

# BYLAW 320: ELECTIONS, PLEBISCITES, AND REFERENDA

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## 01. Mandate

1. This bylaw shall govern the conduct of the following elections:
  - a. Executive
  - b. Undergraduate Board of Governors Representative
  - c. Students' Council
  - d. General Faculties' Council
  - e. Plebiscites and Referenda of the Students' Union
  - f. Plebiscites for University Mandatory Non-Instructional Fees

## 02. Election Dates

1. See [Regulation 320.02 - Election Dates](#) for dates of Students' Union Elections.

## 03. By-Election - Executive Committee and Board of Governors

1. Where another Election is required by virtue of [Bylaw 230](#), the new Election shall be conducted.
2. The Campaign for the new Election shall begin a minimum of five (5) days prior to the commencement of voting as set out in Section 02.
3. The nomination deadline for the new Election shall occur a minimum of fifteen (15) days prior to the commencement of voting as set out in Section 02.
4. The voting for the new Election shall occur on two (2) consecutive weekdays to be determined and announced by the C.R.O. at least twenty-one (21) days in advance.

## 04. By-Election - Students' Council

1. Where vacancies exist in positions filled under this bylaw on August 15 of any year, the C.R.O. shall call a Business Day to take place in September or October of that year for all those positions vacant on August 15.
2. Notwithstanding Section 04(1), if positions become vacant between August 15 and one (1) Business Day prior to the release of the nomination package, those positions shall also be included in the Business Day.
3. Where the total voting Membership of Students' Council falls below two-thirds (2/3) of total number of voting seats threshold, the C.R.O. shall call a By-Election to occur not more than one month past the date that the threshold is no longer met.
4. Except as otherwise stipulated in this bylaw, there shall be no By-Elections to fill positions filled under this bylaw.
5. The deadline for the nomination of Candidates in any By-Election shall be determined and announced by the C.R.O. at the same time as the date of the By-Election is announced.
6. The commencement of the Campaign for any By-Election shall be determined and announced by the C.R.O. at the same time as the date of the By-Election is announced, such commencement occurring not less than five (5) days prior to the election.
7. Except as otherwise stipulated in this bylaw, any By-Election shall be conducted in accordance with the rules governing the election.
8. Where vacancies exist following the fall By-Election procedures outlined above, Vacancy Petitions, as outlined in [Regulation 110](#), shall be used to fill these seats.

## **05. Nomination Deadlines - Executive, Board of Governors, General Faculties Council, and Students' Union Council Elections**

1. The C.R.O. shall determine and announce the nomination deadline no later than November 30.
2. The C.R.O. or Elections Staff shall make available to every Member nomination packages not fewer than thirty (30) days before the nomination deadline.

## **06. Initiation and Acceptance of Plebiscites and Referenda**

1. Students' Council shall approve a question which meets the criteria set out in [Regulation 320.06 - Plebiscite and Referenda Procedure](#) unless the question would cause Students' Council to breach its fiduciary responsibility to the Students' Union.
2. Students' Council shall have the authority to call a plebiscite or referendum without a petition.
3. Where a valid petition bearing the names, signatures, and student identification numbers of at least five percent (5%) of the total Membership of the Students' Union as of February 1 of that academic year requesting a plebiscite on a given Students' Council-approved question is submitted to the C.R.O., then a plebiscite shall be held on that question as set out in Section 6, provided that the names, signatures, and student identification numbers were all collected within ninety (90) days of submission of the petition.
4. Where a valid petition bearing the names, signatures, and student identification numbers of at least fifteen percent (15%) of the total Membership of the Students' Union as of February 1 of that academic year requesting a referendum on a given Students' Council-approved question is submitted to the C.R.O., then a referendum shall be held on that question as set out in Section 6, provided that the names, signatures, and student identification numbers were all collected within ninety (90) days of submission of the petition.
5. Where a valid petition is submitted to the C.R.O., that Member's deposit shall be refunded.

## **07. Candidate Nominations**

1. The C.R.O. shall make available to every Member nomination packages, not fewer than thirty (30) days before the nomination deadline as set out in Section 05.
  - a. Requirements of nomination packages are detailed in [Regulation 320.07 - Nomination Procedure](#).
2. No Member shall be nominated for more than one (1) of the positions contested in each election.
  - a. Notwithstanding Section 07(2), Members may be nominated for both Students' Council and General Faculties Council within the same election.
3. For Executive and Board of Governors Elections:
  - i. In order for their nomination papers to be valid, Members of Students' Council and its standing committees are required to take a leave of absence from their duties for the period beginning with the nomination deadline and ceasing with the conclusion of voting of the election in which they are contesting a position. The following exceptions apply:
    - a. Any Member of Students' Council contesting an executive position when the race is uncontested;
    - b. For the purpose of this section, any race solely contested by a joke Candidate shall be considered uncontested.
4. For General Faculties' Council and Students' Union Council Elections:
  - a. In order for their nomination papers to be valid, Members of the Executive who are running in contested Councilor races are required to take a leave of absence from their duties for the period beginning with the nomination deadline and ceasing with the conclusion of voting of the election in which they are contesting a position. The following exception applies:
    - i. An executive contesting a Councilor position when the race is uncontested,
  - b. For the purpose of this section, any race solely contested by a joke Candidate shall be considered uncontested.

5. Where a Member submits a valid set of nomination papers, as set out in Sections 07(3), 07(4), and [Regulation 320.07 - Nomination Procedure](#), and prior to the nomination deadline as set out in Section 03, the C.R.O must within two (2) Business Days reject the Member as a Candidate in the race(s).
  - a. Where a Member resubmits a valid, complete and acceptable nomination package as set out in Sections 07(3), 07(4), the C.R.O must, within two (2) Business Days, accept the Member as a Candidate in the race(s) to which they were nominated and notify the Candidate to that effect.
  - b. Where a Member fails to resubmit a valid, complete and acceptable nomination package as set out in Sections 07(3), 07(4), the Candidate must be permanently rejected as a Candidate in the race(s) to which they were nominated.
6. Should a Member submit valid nomination papers, they shall be designated a Candidate at the nomination deadline.
7. Should a race be uncontested, the Elections Office shall extend and publicize the nomination deadline until the race is contested, up to a maximum of two (2) Business Days.

## **08. Candidate Registration Meeting**

1. The C.R.O. shall hold a meeting for all Candidates, referenda, and plebiscite sides following the nomination deadline but prior to the commencement of the Campaign.
  - a. The details of the time and content of the meeting are outlined in [Regulation 320.08 - Candidate's Meeting](#).
2. Where a Candidate or side manager contravenes [Regulation 320.08 - Candidate's Meeting](#), that Candidate or side manager shall be disqualified.

## **09. Forums**

1. The elections office shall host at least (1) one Forum during the Executive Committee and Board of Governor Elections, and it shall be called the Myer Horowitz Forum.
  - a. The C.R.O. shall determine and announce the location of the Myer Horowitz Forum, to occur after the commencement of the Executive Committee and Board of Governors and Plebiscite/Referendum Campaign activities, prior to the end of November of each year.
2. The elections office may choose to organize any Forums they deem appropriate.
3. The elections office shall enforce [Regulation 320.09 - Forums](#) for all Elections Office Forums.
4. No Candidate or side shall participate in any externally organized Forum unless each Candidate or side in their race has received at least one (1) Business Day notification of the Forum and will be afforded an equal chance to speak at it.

## **10. Candidate Listings**

1. A joke Candidate shall be designated as such at the nomination deadline.
  - a. Where a Candidate has been designated as a joke Candidate, and that Candidate does not wish to be a joke Candidate, that Candidate may provide to the C.R.O. a new signed statement indicating the preferred name under which they wish to appear on the ballot, within two (2) Business Days of the nomination deadline.
  - b. Where a Candidate who has been designated a joke Candidate exercises their right to submit a new name under which they wish to appear on the ballot, and where the new name is, at the discretion of the C.R.O., a reasonable derivative of that Candidate's legal name or their preferred name, that Candidate's designation as a joke Candidate shall be reversed.
2. Candidates with the Same or Similar Names
  - a. Where two (2) or more Candidates submit names that are either identical or so similar as to be effectively indistinguishable, the Candidates shall provide the C.R.O with their preferred names for the ballot within two (2) Business Days of the nomination deadline. The preferred name must be a reasonable derivative of the Candidate's legal name, be a name they use regularly, or be a name they have registered with the University.

- b. Where the C.R.O. is not provided with a preferred name by the Candidate, the C.R.O. shall determine and announce what name each of the two (2) or more Candidates shall use.
- 3. Within two (2) Business Days of the nomination deadline, the C.R.O. shall post the preferred name of each Candidate as it will appear on the ballot.
- 4. The name must be:
  - a. a reasonable derivative of the Candidate's legal name; or
  - b. a preferred name, for which the Candidate has provided satisfactory evidence to the C.R.O. showing it is a name they regularly use; or
  - c. a name they have registered with the University.
- 5. Where no derivative or preferred name is provided to the C.R.O., the C.R.O. shall use the legal name(s) of the Candidate(s)

## **11. Campaign Procedures**

- 1. Each Candidate or side manager shall act reasonably and in good faith, and specifically shall
  - a. ensure that each Volunteer engaging in Campaign activities on their behalf is aware of all bylaws, rules, regulations, and orders;
  - b. ensure that each Volunteer is in compliance with all bylaws, rules, regulations, and orders while engaging in Campaign activities on their behalf; and
  - c. report any contravention of a bylaw, rule, regulation, or order to the C.R.O. immediately.
- 2. Each Candidate or side manager shall owe the C.R.O. and all other election staff a duty of utmost honesty throughout the entirety of the election process.
- 3. The C.R.O. shall determine and announce, prior to the end of November, the time and date of the commencement of Campaign activities
  - a. The commencement of Campaign activities shall occur no fewer than five (5) days before the commencement of voting
  - b. In the event of a By-Election, the announcement shall be prior to the end of September
- 4. No Volunteer, Candidate, or side shall engage in Campaign activities between the nomination deadline and the commencement of the Campaign.
- 5. Any Campaign Activity involving social media or internet activity shall not commence or exist between the nomination deadline and the commencement of the Campaign or Students' Council initiation of a plebiscite/referendum. Social media and internet activity with the sole purpose to prepare Campaign activities, Campaign Material, or to solicit Volunteers may be undertaken during the Pre-Campaign period, so long as it is kept private.
- 6. A Candidate or side in a Students' Union election may distance themselves from a third party in the event the third party effectively conducts Campaign activities under the following conditions:
  - a. the Candidate or side must demonstrate to the C.R.O. that the third party acted without the consent of the Candidate or side; and
  - b. the Candidate or side must demonstrate to the C.R.O. that steps have been taken to distance themselves from the third party and to attempt to halt unauthorized Campaign Activity by that third party.
- 7. Should a Candidate or side demonstrate the conditions specified under Section 12(5) to the C.R.O.'s satisfaction, the Candidate or side would not be subject to punitive fines as a result of the third party's actions, but could still be subject to counterbalancing fines.
- 8. No Candidate or side shall, without the permission of the C.R.O., engage in any Campaign Activity
  - a. in any business or service operated by the Students' Union;
  - b. in a University library;
  - c. in a classroom during a class, unless the Candidate or side first obtains the permission of the professor responsible for that class;
  - d. in any residence; or
  - e. in any building or on any land not owned or operated by the University or the Students' Union.
- 9. Candidates, sides, or Volunteers associated with their Campaign, shall not:
  - a. provide Voters with an electronic device on the day of the election for the purpose of voting;

- b. solicit, touch, or otherwise handle a Voter's electronic device on the day of the election for the purpose of voting;
  - c. solicit, steal, borrow, use or otherwise handle another students' CCID or password for the purpose of voting.
10. All Candidates or sides are free to pursue campus-based media as determined by the C.R.O.; however, are restricted from contacting external media sources. All external media must be directed through the C.R.O.
11. Members shall be allowed to volunteer for a Candidate or a Side.
12. Non-members who are involved in an organization funded by a Dedicated Fee Unit shall be able to volunteer for a Side. Non-members are not allowed to volunteer for a Candidate.

## **12. Endorsements**

1. Any Member, with the exception of the C.R.O., the D.R.O.s, and incumbent Members of the Executive Committee who are not also Candidates shall be free to endorse or Volunteer for any Candidate.
2. Notwithstanding Section 12(1), regulations regarding the endorsement of and Volunteering for Candidates by Students' Union employees not referenced in Section 12(1) shall be subject to the Students' Union operating policy.
3. Incumbent Members of the Executive Committee and the incumbent Board of Governors Representative are allowed to endorse sides in a Students' Union referendum or plebiscite.

## **13. Campaign Materials**

1. The cost of all Campaign Materials shall be approved by the Elections Staff before being used in Campaign activities. Candidates or sides shall provide the Elections Staff with:
  - a. a written or electronic estimate of the cost of the proposed Campaign Material, including the source of that cost; and
  - b. the complete contents of the proposed Campaign Material.
2. The Elections Staff shall provide in confidence a written or electronic approval or refusal of Campaign Materials within one (1) Business Day of receiving a request as set out in Section 13(1).
3. Where a Candidate or side contravenes Section 13, the offending Campaign Materials shall be destroyed, and the C.R.O. may assess an additional penalty to that Candidate or side, as set out in Section 17.
4. The Elections Staff is forbidden from approving Campaign Materials that:
  - a. cannot be removed at the end of the Campaign; or
  - b. are likely to permanently damage or alter property.
5. Where a Candidate or side uses a forbidden Campaign Material, the offending Campaign Materials shall be destroyed, and the C.R.O. may assess an additional penalty to that Candidate, as set out in Section 17.
6. No two (2) or more Candidates or sides shall jointly use any resources, including tables, posters, banners, and budgets, but excluding Volunteers.
7. The C.R.O. shall make arrangements for space to be available on the University campus to all Candidates or sides for the purpose of the storage of Campaign Materials.
8. The C.R.O. shall be kept privy to elections-related social media and public internet ventures undertaken by Candidates or sides, and reserves the right to penalize Candidates or sides for any violation of this bylaw or related regulations.
9. No Candidate or side shall have more than one (1) banner on display in any given building at any given time.
10. Where a Candidate or side contravenes Section 13(9), the offending banners shall be destroyed, and the C.R.O. may assess an additional penalty to that Candidate or side as set out in Section 18.
11. No poster shall be displayed in such a way as to obscure another Candidate's or side's Campaign Materials.
12. In any given building, at any given time, a Candidate or side shall have no more than ten (10) posters.
13. The C.R.O. shall set a minimum distance between posters or signs that are placed outside belonging to the same Candidate or side.

14. Where a Candidate or side contravenes Sections 13(11) through (13), the offending posters shall be destroyed, and the C.R.O. may assess an additional penalty to that Candidate or side as set out in Section 17.
15. All printed Campaign Materials shall be purchased at official list price costs from SUBprint.
16. Where a Candidate or side contravenes Section 13(15), the offending Campaign Materials shall be destroyed, and the C.R.O. may assess an additional penalty to that Candidate or side, as set out in Section 17.
17. Where a Candidate or side chooses to print Campaign Materials on paper deemed to be sustainable by the CRO and where that Candidate or side demonstrates, to the satisfaction of the C.R.O., that this choice resulted in an increased cost being incurred to it, then the amount of this increased cost shall not count against the limits set out in Section 15.
18. No Candidate, side, or Volunteer shall damage or destroy any other Candidate's or side's Campaign Materials unless specifically authorized to do so by the C.R.O.
19. All Campaign Materials shall be removed by 9:00 PM on the last day of voting.

## **14. Universal Materials**

1. No individual Candidate or side shall make use of any materials, products, or resources that are not:
  - a. accounted for as part of that Candidate's or side's Campaign budget; or
  - b. a Universal Material
2. Universal Materials shall be defined as basic materials provided by the Elections Office within the Candidate workroom.
  - a. Candidates or sides shall be permitted to use these supplies in the creation, dissemination, and/or distribution of their Campaign Materials.
3. These supplies shall not be counted against the Candidate's or side's Campaign budget.
4. The C.R.O. shall purchase or supply whatever basic materials they deem appropriate. The elections office shall replenish these Universal Materials as they become depleted during the elections period, where feasible.
5. Basic materials that shall be provided include, at a minimum:
  - a. Staples; and
  - b. Tape; and
  - c. Lawn signs; and
  - d. Push pins;
  - e. Any other basic materials the C.R.O. chooses to provide.
6. The C.R.O. shall provide a list of Universal Materials in the Candidate nomination package.
7. Excluding Universal Materials physically provided by the elections office, all other materials must be included in the Candidate's or side's Campaign budget with costs, receipts and/or fair market assessment included.
8. Where a Candidate or side contravenes Section 14, the C.R.O. shall assess a punitive fine and take any other recourse as prescribed under Section 17.

## **15. Expenses**

1. Candidate and Side expense amounts, Expense Reporting Procedure, and Fair Market Value Procedure can be found in [Regulation 320.15 - Campaign Expenses](#).
2. Each Candidate or side shall keep an up-to-date and accurate record of all Campaign Expenses they incur, and shall be responsible to the C.R.O. for all such Campaign Expenses.
3. Fair Market Value shall be determined by the C.R.O. within two (2) Business Days using the price recommended by the Candidate or side or the price that any other Candidate or side would have to pay for a comparable product or service.
4. All donations must undergo either a universal resource designation or a Fair Market Value assessment.
5. For purposes of this section, general labour and any expertise had by a significant portion of the population, including, but not limited to, poster design, web page design, and web page programming,

shall be considered to have a Fair Market Value of zero.

6. Candidates running in multiple coinciding elections for the General Election of Faculty Councilors will be considered separate Candidates for Campaign Expenses, balloting, and penalties apply to a Candidate per contested part of the Election and not to the Candidate between multiple parts of the Election.
  - a. All other rules concerning nominations, Campaign Materials, and Campaign activities apply per Candidate in both coinciding elections.

## 16. Complaints

1. Complaints on the violation of Bylaw during an election, plebiscite, or referendum can be submitted to the C.R.O. through the complaint form, detailed in [Regulation 320.16 - Complaint Procedure](#).
2. The C.R.O. shall provide a copy of the complaint form, with the complainant's student identification number blacked out, to each respondent.
3. Elections Staff shall report any witnessed violation of bylaw through the process outlined in [Regulation 320.16 - Complaint Procedure](#).
4. The C.R.O. shall investigate and rule upon every contravention of this bylaw or any other bylaw, rule, or regulation related to the election, plebiscites, or referenda.

## 17. Penalties

1. Where a Candidate, Volunteer, or side has contravened a bylaw, rule, or regulation, regardless of the cause or the intent of the parties involved, and that contravention has provided an unfair advantage to a Candidate or side, the C.R.O. shall assign a penalty that
  - a. fully counter-balances any advantage gained; and
  - b. where the contravention was intentional, penalizes the Candidate, Campaign manager, or side manager who was or whose Volunteer was guilty of the contravention.
2. Penalties available to the C.R.O. shall include
  - a. a fine to be counted against the Candidate's or side's Campaign Expenses;
  - b. the confiscation or destruction of Campaign Materials; and
  - c. limits, restrictions, and prohibitions on any type of Campaign activities for any period of time up to the commencement of voting.
  - d. disqualification; where the candidate is guilty of a contravention that;
    - i. Cannot be counterbalanced by a lesser penalty; or
    - ii. Is malicious or substantially prejudicial to another Candidate or side; or
    - iii. Involves tampering with ballots, voting procedures, or counting procedures; or
    - iv. A conscious and egregious breach of Bylaw 320.11.1 and/or Bylaw 320.11.2;
3. The C.R.O. shall draft a schedule of fines and penalties as an appendix to the rules and regulations concerning this bylaw and it shall be included and well defined in the nomination package.

## 18. D.I.E. Board

1. All Members have the right to appeal rulings of the C.R.O. to the D.I.E. Board.

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