



# **ELECTIONS AND REFERENDA PROCEDURES**

**EFFECTIVE DATE: MAY 1<sup>st</sup>, 2025**

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## 1. DEFINITIONS

1. **Annual General Election** means the regular annual election event occurring between the first (1<sup>st</sup>) day of the winter term and April 1<sup>st</sup> of each calendar year to elect positions for the regular Board term.
2. **Board** means the governing board of the corporation.
3. **By-Election** means a special election occurring outside the annual general election period to fill vacant positions for the remainder of the term.
4. **Bylaws** means the corporate bylaws as amended, which govern the corporation in accordance with the incorporating instrument and the statutes and regulations of the province of Quebec.
5. **Campaign/Campaigning** means efforts undertaken by or on behalf of a candidate(s) designed to promote their election.
6. **Campaign Agents** means members affiliated with the campaign to elect a particular candidate and authorized to act on their behalf.
7. **Candidate** means an individual who meets the eligibility requirements for directorship established in the bylaws or the eligibility requirements for other positions elected under the purview of the corporation if contesting such a position, has completed the requirements for nomination, and is authorized by the Chief Returning Officer to contest an election.
8. **Candidates' Meeting** means a meeting hosted by the Chief Returning Officer or their designate and attended by candidates for the purposes of orienting candidates to the rules governing elections.
9. **Chief Returning Officer** means the person designated to act as the chief administrator of the corporation's annual general elections, by-elections, and referenda.
10. **Complaint** means a written request by a particular candidate(s) for enforcement action by the Chief Returning Officer.
11. **Corporation** means the Students' Representative Council of Bishop's University.
12. **Director** means an individual elected to the Board by the membership.
13. **Election Appeals Committee** means an adjudicative committee tasked with arbitrating disputes arising out of any annual general election, by-election, and/or referendum.

- 14. Election Officers** means staff assigned in an official capacity to assist the Chief Returning Officer with the administration of annual general elections, by-elections, and referenda.
- 15. Expense Report** means a complete and accurate detailing of all monetary and in-kind campaign costs submitted by each candidate to the Chief Returning Officer.
- 16. External Authorities** means any external bodies corporate with proper authority to regulate certain election and referenda-related activities, in particular Bishop's University and the province of Quebec.
- 17. In-kind** means the non-monetary provision of goods and services, excepting volunteer labour by members, any goods and services freely available to all candidates, and any benefits provided equally to all candidates by the corporation.
- 18. Member** means a member as defined in the bylaws.
- 19. Membership** means all members as defined in the bylaws.
- 20. Member Staff** means employees, agents, contractors, or volunteers of the corporation who are simultaneously members.
- 21. Nomination** means the written support of a member to contest an election for a particular position.
- 22. Non-Member Staff** means employees, agents, contractors, or volunteers of the corporation who are not members.
- 23. Organization** means a club, society, or other sub-entity of the corporation, and/or external organizations both within the university community or outside it.
- 24. Procedural Fairness** is the right to fair and impartial decision-making processes that provide all parties with an equal opportunity to be heard and the reasons for decisions rendered.
- 25. Prospective Candidate** means an individual who has commenced but not finalized their nomination.
- 26. Referendum** means a specific question put to the members for their authoritative decision.
- 27. Slate** means a group of two or more candidates who affiliate for the purposes of campaigning.
- 28. Staff** means employees, agents, contractors, or volunteers of the corporation.

**29. University** means Bishop's University located in Sherbrooke, Quebec, Canada

## **2. GENERAL**

1. These procedures replace and supersede all election procedures of the corporation.
2. To the extent these procedures contradict higher-order documents, including but not limited to statutes, regulations, the incorporating instrument, corporate bylaws, or Board policies, the higher-order documents shall prevail in order of precedence.
3. To the extent that lower-order documents contradict these procedures, including but not limited to non-amendatory minuted resolutions and administrative policies and procedures, these procedures shall prevail.

## **3. MANAGEMENT**

1. Annual general elections, by-elections, and referenda shall be administered by a Chief Returning Officer and such election officers as are assigned to support them.
2. The Chief Returning Officer shall have general managerial responsibility for annual general elections, by-elections, and referenda and all other election officials shall report directly or indirectly to them in their election-related capacities.
3. The Chief Returning Officer is empowered to enforce all relevant election and referendum-related provisions of the bylaws, Board policy, and these procedures, subject to the authority of the Election Appeals Committee as delegated therein.
4. For such residual matters where bylaw, policy, or procedural guidance related to annual general elections, by-elections, and/or referenda is omitted or unclear, the Chief Returning Officer may, at their discretion, make procedural determinations.
  - 4.1. Procedural determinations shall be made in the interest of fairness to all parties and to mitigate any materially negative effects.
  - 4.2. Procedural determinations shall be made in writing and communicated to all candidates.
  - 4.3. Procedural determinations may be appealed to the Election Appeals Committee within twenty-four (24) hours of their being issued.

## **4. OVERSIGHT**

1. Oversight for annual general election, by-election, or membership referendum processes shall be provided by the Election Appeals Committee established in accordance with Board policies and procedures.

2. The Election Appeals Committee shall consider and render decisions on appeals in accordance with the bylaws, Board policy, and these procedures. Such decisions shall be binding within the scope of the authority delegated to the Election Appeals Committee.
3. Appeals brought before the Election Appeals Committee shall be conducted in accordance with principles of procedural fairness.
4. Appeals may be filed by candidates from the commencement of nominations until no more than ninety-six (96) hours after the conclusion of voting and the Election Appeals Committee shall render decisions within seventy-two (72) hours of their written submission.
5. Hearings on appeals shall determine whether decisions made by the Chief Returning Officer shall be upheld or overturned. If overturned, the Election Appeals Committee shall, within the scope of its delegated authority, render a decision remediating the effect of any misapplication or malpractice.

## **5. SCHEDULING**

1. The Chief Returning Officer shall propose a schedule for the annual general election each year and by-elections as required provided such schedules conform to the following provisions:
  - 1.1. the voting period shall be not fewer than two (2) days and conclude prior to April 1<sup>st</sup> for the annual general election;
  - 1.2. the campaigning period shall be not fewer than fifteen (15) days, inclusive of the voting period;
  - 1.3. the nomination period shall be not fewer than fifteen (15) days and shall conclude at beginning of the campaigning period;
  - 1.4. the nomination period for the annual general election shall not commence prior to the first (1<sup>st</sup>) day of classes in the winter term;
  - 1.5. the schedule for each annual general election shall be set and advertised no later than December 1<sup>st</sup> of the preceding calendar year;
  - 1.6. the schedule for by-elections shall be set and advertised not fewer than ten (10) days prior to the commencement of the nomination period; and,
  - 1.7. each schedule shall conform to any other requirements of the bylaws, Board policies, or these procedures.

2. Referenda shall be scheduled, advertised, and notice given not less than thirty (30) days prior to the commencement of the voting period.

## **6. NOMINATION**

1. Any member who meets the eligibility requirements for directorship established in the bylaws may be nominated as a candidate for director in an annual general election or by-election to the Board.
2. The eligibility requirements of other positions elected under the purview of the corporation shall be established by their governing authorities and anyone meeting such requirements may be nominated as a candidate.
3. To be nominated as a candidate each eligible member must be authorized by the Chief Returning Officer. The Chief Returning Officer shall authorize any eligible member as a candidate provided that prior to the end of the nomination period they:
  - 3.1. submit a nomination form as established by the Chief Returning Officer with no fewer than twenty (20) valid nominations from other members;
  - 3.2. sign a declaration as established by the Chief Returning Officer indicating their agreement to abide by the bylaws, Board policy, these procedures, and directives of the Chief Returning Officer during their campaign; and,
  - 3.3. attend an official candidates' meeting.
4. Candidates must submit completed nomination forms by 12h00 on the final day of the nomination period.
5. The Chief Returning Officer shall hold not fewer than one (1) official candidates' meeting and will schedule such meetings with due consideration for the ability of prospective candidates to attend. At least one (1) meeting shall be held after 12h00 on the final day of the nomination period.
6. All candidates affiliating with slates shall submit a form registering their affiliation that shall identify the slate name and be undersigned by all slate members.

## **7. CAMPAIGNING**

1. Candidates and their campaign agents shall be permitted to freely campaign, excepting restrictions imposed to ensure secure, fair, and transparent process and those legitimately imposed by external authorities.
2. Campaigning shall be subject to the following restrictions:

- 2.1.** campaigning shall not occur prior to 8am on the day after the close of nominations;
  - 2.2.** locations for campaigning or the placement of campaign materials may be prohibited, limited, or restricted by the Chief Returning Officer to ensure the unperturbed operations of the corporation or satisfy restrictions imposed by the university;
  - 2.3.** specific types of campaign materials may be prohibited to satisfy restrictions imposed by the university or because they are likely to permanently damage or alter property;
  - 2.4.** only candidates and campaign agents registered with the Chief Returning Officer shall campaign on behalf of a candidate;
  - 2.5.** candidates shall not appear on each other's campaign materials, though candidates affiliated in slates are permitted to use their slate name and harmonize their designs and branding;
  - 2.6.** campaign agents shall not be registered for more than one candidate;
  - 2.7.** classroom talks shall only be permitted if candidates have the explicit permission of the instructor, and the instructor provides such opportunities indiscriminately to all candidates;
  - 2.8.** the use of existing trademarks, logos, or copyrighted materials, or any likenesses thereof, shall be strictly prohibited;
  - 2.9.** the use of any corporate or official mailing lists, listserves, or other communications media other than those established solely for the purposes of the candidate's campaign shall be strictly prohibited; and,
  - 2.10.** campaigning within ten (10) metres of any physical voting station shall be strictly prohibited.
- 3.** The Chief Returning Officer shall provide all prospective candidates with written information detailing the restrictions imposed upon their campaigning activities and placement of campaign materials.
  - 4.** The Chief Returning Officer shall endeavour to provide official outreach opportunities and channels for all candidates throughout the campaign and shall provide sufficient notice in writing of such opportunities to all candidates.



## 8. VOTING

1. All members shall be eligible to vote in the annual general election, by-elections, and referenda.
2. Voting shall occur according to the following provisions:
  - 2.1. voting shall occur over a period of not fewer than two (2) days;
  - 2.2. members shall receive notification and access information through their university emails not fewer than two (2) days prior to the commencement of the voting period;
  - 2.3. voting shall be conducted by secret ballot through electronic and/or telephonic means and shall be sufficiently accessible that all members can reasonably participate;
  - 2.4. the Chief Returning Officer may erect physical voting stations equitably throughout campus for the purpose of allowing members to securely, accessibly, and conveniently vote;
  - 2.5. members requiring assistance shall be assisted impartially by the Chief Returning Officer or Election Officers;
  - 2.6. candidates shall appear in random order on each individual ballot;
  - 2.7. slate affiliations shall appear in brackets after Candidates' names; and,
  - 2.8. in the event of a campus emergency, technical failure, malicious interference, or other unforeseen complication, the Chief Returning Officer may alter the voting period and/or reset the poll to accommodate the situation provided such accommodation provides all members with sufficient notice and time to cast their votes.

## 9. EXPENSES

1. To ensure fair and diverse discourse, the Chief Returning Officer shall limit the expenses that candidates may incur for their campaigns.
2. The expense limit for each campaign shall be established by the Chief Returning Officer prior to the commencement of each election and communicated in writing to all prospective candidates.
3. In establishing the expense limits for each election, the Chief Returning Officer shall give due consideration to:

- 3.1. striking a balance between ensuring sufficient freedom for candidates to mount vigorous campaigns and ensuring that no candidates receive an unfair advantage based on their personal means; and,
  - 3.2. maintaining reasonable costs for the corporation in their reimbursement of candidates' expenses.
- 4. The corporation shall reimburse expenses for each candidate up to fifty (50) percent of the expense limit unless candidates become ineligible as a result of disciplinary action.
- 5. A reasonably fair market value of in-kind expenses shall be included in the calculation of expenses for the purposes of remaining under the established limit. The Chief Returning Officer shall have final authority to determine fair market value. Such valuations shall apply uniformly to all candidates and align with comparable examples in the local marketplace.
- 6. Candidates shall be required to submit an accurate and complete expense form as established by the Chief Returning Officer within forty-eight (48) hours of the conclusion of voting.
- 7. If the Chief Returning Officer has reason to suspect that a candidate has exceeded the expense limit prior to the conclusion of voting, they may require that candidate to submit a complete and accurate expense report within twenty-four (24) hours written notice.

## 10. VIOLATIONS

- 1. Any violation of these procedures by candidates and their campaign agents may result in progressive disciplinary action up to and including disqualification of a candidate by the Chief Returning Officer.
- 2. The Chief Returning Officer shall generally progressively discipline candidates according to the following sequence of steps:
  - 2.1. informal warnings for initial, minor, unintended, or inconsequential infractions;
  - 2.2. formal warnings for repeated, substantial, intended, or consequential infractions;
  - 2.3. ineligibility for reimbursement of campaign expenses; and,
  - 2.4. disqualification from election.
- 3. The Chief Returning Officer may bypass lower steps of progressive discipline at their discretion depending on the seriousness of the infraction.

4. The Chief Returning Officer may start the steps of progressive discipline anew for different infractions at their discretion depending on the seriousness and uniqueness of each infraction.
5. The Chief Returning Officer shall comparably discipline all candidates for equivalent or similar violations.
6. Violations by campaign agents shall be treated as though violations by the candidate themselves.
7. Violations by candidates may be reported to the Chief Returning Officer by other candidates, their campaign agents, members, staff, or others. Such complaints shall detail violations in writing and append all available evidence.
8. The Chief Returning Officer will investigate all complaints, render appropriate decisions in accordance with the bylaws, Board policy, and these procedures, and provide a written response both to the complainant and candidate about whom the complaint has been filed.
9. Candidates may be disciplined for failing to remove their physical campaign materials from all university facilities after each election in accordance with timelines established by the university and in no event more than thirty-six (36) hours following the close of voting.
10. The Chief Returning Officer may progressively discipline candidates for repeated complaints deemed to be frivolous, vexatious, or malicious.
11. Candidates may appeal the disciplinary actions of the Chief Returning Officer by filing a written submission contesting them to the Election Appeals Committee within forty-eight (48) hours of their being issued.
12. If disqualifications occur during the campaigning period, then candidates may continue to campaign while their appeal is in process.
13. Disqualified candidates will not appear on the ballot if their disqualification is concluded prior to the commencement of the voting period.
14. If a disqualified candidate is elected, their position shall be filled by the next candidate that would have been elected due to the removal of the disqualified candidate.
15. The Chief Returning Officer shall not disqualify a candidate more than forty-eight (48) hours after the conclusion of voting.
16. No candidate shall be disqualified after the certification of results.

## **11. CERTIFICATION**

1. The provisional results of annual general elections, by-elections, and referenda shall be publicly released by the Chief Returning Officer at the earliest opportunity following their tabulation.
2. The provisional results of annual general elections, by-elections, and referenda shall become final and official upon their certification by the Chief Returning Officer following the closure of the appeals period including the implementation of any remedial directives emanating therefrom.
3. Following the certification of any election and/or referendum event, the Chief Returning Officer shall submit a post-mortem report to the Board detailing the process, the results, and any recommended procedural, policy and/or bylaw amendments.

## **12. AMENDMENTS**

1. These procedures may be amended by a simple majority of the Board at a properly constituted Board meeting.
2. Notices of motion proposing amendments to these procedures shall follow the established prescriptions for all notices of motion.
3. Until such time these procedures are properly amended, they remain in full force and effect.

