



# **St. Michael's College Student Union Referendum Bylaws**

*As amended, January 2025*



# ARTICLE I: INTERPRETATION

## 1. Definitions

For the purpose of these Bylaws:

1. **Abstain** refers to a ballot option expressing the voter does not align with the “Yes” or “No” response to the referendum.
2. **Active Campaigning** refers to the act of campaigning by engaging Members of the Union in-person or via virtual platforms.
3. **Administrative Advisor** refers to the designated Faculty Staff Member who will help facilitate the electoral process.
4. **Against** refers to the position of being “opposed” or responding “no” to the Question featured in the referendum
5. **Appeal** refers to an official letter addressed to the Election Appeals Board, submitted to the CRO, requesting a review of the unofficial election results or of a decision made pertaining to violation(s) and/or disqualification(s)
6. **Appeal Period** refers to the 3-day period after the announcement of the unofficial election results to provide sufficient time for the submission of an appeal.
7. **Arm’s-Length Party** refers to any individual or group who is not a “non-arm’s-length party”.
8. **Banner(s)** refers to printed campaign material that is greater than 11”x17” in size.
9. **Building On Campus** refers to buildings owned or operated by the University of St. Michael’s College or any of the federated colleges or universities.
10. **Binding** refers to a permanent clause that cannot be undone by Council vote.
11. **By-Election** refers to an election held at any time to fill a vacancy on the council in the case of resignation or dismissal.
12. **Campaign Material** refers to any item, design, sound, symbol or mark that is created or copied in any form in order to influence at least one voter to cast a ballot or not to cast a ballot, in favor or in opposition to a Candidate. “Electronic Campaign Material” refers to any Campaign Material that is displayed or otherwise presented electronically. “Physical Campaign Material” refers to any Campaign Material that is displayed or otherwise presented non-electronically.
13. **Campaign Period** refers to the period of time during the election schedule set by the Chief Returning Officer during which Campaigning is authorized.
14. **Campaigning** refers to any attempt to solicit votes for or against a candidate. Campaigning can occur even in the absence of Campaign Materials.



15. **Constituency** refers to the population of voters that are eligible to cast a vote for a particular position.
16. **Conflict of Interest** refers to an instance in which an individual's personal interest conflicts and interferes with the procedure of the electoral process.
17. **Council** refers to the legislative body of the St. Michael's College Student Union composed of elected Councilors.
18. **Councilor** refers to a member of the elected legislative body of the St. Michael's College Student Union
19. **CRO** refers to the Chief Returning Officer.
20. **Election Officers** refers to all individuals who are participating in the administration of the election (CRO, Members of the Electoral Appeals Board, Administrative Advisors, Poll Clerks)
21. **Endorsing/Endorsement** refers to supporting a Candidate, through either verbal or non-verbal communication, through the provision of materials, advertisements or non-financial donations.
22. **For** refers to the position of being "in favour" or responding "yes" to the Question featured in the referendum
23. **Invalid** refers to a referendum that does not abide by the rules outlined in these bylaws.
24. **Membership** refers to the collective student body of the St. Michael's College Student Union.
25. **Harassment** refers to engaging in inappropriate physical or verbal behavior that is known or ought reasonably to be known to offend or humiliate another individual. Repeated, unreciprocated, unwelcome behavior also counts as harassment, regardless of the platform/media.
26. **Member** refers to any individual who is a current member of the St. Michael's College Student Union as defined in the Council's Constitution.
27. **Official Proponents** refers to Councilors who choose to represent the interests of a referendum by initiating referendum proceeding.
28. **Official Position** refers to the position of For or Against the resolution featured in the referendum that the council adopts after a 2/3 majority vote.
29. **Online election** refers to elections that occur online exclusively, following the closure of the University and the cessation of in-person University activities (ex. classes, events etc.).
30. **Opposing Party** refers to the Council when they are in official opposition to a "Yes" vote of the referendum.
31. **Parties** refer to the Proposing Party and/or the Opposing Party in the election.
32. **Passive Campaigning** refers to the use of posters or online advertisements supporting a Candidate's campaign. This specifically refers to Campaign Materials that are sought out



by Members of the Union on their own accord, and not presented, verbally or otherwise, by Candidates in an active way.

33. **Polling Station** means any Union-sanctioned ballot box during the election period.
34. **Poster** refers to print media to be affixed to a surface or displayed for viewing.
35. **Pre-Campaigning** refers to any attempt to solicit votes for or against a candidate before the campaign period commences. Campaigning can occur even in the absence of Campaign Materials. Pre-campaigning only counts during the nomination period in an election.
36. **Proposing Party** refers to the group initiating the Referendum Proceedings.
37. **Public Domain** refers to any place to which Members have a right of access. (account, site blog)
38. **Public Events** refers to the Union's events that are open to all members and do not require entry tickets.
39. **Ratification** refers to the process of rendering the election results official through the approval of a  $\frac{2}{3}$  majority of the Council.
40. **Recall Vote** (or Recall Election/Recall Referendum) refers to a Vote done to remove a Councilor from office.
41. **Robert's Rules of Order** refers to the set of guidelines that govern parliamentary procedures
42. **Social media** refers to online websites and applications that enable users to create and share content or to participate in social networking.
43. **Staff** refers to any individual formally employed by the Union.
44. **Slate** refers to the joint promotion of electing two or more Candidates for office, indicating a team or endorsement of each participating candidate.
45. **Spoiled Ballot** refers to a ballot cast that will not count towards the total number of votes cast. For the purposes of this election, "abstaining" from the vote counts as a spoiled ballot.
46. **Town-Hall** refers to the in-person/online forum where the Council gets a chance to interact with the Union through presentations, surveys, Q&A's and/or other forms of data gathering.
47. **University of St Michael's College Residences** refers to areas of residence on SMC campus which are only accessible by key cards.
48. **Union** refers to all members of the St. Michael's College Student Union.
49. **Valid** refers to a referendum executed which abides by the rules outlined in these bylaws
50. **Valid Identification** refers to a valid University of Toronto student identification card.
51. **Violation** refers to an instance in which a rule or regulation of the Referendum By-Laws have not been respected, to the discretion of the CRO.



52. **Vote** (used interchangeably with Referendum or Election) refers to the act of students casting ballots in favour of or against a particular question.
53. **Voting Period** shall refer to the period of time during the election schedule set by the CRO where Members may cast their vote(s).

## 2. Interpretation

1. In these Bylaws, 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's Union Constitution.
  - c. For inconsistencies between these Bylaws and the SMCSU Constitution, the Constitution's interpretation takes precedence.
  - d. For any further disagreement in the interpretation of this document, look to the official rules described by Robert's Rules of Order.

# ARTICLE II: POWERS OF THE BYLAWS

## 1. Jurisdiction

- a. The provisions of these Bylaws shall apply to those referendums conducted by the Union, the Parties within those elections, and any Non-Arm's-Length Parties.
- b. Where the Referendum Bylaws are in contradiction of the St. Michael's College Student Union Constitution, the Constitution shall prevail.

## 2. Administration

- a. It will be the duty of the Chief Returning Officer (CRO) to administer these Bylaws and to uphold its spirit and principles.
- b. Failure to comply with the rules laid out in these bylaws will result in the invalidation of the result of the referendum.

## 3. Amendments

- a. The Council can strike up a Referendum Bylaws Review Board (RBRB) on a bi-annual basis to review the Referendum Bylaws. This committee must be struck before the start of the fall semester of the year in which it is being reviewed.
- b. The RBRB shall be composed of:



- i. President
  - ii. Vice-President
  - iii. At least (1) other Member of Council
- c. The RBRB shall meet once during the Fall semester and as needed throughout the year.
- d. The RBRB shall present amendments to the Council regarding the Referenda Bylaws. The implementation of an amendment must be executed over the course of two Council meetings.
- e. At the first of such meetings, amendments shall be introduced, discussed and debated.
- f. At the second of such meetings, amendments shall be voted on.
- g. Amendments require a two-third ( $\frac{2}{3}$ ) majority vote by Council in order to take effect.
- h. The Council cannot adopt amendments to the Referendum Bylaws between the commencement of the Referendum Campaign Period(s) and the announcement of results of each election period.
- i. The Council shall make public any amendments to the Referendum Bylaws on the Union's website
- j. Once amendments have been accepted by the Council, they must be posted to the Union Website, and a copy must be made available to all members of the Union.

## **ARTICLE III: ELECTION OFFICERS**

### **1. Hiring of Election Officers**

- 1. In the case of a referendum co-administered with a SMCSU Election:
  - a. All Electoral Officers hired for the related election will be cross appointed to also conduct the referendum. This includes;
    - i. The CRO
    - ii. Elections Appeal Board
    - iii. Poll Clerks
- 2. In the case of a referendum administered outside of a SMCSU Election
  - a. Electoral officers hired for a prior SMCSU Election within the same operating year may be re-hired to conduct the referendum.
  - b. A new roster of Electoral Officers may be hired as decided by the Approval of the Council.



## 2. Chief Returning Officer

1. The CRO shall:
  - a. ensure that the election is run in a fair and equitable fashion,
  - b. manage administrative duties related to the election, such as the Voting Platform.
2. The CRO shall be hired by the Council at least 10 days prior to the Notice of Referendum.
3. The CRO shall be hired through an application and interview process, overseen by committee composed of:
  - a. The President
  - b. The Vice-President
  - c. At least two (2) other Council members
4. The selected CRO must be ratified by a simple majority of the Council
5. The Chief Returning Officer (CRO) shall:
  - a. Report to the Council and Elections Appeal Board.
  - b. Ensure impartiality in the conduct of the referendum.
  - c. Report to the Elections Appeal Board in the case of the submission of an appeal.
  - d. Ensure that the Referendum Bylaws set forth in St. Michael's College Student Union Constitution are enforced.
  - e. Authorize all election notices, publicity and Campaign Materials regulated by the Referendum Bylaws.
  - f. Organize and establish guidelines for the Referendum Town Hall.
  - g. Record the Town Hall and make it available for review by members of the Union.
  - h. Must ensure that Candidates have easy access to the most recent version of the Referendum By-Laws
  - i. Provide an official, final report to the Council.
  - j. In the case of a dispute, not including appeals, regarding the interpretation of a definition or regulation, the CRO shall consult with the Administrative Advisor.

## 3. Elections Appeal Board

### *a. Membership*

1. The Board shall consist of five (5) members.
  - a. Of the five (5) members, at least three (3) members must be SMC students with allowance for up to two (2) other College members.
2. The Appeals Board Members shall be hired by the CRO Hiring Committee.
3. No one concerned or involved directly with the operation of the elections shall be hired to the Board. Councilors cannot be on the Board.



4. An Administrative Advisor shall be appointed to serve as a non-voting member of the Board. (Article III, Section 3)
5. Members of the Board shall accept the responsibility of taking on the role of CRO, in the case that the latter is removed or resigned.
  - a. The Council shall determine the order of succession during the appointment process.

*b. Procedure*

1. The purpose of the Elections Appeal Board is to receive and make decisions on appeals filed by students concerning matters pertaining to an election for any office.
2. Sign a contract
3. Appeal board members must uphold confidentiality. In order to protect confidentiality, board members will not meet each other. All communication will happen through the Chair. The chair can share responses of an appeals board member with the Board.
  - a. The Chair is the non-running councilor who conducts the meetings for the Appeals Board. The order of succession will be as follows:
    - i. Vice-President
    - ii. President
    - iii. Administrative Advisor
4. The Board shall only be called in the instance that an appeal is submitted by a candidate.
5. The Board must act independently of other Election Officers in their decision regarding an appeal.
6. Chair shares results
  - a. The chair can also share responses to an appeal with other members.
7. The board's composition must be kept confidential; any violation of this principle by a member of the board may lead to their dismissal.
  - a. In the case a Board Members identity is compromised, a Member of the CRO Hiring committee is made a Board Member. This would preferably be the President or the Vice President or a non-running councilor. This will be an automatic procedure
  - b. An Appeals board member who reveals their identity will;
    - i. Not be allowed to run in one (1) subsequent election year

## 4. Administrative Advisor

1. An Administrative Advisor shall be appointed by Council Vote before the Referendum Campaign Period.
2. The Advisor must be a faculty or staff member employed by St. Michael's College.





3. The Advisor shall be a non-voting member of the Appeals Board.
4. The Advisor may be consulted by the CRO and/or the Electoral Appeals Board on any matters regarding the election.

## 5. Poll Clerks

1. Poll clerks shall be appointed by the CRO before the voting period.
2. Poll clerks shall oversee official SMCSU polling stations, during the indicated times, set by the Council.
3. Poll clerks must be members of the Union.
4. Poll clerks shall remain impartial while monitoring polling stations.

## 6. Referendum Review Committee (RRC)

1. Composed of:
  - a. President
  - b. VP
  - c. Three (3) other Council members
  - d. ADCL serving as a counsel
2. The goal of the committee is to review the question and the petition submitted by the students and ensure that it adheres to the referendum bylaws
3. The committee must work with the Proposing Party to create a question that complies with the bylaws
4. The committee must also work with the Proposing Party to phrase the amendment to the constitution that will be made once the referendum has been accepted.

## 7. Grievances

1. In case of a grievance against an election officer regarding their conduct in the election, an official report in the form of a letter must be addressed and submitted to the Council. A report may be submitted by any member of the Union.
2. Grievances must be submitted within 48 hours of the discovery of the alleged violation or offense before election results come out.
3. A grievance may be submitted in the following instances:
  - a. Conflict of Interest
  - b. Interference of the Electoral Process
4. All actions and tasks of the election officer concerned in the report must be temporarily suspended until the Council has met to review the grievance.



- a. If this occurs, the committee responsible for hiring the CRO and appointing the appeals board will temporarily step in to complete the CROs tasks.
5. The report must be reviewed by the Council within:
  - a. 48 hours for grievances regarding a Board Member, the Administrative Advisor or Poll Clerk and;
  - b. 24 hours for grievances regarding the CRO.
  - c. Decisions about the complaint should be made in 24 hours
6. If a complaint is found to be valid, the Council can dismiss the election officer by a two-third (2/3) majority vote of those council members present and voting.
7. A grievance related to an action by a Member of the Election Appeals Board that occurs during or following a meeting of the Board must be submitted within 48 hours of the end of the meeting.
  - a. This grievance goes to the Administrative Advisor
8. Any grievance received following the ratification of the official election results will not be accepted.

## 8. Replacement of Election Officers

1. If the CRO resigns or is dismissed, the back-up CRO, as determined by the succession detailed in Article III Section 2a.5 of the Union's Electoral Bylaws, takes over. This must occur within 24 hours of the resignation or removal of the previous CRO
2. In the case that an Election Officer becomes a member of the Proposing Party, they must resign from their role for the purpose of this referendum.
3. In the case that the Administrative Advisor, a member of the Election's Appeals Board or a Poll clerk is dismissed/resigns; a new member shall be appointed by the Council within 24 hours of their departure.

# ARTICLE IV: ELECTION PARTIES

## 1. The Proposing Party



1. The Proposing Party refers to the individual(s) who represent the interests of the affirmative of the referendum and must comprise of those who initiated the referendum proceedings.
  - a. The contact information of the proposing party must be provided to the Council and the CRO
    - i. This information will be used to communicate important information about the voting timeline, required documentation, and to discuss any relevant issues that arise during the referendum process.
  - b. The Proposing Party will be eligible to campaign in favour of the Question, so long as they fall within the guidelines of these bylaws outlined in section VII.
  - c. The Proposing Party cannot be comprised of any of the Election Officers.
    - i. Should an Election Officer be interested in representing a referendum as The Proposing Party, they must be relieved of their duties for the purposes of the Referendum.
  - d. The members of the Proposing Party must be members of the Union.

## 2. The Opposing Party

1. The Opposing Party refers exclusively to the Council, who register to campaign in opposition to the resolution proposed by the referendum.
  - a. The Council cannot campaign against the Question unless they register as The Opposing Party.
2. There is no Opposing Party in a referendum initiated by the Council.

## 3. The Council's Official Position

1. The decision of the Council to officially Campaign For or Against the referendum must require a 2/3 majority.
2. By initiating a referendum, the council automatically becomes For the referendum and becomes the Proposing Party
3. Upon deciding an Official Position, the Council is permitted to campaign as the registered Opposing Party or/alongside the Proposing Party.



4. Any sitting Councilor is also permitted to belong to a Proposing Party as an individual member of the Union.
  - a. These individuals will be henceforth referred to as Proposing Councilors.
  - b. If the position of the Proposing Councilor(s) and the Council does not coincide, the Proposing Councilor(s) must declare Conflict of Interest at council meetings where the referendum is discussed and abstain from voting at those meetings.
5. By adopting an official position, the Council is permitted to campaign on its social media pages, website, and in the Council's office.

## ARTICLE V: THE PROBLEM, THE QUESTION AND THE PETITION

### 1. The Problem

- a. An issue regarding the SMC Community within the purview of the Council, the Constitution, the SMCSU budget, and/or other policies and procedures of the Council.
- b. The description of the Problem cannot contain:
  - i. Harassment as defined under Article I
  - ii. Racist or Derogatory Speech
  - iii. Hateful Speech
  - iv. Factually Inaccurate Information

### 2. The Question

- a. Refers to a “yes” or “no” inquiry that proposes adopting a resolution that directly addresses the problem.
- b. It must be phrased in the affirmative, such that if a member of the union were to vote “yes” they would be voting in favour of implementing the proposed resolution.
- c. The Question must be phrased as a “should” question
  - i. *e.g. The Council should adopt this resolution into the constitution.*
- d. It must be worded in the simplest terms possible
  - i. Although arguments for or against the referendum can be provided to students before they indicate their position- the wording of the question itself cannot contain any language that would sway students towards a certain vote
- e. The Question must pertain to an issue that is in the jurisdiction of the council



- f. The Question cannot contain elements of:
  - i. Harassment as defined under Article I
  - ii. Racist or Derogatory Speech
  - iii. Hateful Speech

### 3. The Petition

- a. All signatories must be members of the Union
- b. For problems and questions pertaining to council related issues as a whole:
  - i. A list of individuals comprising at least 1% of the Union's membership indicating their support for calling a Referendum featuring the Question.
- c. For Problems and Questions pertaining to the Recalling of a sitting councilor:
  - i. A list of individuals comprising at least 2% of the Union indicating their support for calling a referendum to Recall a sitting council.
- d. The Petition must contain the full name, and the student number of each individual, subject to verification by the Staff Advisor, to be considered valid.
- e. The Petition must also include the full name, student number, and UofT email of those belonging to the Proposing Party.

## ARTICLE VI: INITATING A REFERENDUM

### 1. Schedule A – Student Initiated

- a. Refers to the referendum procedure enacted by any individual member of the union, or representative of a Council recognized club.
- b. To enact Schedule A, the Proposing Party must first file a "Referendum Proposal" containing a description of the Problem, the Question, and the information of those registering as the Proposing Party
  - i. The Proposal must be sent to the official email of the Student Union ([smc.studentunion@utoronto.ca](mailto:smc.studentunion@utoronto.ca)) and the CRO ([elections.smcsu@gmail.com](mailto:elections.smcsu@gmail.com))
  - ii. This Proposal must be reviewed by the RRC within 72 hours of receipt to ensure compliance with the Bylaws.
- c. Upon Approval by the RRC, the Proposing Party is permitted 10 days to collect signatures for The Petition.



- d. The approved Referendum Proposal alongside the Petition must be submitted to the CRO, with the Administrative Advisor CC'd to initiate the proceedings of the Referendum.

## 2. Schedule B – Council Initiated

- a. Refers to the referendum procedure enacted by the Council, who will now assume the role of the Proposing Party.
- b. To enact Schedule B, the Council must first file a “Referendum Proposal” containing a description of the Problem, the Question, and the information of at least one of the sitting Councilors, who is/are deemed Official Proponents of the Referendum.
  - i. This Proposal must be reviewed by the RRC to ensure compliance with the Bylaws.
- c. Upon Approval by the RRC, the Referendum Proposal must receive Approval by 2/3 of the Council by motion to initiate the proceedings of the Referendum.
  - i. If members of the RRC are listed as Official Proponents of the Referendum, they must be relieved of their position on the RRC and replaced by other councilors.

## 3. Schedule C – Recall Election

- a. Refers to the recall procedure enacted by any individual member of the union, or representative of a Council recognized club.
- b. To enact Schedule C, the Proposing Party must first file a “Referendum Proposal” containing a description of the Problem, the Question, and the information of those registering as the Proposing Party
  - i. In a Recall Election, the Question must be phrased:
    - 1. *“Councilor X should be recalled from office for the remainder of the academic year”*
  - ii. The Proposal must be sent to the official email of the Student Union ([smc.studentunion@utoronto.ca](mailto:smc.studentunion@utoronto.ca))
  - iii. This Proposal must be reviewed by the RRC within 72 hours of receipt to ensure compliance with the Bylaws.
- c. Upon Approval by the RRC, the Proposing Party is permitted 10 days to collect signatures for The Petition.



- d. The approved Referendum Proposal alongside the Petition must be submitted to the CRO to initiate the proceedings of the Referendum.
- e. Although the voting period can be simultaneous, a separate referendum proposal (and therefore a separate question) must be submitted for each councilor that an individual wishes to recall from office.
  - i. Each Councilor named in a respective recall Question must:
    - 1. abstain from all council votes relating to the referendum
    - 2. Be relieved of their duties and replaced on the RRC should they have been a part of it.
- f. A Councilor can officially register as an Opposing Party in a recall election that features them
- g. The Council cannot assume an Official Position during a recall election
  - i. Individual Councilors can campaign alongside the Proposing or Opposing Party as Non-Arm's Length parties and as members of the Union

## **ARTICLE VII: REFERENDUM PROCEEDINGS**

### **1. Notice of Referendum**

- a. Upon validating the Problem, Question and Petition, the council must announce a Notice of Referendum ("The Notice"), to be posted 14 days before the Referendum.
- b. The Notice must be posted within 48 hours of receiving the Notice.
- c. The Notice must contain:
  - i. Information about where to access the Problem, Question and Petition,
  - ii. The dates of the election.
- d. The Notice must NOT contain:
  - i. Any arguments For or Against the Referendum.
- e. The Notice must be publicly available on the Union's website, and social media pages.
- f. The (CRO) must physically post the Notice:
  - i. Two (2) posters in Brennan Hall (at base of Canada Room, near the Registrar)
  - ii. One (1) poster near the Porter's Desk in Elmsley Hall,
  - iii. One (1) poster at entry at Loretto,
  - iv. Two (2) posters per floor of each residence,



- v. Five (5) posters in the Coop,
- vi. Three (3) in Alumni Hall and three (3) in Carr Hall,
- vii. Four (4) in Teefy Hall (1st floor).

## 2. Campaign Period

- a. The Campaign Period is defined as the 14 days between the posting of the Notice and the Voting Period.
- b. The rules of the Campaign Period apply to the Proposing Party, Non-Arm's Length Parties, and to the Council.
- c. The Proposing Party, Non-Arm's Length Parties and the Council are all subject to the Student Code of Conduct and any actions in violation may be reported to the Dean's Office for further action.

## 3. Campaign Rules

- a. All Parties shall not begin Campaigning until the date determined by the CRO. Any Party that violates this rule will be deemed to have engaged in Pre-Campaigning and may face immediate disqualification.
- b. Parties will receive a Violation if disrupting the campaigns of any other parties.
- c. Parties will receive a Violation if engaging in slander of other parties.
- d. Parties will receive a Violation if they convey a misrepresentation of facts in their respective Campaign Material, or while Campaigning.
- e. Campaign Materials shall not be affixed to any surfaces in a designated restricted area, as outlined in Article 7, Section 2f, nor in an area that breaks university, municipal, provincial, and/or federal law/regulation while Campaigning.
  - i. Failure to comply will lead to a Violation
- f. Parties cannot personally Campaign to a Member by any means while the Member is voting online or in-person.
  - i. Failure to comply will lead to invalidation of the referendum.
- g. Parties are permitted to have Non-Arm's-Length Parties campaign on their behalf, but these Parties must abide by the Union's Referendum Bylaws.
  - i. Failure to comply with any of these Bylaws will result in a violation on behalf of the Party.
- h. Parties shall not abuse position or status acquired by virtue of office.
  - i. Failure to comply will lead to invalidation of the referendum.
- i. Parties may have Council recognized clubs and USMC student organizations promote their campaign.
  - i. Endorsement by any external groups may lead to the invalidation of the referendum.





- j. Parties are NOT permitted to Campaign during the Union's Public events (not related to the election)
  - i. Failure to comply will lead to a violation
- k. All Parties shall be permitted to Campaign during the voting period.
- l. Posters are not permitted in any building designated as an SMC Residence.
- m. No campaigning is allowed within 5 meters of any of the polling stations.

#### 4. Campaign Expenses

- a. Only white recyclable paper shall be used for campaign purposes.
- b. Parties may use both 8.5" x 11" and 11" x 17" posters.
- c. 8.5" x 11" posters will be valued at \$0.25.
- d. 11" x 17" posters will be valued at \$0.50.
- e. Parties shall be limited to two (2) block-style posters. The value of block posters are pursuant to the sum total of individual sheets used.
- f. Posters and/or Campaign Material smaller than 8.5" x 11" sheets will be valued at \$0.25.
- g. Posters and/or Campaign Materials that are not explicitly stated in these Bylaws must be approved by the CRO, who will decide on the market value of the good or service.
- h. Parties may not spend, nor have spent on their behalf:
  - i. more than twenty-five (25) dollars on their campaign.
- i. The Council shall grant the proposing party twenty-five (25) 8.5" x 11" photocopies at no charge. The SMCSU printer's 10 page/day limit will be waived for the party printing their posters, up to 25 posters. In this case, the party must submit their poster in PDF format to the CRO no later than forty-eight (48) hours before the end of the Campaign Period for approval.
- j. Each Party shall submit to the Chief Returning Officer a written statement of their campaign expenditures, including receipts, twenty-four (24) hours before the polls close. Incomplete or inaccurate reports will result in a violation.
- k. Councillors are not permitted to use any monetary resource acquired by virtue of office that they would otherwise not have access to as a student (ex. 10 pages/day limit per councillor for posters)
  - i. Failure to comply will lead to the invalidation of the referendum or the barring of the Council from campaigning.

#### 5. Restricted Areas

- a. Absolutely no Campaign Materials shall be affixed to any trees, doors, glass, mirrors, lockers, windows, bathrooms, or vending machines.
  - i. Failure to comply will led to a violation



- b. No Campaign Material shall be visible within five (5) meters of the polling stations, if applicable.
  - i. Failure to comply will led to a violation
- c. No Campaign Material shall be within fifteen (15) meters of the Basilian Houses of Windle House and Phelan House.
  - i. Failure to comply will led to a violation

## 6. Campaign Material

- a. No Party's Poster may overlap another Poster.
- b. No Party 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.
- c. Chalking is permitted, but is strictly forbidden from any walls, steps, or any area within 15m of the Basilian houses.
- d. All Parties shall be permitted to use various Internet resources including, but not limited to:
  - i. Blogs,
  - ii. Social Networking Websites
  - iii. The use of alternate internet resources are subject to the approval of the CRO.
  - iv. Specifics of virtual campaigning are laid out in Article VII, Section 7.
- e. All Parties 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 to these resources during the Campaign Period.
- f. No Campaigning Materials shall be disseminated (i.e., delivered or received) after the end of the voting period.

## 7. Rules for Virtual Campaigning

- a. Social media pages and posts cannot be created prior to the start of the Campaign Period.
- b. Private messages from Campaign accounts to individual members of the Union are subject to review by the CRO.
- c. Unwelcome, repeated attempts to contact members of the Union through private message on social media from a Candidate regarding the election counts as Harassment and will lead to immediate disqualification
- d. Group-chats/Servers are permissible, provided the CRO is added to them.
- e. The CRO is NOT permitted to comment, like, or repost any social media posts through their private or election account



- i. Failure to comply may lead to a grievance.
- f. Any negative comments on other parties' posts, stories, by another Party, or non-arm's length party will lead to a violation

## 8. Removal of Campaign Material

- a. 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 takes more than forty-eight (48) hours to remove, Parties must submit proof of request for removal.
- b. All printed Campaign Materials must be removed within seventy-hours (72) hours after the closing of the Voting Period.

## 9. Online elections

- a. In the case that in-person activities on campus are suspended, the election will occur online exclusively.
- b. Links to all parties involved in the election must be posted on the SMCSU website.
- c. All other by-laws apply normally, unless otherwise stated by the CRO during the All-Candidates meeting for the purpose of a particular election period.

## 10. Referendum Town hall

- a. A Referendum Townhall is not permitted in the case of a "Recall" referendum against a Councilor.
- b. The CRO must organize a Referendum Townhall during the Campaign period to provide the Union an opportunity to hear the arguments For and Against a referendum.
  - i. In the case of a referendum held concurrently with a SMCSU Council Election, the referendum town hall must be scheduled separate from the Election town hall outlined in the Electoral Bylaws.
- c. The Proposing Party and the Council (although not necessarily in its entirety) must be in attendance.
- d. Both Parties should get a chance to make a speech or presentation outlining their arguments and a Q&A period to address inquiries.
- e. Details of the format of the event are to the discretion of the CRO.



## 11. The Voting Period

- a. Voting Procedure
  - i. Elections shall be decided by electronic secret ballot.
  - ii. Campaigning is permitted during the voting period.
  - iii. The electronic ballots shall include the following options
    - 1. “In Favour” : referring to a response of “Yes” to the question
    - 2. “Opposed” : referring to a response of “No” to the question
  - iv. An abstain option will not be included, and failure to choose either “in favour” or “opposed” will lead to a spoiled ballot.
- b. The voting period must be a minimum of 3 days in length.
- c. The Council must open polling stations on at least one day of the voting period in Kelly Library and Brennan Hall.
  - i. Campaign Material is not allowed within 5 meters of a polling station.

# ARTICLE VIII: REFERENDUM RESULTS

## 1. Interpreting Referendum Results

- a. Quorum for a referendum requires 5% or more of the student body to vote “In Favour” of the referendum
- b. If 5% or more of the student body votes in favour of the referendum AND the “in favour” option wins the most votes, then the resolution described in the referendum is accepted.
- c. If 5% or more of the student body votes in favour of the referendum AND the “against” option wins the most votes, then the resolution described in the referendum is not accepted.
- d. If “in favour” wins the most votes in the election but the number of valid votes does not equal at least 5% of the student body, then the referendum is NOT valid.
- e. Unofficial results shall be announced publicly within forty-eight (48) hours of the end of the count.
- f. The CRO is responsible for assembling a public notice of election results, which outlines the unofficial results of the election and the vote count. This document must be made available to candidates and all students.



- g. The complete results of each election shall be kept on file in the St. Michael's College Student Union office for a minimum of four (4) years.

## 2. Appeals

- a. An appeal shall involve only alleged violations of the electoral procedures by those involved in the elections as, election officials or as officials of the Student Union after the election.
- b. Any member of the Union may submit an appeal regarding the circumstances of the Referendum.
  - i. An appeal may be submitted in the following instances:
    - 1. The election has been deemed Invalid following the occurrence of three violations committed by the Proposing Party,
    - 2. The Opposing Party was obstructed from campaigning following the occurrence of three violations,
    - 3. An individual believes that the results of the election should have been declared invalid.
- c. A student must file an appeal in writing to the CRO no later than 72 hours after the unofficial results of the election have been announced.
- d. An appeal must be in the form of a formal letter addressed to the Board and submitted to the CRO.
  - i. The Administrative Advisor must be cc'd in the letter sent to the CRO.
  - ii. The CRO must present the letter to the Chair who will present it to the members of the Board, along with a report of the details of the violation(s) in question and/or the pertinent results of the elections.
- e. The Board shall meet in closed session within forty-eight (48) hours of the appeal being filed and shall hand down its decision on any appeal within three (3) days after receiving the appeal.
- f. No member of the Board shall discuss publicly any matter with respect to the appeal.
- g. The Board shall interview those involved or cited in the appeal and any other parties as it deems necessary and shall have free access to obtain such documentation, as it requires.
- h. The CRO shall not influence the decision of the Elections Appeal Board.
- i. The decision of the Elections Appeal Board on any matter is final.

## 3. Validity of Referendum



- a. Upon conclusion of the Appeals Period, provided that the referendum has not been declared Invalid for any reason, the results of the referendum can be made official by ratification by the sitting Council.
- b. A referendum is deemed Valid if;
  - i. The “In Favour” option receives votes for at least 5% of the student body
    - 1. Spoiled ballots and abstained votes do not count toward Quorum
  - ii. The Proposing Party has not received three violations
  - iii. All active appeals have been resolved
  - iv. The ballot option of “In Favour” or “Against” receives over 50% of the votes
- c. These results must be published and ratified by the Council.
- d. Referendum items are considered non-binding until after the appeals period is concluded.

#### 4. The Binding Nature of Referenda

- a. Given the result of the referendum is “in favour” of the resolution;
  - i. The resolution outlined in the question must be incorporated into the relevant governance document as a permanent amendment.
    - 1. If the resolution pertains to removing a section or clause from a governance document;
      - a. The section or clause must be removed and its removal must be indicated in the document such that council review boards may not alter it by vote.
    - 2. In the case of a Recall Election;
      - a. The Councilor being recalled is not permitted to run again in a by-election within the same academic year of the referendum should the result be in favour of their dismissal.
      - b. The Councilor cannot be reinstated by a 2/3 majority vote.
  - ii. It must be indicated within the constitution that the change enacted was a result of the referendum and therefore not subject to alteration by the CPRB or EBRB.
  - iii. The clause in the constitution that contains the resolution may not be undone by a 2/3 majority of the Council.
  - iv. The only circumstance in which the outcome of the referendum may be removed from the constitution is in the case of another referendum completed to allow for its removal.
- b. Given the result of the referendum is “against” the resolution;



- i. The resolution cannot be added to the constitution and is not-binding.
  - ii. In the case of a Recall Election;
    - 1. The Councilor will be allowed to retain their seat on the Council
  - iii. A referendum addressing the same problem cannot be held again within the academic year.
- c. Given that the referendum is deemed “invalid”;
  - i. A referendum addressing the same problem cannot be held again within the same academic year.
- d. Failure of the council to uphold the results of the referendum is a violation of their constitutional duties and is grounds for a grievance/dismissal.