantage gained by a candidate for their committing of an infraction. During the last twenty-four (24) hours of the campaign period, the Chief Returning Officer may choose to impose a monetary sanction for any Class B infraction committed by a candidate, the sum of which being a percentage not exceeding twenty-five percent (25%) deducted from that candidate's total reimbursement for their campaign expenses.

(e) Upon the ratification of a sanction by the Elections and Referenda Committee, the sanction shall be considered to be effective immediately and binding upon the candidate unless appealed to the BUSAC Speaker within twenty-four (24) hours of the decision of the Committee.

19.5 The order of proceedings of an Infraction Hearing in which a Candidate or campaign manager wishes to participate shall be as follows:

(a) Opening Statements

(b) Representation of the Candidate or campaign manager

(c) Rebuttal of Representation by the Chief Returning Officer

(d) Report of the Chief Returning Officer

(e) Rebuttal of Report by the Candidate or campaign manager



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- (f) Questions of Committee Members
- (g) Closing Statements

- 19.6 Any candidate or campaign manager who receives three (3) Class B infractions during the duration of an election shall be assessed a Class A infraction for non-compliance.
- 19.7 Should a candidate or campaign manager who has been issued a Class A infraction wish to appeal the decision of the Chief Returning Officer pursuant to section 20.3 (5) of this by-law, a Disqualification Hearing shall be held in accordance with the following provisions:
- (a) The purpose of a Disqualification Hearing will be to determine:
 - (i) Whether the alleged activities did in fact occur;
 - (ii) Whether the activity indeed constitutes a contravention of the by-law and, thus, is an infraction;
 - (iii) Whether the candidate or campaign manager was responsible for the activity; and
 - (iv) Whether the infraction:
 - a. Is seriously detrimental to the election process;
 - b. Is seriously detrimental to the public perception of the election process; or
 - c. Has gained a candidate or campaign manager an unfair and irreparable advantage over their competitors.
 - (b) If the Disqualification Panel determines that the alleged activity has occurred, constitutes a contravention of the by-law, was the responsibility of the candidate or campaign manager, and meets one or more criteria specified in section 20.5 (1) d. above, the Panel shall deem the disqualification valid. Should the hearing fail to establish at least one of the criteria specified in section 20.5 (1), the disqualification shall be considered invalid.
 - (c) The Disqualification Panel shall be comprised of five (5) voting members, including the Chair of the BUSU Board, two (2) non-Executive members of the BUSU Board of Directors, and two (2) members of the Appeals Committee, in addition to the BUSAC Speaker, who will chair the Panel and facilitate the hearing as a non-voting member.
 - (i) Should any voting member of the Panel be in conflict or unable to participate in the hearing, the Speaker may appoint an individual from their respective body in their place.
 - (ii) Should the Speaker be in conflict or unable to participate in the hearing, they may appoint a representative in their place.
 - (iii) Quorum for the hearing shall consist of three (3) voting members of the Panel.
 - (d) The Chief Returning Officer shall prosecute the infraction. The burden of proof shall be on the Chief Returning Officer.
 - (e) Where a Disqualification Hearing has been requested by a candidate or campaign manager, it shall transpire in the following manner:
 - (i) The Chief Returning Officer shall contact the members of the Disqualification Panel within twelve (12) hours of receiving the request from a candidate or campaign manager to schedule the date, time, and location of the hearing, being within two (2) business days after the request for the hearing is made by the candidate or campaign manager.
 - (ii) The Panel shall meet at their own convenience to discuss and review the hearing procedures in addition to relevant legislation.
 - (iii) The Chief Returning Officer shall provide disclosure to the candidate or campaign manager twelve (12) hours prior to the commencement of the Disqualification hearing.
 - (iii) The order of proceedings of the Disqualification Hearing shall be conducted as follows:
 - a. Call to Order by Chair of the Disqualification Panel
 - b. Case for Disqualification presented by the Chief Returning Officer
 - c. Rebuttal of case for Disqualification presented by the Candidate or campaign manager
 - d. Case against Disqualification presented by the Candidate or campaign manager
 - e. Rebuttal of case against Disqualification presented by the Chief Returning Officer
 - f. Closing statements presented by the Chief Returning Officer



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- g. Closing statements presented by the Candidate or campaign manager
 - h. Questions from members of the Disqualification Panel
 - i. Panel Deliberation
 - j. Adjournment
- (f) The Chair of the Disqualification Panel shall make the decision of the Panel public immediately after a decision has been made.
- (g) Should the Panel choose to validate the disqualification of a candidate or campaign manager/referendum, that candidate or campaign manager shall be permanently disqualified and removed from their corresponding ballot. Should the Panel choose to invalidate the disqualification of a candidate, the Panel must impose an appropriate sanction on the candidate or campaign manager.

20. Appeals Process

- 20.1 Should a candidate or campaign manager wish to appeal any administrative, procedural, or interpretative decisions made by the Chief Returning Officer, they may do so in writing to the Elections and Referenda Committee and may make representation to the Committee.
- 20.2 Should a candidate or campaign manager wish to appeal the decision of a Class B infraction, they may do so in writing to the Chair of the Appeals Committee, pursuant to by-law 604. A written appeal of the Class B infraction must be submitted within twenty-four (24) hours of the sanction being imposed on the candidate or campaign manager
- 20.3 Should a candidate or campaign manager wish to appeal the decision of the Disqualification Panel in a Disqualification Hearing for a Class A infraction, they may do so in writing to the Chair of the Appeals Committee, as established by by-law 604. Decisions of the Disqualification Panel shall only be overturned if there is a demonstrable lack of due process or the hearing was not held in accordance with the provisions of this by-law.
- 20.4 Upon receiving an appeal, the Appeals Committee shall make a decision within forty-eight (48) hours of receiving the appeal.

21. Student Ombudsperson and Conflict Resolution

- 21.1 If, during the duration of an election period, a nominee, candidate, or member of a candidate's campaign team feels that the Visions and Principles contained within this by-law have been contravened, they shall have the right to seek assistance, support, or advice from or issue a complaint to the Office of the Student Ombudsperson of Brock University without fear of reprisal.
- (a) In the event a candidate may wish to seek advice from the Ombudsperson, they may do so according to the policies and procedures of the Office of the Student Ombudsperson of Brock University.
 - (b) In the event a candidate or campaign manager may wish to submit a formal complaint or grievance, they must do so in writing to the Ombudsperson and include the following:
 - (i) Their name, contact information, and position for which they are a candidate
 - (ii) Their explanation of the alleged contravention of this by-law or BUSU Code of Conduct by the Chief Returning Officer, or Deputy Returning Officer
 - (iii) An indication of the Visions and Principles of this by-law alleged to have been contravened
 - (c) Upon receipt of a formal complaint or grievance, the Ombudsperson may choose to refer the complaint to the Chair of the Appeals Committee, as established by by-law 604.
- 21.2 Should a nominee, candidate, or member of a candidate's campaign team contact the Ombudsperson for assistance during the duration of an election, the Chief Returning Officer, or Deputy Returning Officer, as the case may be, shall be compelled to participate in any meeting, discussion, or Alternative Dispute Resolution mechanism recommended by the Ombudsperson to affect a settlement of dispute.



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- 21.3 Notwithstanding section 21.2, the provisions of this section shall not be construed so as to impose upon the Chief Returning Officer an obligation to uphold any decision or recommendation made by the Ombudsperson that would otherwise be made by the Chief Returning Officer.

PART V GENERAL

22. Severability

- 22.1 The provisions and part-provisions of this by-law are hereby declared to be severable such that if any provision or part-provision or application thereof to any person or circumstance is declared invalid for any reason, such a declaration shall not affect the validity of the remaining provisions and part-provisions.