



The Bylaws of the Students' Representative Council of Bishop's University

Specific Bylaw XX: Elections

SPECIFIC BYLAWS

Bylaw XX: Elections

20.01 General

- i. This Bylaw is non-alterable during an election period, except as stated below.¹
- ii. A temporary exception to alter these Bylaws can only be made by the Elections Appeals Committee (EAC) upon appeal by the Chief Returning Officer (CRO) and/or Deputy Returning Officer (DRO) only if it is determined that the integrity of the SRC, and its election process, is deemed to be at risk. An exception must be approved by the EAC via majority vote.
- iii. Upon completion of the election concerned, the EAC shall make recommendations to the BSR in order to prevent a repeat of similar cases in the future.
- iv. Elections shall normally be held in September (“Fall Elections”), February (“Executive Elections”) and March (“General Elections”) of each year.
- v. The Election Period shall be defined as the time between the start of the nomination period until the posting of the results, and shall consist of a nomination period, validation period, campaign period and voting period, in that order. The lengths of each period shall be determined by the CRO, in accordance with the terms of the Elections Policy.²
 - a. If an online voting system is used, a temporary technical delay in sending any voting links or information to members shall not be cause for invalidating the election results. In the event of a delay, the CRO shall determine whether an extension to the voting period is necessary.
 - b. If a referendum is held outside of a normal election period, there shall be no nomination or validation period.
 - c. Election results shall be posted via an email to members of the association. The timestamp of the email shall indicate the date and time of said posting.³

20.02 Elections Appeals Committee (EAC)

- i. The EAC shall be comprised of:
 - a. three (3) members of the BSR, who do not intend to return to Bishop’s⁴ in the year following their term,
 - b. up to two (2) members of the SRC, who are not members of the BSR and who do not intend to return to Bishop’s in the year following their term,
 - c. a General Manager (ex officio, non-voting, as chair), and
 - d. the University Ombudsperson invited as needed (ex officio, non-voting)
- ii. The EAC shall:
 - a. hear any and all appeals related to decisions made by the CRO that impact the eligibility of a candidate or referenda;
 - b. upon receipt of an appeal, meet and investigate the appeal;
 - c. upon completion of the investigation, make a decision on the appeal by majority vote, the EAC’s decision will be binding and final;
 - d. at the end of the winter semester, be tasked with hiring the following year’s CRO and DRO;
 - e. at the end of the winter semester be tasked with forming the incoming EAC;
 - f. upon majority vote, have the authority to declare an election invalid if election procedures have not been properly followed.

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- g. have the discretion to disqualify any referendum question, where the EAC finds clear grounds to believe that the nature of any unofficial “campaign” activity has compromised the integrity of the referendum process and/or skewed the vote or opinion of the student body rendering the result unrepresentative of student opinion.
- iii. if a member of the EAC resigns, the EAC shall find a replacement as quickly as possible.

20.03 Members of the Elections Appeals Committee

- i. All members of the EAC shall:
 - a. abstain from involvement in any candidate’s campaign;
 - b. forfeit the right to vote in any and all SRC elections during their term on the EAC, referenda excluded;
 - c. forfeit the right to actively participate in any election related activities, with the exception of staffing polling stations;
 - d. to the best of the ability, not participate in any election dialogue with candidates outside of official means;
 - e. remain impartial to all candidates in all elections;
 - f. not take a public stance on any referenda question;
 - g. forfeit the right to participate in any elections for which they were involved in the selection of the CRO/DRO;
 - h. serve a one (1) year term beginning May 1 and ending April 30.
- ii. Where a conflict of interest has been determined to exist for any member of the EAC, either by the CRO, DRO or by the BSR, that person shall be required to appropriately alter their responsibilities, take a leave of absence or resign.

20.04 Ratification of the Elections Appeals Committee

- i. The incoming EAC, as selected by the outgoing EAC, shall be ratified by the BSR.

20.05 Appeals to the Elections Appeals Committee

- i. All appeals to the EAC shall:
 - a. be submitted in writing or electronically to any member of the EAC and must outline the reason(s) for the appeal and;
 - b. no later than 24 hours of the posting of the election results.

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20.06 Duties of the Chief Returning Officer and Deputy Returning Officer

- i. The joint duties of the CRO and DRO shall be, to the best of their abilities:
 - a. overseeing all SRC elections and referenda;
 - b. enforcing all campaign rules found in the Bylaws and the Elections Policies;
 - c. promoting and inform the student body of elections and associated process;
 - d. maintaining and updating electoral policies, including presenting any necessary amendments to the BSR for approval;
 - e. advertising, in consultation with the DCM, upcoming SRC elections and referenda; including the positions available, deadlines for nomination, and other pertinent information in campus media well in advance of any deadlines;
 - f. ensuring that students on exchange or on a practicum placement sanctioned by their program are made aware of the dates and other relevant information in regards to the election so they are given a fair opportunity to vote;
 - g. checking the eligibility of all candidates;
 - h. providing all candidates with complete information and election regulations within 24 hours of the closing of nominations; this information shall include a complete list of the duties attached to the position sought by the candidate and the proposed employment contract;
 - i. designing polling stations, if any⁵, and the staffing thereof;
 - j. having complete charge over the electoral software;
 - k. publishing, on the first day of the nomination period, any rules pertaining to the election period not already established by the Bylaws and Policies.
- ii. The CRO shall be solely responsible for:
 - a. organizing the schedule for elections, subject to review by the BSR;
 - b. determining dates for the nomination, campaign, and voting periods and communicate these dates to the BSR during the fall semester, which must follow the guidelines set out in the election policies;
 - c. publication of the election results per the procedure set out in the election policies;
 - d. petitioning the EAC to invalidate election results if election rules have not been followed.

20.07 Resignation of the Chief Returning Officer or Deputy Returning Officer

- i. If the CRO resigns from their position the EAC shall:
 - a. immediately promote the DRO to CRO;
 - b. immediately begin a hiring process to fill the DRO position.
- ii. If the DRO resigns from their position the EAC shall:
 - a. immediately begin a hiring process to fill the DRO position.
- iii. If both the CRO and DRO resign the EAC shall:
 - a. immediately suspend any and all election activities;
 - b. immediately begin a hiring process to replace the CRO and DRO;
 - c. if the nomination period has been completed, then upon replacement of the CRO, the election activities will restart at the campaign period. The nomination period will not be re-opened;
 - d. if the nomination period has not been completed then upon replacement of the CRO the election activities will restart at the nomination period;

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20.08 Chief Returning Officer and Deputy Returning Officer Conflicts of Interest

- i. A conflict of interest for this purpose shall be defined as:
 - a. a situation where the CRO and/or DRO has a direct or indirect interest in the outcome of an election;
 - b. a situation where the private affairs or personal interests of the CRO and/or DRO conflict with their duties;
 - c. a situation where the CRO and/or DRO are impaired from acting in the best interest of the SRC elections;
 - d. a situation where the actions of the CRO and/or DRO would compromise or undermine the trust that the students place in the SRC.
- ii. The CRO and DRO shall declare any potential personal conflict of interest to the BSR prior to the start of an election campaign. Where a conflict of interest has been determined to exist, the officer involved shall be required to appropriately alter their responsibilities, take a leave of absence or resign.
- iii. Any member of the SRC in good standing can report a conflict of interest. The conflict shall be reported to:
 - a. the Elections Appeals Committee, or
 - b. the President of the SRC
- iv. In the event a conflict is reported to the Elections Appeals Committee, the Committee shall:
 - a. determine the extent of the reported conflict;
 - b. by majority vote, determine if the conflict merits intervention;
 - c. enforce fair and just sanctions on the CRO and/or DRO.
- v. Should the CRO be found in conflict, the DRO shall assume all responsibilities. If the DRO is found in conflict, the CRO shall assume all responsibilities. In the case that both are found to be in conflict, the EAC shall assume all electoral responsibilities of the conflicted election.
- vi. If the EAC determines that the CRO and/or DRO be removed from their position for the subsequent election, the EAC shall recommend to the BSR that they be removed. The BSR may then remove the CRO and/or DRO by majority vote.

20.09 Restrictions on the Chief Returning Officer and Deputy Returning Officer

- i. The CRO and DRO shall:
 - a. maintain impartiality to all candidates or referenda questions;
 - b. forfeit the right to vote in any and all SRC elections for which they oversee;
 - c. forfeit the right to participate in any and all election-related activities, with the exception of polling stations;
 - d. abstain from involvement in the campaign of any candidate or referenda question;
 - e. serve a one-year term beginning May 1 and ending April 30.

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20.10 Eligibility of Voters

- i. All members in good standing are eligible to vote, except as otherwise stated.
- ii. Regulations guiding the voting eligibility for exchange students shall be:
 - a. exchange students whose home institution is Bishop's University are eligible to vote;
 - b. exchange students whose home institution is not Bishop's University are ineligible to vote in any and all SRC elections.
- iii. All members in good standing are eligible to vote in Executive Council elections.
- iv. All members are eligible to vote for General Councillors.
- v. Eligibility to vote for Representatives shall be in accordance with the Specific Bylaw establishing each position.
- vi. All members in good standing are eligible to vote for Student Senator in the division(s) and/or school(s) in which they have declared majors or honours, as identified by the university. Members identified as Graduate Students by the University shall be eligible to vote only for the Graduate Student Senator.⁶

20.11 Voting

- i. Voting shall be by secret ballot.
- ii. Electors shall have one vote per election for which they are eligible to vote.
- iii. No elector shall cast more than one ballot per election they are eligible to vote in.

20.12 Validity of Elections

- i. For any SRC Election to be considered valid it must have a minimum voter turnout of 10 per cent (10%) of members in good standing. Voter turnout shall be calculated as the total number of voters divided by the total number of eligible voters.

20.13 Ratification

- i. All elections where there is only as many (or fewer) candidates as there are positions to be filled shall use the ratification process. The ratification process shall:
 - a. use a Yes/No ballot system;
 - b. be subject to all rules governing the election processes;
 - c. require a candidate to receive a majority of Yes votes in order for the candidate to be ratified.
 - d. be applied separately for each candidate, in the event that there are multiple positions to be filled.

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END NOTES

¹ Amended effective March 1, 2021.

² (v) replaced effective March 1, 2021.

³ (b) and (c) added effective March 1, 2021.

⁴ "To Bishop's" added to 20.02 (i) (a) and (b) effective March 1, 2021.

⁵ Amended effective March 1, 2021.

⁶ (iv), (v), (vii) amended effective March 1, 2021.