

Section One: PREAMBLE

This Elections Act is an act of the Cape Breton University Students' Union (hereinafter referred to as the Students' Union) and may be amended as outlined in Section 17 of the Students' Union By-laws. The act shall govern all Students' Union elections, referenda, and plebiscites. It shall not, however, override the by-laws of the Union. This Act shall be reviewed in its entirety by an ad-hoc committee of the Students' Representative Council (SRC) at least every two years.

Section Two: ELECTIONS COMMITTEE

- A. Members of the Elections Committee are as follows:
 - i) two members of Students' Representative Council (SRC) selected by SRC;
 - ii) Chief Returning Officer (CRO), who shall chair the committee;
 - iii) full-time staff member of the Students' Union. (Voting Member)
- B. The Elections Committee shall be struck at the first regular meeting of the SRC in September, and may be subject to amendment following the results of a by-election.

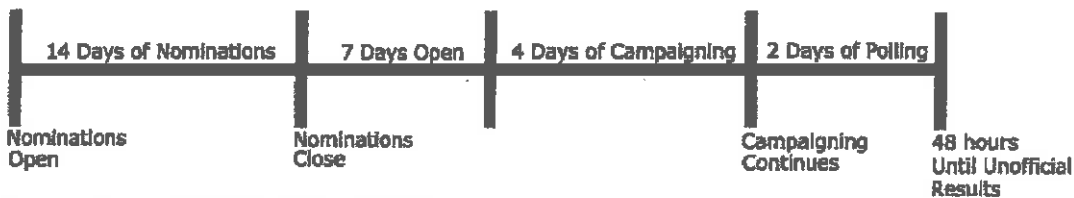
Section Three: ELECTION SCHEDULING

- A. The polling for the Student's Union general election shall begin no later than the second Tuesday of February in the academic year.
 - i. Students' Union Fall By-Election polling dates shall be scheduled no later than the second Tuesday of October in the academic year.
- B. There shall be eight days of active campaigning, including polling days.
- C. All other elections, including by-elections and referenda, will be scheduled by the Elections Committee of the Students' Union, in keeping with the nominations procedure.
- D. Deadlines for opening and closing nominations will be set by the Chief Returning Officer (CRO) as per the rules outlined in Section Four.
- E. In the case of inclement weather resulting in full day campus closure during the campaign period (as defined by the Cape Breton University Inclement Weather Policy), up to two additional campaigning days may be added, as such:
 - i. 1 full day for a full-day campus closure, resulting in the polling dates being moved to the following Wednesday and Thursday
 - ii. 2 or more full days of campus closure will result in polling dates being moved to the following Monday and Tuesday, and campaign days being extended accordingly.
- E-1. In the case of inclement weather resulting in campus closure over polling days, the polling shall be rescheduled as such:
 - i. In the case of either full or part-day campus closure, polling days will be moved forward 24 hours such that polling takes place from the Wednesday to the Thursday.

- F. In the event of unforeseen circumstances, the CRO and Elections Committee may choose to delay the elections procedure, giving no less than 48 hours notice to all parties involved.

Section Four: NOMINATIONS PROCEDURE

- A. Nominations for a Students' Union general election shall be opened a minimum of fourteen (14) days before the election polling date. The nominations should be open a maximum of ten (10) business days.
- B. Nominations will be closed a minimum of five (5) days before campaigning begins.
- C. Nominations for all other elections, including by-elections, shall be opened for a minimum of five (5) business days and a maximum of ten (10) business days before the election polling date.
- D. Nominations for all other elections, including by-elections, shall be closed for a minimum of five (5) days before election campaigning begins.
- E. The CRO shall issue a proclamation no later than the day the nominations are opened indicating:
- i) the position to be run for;
 - ii) when nominations open;
 - iii) when nominations close (including the exact time laid out by the nominations package);
 - iv) where to receive a nominations form
 - v) position description as outlined in Students' Union By-laws
 - vi) any other information deemed appropriate.
- F. Where fewer nominations than available positions/seats have been received, the CRO may extend the nomination period for up to an additional seven (7) days.



Section Five: NOMINATION FORMS

- A. Valid Information forms must be returned to the Administrative Support desk of the Students' Union by the exact time as laid out by the nominations package (by 4PM on the closing date of nominations). The CRO will pick up returned nomination forms at this time and verify the validation of each of the forms and signatures.
- B. To be valid, nomination forms must contain the requisite number of eligible signatures, and be properly legible as per the discretion of the CRO and elections committee. Students may sign more than one nomination form for any given position
- i) Presidential candidates require one hundred (100) nomination signatures.
 - ii) VP candidates require one hundred (100) nomination signatures;
 - iii) Students' Representative Council (SRC) candidates require twenty-five (25) nomination signatures.

- C. For a nomination signature to be accepted by the CRO, it must meet the following requirements:
 - i) The student in question must be a member of the Students' Union as per section 1.01 of the Students' Union By-Laws,
 - ii) The Student must be registered as a part of the constituency in question, or able to provide proof of their eligibility as such (eg. off-campus, on campus, school of study) .
- D. In addition:
 - i) candidates seeking nomination may not run for more than one elected position in the Union at any one time.
 - ii) any member of the Students' Union staff - elected, auxiliary or otherwise (excluding tutors) - intending to run for President or VP, must reclude themselves from any discussions involving or relating to the electoral process, which begins at the time when nomination forms become available and ending when election results are official.
 - iii) if the CRO of the Students' Union Intends to run for any position within the Union they must submit to the Secretary of the SRC written notice of resignation of his/her position for the duration of the electoral process. In the event that this occurs, an emergency meeting of the SRC will be called, and the President will put forth a recommendation for appointment to the SRC.
- E. The CRO reserves the right to re-issue invalidated nomination forms for a time period of two (2) hours to allow the candidate to correct it. These hours must fall within regular Students' Union working hours (8:30-4:30). Candidates failing to correct invalidated nomination forms within the two (2) hour period will void their applications for nomination and will no longer be eligible for candidacy.
- F. The CRO will inform all candidates who have been successfully nominated that their nomination has been accepted, and inform them of the date and time of a meeting for all candidates (herein referred to as the All Candidates Meeting). The CRO will also inform the candidates that until this meeting occurs, all campaigning is prohibited.
- G. All candidates must be a member of the Union in good standing as described in Section 1 of the CBU Students' Union By-laws.

Section Six: WITHDRAWAL OF NOMINATION PROCEDURE

- A. Candidates may withdraw their nominations any time before the poll.
- B. Candidates withdrawing their nomination must do so by delivering a signed written notice to the CRO.
 - i. In the case of extreme circumstances, email serves as acceptable written notice of withdrawal, as per the discretion of the CRO.
- C. Upon the delivery of signed notice to the CRO, withdrawal becomes effective immediately. The CRO is responsible for informing media and other candidates of a confirmed withdrawal.

Section Seven: ACCLAMATIONS

- A. President, VP, and SRC candidates may not be acclaimed. If by the end of the nomination period only one nomination has been validated, the CRO will call a poll. The ballot will consist of a "YES/NO" vote, and the candidate requires 50%+1 of the vote to be declared elected.

Section Eight: CAMPAIGNING REGULATIONS

- A. Campaigning shall be defined as, but not necessarily limited, to:
 - i) distribution of campaign materials;
 - ii) use of social media
 - iii) speaking to classes, residences, or individuals for the purpose of representation of a platform as a candidate or representative of a referendum position.
- B. Candidates cannot form slates or participate in shared publicity.
- C. Candidates are responsible for reading all relevant documents, up to and including, but not limited to, the Elections Act, Student Union By-laws, and the Administrative Policies and Procedures of the students union. The CRO may be contacted for clarification regarding the Elections Act. Candidates are additionally responsible for reading all correspondence from the CRO and the Elections Committee.
- D. Campaigning for the **General Election** begins with Midnight Madness, commencing in CBU Commons at 12:00 AM (midnight). The CRO shall officially announce the beginning of Midnight Madness. The date will be announced at the All Candidates Meeting. Campaigning for all other elections, including by-elections, begins at a date specified by the Elections Committee.
- E. Procedure for Midnight Madness is as follows:
 - i) only candidates and campaign workers whose names have been duly submitted will be allowed to enter into the CBU Commons, upon presentation of a valid CBU student ID.
 - ii) Once in the Commons all posters/publicity material must be checked for previous approval by the CRO. Candidates are responsible for submitting an estimate of the number of campaign materials (posters, etc.) that will be prepared for Midnight Madness. The CRO reserves the right to request that candidates be in the commons early so that posters and other publicity material may be stamped and approved. Any materials to be put up after Midnight Madness must also be communicated to the CRO.
 - iii) candidates and their workers are set free with their validated publicity materials after confirmation by the CRO.
 - iv) workers may only assist candidates whose list they appear on. Campaign workers can only assist one candidate during the election.
- F. All advertisements used during the campaign must follow both the Students' Union Elections Act Publicity Material Policy (see Section Nine: PUBLICITY MATERIAL POLICY) as well as the CBU Students' Union Poster Policy (See CBUSU Administrative Policies and Procedures).
- G. All student media have a responsibility to present news in a fair and unbiased manner. The publishing or broadcast of opinions in relation to elections/referenda will not be considered illegal campaigning so long as they are clearly marked EDITORIAL, or as a paid advertisement.

- H. It will be arranged for the candidates to have their picture and one (1) article (maximum length not to exceed 250 words) entered into the Caper Times. This article must be submitted by the candidate directly to the CRO for approval before going to the Caper Times (a deadline will be set according to Caper Times publication dates). Articles and pictures must be submitted in the file format requested by the Caper Times. These articles will be submitted by the CRO as received. All other media advertisement must follow Section Nine.
- I. During the campaign, the Elections Committee, Executive Committee of the Students' Union, and the SRC must remain impartial. If a current Students' Union staff member (re-)applies for candidacy, he/she is expected to take an unpaid leave of absence from work from the start of campaigning. Notification must be given to the staff member's direct supervisor upon the close of nominations. The staff member must also delegate office duties to another willing member of the Students' Union staff.
- J. Candidates are responsible for all campaigning except for a General Debate, which is the responsibility of the CRO, to be held on campus during a day of active campaigning **before polling dates**.
- K. Resources (including but not limited to office supplies, equipment, property, and telephones) of the CBU Students' Union may not be used by any candidate for any purpose relating to the electoral process. Students' Union resources additionally may not be used on behalf of a candidate by a CBUSU staff member or other party.
- L. All campaigning ends with the closing of polls on the final polling day.

Section Nine: PUBLICITY MATERIAL POLICY

- A. Each candidate will be restricted to the use of twenty-five (25) publicity items for use for their campaign. Publicity items are defined in the following three (3) categories:
 - i) minor publicity items (10) items;
 - ii) major publicity items (10) items;
 - iii) social media accounts (3) items).Candidates must submit a list of all intended publicity material 12 hours prior to Midnight Madness for approval by the CRO. Any changes to this materials list must be approved by the CRO prior to carrying out the initiative. Candidates must also keep a log of all publicity materials produced for the campaign and submit this log to the Elections Committee prior to the end of the campaign period. Candidates are required to keep their publicity logs up-to-date as the CRO may request it at any time throughout the election process.
- B. A minor publicity item will include any poster that is of paper size not to exceed (11" X 17"). Ten (10) posters equal one minor publicity item. One (1) t-shirt shall equal one minor publicity item; ten (10) t-shirts will equal one major publicity item.
- C. A major publicity item will be advertisements/endorsements within or by Caper Times or Caper Radio. Each of the following items produced in quantities of 250 items shall act as one (1) major publicity item: pamphlets, stickers, pins, beverages, and food items. Each candidate may use one banner which will count as one (1) major publicity item not to exceed 4 feet x 8 feet.

- D. A social media account may include and account or page three (3) of any of the following: Facebook, Twitter, YouTube, Flickr, LinkedIn, Instagram, Vine or any additional medium pre-approved by the CRO. Each social media account must be specifically listed in each candidate's campaign materials list and approved by the CRO prior to posting/uploading. All social media is subject to the governance of the CRO and the Elections Committee.
- i) Within the bounds of a social media account, the number of posts is not restricted, provided the CRO is informed via email of all official campaign posts within six (6) hours.
 - ii) Campaign workers are not permitted to post on behalf of a candidate using their personal accounts, however shares, likes, retweets and other methods of social media proliferation are permitted.
 - iii) Social media accounts are not permitted to post on any official pages associated with the CBUSU, Cape Breton University, or other university affiliates.
- E. Candidates cannot form slates or participate in shared publicity.
- F. The CRO shall contact CBU officials to determine the areas of campus in which the posting of campaign materials will be permitted. A list and/or map of such boundaries and other related restrictions shall be distributed to all candidates prior to the beginning of campaigning.
- G. To ensure publicity materials do not violate any of the rules outlined in this Act, all publicity material used shall be monitored by the CRO and the Elections Committee throughout the campaigns.
- H. Publicity materials must be original, and as such, must not be an infringement on any copyright. Publicity materials must not violate the spirit of the Canadian Charter of Rights and Freedoms. In the spirit of copyright, no publicity materials produced by candidates may contain Students' Union, or CBU symbols on any part, including the front and/or back of posters.
- I. Publicity materials must not slander other candidates. Slanderous behaviour will result in an amount of demerit points awarded to the candidate, to be determined by the CRO. The Students' Union follows Cape Breton University's Human Rights Act, and any harassing or intimidating behaviour will not be tolerated and will lead to an immediate disqualification.
- J. Damage to university property by way of campaign materials being posted improperly will be at the expense of the candidate (i.e. not using painter's tape).
- K. Publicity materials distributed via the CBU/CBU Students' Union networks or CBU/CBU Students' Union email systems are not permitted. Additionally, The advertisement of a candidate or platform during an election or referendum on a CBU chalkboard/whiteboard is strictly prohibited.
- L. On polling days there shall be no campaigning permitted within five (5) metres of any poll, hereby referred to as the polling zone. The polling zone applies to all forms of campaigning including but not limited to:
- i) posting or distribution of publicity materials;
 - ii) active campaigning by candidates or campaign workers;

iii) encouraging/discouraging voting process.

There shall be no use of public address systems, either audio or visual, during polling days.

The Students' Union Election Act recognizes the limit it has to regulate what students wear and that the body is private property. However, the CRO restricts the presence of such publicity materials within the prescribed polling zone. Any publicity materials in the zone, regardless if they are on one's own person or not, are not permitted. It should also be stated that any person wearing any kind of publicity material around the polling zone will be asked to leave immediately.

M. There shall be no campaigning on Students' Union property (including Students' Union Building, The Pit Lounge, Caper Convenience, Caper Zone, etc.) There will be an automatic disqualification for any candidate who publicly campaigns on Students' Union property, and campaign workers campaigning on Students' Union property will result in the candidate receiving demerit points for first infraction. A second infraction will lead to the candidate being disqualified.

N. Candidates are not permitted within the polling zone unless:

I) It is to cast their ballot;

II) It is necessary to reach another destination on campus.

In either case the candidate shall not spend more time in the prescribed zone than is reasonably necessary. Loitering will not be tolerated.

Section Ten: VIOLATIONS AND DISCIPLINE POLICY

A. The CRO shall have the authority to enforce the provisions of this act in consultation with the Elections Committee. Additionally, the CRO shall have the authority to lay charges and administer demerit points.

B. Charges of violation against a candidate – or their any of their campaign workers – may include but are not limited to:

1) Harassment of the CRO, Elections Committee or other candidates, including acts of libel or slander.

2) Violation of the Campaigning Regulations as outlined in Section Eight (8) of this Act, notably pre- and post-campaigning

3) Violation of the Publicity Material Policy, as outlined in Section Nine (9) of this Act.

4) Violation of the Campaign Financing Policy, as outlined in Section Eleven (11) of this Act.

If a charge other than those specified above is laid, the validity of said charge is subject to the discretion of the CRO, in consultation with the Elections Committee. If such a charge is put forward, the ensuing disciplinary action is also similarly subject, and all methods of appeal available to the candidate in question.

C. Certain acts of violation will result in a candidate's automatic disqualification. These include but are not limited to:

i) Non-attendance – notwithstanding prior arrangement with the CRO – by the candidate or a pre-designated representative at the All Candidate Meeting.

ii) Exceeding the maximum spending limit for a campaign, as outlined in Section 11, points A & B.

iii) The acquisition of over 150 demerit points in any context.

iv) Harassment of another candidate or the CRO.

- v) A candidate or campaign worker personally campaigning on Students' Union property.
 - vi) Any attempted interference in the process of polling, as outlined within the confines of this Act.
- D. Other acts of violation shall result in a candidate receiving demerit points. As per section 10C, point iii, if a candidate exceeds 150 demerit points, they are automatically disqualified. Demerit Points shall be assessed on the following basis:
- i) A major infraction (75 demerit points) shall count as the following, as outlined within the confines of this act:
 - 1) Harassment.
 - 2) Pre-/Post-Campaigning.
 - 3) Severe or repeated violation of the Publicity Material Policy (2 or more instances of the same violation).
 - 4) A charge not mentioned herein, which the CRO and committee determine to be sufficiently grave.
 - ii) A minor infraction (25 demerit points) shall count as the following, as outlined within the confines of this act:
 - 1) Sign violation
 - 2) Illegal displays
 - 3) Social media violation (eg. posting on the Cape Breton University Facebook page)
- In addition, the CRO may increase Demerit Point allocation based on the severity of the violation.
- E. The Demerit Point structure in Section 10D is for first offences; repeat offences will double in amount.
- F. Charges of violation shall be submitted in writing to the CRO by a member of the CBU Students' Union (as per section 1.1 of the CBUSU by-laws).
- G. Charges of violation may be laid in writing at any time during the campaign period, but must be laid in writing within twenty-four (24) hours of the close of balloting to the Chief Returning Officer, except in the case of a violation of Section 11 A and B, in which case charges must be laid within forty-eight (48) hours of the close of balloting.
- H. The Elections Committee shall meet at the call of the CRO to discuss any charges of violations, and to decide on the appropriate actions to be taken.
- i) for a decision of the Elections Committee to be valid, the majority of the Elections Committee members must be present, but no decision will be made until all members have heard all sides of the case at a meeting;
 - ii) a written report of any Elections Committee minutes will be made available to the public on written request within a forty-eight (48) hour period.
- I. All charges levelled by the Elections Committee shall be documented in writing and served in writing to any candidate that has allegedly violated the regulations within twenty-four (24) hours of the alleged violation. Such notice shall be presented in the following format:
- i) name of candidate;
 - ii) time, place, and description of the alleged infraction including what regulations have allegedly been violated;
 - iii) potential disciplinary action to be taken;

- iv) date, time and place of where the accused may present to the Elections Committee to contest the charges (minimum twenty-four (24) hours after the charge has been served);
- v) signature of CRO.

Charges shall follow the formatting laid out in Appendix (insert letter here).

- J. The Elections Committee shall determine a time at which the majority of members can be available within twenty-four (24) hours of the charges being served. At this time the accused shall be allowed to present any evidence or witnesses in their defense. Should the complainant feel compelled, they may present the charges and the case therein in person at the hearing. The Committee, at its discretion, may allow the accused candidate to respond to allegations through a moderator on the committee depending on the severity of the charges. The Committee will not discuss or pass decision on any aspect of a charge until all non-Committee members have been excused.
- K. Should an accused candidate fail to appear before the Elections Committee to contest the allegation at the scheduled time, the charge will stand and appropriate disciplinary action shall be taken.
- L. The Elections Committee, where it finds there has been a violation may:
 - i) place a restriction on campaign materials and/or activities.
 - ii) declare an election in a particular constituency or the election of a specific candidate be ruled void;
 - iii) declare a referendum or plebiscite to be void;
 - iv) levy demerit points against a candidate;
 - v) disqualify a candidate from the election.
- M. In the event a winning candidate in the election is disqualified, the runner-up will take the place of the disqualified winner.

Section Eleven: FINANCING POLICY

- A. Campaign materials for President and Vice-President Candidates, whether purchased or otherwise obtained, shall have a value no greater than two hundred and fifty dollars (\$250.00). Materials either donated or lacking proof of purchase shall be assigned a fair market value as determined by the CRO. This President and Vice-President Candidates campaign materials limit is not to be exceeded.
- B. Candidates for SRC are assigned a limit of no greater than one hundred dollars (\$100.00). Materials either donated or lacking proof of purchase shall be assigned a fair market value as determined by the CRO. This campaign materials limit for SRC candidates is not to be exceeded.
- C. Candidates in good standing are eligible to receive reimbursement amounting to one-half (½) of the spending limit outlined in Section 11 A and B.
- D. All candidates must submit to the Chief Returning Officer a report of their election expenses. The election expense report must be received

Day Two
CBU Commons 8:00 a.m. to 8:00 p.m.

- G. The above are the minimum required hours for polling.
Only the CRO may open and close the polls.

Section Fourteen: PROCEDURE AT THE POLL

- A. All polls must be opened and closed by the CRO.
B. The CRO shall hire poll clerks. Poll clerks will be empowered by the CRO to attend and oversee the polling station for the duration of the poll. Poll clerks shall not discuss any matter pertaining to an election/referendum with anyone except the CRO. There will be at least two people being either the CRO or empowered poll clerks, overseeing a poll station at all times during the operation of a poll.
C. Each poll will be supplied with one ballot box. Each ballot box will be constructed of durable material and so built that ballots can be deposited therein but cannot be withdrawn without unlocking the box.
D. All voters require identification in order to vote. Acceptable forms of ID are:
 i) CBU ID;
 ii) Provincial government ID.
The name on the presented ID must appear on the official electoral list. Before an elector is given a ballot, the elector will have his/her name crossed off the official electoral list.
E. The list from Student Services should contain all names of registered students. Should a name not be on the list, notification that is signed and certified from the Registrar is needed to permit this individual to vote, or proof of enrolment for the given term must be provided. **
F. Candidates, and all their campaign workers, excepting a candidate's scrutineer, are not to be seen nor heard at any polling station location other than for the purpose of casting their own ballot.
G. Each voter shall receive from the poll clerk an official ballot. The voter shall drop his/her own ballot in the box.
H. Electorate who do not wish to vote for a certain electoral seat or position may choose to spoil their ballots.
I. Poll clerks and members of the elections committee may not cast their own ballots while working and/or overseeing a poll.
J. Once the scheduled hour for the closing of the poll arrives, the poll will close exactly on time. No late votes will be permitted.

Section Fifteen: SCRUTINEER

- A. Any eligible elector, excluding the candidates themselves, the CRO, members of the Elections Committee, or Poll Clerks are eligible to serve as scrutineer.
B. One scrutineer may be appointed by a candidate or representative of a referendum per poll station. In addition, one scrutineer may be appointed by a candidate or representative of a referendum for the ballot counting at campaign headquarters.
C. Appointments for scrutineer must be approved by the CRO to be valid.

Appointments must be made in writing by the candidate, and include the signature of the candidate, the scrutineer to be appointed, and the CRO. The written submission must clearly state which scrutineer, if any, is to be selected to scrutinize the counting of ballots. All submissions for scrutineer must be received by the CRO **prior to the opening** of the polls on the first day to be accepted.

- D. The candidate may appoint a scrutineer in for the scrutinizing of polls.
- D. The absence of a scrutineer at any point during the polling or during the ballot counting process will not in any way invalidate an election or referendum. Candidates are not required to have a scrutineer.
- E. While at the polling station, a scrutineer is authorized only to observe the balloting procedure.
- F. The appointment of a scrutineer is a privilege validated by the CRO. Should the scrutineer contravene any election rule or become disruptive to the polling process, the CRO has the right to revoke the scrutineer's status as a scrutineer. In addition, if this Elections Act has been violated by the scrutineer, the candidate whom the scrutineer is volunteering for may be disciplined by the CRO as outlined in Section 10. **

Section Sixteen: BALLOT COUNTING PROCEDURE

- A. After a poll has been closed, the ballot box **will** be transported by the CRO, accompanied by any poll clerks present, to campaign headquarters.
- B. Campaign headquarters for all elections will be designated as the David C. Dingwall Boardroom (Students' Union Building). Only the following will be permitted access into campaign headquarters:
 - i) elections committee members
 - ii) any approved scrutineer for ballot counting.
 - iii) The CRO
- C. Any mark which clearly denotes a preference for one of the candidates or positions in a referendum printed on the ballot will be valid and will be counted. The clarity of said marks is up to the discretion of the CRO, though members of the elections committee may be consulted.
- D. The candidate who receives the plurality of the votes shall be deemed the winner. Results are not official for another forty-eight (48) hours.
- E. After counting all the ballots any person feeling there is a discrepancy may ask for a recount. There shall be a maximum of three (3) re-counts.
- F. After the Elections Committee is satisfied with the counting results, the CRO will leave the room to type up the unofficial results of the election.
- G. After the documentation of the results the CRO will ask all witnesses to sign the document verifying the results.
- H. No person present during the counting of the ballots may divulge any information about an election or referendum until the results are announced by the CRO. Witnesses present during the counting of ballots may be sequestered by the CRO until the results are announced.
- I. No cell phones or personal electronic devices are permitted in

campaign headquarters during the counting of ballots.

Section Seventeen: ANNOUNCING THE RESULTS

- A. The winning candidate, or winning side in the case of a referendum, shall be made public in an announcement by the CRO at the Pit Lounge following the completion of the counting procedure. The CRO must mention that the results are not official for another forty-eight (48) hours. Results must be revealed immediately once the Elections Committee and all scrutineers verify the results.
- B. The complete detailed results will be published in the first possible Caper Times following the election in an article written by the CRO.
- C. SRC will declare the candidates duly elected at the first regular meeting of Council after the election by accepting the report of the CRO.

Section Eighteen: TIE VOTE PROCEDURE

- A. In the event of a tie vote the CRO will cast the deciding vote before the results leave campaign headquarters. In the case that this does occur, all those present at headquarters are expected not to disclose the occurrence of a tie vote procedure. The disclosure of a tie vote procedure may result in the offenders expulsion from the Students' Union.

Section Nineteen: APPEAL PROCEDURE

- A. An appeal may be launched by any member who is of the electorate corresponding to the election being appealed. However, the appeal must meet all of the following criteria:
 - i) the appeal must alter the outcome of the election in question. If an error is alleged to have occurred in the election process, and if rectification of said error would have declared a different candidate the winner, an appeal would thus be rightly justified.
 - ii) Any allegation of error in the electoral process, resulting in appeal, must be supported by concrete evidence, provided to the CRO and appeals committee upon request.
- B. All appeals must be submitted within forty-eight (48) hours of the results being announced at the Pit Lounge by the CRO.
- C. All appeals must be sent to the CRO, who, upon validating the charges, will forward all relevant information to the chair of the SRC, who will be duly responsible for striking an appeals committee composed of the Chair of the SRC, two SRC member, one student member at large, and a full time staff member. All members of the appeals committee must not have been sitting members of the elections committee.
- D. All appeals must be in written form with the charges and reasons explicitly set out with all evidence.
- E. The Appeals Committee will investigate the charges within an appeal. The Chair shall consider his/her decision based purely on the charges and evidence contained within the appeal. From hereon in

- this decision will be referred to as a "ruling".
- F. If the Chair should make a ruling to accept the appeal, the CRO will declare the previous election of the position in question null and void and the Chair will call a second election for the position, notifying all candidates or representatives in the case of a referendum.
 - G. If the Committee should make a ruling to reject the appeal, the results of the election will stand. This ruling will be announced at the first regular meeting of Council along with the official results of the election or referendum, and the declaration of the winning candidate as duly elected if applicable.
 - H. Once the CRO makes a ruling to reject an appeal, the CRO will inform the elector(s) who launched the appeal immediately.

Section Twenty: APPEAL COMMITTEE

- A. If an election or referendum has been appealed in the prescribed manner as outlined in Section 19, and if the challenger(s) has (have) not been satisfied by the decision of the initial appeals committee, the challenger may launch a second appeal to the Chair of Council.
- B. An appeal to the Chair must be in written form and be received by the Chair within forty-eight (48) hours of notification of the CRO's ruling on the initial appeal.
- C. The appeal to the Chair must contain the identical charges, reason, and evidence as contained in the appeal to the CRO. New charges are inadmissible.
- D. At this point, the Chair is responsible for forwarding the case to further arbitration, in this case Students' Union Legal Counsel.
- E. Counsel will then be responsible for forwarding a decision within 48 hours.

Section Twenty-One: RECOUNT PROCEDURE

- A. A request for a recount is considered an appeal, and must follow the same deadline and formatted procedure as outlined in Section Nineteen: APPEAL PROCEDURE. However, in the case of a recount request in the preliminary counting session immediately following an election, a recount would NOT be considered an appeal.
- B. If an appeal for a recount is accepted, the procedure will be followed as outlined in Section Sixteen: BALLOT COUNTING PROCEDURE with the addition of two scrutineers who may be nominated by each candidate or representative of a side in a referendum. Nominations of scrutineer must follow the procedure outlined in Section 15C.
- C. In the case of a tie vote, an immediate recount will occur.

Section Twenty-Two: CUSTODY OF DOCUMENTS

- A. All ballots used in an election or referendum shall be stored for safe-keeping by the CRO for a period of forty-eight (48) hours after an election. Ballots will be stored by security.
- B. If an appeal is launched, ballots will be kept until all appeal processes are finalized.
- C. Once a candidate has been officially declared duly elected after any appeal processes are finalized, ballots are to be destroyed in

accordance with CBU Students' Union By-laws section **12.08**.

APPENDIX A: REFERENDA and PLEBLICITES

Section One: GENERAL

- A. Referenda may be initiated by Council.
- B. Each referendum question will deal with only one issue.
- C. The Chief Returning Officer will ensure that all referendum questions do not violate the By-Laws of the CBU Students' Union.
- D. Referenda are regularly held during the periods from the eighth (8th) of February to the fifteenth (15th) of March and from the eighth (8th) of October to the fifteenth (15th) of November. Council may define exceptional referendum periods by a two thirds (2/3) majority vote.
- E. Policies adopted by referenda shall be inscribed in the Union's Policy Manual and shall not be amended by motion of Council for one (1) year.
- F. Quorum for all referenda shall be ten percent (10%) of the membership.
- G. The wording of all referenda resulting in a contractual agreement between the Students' Union and a third party shall be reviewed by legal counsel prior to being passed by SRC.

Section Two: COUNCIL-INITIATED REFERENDA

- A. Any motion to place a question before the Union through a referendum must be presented as a written motion and signed by at least four (4) members of Council and distributed to all Council members at a meeting of Council. The motion shall then be put on the agenda of the next Council meeting at which time it will be discussed and voted upon. If passed, the question will be put to the membership during the following referendum period.
- B. The wording of the referendum question must be approved by Council no less than twenty-one (21) days prior to the beginning of the referendum vote. Once passed by council, the wording of a referendum question shall also be approved by Students' Union Legal Counsel.
- C. The majority necessary for the adoption of policies in a Council-initiated referendum shall be decided by Council on an issue-by-issue basis. A majority shall be fifty percent (50%) of voters plus one (1) vote unless otherwise decided by council. When applied to policy or by-law changes the deciding majority must be equal to or greater than the existing threshold.
- D. If a majority is obtained in a Council-initiated referendum, the policy change proposed by the referendum shall be adopted immediately after the referendum result is declared official.

Section Three: STUDENT-INITIATED REFERENDA

- A. Any motion to place a question before the Union through a referendum must be presented as a written motion to Council and signed by at least 10% of the student population, all who must be fees paying members. The motion will then be put on the agenda of the next regularly scheduled meeting and voted upon. If passed, the question

will be put to the membership during the referendum period outlined in Section 2A.

- B. Wording of the referendum question must be approved by Council 21 days prior to the beginning of the vote.
- C. The majority necessary for the adoption of policies in a student-initiated referendum shall be 50% plus 1.
- D. If a majority is obtained in a Student-initiated referendum, the policy change proposed by the referendum shall be adopted immediately after the referendum result is declared official.

Section Four: OFFICIAL REPRESENTATIVES OF A REFERENDUM

- A. There can only be one (1) Official Representative For and one (1) Official Representative Against the proposed policy changes in each referendum question.
- B. Prior to being declared Official Representative, a Union member must sign a Letter of Intent. The Letter of Intent will be drafted by the CRO and shall indicate that as Official Representative, the Union member will comply with all regulations set forth in the Elections Act, and he/she will be subject to disciplinary action should he/she violate any of these regulations.
- C. In a student-initiated referendum, the Initiator of the referendum shall be the Official Representative For the proposed policy change. In a Council-initiated referendum, the Official Representative For the proposed policy change shall be any member of Council, chosen by a majority of Council.
- D. The first Union member to present a signed Letter of Intent to the CRO shall be the Official Representative Against the proposed policy change.

NOTE: The Revision Committee is uncomfortable with the concept of singular representative, yet acknowledges the necessity. A discussion forum was proposed as an alternative way to allow those interested to communicate their views.

Section Five: CAMPAIGNING

- A. Within fourteen (14) days of the approval of the referendum question, the CRO shall hold an Official Representatives Meeting at which time the CRO will outline the particular restrictions of the upcoming campaign.
- B. There shall be a period of active campaigning, which shall begin following the Official Representatives Meeting.
- C. Official representatives of a referendum must campaign according to the regulations outlined in Section Eight (8) of the Students' Union Elections Act.
- D. Official representatives who violate campaign regulations shall be subject to the disciplinary action outlined in Section Ten (10) of the Students' Union Elections Act.

Section Six: POLLING PROCEDURES

- A. Preparation of the poll and polling for a referendum shall follow the procedure outlined in Sections Thirteen (13) and Fourteen (14) of the Students' Union Elections Act.
- B. Any eligible voter, excluding official representatives of the referendum, the CRO, Poll Clerks, and members of the Elections Committee are eligible to serve as scrutineer. All scrutineers shall be subject to all regulations outlined in Section Fifteen (15) of the Students' Union Elections Act.
- C. The ballot counting and the announcement of referendum results shall follow the procedures outlined in Sections Sixteen (16) and Seventeen (17) of the Students' Union Elections Act.

NOTE: Valedictorian procedure will be decided later upon consultation with student services.