

**THE UNIVERSITY OF NEW BRUNSWICK STUDENT UNION
BYLAW NO. 2**

A BYLAW RELATING TO THE CONDUCT OF ELECTIONS, PLEBISCITES AND REFERENDA

BE IT ENACTED AND IT IS HEREBY ENACTED as a Bylaw of **THE UNIVERSITY OF NEW BRUNSWICK STUDENT UNION** (hereinafter called the “**Union**”) as follows:

ARTICLE 1: DEFINITIONS AND INTERPRETATION

1.1 In this Bylaw, the following terms shall have the respective meanings ascribed to them below and, where the context requires, grammatical variations of such terms have corresponding meanings:

- 1.1.1 “**Annual General Election**” or “**AGE**” means the annual election held to elect Union Councillors in accordance with this Bylaw No. 2;
- 1.1.2 “**campaign activity**” means any act planned or organized by or on behalf of any candidate that is calculated to convince members to vote in a given way;
- 1.1.3 “**campaign expense**” means any and all expenditures incurred in engaging in campaign activities;
- 1.1.4 “**campaign material**” means any physical or electronic media produced or distributed as part of campaign activities including but not be limited to posters, mass publicity materials, radio advertisements, newspaper advertisements, and electronic campaign materials such as Facebook and Twitter;
- 1.1.5 “**Campaign Period**” means the period of time during which campaign activities are permitted pursuant to this Bylaw No.2;
- 1.1.6 “**candidate**” shall mean (1) any person whose nomination is accepted under this Bylaw, and (2)an Official Representative of a referendum appointed under Article 8;
- 1.1.7 “**CRO**” means the Chief Returning Officer, “**DCRO**” means the Deputy Chief Returning Officer, and “**RO**” includes the CRO, the DCRO and any other returning officer appointed in accordance with Bylaw No. 1 and Bylaw No. 2;
- 1.1.8 “**Councillors**” shall include the Faculty Councillors, General Councillors and Executive Councillors as defined in Bylaw No. 1;

- 1.1.9 “**mass publicity materials**” means all physical campaign materials that do not fall under the definition of a poster including, but not limited to, pamphlets, pins, insignia and messages printed on articles of clothing, stickers and leaflets;
- 1.1.10 “**Nomination Period**” means the period during which Valid Nomination Papers can be accepted by the CRO as set out in 2.5 below;
- 1.1.11 “**Nomination Package**” and “**Nomination Papers**” shall have the respective meanings set out in Article 4;
- 1.1.12 “**Official Representative**” means the Official Representative For and the Official Representative Against a referendum question appointed in accordance with Article 8;
- 1.1.13 “**plebiscite**” means a vote, open to all Ordinary Members, held on a given question, the result of which vote is not binding on the Union;
- 1.1.14 “**Polling Period**” shall have the meaning set out in 2.6;
- 1.1.15 “**poster**” means any written campaign material composed of paper, cloth or similar material that is or exceeds the size of standard letter paper (8.5" x 11");
- 1.1.16 “**referendum**” means a vote, open to all Ordinary Members, held on a given question, the result of which vote is binding on the Union;
- 1.1.17 “**slate**” means any group of two or more candidates who willingly choose to endorse one another on campaign material;
- 1.1.18 “**Special Referendum**” means a referendum held at a time other than at the Annual General Meeting in accordance with Article 5;
- 1.1.19 “**Valid Nomination Papers**” shall have the meaning set out in 4.2;
- 1.1.20 “**volunteer**” shall be any individual who assists a candidate in campaign activities;
- 1.1.21 “**Voting Councillor**” means any Councillor entitled to vote at meetings of the Union Council pursuant to Bylaw No. 1; and
- 1.1.22 “**Winter Term Break**” means the week during the winter term in each academic year during which no classes are held, as defined in the University Calendar.

1.2 This Bylaw No. 2 applies to all elections, including by-elections, to the Union or to other entities on whose behalf the Union is permitted to hold elections under the Bylaws, unless specifically stated otherwise in this Bylaw No. 2. When holding elections on behalf of entities other than the Union, to the extent that any bylaw or regulation of the entity is

inconsistent with this Bylaw, the bylaw or regulation of the entity shall prevail.

ARTICLE 2: ELECTIONS - GENERAL

Election Dates

2.1 All Councillors shall be elected once in each academic year at an election to be known as the “Annual General Election” conducted in accordance with this Bylaw No. 2.

Qualifications to Vote

2.2 Any student who is an Ordinary Member of the Union is eligible to vote in any election for any position that is not constituency-based (e.g., President of the Union and other Executive Councillors).

Qualifications to Vote - Electoral Constituencies

2.3 Subject to 2.4, in any electoral constituency in which an election is held, any student who is an Ordinary Member of the Union, and who is also a member of the electoral constituency, is eligible to vote.

Qualifications to Vote - Multiple Faculties

2.4 With respect to Faculty Councillors, where an Ordinary Member belongs to more than one faculty the Ordinary Member may vote in both Faculty Councillor elections.

Candidate Nomination Deadlines

2.5 The Nomination Period for candidates shall open at 8:00 a.m. on the fifth (5th) Monday preceding the Winter Term Break and shall close at 12:00 p.m. on the fourth (4th) Friday preceding the Winter Term Break (the “**Nomination Period**”).

Polling

2.6 Polling shall open at 12:01 a.m. on the Monday immediately preceding the Winter Term Break and shall close at 11:59 p.m. on the Friday immediately preceding the Winter Term Break (the “**Polling Period**”).

ARTICLE 3: NOMINATIONS

Persons Qualified to Nominate Candidates

3.1 Subject to 3.3, all Ordinary Members are qualified to nominate a candidate for any position; however, a candidate for a Faculty Councillor position may only be nominated by an Ordinary Members belonging to that faculty.

Persons Qualified to be Candidates

3.2 All Ordinary Members who are in good academic standing are qualified to be nominated as candidates and to hold office, subject to the limits and restrictions set out in 3.3 and 3.4 below.

Disqualified Individuals

3.3 The following individuals are disqualified from candidacy as a Councillor and may not nominate nor be a volunteer or scrutineer for a candidate for a Councillor position:

- 3.3.1 the CRO, the DCRO, and any other Returning Officers who may be appointed under Bylaw No. 1 or Bylaw No. 2;
- 3.3.2 all poll clerks;
- 3.3.3 the Chairperson of Council;
- 3.3.4 the Chief Appeals Officer; and
- 3.3.5 all Associate Members of the Appeals Board.

Additional Restrictions on Nominees

3.4 The following additional restrictions shall apply to nominees:

- 3.4.1 no person shall be nominated for nor hold more than one (1) position as a Voting Councillor;
- 3.4.2 no person who has been twice elected to the office of President of the Union shall be eligible in any subsequent year to be nominated for or to hold the office of President;
- 3.4.3 no person who has been elected to any of the offices of President, Vice President Internal, Vice President External, Vice President Finance & Operations or Vice President Student Services for three (3) electoral terms shall be eligible in any subsequent year to be nominated for or to hold any such offices;
- 3.4.4 no Councillor who is dismissed or impeached in accordance with Bylaw No. 1 shall be eligible to be nominated for or to hold a position as a Councillor for a period of five (5) years from the date of removal from office;
- 3.4.5 all nominees for Faculty-based positions must belong to that constituency, and must furnish reasonable evidence of same to the CRO within 24 hours upon request.

Effect of Non-Compliance

3.5 Where a person contravenes this Article 3 all of such person's nominations shall be declared null and void.

ARTICLE 4: PROCEDURE GOVERNING NOMINATIONS

Nomination Package

4.1 The CRO shall make available to each Ordinary Member who so requests, not fewer than twenty (20) days before the commencement of the Nomination Period, a Nomination Package, which shall contain:

- 4.1.1 a complete and current copy of Bylaw No. 1 and Bylaw No. 2;
- 4.1.2 Nomination Papers in a form prescribed by the CRO setting out as a minimum:

- (a) the candidate's legal name, student number, mailing address and electronic mailing address;
- (b) the faculty and year of the candidate;
- (c) the position for which the candidate intends to run; and
- (d) the name and student number of the person nominating the candidate and of each person endorsing the candidate's candidacy in accordance with 4.2.

Valid Nomination Papers

4.2 Valid Nomination Papers shall contain:

- 4.2.1 a signed acceptance of the nomination by the proposed nominee;
- 4.2.2 a signed letter from the proposed nominee's faculty confirming that he or she is in good academic standing under the University's regulations;
- 4.2.3 in the case of a proposed nominee seeking election as a Faculty Councillor, the names, student numbers and signatures of twenty-five (25) or twenty percent (20%) (whichever is the lesser) of the Ordinary Members of the relevant faculty endorsing the proposed nominee's candidacy;
- 4.2.4 in the case of a proposed nominee seeking election as a Councillor other than a Faculty Councillor, the names, student numbers and signatures of twenty-five (25) Ordinary Members endorsing the proposed nominee's candidacy;
- 4.2.5 a statement identifying the name by which the proposed nominee wishes to appear on the ballot, which must be a reasonable derivative of the proposed nominee's legal name;
- 4.2.6 a statement of the proposed nominee as to any extenuating circumstances in his or her knowledge which might reasonably be thought to prevent the proposed nominee's completion of a full term in office.

Acceptance of Nominations

4.3 Where a proposed nominee submits Valid Nomination Papers within the Nomination Period and in compliance with Article 3 and Article 4, that proposed nominee's nomination shall be accepted by the CRO within twenty-four (24) hours of the end of the Nomination Period.

Statement of Extenuating Circumstances

4.4 When reviewing any statement by a proposed nominee made under 4.2.6 the CRO may discuss with the proposed nominee whether the best interests of the Union and the proposed nominee's constituents will be served by the CRO's acceptance of the nomination.

No Candidate Nomination Received

4.5 Where, by the end of the Nomination Period, no valid nomination has been received, the CRO may extend the period for receiving nominations for that position for a period not to exceed ten (10) days.

Withdrawal of Nominations

4.6 A candidate may at any time prior to but not after the opening of the Polling Period withdraw his or her nomination by delivering written notice of withdrawal to the CRO.

Candidates with Same or Similar Names

4.7 Where two or more candidates submit names that are either identical or so similar as to be potentially confusing to voters, each affected candidate shall provide the CRO with his or her preferred alternative name for the ballot within twenty-four (24) hours of being so advised by the CRO, which name shall be a reasonable derivative of the candidate's legal name, failing which the CRO shall determine and announce the name to be used.

List of Candidates

4.8 Within forty-eight (48) hours of the expiry of the Nomination Period the CRO shall post a list of the preferred names of the candidates as they will appear on the ballot.

Candidate Registration Meeting

4.9 The CRO shall hold a meeting for all candidates following the expiry of the Nomination Period but prior to the commencement of the campaign period.

Attendance at Candidate Registration Meeting

4.10 All candidates shall either attend the candidate registration meeting in its entirety or designate, in writing, an agent who will do so, failing which the candidate shall be disqualified. The CRO may, in his or her discretion, grant an exemption to this section, but shall do so only where:

- 4.10.1 the candidate requesting the exemption does so in writing at least forty-eight (48) hours prior to the commencement of the candidate registration meeting;
- or
- 4.10.2 the candidate informs and provides satisfactory evidence to the CRO of an emergency for which no notice could be given.

Content of the Candidate Registration Meeting

4.11 At the candidate registration meeting the CRO shall, at a minimum:

- 4.11.1 review all relevant bylaws, rules, and regulations, including this Bylaw No. 2, and respond to questions about same;
- 4.11.2 announce the time and place of any forums scheduled;
- 4.11.3 where two (2) or more candidates have asked to appear on the ballot under names that are either identical or so similar as to be confusing, determine and announce under which names each of the affected candidates shall appear on the ballot;
- 4.11.4 announce any methods that will be regularly used to communicate with candidates;
- 4.11.5 take attendance for the purpose of verifying compliance with section 4.10.

Commencement of Campaign Period

4.12 At or as soon as practicable after the candidate registration meeting the CRO shall determine and announce the time and date of the commencement of the Campaign Period, which shall be in accordance with the time constraints set out in Article 2.

ARTICLE 5: PLEBISCITES AND REFERENDA - GENERAL

Initiation - General

5.1 Plebiscites and referenda may be initiated by Council or by Ordinary Members, to be voted upon at the Annual General Election or, in the case of Council-initiated plebiscites and referenda, at a Special Referendum, and shall be carried out in accordance with Articles 5, 6, 7 and 8.

Special Referenda

5.2 Council may, from time to time, hold a Special Referendum which shall deal only with plebiscite and/or referendum questions. A Special Referendum may be held any time except during the months of May, June, July and August in any calendar year.

Restrictions on Ordinary Members -Initiated Plebiscites and Referenda

5.3 Ordinary Member-initiated referenda shall be by petition only and shall not pertain to financial matters of the Union. Ordinary Member-initiated plebiscites and referenda may be voted upon during the Annual General Election only.

Content of Questions

5.4 Each plebiscite or referendum question shall:

- 5.4.1 deal with one issue only;
- 5.4.2 be clear, concise, and capable of a "YES" or "NO" response; and
- 5.4.3 be in compliance with the Bylaws of the Union and all municipal, provincial and federal laws.

Proposals to Amend Bylaws

5.5 Nothing in 5.4 shall be interpreted so as to prohibit a plebiscite or referendum question that proposes an amendment to the Bylaws.

Quorum

5.6 Quorum for all referenda shall be fifteen percent (25%) of Ordinary Members.

ARTICLE 6: PLEBISCITES AND REFERENDA - ORDINARY MEMBERS

Procedure - Ordinary Members

6.1 Where an Ordinary Member wishes to initiate a plebiscite or referendum, he or she shall do so by petition and in accordance with the following procedure:

- 6.1.1 The Ordinary Member shall submit in writing to the CRO at least seven (7) days before the commencement of the Nomination Period:
 - (a) the proposed question;
 - (b) a statement as to the intention of the question;
 - (c) whether the question is a plebiscite or referendum;
 - (d) the name, student number and faculty of the Ordinary Member.
- 6.1.2 Upon receipt of a submission in compliance with 6.1.1 the CRO shall, within seven (7) days of receipt, advise the Ordinary Member whether the proposed

- question complies with the Bylaws.
- 6.1.3 The Ordinary Member shall collect on a petition, clearly stating the approved question on the top of each page, the signatures of at least twenty-five Ordinary Members of the Union, and showing the date on which each signature was obtained.
- 6.1.4 All signatures collected under 6.1.3 shall be collected in the academic year in which the Annual General Election is to be held.
- 6.1.5 The Ordinary Member shall submit the completed petition to the CRO at least three (3) days prior to end of the Nomination Period.

Inclusion on Ballot

6.2 Upon receipt of a petition in compliance with 6.1 the CRO shall include the plebiscite or referendum question on the ballot for the next AGE.

Required Majority

6.3 The majority necessary for the adoption of a policy proposed by an Ordinary Member-initiated referendum shall be fifty percent (50%) of the votes cast plus one (1) vote.

- 6.3.1 The majority necessary for the adoption of a Bylaw amendment by an Ordinary Member-initiated referendum shall be two-thirds.

Adoption of Policy Change

6.4 If a majority is obtained in an Ordinary Member-initiated referendum, the policy change proposed by the referendum question shall be adopted as soon as practicable after the referendum result is declared official and shall not be amended by motion of Council for one (1) academic year following the adoption of the policy. Nothing in this section 6.4 shall be interpreted so as to compel Council to adopt a policy change, or to prohibit Council from rescinding a policy change prior to the expiry of the one academic year time limit, if Council determines by a vote passed by a two-thirds majority that the policy change is in contravention of the Bylaws of the Union or of a municipal, provincial or federal law.

ARTICLE 7: PLEBISCITES AND REFERENDA - COUNCIL

Procedure - Council-Initiated Referenda

7.1 Council shall have the authority to include a plebiscite or referendum question on the ballot during an AGE or a Special Referendum without a petition. Any motion to include a plebiscite or referendum question on the ballot or to hold a Special Referendum must be presented as a written motion signed by at least two (2) 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 shall be discussed and voted upon. If passed by a majority of no less than two-thirds the question will be put to the Ordinary Members to vote upon during the next AGE, or during a Special Referendum.

Required Majority

7.2 The majority necessary for the adoption of policies in a Council-initiated referendum shall be fifty percent (50%) of the vote cast plus one (1) vote.

- 7.2.1 The majority necessary for the adoption of a Bylaw amendment by a Council-initiated referendum shall be two-thirds.

Adoption of Policy Change

7.3 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.

ARTICLE 8: OFFICIAL REPRESENTATIVES OF REFERENDA

Official Representatives of Referenda

8.1 There may be appointed one (1) Official Representative For and one (1) Official Representative Against the proposed policy change in each referendum question.

Official Representatives Not Mandatory

8.2 Nothing in this Article shall be interpreted so as to require the appointment of an Official Representative on a referendum question and the referendum may proceed without an Official Representative For and/or an Official Representative Against.

Appointment of Official Representatives

8.3 In an Ordinary Member-initiated referendum, the initiator of the referendum shall be the Official Representative For. In a Council-initiated referendum, the Official Representative For shall be any member of Council, chosen by a majority of Council, but subject to the prohibitions set out in 9.1.

8.4 Prior to being appointed as Official Representative For or Official Representative Against, an Ordinary Member who is not a Councillor must sign a Letter of Intent. The Letter of Intent will be drafted by the CRO and shall indicate that, as an Official Representative, the Ordinary Member will comply with all regulations set forth in the Bylaws and will be subject to disciplinary action as set forth in the Bylaws should he or she violate any Bylaws.

8.5 The Official Representative Against the proposed policy change in a referendum question shall be the first Ordinary Member to present a signed Letter of Intent to the CRO, but subject to the prohibitions set out in 9.1.

No Official Representatives for Plebiscites

8.6 There shall be no Official Representatives on a plebiscite.

Referenda Campaigning

8.7 For referenda held at the AGE the Official Representatives must attend the Candidate Registration Meeting held under 4.9.

8.8 The Official Representatives shall campaign in accordance with and shall be subject to the disciplinary action set out in this Bylaw No. 2, and shall have all the benefits and

obligations of candidates under this Bylaw No. 2, *mutatis mutandis*.

ARTICLE 9: CAMPAIGNING REGULATIONS

Impartiality

9.1 The Chairperson of Council, Returning Officers, poll clerks, Chief Appeals Officer and Associate Appeals Officers shall remain impartial throughout a campaign and shall not endorse or publically support any candidate or take a position either for or against any proposed policy change on a plebiscite or referendum question.

Requirements of All Candidates

9.2 Each candidate shall act reasonably and in good faith, and specifically shall:

- 9.2.1 ensure that each volunteer engaging in campaign activities on his or her behalf is aware of this Bylaw;
- 9.2.2 ensure that each volunteer is in compliance with this Bylaw while engaging in campaign activities on his or her behalf; and
- 9.2.3 immediately report any contravention of this Bylaw to the CRO.

Candidates' Responsibility for Campaign Activities

9.3 All candidates are responsible for the actions of their volunteers, including scrutineers.

Unauthorized Third Party Activities

9.4 A candidate in an election may distance himself or herself from a third party who appears to be conducting campaign activities on the candidate's behalf under the following circumstances:

- 9.4.1 the candidate must ensure to the CRO that the third party acted without the consent of the candidate; and
- 9.4.1 the candidate must demonstrate to the CRO that reasonable steps have been taken to distance himself or herself from the third party and to attempt to halt unauthorised campaign activity by that third party;

If the candidate demonstrates the above to the CRO's satisfaction, the candidate will not be subject to punitive action as a result of the third party's actions, but may still be subject to counterbalancing action in the discretion of the CRO.

No Advance Campaigning

9.5 Campaigning shall take place only during the Campaign Period. The CRO shall remove or call for the removal as soon as reasonably practicable of any materials that can be construed as campaign materials that are utilized or displayed prior to the commencement of the Campaign Period, regardless of whether the potential candidate has been nominated or declared himself or herself as a candidate by the submission of Valid Nominating Papers.

Failure to Remove Advance Campaign Materials

9.6 Where a person fails to comply with the CRO's call for removal of advance campaign materials under 9.5, the CRO may refuse or invalidate the eventual or existing nomination of the

person for election to the position for which the materials were construed as campaign materials or for any other position in that election, or any subsequent by-election held in that academic year, and may take such other disciplinary action as is deemed appropriate in accordance with this Bylaw. Where the CRO refuses or invalidates a nomination or takes other disciplinary action pursuant to this paragraph, the CRO shall deliver to Council a report stating the action taken and the reasons therefor.

No Representations of Endorsement

9.7 No candidate while campaigning shall make use of the logos of the University of New Brunswick or of the Student Union or in any way hold out himself or herself as having the endorsement of the University or the Union.

Forums

9.8 No candidate shall participate in any forum unless each candidate in his or her race has received at least twenty-four (24) hours notification of the forum and is afforded an equal opportunity to speak at the forum.

ARTICLE 10: CAMPAIGN MATERIAL

Requirements of All Candidates

- 10.1 Each candidate is responsible for the following:
- 10.1.1 ensuring that all campaign materials are in compliance with Bylaw No. 2 including this Article 10;
 - 10.1.2 ensuring the acquisition of express written consent for use of any copyrighted materials from the holder of the copyright, and the CRO may ask to see proof of this consent at any time during the campaign;
 - 10.1.3 assuming the full costs without reimbursement for any items contravening Bylaw No. 2;
 - 10.1.4 submitting a copy of all campaign materials to the CRO prior to the opening of the polls in accordance with this Bylaw.

Prior Approval of Campaign Materials by CRO

10.2 All campaign materials shall be approved in form and content by the CRO before they may be used in campaign activities. The CRO shall provide in confidence a written approval or refusal of campaign materials within twenty-four (24) hours of receiving a request for approval. The CRO shall not approve any campaign materials that:

- 10.2.1 cannot be removed at the end of the campaign;
- 10.2.2 are likely to permanently damage or alter property; or
- 10.2.3 are in violation of the Bylaws of the Union, including this Article 10.

Prohibited Campaign Materials

10.3 Where a candidate contravenes this Article 10 the non-compliant campaign

materials shall be removed and destroyed forthwith and the CRO may assess an additional penalty to the candidate in accordance with these Bylaws.

Defamation Prohibited

10.4 Campaign materials shall not defame other candidates, slates or persons. Defamation includes, but is not limited to, false or malicious attacks on a person's character or reputation.

Derogatory Content Prohibited

10.5 Campaign materials shall not be derogatory towards any person or group on the basis of race, colour, religion, national origin, ancestry, place of origin, age, physical or mental disability, sex, gender identity, sexual orientation, social condition, or any other analogous ground.

Use of Images

10.6 No campaign materials shall feature any individual other than the candidate, unless the candidate is campaigning as a member of a slate, in which case other members of the slate may be featured.

Compliance with Laws

10.7 Campaign materials shall comply with all applicable laws be they federal, provincial or municipal, including copyright laws.

Destruction of Campaign Materials

10.8 No candidate shall deface, tamper with, destroy or remove a candidate's campaign materials unless specifically authorized in writing by the CRO to do so.

Displaying of Campaign Materials

10.9 The following restrictions apply to the displaying of campaign materials:

- 10.9.1 no campaign materials shall be placed in University classroom or library;
- 10.9.2 no poster or campaign materials shall be displayed in such a way as to obscure another candidate's campaign materials;
- 10.9.3 all campaign materials used by a candidate shall be removed twenty-four (24) hours after the polls close;

Responsibility for Damage

10.10 Where a candidate causes damage to property in the placement or removal of his or her campaign materials, that candidate shall be responsible for those damages.

Restrictions on Mass Publicity Materials

10.11 The following restrictions shall apply to the use of mass publicity materials:

- 10.11.1 No campaign in support of any non-constituency based candidate shall use more than two hundred (200) posters and five hundred (500) mass publicity materials during the campaign period.
- 10.11.2 No campaign in support of any Faculty Representative or other constituency based candidate shall use more than one hundred (100) posters and two

- hundred (200) mass publicity materials during the campaign period.
- 10.11.3 Where an individual is a candidate in an election or elections for any entity other than the Union, the candidate shall be deemed to be a non-constituency based candidate for purposes of this section 10.11.
- 10.11.4 Where an individual is a candidate for more than one position in an election, whether the election is being conducted for the Union or for another entity or for both, the candidate, during the course of campaigning, shall not allow the total campaign materials for all of his or her campaigns to exceed the maximum amount that would be applicable if the candidate were running for only one position in an election conducted for the Union.
- 10.11.5 Where an individual is a candidate for more than one position in an election, whether the election is being conducted for the Union or for another entity or for both, the candidate may use the same campaign materials to advocate his or her election for any number of the positions for which he or she is seeking election.

Electronic Messaging/Campaigning by Radio

10.12 Campaigning may be conducted electronically by messaging online web spaces (such as Twitter, Facebook, or Instagram) ONLY if students willingly join these groups to receive updates from the candidate. Campaigning may be conducted through radio advertising but the CRO shall have the discretion to place restrictions on the number of radio advertisements that may be placed by a candidate during the Campaign Period. All candidates using electronic or radio campaign materials must advise the CRO of such materials and must obtain the CRO's approval prior to use. With respect to electronic messaging, the CRO and DCRO must be included on any electronic social networking group or contact list. Candidates using Facebook for campaigning must add the CRO as an administrator to the group.

Violations

10.13 The CRO may request that campaign material violating Bylaw No. 2 be removed. Candidates and slates must comply and remove all offending materials within twenty-four (24) hours of such request being made, and may be subject to further discipline as set out in this Bylaw.

ARTICLE 11: CAMPAIGN FINANCING

Maximum Campaign Expenditure

- 11.1 The following limits shall apply to campaign expenditures:
- 11.1.1 No candidate campaigning for election as an Executive Councillor shall incur campaign expenses in excess of three hundred dollars (\$300.00);
- 11.1.2 No candidate campaigning for election as a Councillor other than an Executive Councillor and no Official Representative of a referendum shall incur campaign expenses in excess of one hundred dollars (\$100.00);
- 11.1.3 Where an individual is a candidate in an election or elections for any entity other than the Union, the candidate shall be deemed to be campaigning for

- election as an Executive Councillor for purposes of this section 11.1;
- 11.1.4 Where an individual is a candidate for more than one position in an election, whether the election is being conducted for the Union or for another entity or for both, the candidate, during the course of campaigning, shall not allow the total campaign expenses for all of his or her campaigns to exceed the maximum amount that would be allowed if the candidate were running for only one position in an election conducted for the Union.

No Use of Non-Universal Resources

- 11.2 No candidate shall make use of any resource that is not:
- 11.2.1 available to all candidates; or
 - 11.2.2 general volunteer labour or expertise; or
 - 11.2.3 accounted for as part of that candidate's expense.

Fair Market Value

11.3 No candidate shall accept money or gratuitous, discounted or "in kind" products or services from any person or entity. Where a product or service has been found to have been provided to a candidate for no or a discounted consideration, that candidate shall be considered to have incurred a campaign expense at the fair market value of that product or service, which fair market value shall be determined by the CRO, using as a guideline the price that any other candidate would have to pay for a comparable product or service.

Expense Reporting

11.4 Each candidate shall keep an up-to-date and accurate record including all original receipts for all campaign expenses he or she incurs, which shall be submitted to the CRO no more than forty-eight (48) hours after the close of the Campaign Period. No candidate shall incur any campaign expense more than twenty-four (24) hours before the end of the Campaign Period.

Penalties for Non-Compliance

- 11.5 The CRO shall review all campaign expense records, and where the CRO determines that a candidate has exceeded or falsified the candidate's campaign expense limit or where a candidate does not submit an expense record in accordance with 11.4:
- 11.5.1 the candidate shall be disqualified;
 - 11.5.2 the candidate shall be prohibited from engaging in further campaign activities; and
 - 11.5.3 the violation shall be communicated by the CRO to the candidate in question and to Council.

ARTICLE 12: POLLS AND FORM OF BALLOTS

Form of Ballot

12.1 All ballots in an election shall be in the prescribed form as determined by the CRO from time to time and shall include:

- 12.1.1 headings to indicate the title and number of positions available;
- 12.1.2 an alphabetized list of the surname followed by the given name and, if applicable, the middle initial of each candidate seeking election to the particular position under each heading;
- 12.1.3 a clearly identified box within which the voter may select the candidate he or she supports;
- 12.1.4 where a plebiscite or referendum question is on the ballot, the ballot shall list "YES" followed by "NO" for each plebiscite or referendum question.

Form of Ballots - One Candidate

12.2 If by the end of the nomination period only one valid nomination has been received for a position on Council, the ballot will consist of a "YES/NO" vote, and the candidate requires fifty percent (50%) of the votes cast plus one (1) vote to be declared elected. If there are more votes in the "NO" then the position will be reopened and a by-election held. The candidate receiving the "NO" vote may run in the by-election if he or she chooses to do so.

Spoiled Ballots

12.3 Where a voter's intention is clear, that voter's ballot shall be counted. Where a voter's intention is not clear the ballot shall be considered spoiled and shall not be counted.

ARTICLE 13: PROCEDURE AT THE POLL

Location of Polling Stations

13.1 A polling station or stations shall be established for all elections, the location or locations of which shall be set by the CRO in accordance with the Bylaws and publically announced to the student body before the commencement of the Polling Period. No voting will occur before the commencement of the Polling Period.

Poll Clerks

13.2 The CRO may appoint poll clerks who will be empowered by the CRO to attend and oversee polling stations and the submission of ballots for the duration of the Polling Period. Poll clerks shall not discuss any matter pertaining to an election with anyone except the members of the CRO's office. There will be at least two people overseeing a polling station at all times during the operation of the polling station.

Conduct of Candidates at Polls

13.3 Candidates, and all their volunteers, except scrutineers, are not to be seen or heard at any polling station other than for purposes of casting their ballots. All campaigning at polling stations is strictly prohibited.

Closing of Poll

13.4 Once the scheduled hour for the close of the Polling Period arrives, the poll will close exactly on time. No late votes will be permitted.

Paper Ballots

13.5 In the event that respect for a voter's privacy and the protection of confidential information renders it unsuitable for a position or positions to be voted upon by electronic means, all such positions shall be voted upon by paper ballot in accordance with the following:

- 13.5.1 A polling station to elect all such positions shall be held on one day during the voting period, the specific day to be selected and announced by the CRO in accordance with the Bylaws.
- 13.5.2 Voting will be open on the selected day from 10:00 a.m. to 7:00 p.m.
- 13.5.3 Each position to be voted upon by paper ballot shall have its own individual ballot form, which form shall comply with the requirements set out in Article 12.
- 13.5.4 Each voter, upon presenting his or her identity card, shall self-identify to the relevant constituencies and shall be given the appropriate ballot forms.
- 13.5.5 All poll clerks shall maintain complete confidentiality with respect to ballot distribution.
- 13.5.6 The poll clerks shall record the name and student identification number of the voter but not the positions for which he or she has requested to vote.
- 13.5.7 Voters must vote for all positions for which he or she is eligible to vote by paper ballot at the same time and shall not be permitted, after exiting the polling station, to return.
- 13.5.8 To protect the confidentiality of voters, a voting booth shall be provided so as to enable each voter to carry out his or her vote and to place the paper ballot forms in their respective boxes for each position being voted upon in confidence.

Results from Polling Stations

13.6 The results of any elections by paper ballot shall not be released until all elections in the voting period have been completed.

ARTICLE 14: SCRUTINEERS AND COUNTING OF VOTES

Scrutineers

14.1 In the event of paper ballots, each candidate shall be permitted to have one (1) person to act as a scrutineer and to be present at the counting of ballots, subject to the following:

- 14.1.1 Any Ordinary Member, excluding the candidates themselves, an RO, the poll clerks, and anyone prohibited under 9.1, is eligible to serve as a scrutineer;
- 14.1.2 Appointments for scrutineer must be approved by the CRO to be valid. A requests for appointment of a scrutineer must be made in writing by the candidate, and include the signature of the candidate and the name, student number and signature of the proposed scrutineer;
- 14.1.3 A scrutineer is authorised to observe the counting of ballots only;
- 14.1.4 The appointment of a scrutineer is a privilege, and should any scrutineer contravene any election rule or bylaw, or become disruptive to the process of counting ballots, the CRO has the discretion to revoke such scrutineer's

status.

Scrutineers not Mandatory

14.2 Candidates are not required to have a scrutineer.

Effect of Absence of Scrutineer

14.3 The absence of a scrutineer at any point during the counting of ballots will not in any way invalidate an election or plebiscite/referendum.

Counting of Votes

14.4 Ballots which shall be counted by the poll clerks in the presence of the CRO and the scrutineers, if any.

14.5 Poll clerks shall determine an overall count of ballots submitted and shall compare the number of votes cast with the number of names checked off the official voting list as provided by the Registrar's Office of the Fredericton campus of the University of New Brunswick.

14.6 The candidate, or side in the case of a plebiscite or referendum, receiving a plurality of the votes shall be declared the winner.

Automatic Recounts

14.7 Where a candidate's or side's margin of victory is by less than or equal to twenty-five (25) votes, the CRO shall arrange for a recount of votes cast with respect to that position or side within forty-eight (48) hours of the initial count.

14.8 The CRO may initiate a recount independently for any reason.

Announcement of Provisional Winning Candidates

14.9 The winning candidate, or winning side in the case of a plebiscite or referendum, shall be made public in an announcement by the CRO at a location or electronic site accessible to all students immediately following the completion of the above counting procedure. The CRO must mention that the results are not official until formerly announced by Council in accordance with 14.11.

Optional Recount

14.10 An unsuccessful candidate or side who loses by a margin greater than twenty-five (25) votes, but not more than fifty (50) votes, may, within twenty-four (24) hours of the announcement being made under 14.9, request a recount. The CRO shall post the results of any recount within twenty-four (24) hours of the recount being completed and forward a final report of the election results to Council.

Announcement of Election Results

14.11 Upon receipt of the final report of the CRO, the Council shall:

- 14.11.1 where the CRO has recommended the ratification of the results of an election, a declaration that a candidate is elected, or a declaration that the results of a referendum are valid, consider forthwith a resolution effecting the recommendation of the CRO, the motion for the adoption of which resolution shall be deemed to be before the Council without the need for any Councillor to move and second the motion;
- 14.11.2 notify the successful candidates and sides of their victory;
- 14.11.3 cause to be published in such manner as may be deemed appropriate by the Council from time to time a listing of the successful candidates along with the title of the position held; and
- 14.11.4 arrange for the destruction of ballots upon conclusion of the appeals period.

ARTICLE 15: ASSUMPTION OF OFFICE

15.1 Councillors elected during the Annual General Election shall assume office on the first day of May in the year of the Annual General Election, and Councillors elected during a by-election or appointed in accordance with these Bylaws shall assume office upon a resolution of the Council effecting the ratification of their election or appointment.

ARTICLE 16: ADDITIONAL REGULATIONS

Temporary Regulations

16.1 Subject to 16.3, the CRO may from time to time create temporary regulations to govern the conduct of an election where adequate provisions for such matters are not contained in this Bylaw, provided that all such regulations must be in writing and created prior to the commencement of the Campaign Period, must be circulated to all candidates, the Union and the Appeals Board, and must be announced to the general student body at a location or site accessible to all Ordinary Members. Candidates shall be bound by and shall comply with all such temporary regulations to the same extent as if they were set out in this Bylaw. All such temporary regulations shall terminate at the end of the election, or earlier upon resolution of Council.

Matters Not Addressed in Bylaws

16.2 Subject to 16.3, in any situation arising with respect to any matter to which this Bylaw pertains, where this Bylaw does not provide a course of action or remedy, the CRO may make a ruling to provide for a course of action or remedy that is consistent with the spirit and intent of the Bylaws and the Legislation of the Union, which ruling may include the cancellation of an election.

Restrictions

16.3 The CRO shall not make any temporary regulations or rulings under 16.1 or 16.2 that violate any Bylaw or Legislation of the Union, or any municipal, provincial or federal laws.

ARTICLE 17: COMPLAINTS

Jurisdiction of CRO

17.1 The CRO shall be empowered to investigate and rule upon every alleged contravention of this Bylaw No. 2 or any other rule or regulation relating to the conduct of campaigns and elections, other than complaints pertaining to the conduct of the CRO and DCRO.

Complaints

17.2 Any Original Member or candidate who believes that there has been a violation of this Bylaw No. 2 in the conduct of a campaign or election may make a complaint to the CRO. Complaints shall be made as soon as practicable after discovery of the alleged violation and shall not be made more than twenty-four (24) hours after the completion of any optional recounts under 14.10.

Complaint Form

17.3 The CRO shall prepare and provide to any Original Member or candidate who so requests a complaint form which shall require the complainant to indicate:

- 17.3.1 his or her name and student number;
- 17.3.2 the specific Article and subsection, rule or regulation that allegedly has been contravened;
- 17.3.3 the specific individual or group (the “**respondent(s)**”) alleged to have committed the contravention, if applicable;
- 17.3.4 the specific facts constituting the alleged contravention;
- 17.3.5 the evidence in support of the facts set out in 17.3.4.

Ruling on Complaint by CRO

17.4 Where an original complaint form is received within the prescribed time, and is found to be complete as set out in 17.3, the CRO shall provide a copy to each respondent, if applicable (with the complainant’s student number blacked out), and shall rule on the alleged complaint within forty-eight (48) hours of receiving the complaint.

Publication of Rulings

17.5 The CRO shall post and shall forward to Council all rulings made on a complaint, including:

- 17.5.1 a summary of the complaint;
- 17.5.2 the names of the complainant and the respondent(s), if applicable;
- 17.5.3 a list of all bylaws, rules and regulations that apply;
- 17.5.4 a finding regarding the facts;
- 17.5.5 a ruling regarding the alleged contravention;
- 17.5.6 the penalty imposed, if any;
- 17.5.7 the time the ruling was posted; and
- 17.5.8 the time limit for appeal.

CRO to Penalize Contraventions

17.6 Where a candidate or his or her volunteer has contravened a bylaw, rule or

regulation, and that contravention, regardless of the intent of the violating party, has provided an unfair advantage to the candidate, the CRO shall assign a penalty that:

- 17.6.1 fully counter-balances any advantage gained; and
- 17.6.2 where the contravention was intentional, penalizes the candidate who was or whose volunteer was guilty of the contravention.

Penalties Available

- 17.7 Penalties available to the CRO shall include any one or more of the following:
 - 17.7.1 a fine, not to exceed one hundred dollars (\$100.00), which fine shall be paid forthwith by the candidate to the Union and shall be applied first towards the candidate's campaign expenses with the balance, if any, applied towards the costs of the execution of the election and, where the fine is not paid forthwith, the candidate shall be disqualified from the nominated position;
 - 17.7.2 the confiscation or destruction of campaign materials;
 - 17.7.3 limits, restrictions and prohibitions on any type of campaign activities for any period of time up to the conclusion of the Campaign Period;
 - 17.7.4 disqualification of the candidate.

Disqualification

- 17.8 A candidate shall be disqualified where he or she is guilty of a contravention that:
 - 17.8.1 cannot be counter-balanced by a lesser penalty;
 - 17.8.2 is malicious or significantly prejudicial to another candidate; or
 - 17.8.3 involves tampering with ballots, voting procedures or counting procedures.

Appeals

- 17.9 All Original Members and candidates have the right to appeal a ruling of the CRO to the Appeals Board under Bylaw No. 3.

Complaints against CRO and DCRO

- 17.10 Complaints with respect to an alleged violation of the Bylaws by the CRO or DCRO shall be made directly to the Appeals Board pursuant to Bylaw No. 3. All such complaints shall be made as soon as practicable after discovery of the alleged violation and shall not be made more than twenty-four (24) hours after the announcement of Council of the successful candidates and sides made under 14.11.

ARTICLE 18: BY-ELECTIONS

- 18.1 Council may, from time to time and in consultation with the CRO, provide for and initiate a by-election to fill those Councillor positions that are vacant at the time of the by-election, which shall be conducted to the fullest extent possible in accordance with the rules in this Bylaw No. 2.