

BYLAW 6

Referenda Regulations

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These by-laws apply only to referenda conducted by the Daily Publications Society. Any mention of candidates shall be interpreted to mean referendum committee. All provisions must be consistent with the Constitution of the Daily Publications' Society. The interpretation of these by-laws shall be limited by their explicit content.

I INTERPRETATION

1. Interpretation

- 1.1 In this by-law, the following terms shall be interpreted as defined below.
- a) "Days" as used in this by-law do not include weekends (Saturday or Sunday) or holidays (civic and academic)
 - b) "Returning dates" include, but are not limited to, the dates for the opening and closing of nominations, the opening and closing of campaign periods, the referendum question deadlines, the all-candidates debate, the advance poll(s) and the general polls.
 - c) "Public notice" shall refer to notice in a written format that is either sent to all members of the Society, by electronic means or other, or notice that shall be placed in public view or advertised in student media that is freely accessible to all members of Society.
 - d) "Sanction" shall mean any fine or penalty assessed by the CEO including disqualification from elections or overturning the results of an election or referendum.
 - e) "Censure" shall refer to a public notice disseminated by Elections McGill in response to a campaign infraction which describes the infraction and explains why Elections McGill issued a censure in response to said infraction.

II GENERAL

2. The Chief Electoral Officer

- 2.1 The Chief Electoral Officer (hereinafter "CEO") shall supervise all Returning officers of the Daily Publications' Society (hereinafter "Society"), oversee the operations of Elections McGill and be responsible for

administering the Society's elections and referenda.

- 2.2 In addition to the duties laid out in the Constitution, the CEO is responsible for ensuring that the Elections Coordinator(s) (EC) and Deputy Chief Electoral Officer abide by the rules and guidelines governing elections, and do not contravene the Constitution, By-Laws, or Policies of the Society.
- 2.3 In the event that the CEO and another officer or employee of the Office of the Chief Electoral Officer make inconsistent rulings or declarations, the ruling or declaration of the CEO shall prevail and be deemed final.

3. The Deputy Chief Electoral Officer

- 3.1 The Deputy Chief Electoral Officer (hereinafter "DCEO"). The DCEO shall assist the CEO in the fulfilment of the CEO's duties to the extent allowed by the CEO. In particular, the DCEO shall be responsible for enforcing and policing the campaign regulations contained in this by-law.
- 3.2 In the extended absence of the CEO, the DCEO shall assume all the duties of the CEO.

4. The Elections Coordinators

- 4.1 The Elections Coordinators (hereinafter "ECs"), who shall be responsible for the preparation and coordination of the polls, including, but not limited to, hiring polling clerks, advertising polling locations and hours.
- 4.2 The ECs shall review all nomination and petition forms after they have been submitted to the Society's office.
- 4.2.1 A signature for nomination and petition purposes shall be valid only if it is accompanied by a corresponding name, student identification number, faculty and program year.
- 4.3 In the event of an extended absence by the DCEO, the ECs shall assume the duties of the DCEO.
- 4.4 The CEO or DCEO may perform any duty that is specified herein for the ECs.

5. Liaison with Elections McGill

- 5.1 The CEO, together with the DCEO, ECs and all of their paid employees shall form an independent and impartial agency associated with the DPS named "Elections McGill." This organisation shall be the sole body to administer the Society's referenda and shall be synonymous with the "Office of the Chief Electoral Officer."

6. Transmission of Motions of The Board to Elections McGill

- 6.1 The transmission to Elections McGill of motions passed by the Board pertaining to elections and referenda shall be the responsibility of the Chair of the Board.
- 6.2 Any and all motions pertaining to elections, referenda or Elections McGill shall be passed by the Board no less than ten (10) days prior to the opening of advanced polls.
- 6.3 6.3 Any motion of the Board pertaining to elections or referenda that is not transmitted to Elections McGill ten (10) or more days prior to the opening of advanced polls shall be deemed spent and of no force or effect.

7. Setting of Election Periods

- 7.1 The CEO shall submit all Returning dates and poll locations for both the fall and spring Returning periods for the approval of The Board. These dates shall be determined in keeping with the DPS Constitution and its By-laws.

III ELECTIONS & REFERENDA

8. Information Meeting

- 8.1 Elections McGill shall organise and promote an information meeting for all candidates before the start of the election campaign period. The purpose of this meeting shall be to inform candidates about Returning regulations and of important times and dates. All candidates and referenda committee chairs absent from this meeting will be deemed to be in full knowledge of the information dispersed at this meeting.

9. Debates

- 9.1 Elections McGill shall organize and promote at least one debate for all referendum questions to be held at least two (2) days before regular voting is scheduled to begin. The purpose of this meeting shall be to give students an opportunity to ask questions of

the candidates and for candidates to make their views known to the McGill community.

10. Referendum Questions

- 10.1 The CEO shall either approve or reject each referendum petition within three (3) days of its receipt.
- 10.1.1 All student-initiated referendum questions shall be circulated to The Board within twenty-four (24) hours after the petition is approved.
- 10.2 Notice of the referendum and detailed instructions regarding the formation of "Yes" and "No" committees shall appear as soon as possible in the the Daily, and Le Delit Français following the acceptance of either a referendum petition by the CEO, or of a Board-initiated referendum.

11. Referendum Committees

- 11.1 The Board may pass a motion forming a "Yes" or a "No" committee, and not both, for accepted referenda questions. The name and phone number of a chair, plus a signed list of committee members, must be submitted to Elections McGill during the designated nomination. The Chair of the Board or his /her delegate is responsible for ensuring this committee is properly formed.
- 11.1.1 A member of the Society may form a "Yes" or a "No" committee, and not both, for accepted referenda questions through a petition signed by one hundred members of the Society for that purpose. The name and phone number of a chair, plus a signed list of committee members, must be submitted to the EC during the designated nomination period.
- 11.2 Any referendum committee believed by the CEO to have received assistance, either direct or indirect, from an outside person(s) or organization(s) shall be subject to sanction up to and including; public censure, closure of the Referendum committee and/or nullification of the referendum.
- 11.3 After the "Yes" or "No" committee is formed in accordance with these By-Laws, the chair of the committee may recruit additional committee members by submitting their names to Elections McGill.
- 11.4 Additional committee members may only begin campaign activities upon receipt of written acknowledgement of their admission to the campaign committee by Elections McGill.

12. Withdrawals

- 12.1 Withdrawals of referenda questions will be accepted by Elections McGill until twenty-four (24) hours before the opening of the first advance poll.

IV CAMPAIGNING

13. Campaigning

- 13.1 All forms of campaigning are permitted, unless they are explicitly prohibited under the by-laws below.
- 13.2 No officer, director or employee of SSMU or of a school, faculty or departmental association may use his or her position and any benefits associated with it in order to aid in a referendum campaign.
- 13.3 Each referendum committee shall be entitled to display one poster (no larger than four hundred and thirty-two (432) square inches) in a spot designated by the EC in the Shatner Centre. Candidates may display no more than two (2) other posters in the Shatner Centre the size of which, in accordance with standard building regulations, may not exceed ninety-three and half (93.5) square inches (8.5" x 11").
- 13.4 During the campaign period all referendum committees shall be entitled to post no more than four hundred (400) posters during the campaign period of eight and half by eleven inches (8.5"x11") each. The CEO shall implement a secured system to ensure that no committee exceeds this limit. No other type of poster shall be allowed.
- 13.5 The CEO shall not be responsible for enforcing University building regulations.
- 13.6 The following shall be limitations on candidates' rights to campaign.
- 13.7 No banners supporting a candidate, position, slate or referendum committee may be hung anywhere on University grounds. A banner is defined as any campaign material larger than four hundred and thirty two (432) square inches.
- 13.8 Non-affixed campaign literature (handbills) may be handed out only in person by a candidate or member of a referendum committee to a member of the Society, and only indoors on McGill campus unless told otherwise, in writing, by the Chief Electoral Officer.
- 13.8.1 Any person distributing non-affixed campaign literature or participating in any campaign activities must produce their McGill Student ID Card and any other relevant documentation when asked to do so by an officer of Elections McGill or their designate.
- 13.9 Failure to produce adequate identification will result in the uncompensated confiscation of campaign material in the person's possession as well as any other sanctions the CEO deems appropriate.
- 13.10 Campaign stickers may not be attached to University, City of Montreal or SSMU property .
- 13.11 Committees may not distribute food or any other gifts in kind for any purpose during campaign or voting periods.
- 13.12 Committees may not send unsolicited electronic mail as defined by the CEO for the purpose of campaigning.
- 13.13 No paper campaign materials may be distributed, affixed or publicly shown in classrooms or within the theft security perimeters of McGill libraries.
- 13.14 Posters may only be affixed indoors in buildings operated by McGill University or SSMU.
- 13.15 Candidates and referenda committees are responsible for the removal of all campaign posters by 9.00am on the day of the opening of regular polls. Candidates who do not remove their posters by said hour shall be subject to sanction by the CEO.
- 13.16 Other than news coverage, no candidate or campaign committee shall have access, either directly or indirectly, to radio public service announcements.
- 13.17 Where possible, campaign posters are to be produced on reused paper (ie. Printed already on one side).
- 13.18 Where it is not possible to print posters on reused paper, posters must be printed on 100% post-consumer recycled paper. Candidates and referendum committees may be asked to provide proof that their posters are printed on 100% recycled paper.
- 13.19 Candidates or referendum committees found to have printed posters on paper which is not made of 100% recycled materials shall be subject to sanctions.
- 13.20 The CEO may prohibit the dissemination of campaign material that, in his/her judgment, contravenes the Constitution, By-Laws or Policies of the Society. Candidates may choose whether to seek the approval of the CEO before disseminating any information, but they shall nevertheless be held ultimately responsible for any material disseminated on their behalf that

contravenes the Constitution, By-Laws or Policies of the Society. Referendum Committees should be made aware at the candidates' information meeting that any such contravention may result in their disqualification from the election.

- 13.21 Campaigning shall end at midnight (24h00) the night before the opening of regular polls.
- 13.22 There shall be no campaigning in Haven Books or any other property operated by SSMU with the exception of the Shatner University Centre.
- 13.23 Campaign activities may only be carried out by members of the Society.
- 13.24 All campaigning must be carried out by authorized members of the referendum committee.
- 13.25 Referendum committees shall not engage in slanderous campaigning, or make negative or false representations about the opposition. No one shall interfere with the distribution of campaign material.
- 13.26 All candidates shall be provided with space on a Society Web Page. The specific requirements for Web Page material shall be determined by the CEO prior to the campaign period.

14. Sanctions for Campaign Violations

- 14.1 Material that contravenes the Constitution, By-Laws or Policy Manual of the Society will be subject to confiscation by the CEO.
- 14.2 In the case of an election, the CEO is empowered to disqualify a candidate or candidates or invalidate the election of any successful candidate who has continued to use material the same as or substantially similar to that which was previously confiscated by the CEO. In the case of a referendum, the CEO is empowered to invalidate the referendum if a committee on the prevailing side of the question continues to use material the same as or substantially similar to that which was previously confiscated by the CEO.
- 14.3 In the case of an election, any violation of the campaign funding rules may result in the invalidation of the successful candidate. If such were to occur, the runner up will be deemed the successful candidate. In the case of a referendum, any violation of the campaign funding rules by a committee on the prevailing side of the question may result in the invalidation of the referendum.

- 14.4 The CEO has the discretion to disqualify, withhold reimbursement from, or officially reprimand/censure a candidate or referendum committee in addition to declaring an election or referendum invalid for any infraction of the Returning by-laws at his/her discretion.
- 14.4.1 The CEO may at his/her discretion provide for other sanctions

15. Spending Limits

- 15.1 Each referendum committee shall be permitted to spend a maximum of \$1000.
- 15.2 All referendum committees must pay fair market value for their campaign materials. "Fair market value" means "the lowest price for a given product available in the Montreal region to all persons who approach a person or company that sells or deals in that product or service." In cases where a referendum committee receives or purchases materials for less than fair market value, the referendum committee must nevertheless declare the fair market value for such materials. The fair market value of materials shall be counted towards total campaign expenditures.
- 15.3 The CEO shall have the final say in what constitutes fair market value.
- 15.4 At the discretion of the CEO, reimbursement may be withheld from any referendum committee for any infraction of the Constitution or these By-laws.
- 15.5 Each committee may be reimbursed up to a maximum of \$200.
- 15.6 Committees are to submit their campaign receipts and requests for reimbursement to the CEO within three (3) days of the announcement of the election results.
- 15.7 Elections McGill shall review all receipts and shall prepare and make available a summary of all requests for reimbursement to all committee chairs within five (5) days of the announcement of results a summary of all requests for reimbursement.
- 15.8 Each committee is entitled to request an inquiry into the campaign spending of another candidate(s) within 3 days of the CEO's publication of candidate expenditures. In the case of an inquiry, the CEO shall evaluate the campaign spending of the candidate in question on the basis of the fair market value of his/her campaign materials.

V POLLING, SCRUTINEERING, VOTING & COUNTING

16. Polling

- 16.1** Elections McGill shall hire at least two (2) poll clerks for each polling station.
- 16.2** A list with the names of poll clerks and polling stations for any election or referendum shall be provided upon request to candidates and "Yes" and "No" committees. Candidates and chairs of "Yes" and "No" committees are entitled to petition the CEO for the removal, for cause, of any poll clerk.
- 16.3** The CEO's decision regarding the removal of any poll clerk shall be final.
- 16.4** Each poll clerk is responsible for the conduct of their poll and is responsible for the following:
- a) Removing committees' referendum posters from within 10 feet and/or general view of the polling station;
 - b) Informing committee members that they are not permitted to loiter in the general area of a polling station except to cast their ballots;
 - c) Ensuring the secrecy of the vote;
 - d) Taking steps (including if necessary the refusal to allow more than a single voter at a time at or near the polling station) to prevent disorderly conduct at or near the polling station, particularly if such conduct is of a nature which may induce any voter to vote in a particular way;
 - e) Reporting any breaches of or irregularities in the above to the CEO immediately.
- 16.5** Should the CEO receive any complaints concerning the way in which a poll is being conducted, s/he shall immediately take steps to remedy the situation as s/he, in his or her discretion, deems appropriate.
- 16.6** Pen sketches shall be clearly displayed at every polling station.
- 16.7** Poll clerks disobeying rules are subject to immediate removal without compensation by the CEO

17. Scrutineering

- 17.1** Each committee is entitled to the services of one scrutineer at each poll. Anyone intending to act in such capacity must present upon request of the poll clerk an explicit written authorization signed by the candidate or chair of the committee.
- 17.2** A candidate or the chair of a committee must submit to the CEO a list of the names

and McGill ID numbers of his or her team's scrutineers.

- 17.3** A polling clerk or an officer of Elections McGill may require any scrutineer to produce a valid McGill ID card.
- 17.4** Use of non-authorized scrutineers may result in the imposition of sanctions by the CEO on the candidate or committee.
- 17.5** A scrutineer is entitled to object to the conduct of a poll, but not to interfere in its operations. All objections shall be made directly to the CEO or DCEO.
- 17.6** The poll clerk may expel from the poll a scrutineer who abuses his/her rights by acting in an unreasonable manner. If the candidate or committee for whom the expelled scrutineer was acting wishes to appoint a replacement, a second written authorization to that effect must be presented to the CEO for approval.
- 17.7** If a scrutineer refuses to leave the polling or counting area after being so instructed and warned, the candidate or referendum committee that he or she is representing may be sanctioned.
- 17.8** No scrutineers may be present for the tabulation of electronic votes.
- 17.9** Scrutineers disobeying rules are subject to censure and/or removal by the CEO.
- 17.10** Candidates and referenda committees shall be responsible for the conduct of their scrutineers.

18. Online Voting System

- 18.1** All voting shall be conducted using Election McGill's Online Voting System (OVS).
- 18.2** In the event that OVS is not operational during all or part of an Returning period, Elections McGill shall make paper ballots available to all eligible electors.
- 18.3** Only the CEO and DCEO shall have access to the administrative functions of OVS.
- 18.4** Administrative passwords to OVS shall be changed at the beginning of each Returning period.
- 18.5** The CEO shall upload the official ballot to the OVS in the presence of no less than one other Elections McGill official.

19. Voting

- 19.1** The date, time and location of polls will be published no later than twenty-four (24) hours prior to the opening of the first advanced poll in the McGill Daily (both English and French publications).

- 19.2 Polls, the locations of which have not been published shall be deemed unofficial and all ballots cast at an unofficial poll will be null and void unless all candidates or committees involved agree otherwise before the opening of the poll concerned.
- 19.3 At the time designated by Elections McGill for the closing of any poll, electors who are then waiting in line may vote. No elector shall thereafter be admitted to the waiting line.
- 19.4 An elector may vote at any open poll during an election or referendum.
- 19.5 In the event the Online Voting System is not functional or an eligible elector does not have access to the Online Voting System, paper ballots shall be made available to them.
- 19.6 All paper ballots shall be cast in the presence of the CEO or his designate and at least one other official of Elections McGill
- 19.7 Under no circumstances may a student be allowed to cast a paper ballot without a student identification card. No appeals on this matter will be considered.
- 19.8 Each qualified elector wishing to vote must do so in person. Voting by proxy is prohibited.
- 19.9 An advanced poll at which any student may vote is to be held during the campaign period. Candidates shall be permitted to campaign while the advance polls are open, except within the vicinity of the polling stations, which shall also be cleared of all campaign material.
- 19.10 Regular polls are to operate for three (3) consecutive work days.
- 19.11 Results are to be announced by Elections McGill at a pre-established time and place.
- 19.12 At least one polling station with wheelchair access must be accessible to persons with physical, visual or auditory disabilities. Said station must have sufficient facilities, to ensure that all members of the Society may be able to vote.
- 19.13 All ballots, referendum questions, plebiscite questions and instructions shall be available in English and French at all polling stations.

20. The Count

- 20.1 Votes cast through the Online Voting System shall be tabulated by the CEO in the presence of at least one other officer of Elections McGill

- 20.2 If any paper ballots were cast, they shall be counted in the presence of no less than two officials of Elections McGill.
- 20.3 At the request of a referendum committee, one (1) neutral scrutineer may be appointed to observe the count of paper ballots
- 20.4 A ballot is to be rejected if:
 - a) there is no clear indication of preference for a single candidate or referendum question; or
 - b) the initials of the poll clerk do not appear on the ballot paper.
- 20.5 Any candidate or referendum committee chair may request one (1) recount of the paper ballots.
- 20.6 The CEO may order further recounts if he/she deems them necessary.
- 20.7 All paper ballots shall be kept in a secure location for seven (7) days following the announcement of results.

21. Tie Votes

- 21.1 In the event of a tie, a referendum question shall be deemed defeated.

VII FINAL PROVISIONS

22. Announcement of Results

- 22.1 Upon completion of the ballot counting, the CEO shall announce publicly the unofficial results of the elections, and submit the official results in writing to the Business manager on the business day following the tabulation of results.

23. Invalidation and Disqualification

- 23.1 In the case of any grave violation of the Constitution or By-laws referendum committee, the CEO shall invalidate the election or referendum if, in his/her determination, a violation of the Constitution, By-laws or Returning regulations has adversely affected the outcome of the election or referendum. In making this decision, the CEO may consider the conduct of the parties and the seriousness of the violations.

24. Appeals

- 24.1 All appeals to the Judicial Board regarding the conduct of an election or referendum must be made no later than five (5) days after the written announcement of election results or any official announcement made by Elections McGill.

- 24.2** All petitions to the Judicial Board regarding elections or referenda that are made more than five (5) days after the written transmission of the official results of elections or referenda to the Business Manager shall be deemed absolutely prescribed and equitably stopped.
- 24.3** The Judicial Board shall not have jurisdiction to examine, try or hear any action that is submitted more than five (5) days after written results are transmitted to the Business and Advertising Manager.
- 24.4** Notwithstanding Judicial Board rules of practice or procedure, all appeals arising from elections and referenda shall be heard in the semester that they are launched.
- 24.5** Any case that is not adjudicated during the semester that it is launched shall be deemed moot. •

Ce document est disponible en français.

The English text takes precedence over the French text, and the present version prevails in the case of major differences between either versions.