

# St. Michael's College Student Union Referendum Bylaws



As Amended July 10, 2016

ARTICLE I: PRINCIPLE

ARTICLE II: INTERPRETATION

ARTICLE III: THE QUESTION

ARTICLE IV: PETITIONS

ARTICLE V: NOTICE

ARTICLE VI: CAMPAIGNING

1. Election Rules

2. Campaign Expenses

3. Restricted Areas

4. Campaign Material

5. Procedure for Violation of Bylaws

ARTICLE VII: QUORUM

ARTICLE VIII: VOTING

1. Ballot Boxes / Polling Stations

2. Scrutineering

3. Master Voting List

ARTICLE IX: APPEALS OF REFERENDUM RESULTS

ARTICLE X: NON-BINDING NATURE

Article XI: REQUIREMENTS OF REFERENDA

Schedule A – St. Michael’s College Student Union Referenda Schedule

Schedule B – University of St. Michael’s College Recognized Groups

# ARTICLE I: PRINCIPLE

- A. In addition to Annual and General Meetings, the Members of the St. Michael's College Student Union may vote on resolutions concerning the business of the St. Michael's College Student Union by means of a referendum.
- B. Referenda should be conducted with the intention to improve the distribution of services by the St. Michael's College Student Union, Recognized St. Michael's College Student Union Groups.
- C. Failure to adhere to this Charter and its provisions shall invalidate the results of a referendum.
- D. Where this Charter is in contradiction of any of the following St. Michael's College Student Union governance documents, in order of precedence, the St. Michael's College Student Union Electoral Bylaws, and the St. Michael's College Student Union Constitution shall prevail.

# ARTICLE II: INTERPRETATION

The Chief Returning Officer shall make all interpretations to this Charter. For the purpose of this Charter:

**Advocating Committee** refers to any party, having registered with the CRO, authorized to promote either the "yes" answer or "no" answer to a referendum question and the individual members of said party.

**Arm's-Length Party** refers to any individual or group who is not a "non-arm's-length party". **Board of Directors** refers to the Board of Directors of the Union.

**Building on Campus** refers to building owned and/or operated by the University of St. Michael's College.

**Banner(s)** refers to printed campaign material that is greater than 11"x17" in size.

**Campaign Material** refers to any item, design, sound, symbol or mark that is created or copied in any form in order to influence or likely to influence at least one voter to cast a ballot in favour or in opposition of a referendum question.

**Campaign Period** refers to the period of time during the referendum schedule set by the CRO during which Campaigning is authorized.

**Campaigning** refers to any attempt by an individual, committee or organization to encourage a Member to cast a ballot in favour or in opposition of a referendum question. This may occur with or without campaign material.

**Campus Newspaper** refers to a student publication with distribution across St. Michael's College.

**CPRB** refers to the Constitutional Procedures and Review Board.

**Constituency** shall refer to the population of voters that are eligible to cast a vote for the referendum in question.

**CRO** refers to the Chief Returning Officer.

**Council** refers to the elected members of the St. Michael's College Student Union

**Endorsing/Endorsement** refers to supporting a referendum position, through either verbal or non-verbal communication, through the provision of materials, advertisements or non-financial donations.

**External Groups** refers to organizations that are not a Recognized Campus Group by the Union.

**Fall By-Election** has the meaning ascribed to it in the Electoral Bylaws.

**Harassment** means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known as unwelcome.

**Library** refers to the space beyond a theft detection device in a University of Toronto library.

**Member** shall refer to any individual who is a current member of the Union as defined in the SMCSU Constitution.

**Non-Arm's-Length Party** means an individual or group that can be shown to have:

- a. Publically campaigned with an Advocating Committee
- b. Campaigned using an Advocating Committee's approved Campaign Materials
- c. Performed Campaign-related tasks that are not Campaigning on behalf of an Advocating Committee
- d. Had their actions which are deemed in violation of the Charter publicly defended by an Advocating Committee or the chief agent of an Advocating Committee. This does not apply if the Advocating Committee has publically stated that they do not desire or condone the party performing such tasks or acting in such a manner.

**Polling Station** means any Union sanctioned ballot box or any electronic device that may be used to log into the online voting platform used during the Voting Period.

**Poster** shall refer to print media to be affixed to a surface, or displayed for viewing.

**Public Domain** means any place to which Members have a right of access.

**Spoiled Vote** means any ballot cast where only one or no poll clerks initialed the ballot; where too many responses were selected on the ballot; where no voter intent was indicated, or where voter intent is not clear.

**Sponsoring/Sponsorship** means a financial contribution made for the purpose of supporting an advocating committee's campaign.

**Spring Election** has the meaning ascribed to it in the Electoral Bylaws of the Union.

**St. Michael's College Student Union** refers to the student body of the University of St. Michael's College that pay full-time students fees.

**Student Society** shall refer to any student groups on campus that collect a compulsory student fee.

**Valid Identification** refers to a valid University of Toronto Student Identification card.

**Valid Vote** means any ballot cast that is not a Spoiled Vote.

**Votes Cast** shall refer to the total number of Valid Votes and the total number of Spoiled Votes.

**Voting Period** refers to the period of time during the referendum schedule set by the CRO where Members may cast their vote(s) in a referendum. In this Charter, unless a contrary intention appears: a) Words importing the singular will include the plural and vice versa. b) All capitalized terms found herein but not defined have the meaning ascribed to them in the St. Michael's College Student Union Bylaws. c) Regulations and rulings applying to Advocating Committees are deemed to apply to their Non-Arm's Length Parties.

## ARTICLE III: THE QUESTION

- A. Each question must be positively worded, so that the vote of "yes" signifies agreement with the initiative proposed, and a vote of "no" signifies disagreement with it.
- B. After receiving a petition for a referendum pursuant to Article IV, the CPRB shall convene to review and ensure the petition and question conforms to the policy set forth in this Charter.
- C. Questions falling under Article XI, Schedule A shall first receive assent from the CPRB before authorization from the Council.
- D. Within ten business days after convening the meeting referred to in subsection b. above, and prior to the next St. Michael's College Student Union meeting, the CPRB must file a report to the Council as to whether the petition complies with Article IV and was compiled in a fair and reasonable manner.
- E. Upon receiving a report from the CPRB that approves a petition received by the St. Michael's College Student Union pursuant to Article IV, the Council shall authorize the referendum to be conducted as provided herein.
- F. The St. Michael's College Student Union shall be considered responsible for all referenda, except in the case of student clubs requesting an increase in their levy, in which case the group in question shall be considered responsible.

# ARTICLE IV: PETITIONS

- a. Petitions should be collected according to the guidelines set out in this section.
- b. Prior to collecting petitions, the format must be approved by the CPRB and the party seeking petitions must have registered with the CPRB.
- c. Completed petitions must be submitted with three (3) weeks' notice prior to the commencement of the campaign period.
- d. For a petition to be valid it must include the following:
  - i. St. Michael's College Student Union Member name as it appears on ACORN
  - ii. St. Michael's College Student Union Member student number
  - iii. Date of Birth
  - iv. Signature
  - v. Any other specifics that the St. Michael's College Student Union deems necessary
- e. Each page of petitions must include the following:
  - i. The purpose of the petition.
  - ii. The referendum question(s).
  - iii. Other specifics that the CPRB deems necessary.
- f. The completeness, accuracy and delivery of the petitions is the responsibility of the party seeking to pose the referendum question to the Members. Failure to satisfy the requirements stated above may result in failure for approval to conduct the referendum.

# ARTICLE V: NOTICE

- A. The Council shall give no less than fourteen (14) calendar days' notice of a referendum prior to the commencement of the Campaign Period. Sufficient notice shall be deemed to have been given by the posting of no less than: One day before the opening of nominations, the Chief Returning Officer (CRO) must post, at least, but is not limited to:
  - i. Two (2) posters in Brennan Hall (at base of Canada Room, Coop, Lounge)
  - ii. One (1) poster at entry at Loretto
  - iii. Two (2) posters per floor of each residence
  - iv. Five (5) posters in Brennan Lounge
  - v. Three (3) in Alumni Hall three (3) in Carr Hall
  - vi. Four (4) in Teefy Hall (1st floor)In addition, a series of advertisements shall be published appearing in issues of our Campus Newspaper for a period of fourteen (14) calendar days, each of which shall include the following:
  - i. The time, date, and location of the referendum.
  - ii. The proposed resolution(s) for the referendum.
  - iii. Any special resolution(s) to be considered in the referendum.
- B. For referenda under Schedule B to be considered, the question(s) must be submitted to the Council in the Fall semester by 15 September and in the Winter semester by 15 January.

# ARTICLE VI: CAMPAIGNING

The CRO shall oversee the campaign and logistics of all referenda. All parties advocating or promoting a side of the referendum must register as an Advocating Committee and declare their position.

## 1. Election Rules

- A. All Advocating Committees shall not begin Campaigning until the date determined by the CRO. Any Advocating Committees that violate this rule will be deemed to have engaged in Pre-Campaigning, and may be disqualified.
- B. All Advocating Committees shall refrain from disrupting the campaigns of any other Advocating Committees.
- C. All Advocating Committees shall not convey a misrepresentation of facts in their respective Campaign Material, nor while Campaigning.
- D. Campaign Materials shall not be affixed to any surfaces in a designated restricted area, as outlined in Article VI, Section 3, nor in an area that breaks university, municipal, provincial, and/or federal law/regulation while Campaigning.
- E. Advocating Committees cannot personally Campaign to a Member by any means while the Member is voting whether it be online or paper ballots.
- F. Advocating Committees are permitted to have Non-Arm's-Length Parties campaign on their behalf, but these Parties must abide by the St. Michael's College Student Union's Electoral Bylaws. Failure to comply with any of these Bylaws will result in an infraction on behalf of the Candidate.
- G. Advocating Committees shall not maliciously or intentionally violate the Electoral Bylaws.
- H. Advocating Committees shall not abuse position or status acquired by virtue of office.
- I. Advocating Committees shall uphold the spirit and purpose of the elections.
- J. Advocating Committees shall refrain from submitting frivolous complaints to the CRO.
- K. Advocating Committees shall not spend, or have spent on their behalf, over the prescribed limit, as per [Article VI, Section 2A](#).
- L. Advocating Committees shall be permitted to Campaign during the St. Michael's College Student Union's public events.
- M. Advocating Committees are not permitted to provide a device to a Member for the purpose of online voting, or where it may be reasonably expected that the Member would use the device to vote online.
- N. Advocating Committees are prohibited from collecting any credential from Members that are used to verify a Member's identity when they vote online.
- O. The CRO has the right to remove members from an Advocating Committee and to disqualify an Advocating Committee in its entirety.

## 2. Campaign Expenses

- A. Advocating Committees may not spend, nor have spent on their behalf, more than one-hundred (100) dollars for election to office of the President and Vice-President, or more than thirty (30) dollars for any council representative seat. Goods or services received free shall be included in the Candidate's budget at their full-market value, which the CRO will have noted at the All-Candidates Meeting. Any goods or services used for Campaign purposes that were not pre-approved by the CRO may result in the disqualification of a Candidate.
- B. The St. Michael's College Student Union shall grant Advocating Committee running in the Referendum twenty-five (25) 8.5" x 11" photocopies at no charge. In this case, the Advocating Committees must submit their poster in PDF format to the CRO, who will then print the posters on the Advocating Committee's behalf in a timely manner. Posters shall be retrieved from only the CRO, in the St. Michael's College Student Union's office.
- C. Advocating Committees shall submit to the Chief Returning Officer a written statement of their campaign expenditures, including receipts, twenty-four (24) hours before the polls open. If such a report is not submitted, or is incomplete or inaccurate, the Chief Returning Officer shall fine the responsible party.
- D. Campaign posters will be valued as follows:
  - ii. 8.5" x 11" posters will be valued at \$0.25.
  - iii. 11" x 17" posters will be valued at \$0.50.
  - iv. Candidates shall be limited to two (2) block-style posters. The value of block posters are pursuant to the sum total of individual sheets used.
  - v. Posters and/or Campaign Material smaller than 8.5" x 11" sheets will be valued at \$0.25.
  - vi. Posters and/or Campaign Materials that are not explicitly stated in these Bylaws must be approved by the CRO, who will arbitrarily decide on the market-value of the good or service.

## 3. Restricted Areas

- A. Absolutely no Campaign Materials shall be affixed to any trees, doors, glass, mirrors, lockers, windows, phone booths, or vending machines.
- B. No Campaign Material shall be visible within five (5) metres of the polling stations.
- C. No Campaign Material shall be within proximity to the Basilian Houses of Windle House and Phelan House.
- D. No Campaign Material shall be affixed to any surfaces designated as University of St. Michael's College Residences, including those listed on this non-exhaustive list:
  - i. Elmsley Hall



- ii. Sam Sorbara Residence
  - iii. Fisher House
  - iv. More House
  - v. The Historic Houses including McCorkell House (HH2), O’Sullivan House (HH96), and Maritain and Gilson House (HH6&8)
  - vi. Teefy Hall
  - viii. Loretto College
- E.** Absolutely no Candidate shall Campaign in Campus Buildings designated as University of St. Michael’s College Residences nor they may be allowed to campaign in the residence of Loretto College.

## 4. Campaign Material

- A.** Only white recyclable paper shall be used for campaign purposes. All Campaign Materials must have the universal recycling symbol.
- i. Candidates may use both 8.5” x 11” and 11” x 17” posters.
- B.** No Candidate’s Poster may overlap another Candidate’s Poster. No Candidate may post one of their Posters within 30.5 cm (1 foot) of another one of their own Posters. All signs violating this bylaw shall be removed by the CRO and may face an infraction.
- C.** Chalking is permitted, but is strictly forbidden from any walls, steps, or any area in the proximity of the Basilian houses of Windle House and Phelan House.
- D.** All Candidates shall be permitted to use various Internet resources including, but not limited to: Blogs, and Social Networking Websites, subject to the approval of the CRO. All Candidates must submit a written request to the CRO for the approval of such Campaign Material, prior to the publication of the Campaign Material to the Public Domain. The CRO must be allowed access into these resources during the Campaign Period. All Candidates shall not update these resources after the Campaign Period closes, but shall be allowed to keep them in Public Domain. All Web and Social Media pages must be removed within forty-eight (48) hours after the close of the Voting Period. For any Social Media that take more than forty-eight (48) hours to remove, Candidates must submit proof of request for removal.
- E.** All printed Campaign Materials must be removed within forty-eight (48) hours after the closing of the Voting Period.
- F.** All Candidates are prohibited from using endorsements of any kind in their Campaign Material or while Campaigning.
- G.** In-person Campaigning is strictly prohibited during the designated Voting Period.
- H.** No Campaigning Materials shall be disseminated (i.e., delivered or received) after the campaign deadline.

## 5. Procedure for Violation of Bylaws

- A. Violations of Election Bylaws must be reported within forty-eight (48) hours from time of discovery.
- B. Any candidate who violates the regulations set forth in these Electoral Bylaws shall be given one written warning by the Chief Returning Officer. Upon a second infraction of the Electoral Bylaws, the Candidate shall be disqualified from the elections. An appeal of the CRO's decision may be made to the Elections Appeal Board.
- C. The CRO shall publish the details of the violation and their ruling in a designated elections space in the St. Michael's College Student Union office and on the St. Michael's College Student Union's Social Media within forty-eight (48) hours of receiving it. The CRO shall also inform the Elections Appeal Board of the same. The CRO shall inform candidates via phone or e-mail of any decision that directly concerns them.

## ARTICLE VII: QUORUM

Quorum required for referenda of the St. Michael's College Student Union shall be no less than ten percent (10%) of the Membership.

## ARTICLE VIII: VOTING

Referenda shall be held in conjunction with the Spring Election Period or the Fall Election period, where possible.

### 1. Ballot Boxes / Polling Stations

1. Elections shall be decided by electronic secret ballot. In the interest of maintaining an accessible environment for our Membership the CRO must ensure that large-print paper ballots are readily available at all polling stations.
2. Every ballot shall show the Question. The Question must be pursuant to the qualifications of Article III and approved by the CRO. The ballot must also have brief instructions concerning voting procedures.
3. The polling station at Brennan Hall shall remain open from 10:00 a.m. 7:00 p.m. and Kelly Library from 10:00 a.m. to 4:00 p.m. Each polling station shall be supervised by a polling clerk appointed by the CRO. Council Members may be appointed as polling clerks, but they cannot be a candidate in that election or a representative for a candidate in that election.
4. A ballot improperly marked or not initialed by the polling clerk shall be considered a Spoiled Vote.

5. Each candidate shall be entitled to have one scrutineer at each polling station. Scrutineers shall not interfere with the process of voting.
6. The appropriate number of candidates receiving the highest number of votes shall be declared elected.

## **2. Scrutineering**

- a. Scrutineers for an Advocating Committee must register with the CRO. The scrutineers from the advocating committees can be appointed by their own committee. There is to be a maximum of two scrutineers from each of the “yes” and “no” Advocacy Committees during the Voting Period.
- b. For the counting of the paper ballot, each Advocacy Committee may register scrutineers prior to the commencement of counting. These scrutineers do not have to be the same as those for the Voting Period.

## **3. Master Voting List**

- a. The Master Voting List must be obtained four weeks prior to the start of the voting period, if necessary to verify petitions. Otherwise, the Master Voting List must be obtained when necessary to prepare for the Voting Period.
- b. The Master Voting List shall provide the list of members eligible to vote.
- c. The Master Voting List shall be destroyed within one (1) week of the referendum.

# **ARTICLE IX: APPEALS OF REFERENDUM RESULTS**

- a. Any chief agent of an Advocating Committee may challenge the validity of a referendum result in a written submission containing their reasons, submitted to the CRO no later than forty-eight (48) hours after the close of the Voting Period.
- b. The CRO shall investigate any appeal and make a recommendation to the Elections Appeal Board on the appropriate action.
- c. The Council may not amend the rulings of the CRO or Elections Appeal Board.

# **ARTICLE X: NON-BINDING NATURE**

Referenda questions that are put forth to the Membership are considered non-binding upon the Membership because they are subject to the two-thirds ( $\frac{2}{3}$ ) majority ratification vote of Council.

# Article XI: REQUIREMENTS OF REFERENDA

## Schedule A – St. Michael’s College Student Union Referenda Schedule

Schedule A outlines the referenda guidelines for whenever the Council of the St. Michael’s College Student Union wishes to determine the opinion of the membership with respect to one or more issues relating to the St. Michael’s College Student Union, which may or may not include issues relating to fees. To call a referendum under Schedule A, a question must be submitted to the Council from the CPRB or by both the President and Vice-President. The question(s) must have received the approval of Council by a majority vote of two-thirds ( $\frac{2}{3}$ ).

- a. The question is submitted to the Council, where a majority vote of two-thirds ( $\frac{2}{3}$ ) must be obtained to approve the question.
- b. The Council's' approval of the question automatically places the St. Michael’s College Student Union in support of the referendum.
- d. No signatures need to be collected for Schedule A referenda.
- e. The CRO organizes and administers the referendum once the question is determined and approved by the Council.
- f. Referenda can be held any time between the first day of the Fall session and before Fall session exams, to the first day of the Winter session and before Winter session exams.

## Schedule B – University of St. Michael’s College Recognized Groups

Schedule B outlines the referenda policy for whenever a recognized St. Michael’s College Student Union group wishes to determine the opinion of the Membership with respect to one or more issues relating to the St. Michael’s College Student Union. The question may or may not relate to fees.

- a. To call a referendum under Schedule B, a question must be submitted to Council with the following supporting documentation:
  - i. Complete petitions from each club recognized by St. Michael’s College Student Union, including the signatures of all current executives of those clubs.
  - ii. The form of petition used must conform to the criteria outlined in this Charter.
  - iii. Completed ‘Referenda Application’ set out by the CRO.
  - iv. Materials for the campaign, ready for approval.
  - v. List of participants involved in the campaign.
- b. Referenda for Schedule B can only occur in conjunction with Fall and Spring Elections.