

BYLAW 6

Referenda Regulations

Last amended 20 November 2012

These by-laws apply only to referenda conducted by the Daily Publications Society. Note that reaffirmation/fee-renewal referenda are conducted according to the procedure outlined in Article 25. 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 DPS in response to a campaign infraction which describes the infraction and explains why Elections DPS issued a censure in response to said infraction.
- f) "External" shall refer to any group or individual outside the editorial boards of The

Daily and Le Délit, the DPS Board of Directors, and the DPS Business Office.

g) "Endorsement" shall refer to a singular instance of a public statement of opinion towards a referendum committee reflecting the position of an organization as a whole, or a particular individual, subject to their established decision-making process.

II GENERAL

2. The Chief Electoral Officer

2.1 The Chief Electoral Officer (hereinafter "CEO") shall oversee the operations of Elections DPS 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 Deputy Chief Electoral Officer abides by the rules and guidelines governing elections, and does not contravene the Constitution, By-Laws, or Policies of the Society.

2.3 In the event that the CEO and the Deputy CEO 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"), should the CEO deem it necessary that a DCEO be hired, shall assist the CEO in the fulfillment of the CEO's duties to the

extent allowed by the CEO. In particular, the DCEO shall be responsible for enforcing 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.

3.3 The CEO and DCEO shall review all nomination and petition forms after they have been submitted to the Society's office.

3.4 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. (Repealed)

5. Elections DPS

5.1 The CEO, together with the DCEO, shall form an independent and impartial agency associated with the DPS named "Elections DPS." This organization 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 DPS

6.1 The transmission to Elections DPS 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 DPS shall be passed by the Board no less than ten (10) days prior to the opening of advanced polls.

6.3 Any motion of the Board pertaining to elections or referenda that is not transmitted to Elections DPS 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 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 DPS shall organize 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. (Repealed)

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 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 DPS 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 CEO during the designated nomination period.

11.2 Any referendum committee believed by the CEO to have received any assistance, either direct or indirect, with the exception of endorsements, from person(s) or organization(s) apart from the funding and assistance stipulated in this bylaw 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 DPS.

11.3.1 Any member, and only members, of the Daily Publications Society may serve as committee members.

11.4 Additional committee members may only begin campaign activities upon receipt of written acknowledgement of their admission to the campaign committee by Elections DPS.

12. Withdrawals

12.1 Withdrawals of referenda questions will be accepted by Elections DPS 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 within, and only within, a ten (10) day campaign period, unless they are explicitly prohibited under the by-laws below.

13.2 (Repealed)

13.3 Each referendum committee shall be entitled to display posters in the Shatner Centre in accordance with regulations set forth by the SSMU.

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 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 DPS 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 the day following the end of campaigning. 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 (i.e., 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 (Repealed)

13.22 There shall be no campaigning on any property operated by the 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 false representations about the opposition. No one shall interfere with the distribution of campaign material.

13.26 (Repealed)

13.27 Either committee may seek endorsements from, and only from, any external organization or external member of the Society.

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

14.5 Should parties not external to the DPS fail to comply with these regulations or in any way aid or abet the circumvention of these bylaws, the CEO may, at their discretion, issue public notice of the infractions, and/or impose penalties and/or fine to the entities/person(s) involved.

15. Spending Limits

15.1 Each referendum committee shall be permitted to spend and be reimbursed for a maximum of \$300.

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 (Repealed)

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 DPS 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. (Repealed)

17. (Repealed)

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 a Returning period, Elections DPS 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 the DCEO or, if no

DCEO has been hired, in the presence of one member of each referendum committee should the committees so desire.

19. Voting

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

19.2 - 9 (Repealed)

19.10 The polling period shall last seven (7) days.

19.11 Results are to be announced by Elections DPS at a pre-established time and place.

19.12 (Repealed)

19.13 All ballots, referendum questions, plebiscite questions and instructions shall be available in English and French.

20. The Count

20.1 Votes cast through the Online Voting System shall be tabulated by the CEO in the presence of the DCEO or, if no DCEO has been hired, in the presence of one member of each referendum committee should the committees so desire.

20.2 (Repealed)

20.3 (Repealed)

20.4 (Repealed)

20.5 (Repealed)

20.6 The CEO may order further recounts if he/she deems them necessary.

20.7 (Repealed)

21. Tie Votes

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

VI 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 ten (10) days after the written announcement of election results or any official announcement made by Elections DPS.

24.2 All petitions to the Judicial Board regarding elections or referenda that are made more than ten (10) 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 ten (10) 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.

25. (Repealed)