



**Notice of Motion Regarding Interim Provisions in Respect to Elections and Referenda (By-Law Book I-1 Parts II through X)**

Whereas, the SSMU has undertaken a multi-year Governance Document revision process in order to ensure that its governance structures and processes are stable and lawful;

Whereas, the SSMU Constitution was amended in the Fall 2013 semester and adopted, as amended, by the SSMU Members on November 15, 2013;

Whereas, the provisions annexed hereto as "Appendix 1" were either:

(a) removed from the version of the SSMU Constitution in existence immediately prior to the amendment mentioned above with the intention of reviewing said provisions and thereafter integrating said provisions into the By-Laws of the SSMU; or

(b) drafted by the By-law Review Committee and Elections SSMU with the intention of integrating them into the newly drafted Internal Regulations for the Presidential Portfolio (the "Draft Presidential Regulations");

Whereas, the Draft Presidential Regulations were to be presented to the Legislative Council by the end of the Fall 2014 semester to replace By-Law Book I;

Whereas, there are considerable drafting issues with respect to the Draft Presidential Regulations;

Whereas, the By-law Review Commissioner will be responsible for redrafting the Draft Presidential Regulations in order to resolve the drafting issues mentioned above;

Whereas, it is advisable to currently adopt only those articles of the Draft Presidential Regulations that are necessary for the immediate proper functioning of the SSMU;

Whereas, that the provisions annexed hereto as "Appendix 1" be adopted to replace Parts II through X of By-Law Book I-1 and in force for a period lasting no longer than the Winter 2015 semester (beginning of January 2015 through the end of April 2015);

Be it resolved, that the President shall re-number and re-order these By-Laws in a way not inconsistent with the current By-Law Book I,

Be it resolved, that amended and finalized Internal Regulations for the Presidential Portfolio shall be presented to the Legislative Council no later than March 5, 2015.

Moved By:  
Courtney Ayukawa, President  
Daniel Chaim, VP Internal



Joshua Chin, Councillor  
Omar El-Sharawy, Councillor

## APPENDIX 1

### PART I: GENERAL

#### 1. ELECTORAL OFFICERS OF THE SOCIETY

- 1.1 **ELECTORAL OFFICERS OF THE SOCIETY.** The Electoral Officers shall be the following: the Chief Electoral Officer (CEO); the Deputy Electoral Officer (DEO); and two (2) Elections Coordinators (ECs). The signing officers of Elections SSMU shall be limited to the CEO and DEO.
- 1.2 **CHIEF ELECTORAL OFFICER.** The Chief Electoral Officer, appointed by the Society, shall be responsible for the general conduct and execution of elections and Referenda, and shall fulfill these duties with all due diligence and impartiality. A decision by the CEO concerning the articles in the Constitution and By-Laws regarding Elections and Referenda shall be considered binding, subject only to appeal to the Judicial Board. The CEO shall supervise all Electoral Officers, oversee the operations of Elections SSMU, and be responsible for administering the Society's Elections and Referenda.
- 1.3 **DEPUTY ELECTORAL OFFICER.** The DEO shall assist the CEO in the fulfilment of the CEO's duties as requested. In particular, the DEO shall be responsible for enforcing and policing campaigning regulations. Wherever possible, investigations of infractions should be conducted by the DEO. In the extended absence of the CEO, the DEO shall assume the duties of the CEO. The CEO may perform any duty that is specified herein for the DEO.
- 1.4 **ELECTIONS COORDINATORS.** The ECs shall assist the CEO and DEO in the administering of elections including, but not limited to, the preparation and coordination of polls, the review of nomination and petition forms submitted to Elections SSMU, the promotion and advertisement of elections events, and the enforcing and policing of campaigning regulations. In the extended absence of the DEO, the ECs



shall assume the duties of the DEO. The CEO and DEO may perform any duty that is specified herein for the ECs.

**1.5 RESTRICTIONS.** No Electoral Officer may be:

- (a) a member of Council (including Speakers), an Officer of the Society, a member of the Judicial Board, a member of the Senate Caucus, or a member of any committee or working group of Council;
- (b) a former member of Council or Officer of the Society;
- (c) a councillor or executive of a faculty association;
- (d) an executive of any group that endorses candidates or Referendum committee;
- (e) a SSMU staff member in any other capacity;
- (f) a member of the editorial staff of any campus publication or media source;
- (g) a candidate or members of a campaign committee; or
- (h) a person who is involved with a candidate's campaign or a referendum committee as determined by the standard of a reasonable person.

**1.6 TERM OF OFFICE.** The term of office of each Electoral Officer shall be the first (1<sup>st</sup>) of June of the year in which they are appointed until the thirty-first (31<sup>st</sup>) of May the following year unless otherwise specified by their contract with the Society.

**1.7 RESIGNATION.** Any Electoral Officer may resign from office at any time by forwarding a letter of resignation to the head office of the Society by e-mail, courier, or by registered mail. The resignation shall become effective on the date when the letter of resignation is sent to the Society or on such other date as may be specified in the letter.

**1.8 REMOVAL FROM OFFICE.** Any Electoral Officer may be removed from office for impropriety, violation of the provisions of this Constitution or its By-Laws, delinquency of duties, failure to act impartially, or misappropriation of Society funds by way of a Resolution passed by three-fourths (3/4) of Council.



The Electoral Officer against whom a request for removal from office is directed shall be notified of the place, the time, and the date of the Council meeting called to remove him/her within one week of the Council meeting. Such Electoral Officer shall have the right to attend and to address the meeting or, in a written statement and read by the Speaker, to put forth the reasons why such Electoral Officer opposes the proposed removal from office.

- 1.9 **END OF TERM OF OFFICE.** The term of office of an Electoral Officer shall end in the event of death, resignation, or removal from office.
- 1.10 **STIPENDS.** The stipends of the Electoral Officers shall be set according to the Society's pay scale for student staff. No Electoral Officer shall be deprived of any part of his or her stipend unless the term of office for the officer has ended.
- 1.11 **ADVISEMENT.** The Electoral Officers shall be advised by the President, the Vice-President (University Affairs), the General Manager, and, where necessary, the legal counsel of the Society.
- 1.12 **PRECEDENCE.** In the event of a contradiction between the rulings of the Electoral Officers, the ruling and interpretation of the CEO shall prevail over those of the DEO and ECs.
2. **CREATION OF THE INDEPENDENT AGENCY - ELECTIONS SSMU**
- 2.1 **GENERAL.** Elections and Referenda shall be conducted in accordance with the Constitution and the By-Laws.
- 2.2 **POWERS.** Elections SSMU shall be the sole body to administer the Society's Elections and Referenda, and shall be synonymous with the "Chief Electoral Officer."
- 2.3 **COMPOSITION.** Elections SSMU shall be composed of the Electoral Officers of the Society.
- 2.4 **ELECTIONS.** Elections for the positions determined by Article 2(g) of the Constitution and the following positions shall be conducted under the auspices of Elections SSMU:
- (a) the executive members of the First Year Council (FYC);
  - (b) the three (3) members of Council representing the Society's Activities, Productions, Media, Services, and Interest groups;



- (c) the eleven (11) undergraduate student Senators; and
- (d) any special Elections or By-elections provided for in the Constitution, the By-laws, or those which are assigned to Elections SSMU by Council.

**2.5 REFERENDA.** Elections SSMU shall administer the following Referenda:

- (a) the Fall Referendum, which shall take place during the Fall academic semester;
- (b) the Winter Referendum, which shall take place during the Winter academic semester; and
- (c) any other Special Referenda provided for in the Constitution, By-Laws, or those which are assigned to Elections SSMU by Council.

**2.6 GENERAL ASSEMBLY.** The CEO shall conduct the online ratification of General Assembly motions in collaboration with the Society's President in accordance with Article 13.8 of the Constitution.

**2.7 EXCEPTIONAL RULES.** During an Election or Referendum, the CEO may define and enforce the additional regulations, or changes to existing regulations, if it is necessary for the administration of Elections and Referenda or to uphold the spirit of a fair campaign. These changes can be overturned by Council with a simple-majority vote or by a Judicial Board ruling. Modifications will only be in effect for the duration of the Election or Referenda. The CEO will notify candidates, Referendum committees, Councillors and other relevant parties within 24 hours of the modification. No candidate or Referendum committee may be sanctioned before notification of the modification.

**3. COUNCIL AND ELECTIONS SSMU**

**3.1 REPORTS TO COUNCIL.** At Council's request, the CEO shall report to Council on any matters pertaining to Elections, Referenda, and their conduct.

**3.2 CENSURE AND REMOVAL.** Council shall reserve the right to censure an Electoral Officer by a way of a motion passed by three-fourths (3/4) of Council, or to remove an Electoral Officer in accordance with **Article 1.8**.

**3.3 TRANSMISSION OF MOTIONS TO ELECTIONS SSMU.** The Speaker, or President when the Speaker is absent, shall transmit all motions



pertaining to Elections and Referenda to Elections SSMU no less than ten (10) days prior to the opening of polls. Any motion of Council pertaining to Elections or Referenda that is not transmitted to Elections SSMU ten (10) or more days prior to the opening of polls shall be deemed spent and of no force or effect **unless this requirement is waived by the Chief Electoral Officer.**

#### 4. ELECTIONS PERIODS

- 4.1 **SETTING OF ELECTORAL PERIODS.** The CEO shall submit the electoral dates for Elections and Referenda outlined in Article 4.2 and 4.4 for approval by Council. Provisional electoral dates for the following year shall be submitted to Council before the end of the end of the academic year. Finalized dates for Elections and Referenda occurring in the Fall academic semester shall be determined before the first (1<sup>st</sup>) of October each year. Finalized dates for Elections and Referenda occurring in the Winter academic semester shall be determined by the last Council meeting of the Fall academic semester.
- 4.2 **REFERENDUM PERIODS.** Referenda are regularly held during the periods from the fifteenth (15<sup>th</sup>) of February to the fifteenth (15<sup>th</sup>) of March and from the fifteenth (15<sup>th</sup>) of October to the fifteenth (15<sup>th</sup>) of November.
- 4.3 **EXCEPTIONAL REFERENDUM PERIODS.** Council may define exceptional Referendum periods by way of a Resolution passed by two-thirds majority. Such periods must occur before the first and last day of classes of the Fall or Winter academic semester.
- 4.4 **DURATION.** The electoral periods shall normally consist of a Nomination Period that is at least ten (10) days, an extended Nomination Period, if necessary, of forty-eight (48) hours – **twenty-four (24) of which should be on a business day**, a campaign period of at least ten (10) days, and a Polling Period of at least three (3) consecutive days. The Campaigning Period and Polling Period may overlap. **The required duration for the periods may be suspended by way of a Resolution passed two-thirds (2/3) of Council and approval by the CEO.**

## PART II – ELECTIONS

### 5. NOMINATIONS AND CANDIDACY



- 5.1 NOMINATION PERIOD.** Nominations for Elections shall be open for at least ten (10) days unless otherwise provided for in accordance with Article 5.2.
- 5.2 EXTENDED NOMINATION PERIOD.** Where one or fewer Members declare themselves as candidates for an elected position, nominations for the vacant position shall be extended by forty-eight (48) hours regardless of the scheduled campaign period. Appropriate public notice must be made of the extended Nomination Period. Where no Members declare themselves a candidate during the extended Nomination Period, the seat will be left vacant and filled in accordance with the Constitution.
- 5.3 MEETING WITH THE INCUMBENT.** All Members wishing to stand for Election to become an Officer of the Society must make all reasonable efforts to meet with incumbent executive to discuss the position and its responsibilities. Failure to do so may result in sanctions at the discretion of Elections SSMU.
- 5.4 ELIGIBILITY.** All Members wishing to stand for Election shall provide proof that they were Members of the Society at the beginning of the Nomination Period and will continue to be Members throughout the rest of the electoral period. They must also provide reasonable assurance to the CEO of their ability to remain Members of the Society throughout the term of office for which they wish to stand for. They must meet the qualifications detailed in Article 10.2 of the Constitution.
- 5.5 STATEMENT OF UNDERSTANDING.** All Members wishing to stand for nomination shall submit alongside their nomination a statement of understanding, which states that they have read and understood the provisions of the Constitution, the By-Laws, and the electoral guidelines, and that they understand that they will be subject to the judgment and sanctions imposed by Elections SSMU.
- 5.6 COLLECTION OF SIGNATURES.** Nominations for Elections have the required number of signatures from Members of the Society as follows:
- (a) one hundred (100) signatures for nominations of Officers of the Society;
  - (b) the lesser of fifty (50) signatures or signatures from twenty-five percent (25%) of the respective constituency for student Senators; and



- (c) fifty (50) signatures by other first year students for executive members of the FYC.

A signature for nominations shall only be valid if it is accompanied by a corresponding name, student identification number, faculty, and program year. A Member of Society may nominate more than one (1) candidate for each position.

**5.7 LIMITATIONS ON CANDIDACIES.** Members of the Society may present themselves as candidates for only one (1) elected position within SSMU in any given electoral period. Candidates attempting to seek more than one elected post in the same electoral period shall be subject to removal from all Elections by the CEO.

**5.8 WITHDRAWALS.** Withdrawals of candidates will be accepted by Elections SSMU up to twenty-four (24) hours before the beginning of the Polling Period.

**5.9 VACANCIES.** If a position is vacant after the extended Nomination Period or as a result of withdrawals, the electoral period shall carry on. To fill the position, Council may call a by-election or use the standard conventions at its disposal.

## 6. INFORMATION MEETING

**6.1 GENERAL.** Elections SSMU shall organize and promote an information meeting for all candidates before the start of an Election's Campaigning Period. The purpose of this meeting shall be to inform candidates about electoral regulations and of important times and dates. All candidates absent from this meeting will be deemed to be in full knowledge of the information dispersed at this meeting.

**6.2 MANDATORY MEETING.** This meeting is mandatory for all candidates; any absences must be approved by the CEO. Unapproved absences are subject to sanction.

**6.3 CLARIFICATIONS.** All clarifications regarding By-Laws and campaigning guidelines made during the information meeting are binding and considered to be a part of the campaigning guidelines during that Campaigning Period.

## 7. CANDIDATES DEBATE



7.1 **GENERAL.** Elections SSMU shall organize and promote at least one debate for all candidates for Officers of the Society to be held no later than twenty-four (24) hours prior to the beginning of the Polling Period. The purpose of this meeting shall be to give students an opportunity to ask questions to the candidates, and for candidates to make their views known to the McGill community.

7.2 **BROADCASTING.** Where possible, Elections SSMU should broadcast debates using electronic live-streaming.

## 8. **CAMPAIGN COMMITTEES**

8.1 **FORMATION OF A CAMPAIGN COMMITTEE.** Each candidate may form a campaign committee by submitting their name and phone number and a list of the committee members with their student ID, faculty, and year of studies, all of whom are required to be Members of the Society.

8.2 **RESPONSIBILITIES OF MEMBERS.** After a campaign committee is formed in accordance with these By-Laws, the candidate may recruit additional members by submitting their names to Elections SSMU. Additional committee members may only begin campaigning upon receipt of written acknowledgement of their admission to the campaign committee by Elections SSMU. All committee members are equally responsible for adhering to these By-Laws. The candidate may be subject to sanctions due to violations by any of its committee members.



## PART III – REFERENDA

### 9. REFERENDUM QUESTIONS

- 9.1 **GENERAL.** Referenda may be initiated by the Legislative Council or by Members of the Society. Each question for Referenda shall deal with one, and only one, issue.
- 9.2 **COUNCIL-INITIATED REFERENDUM QUESTIONS.** Council may initiate a Referendum question by way of a motion passed by Council. Any motion to place a question before the Society by Council must be presented as a written motion and signed by at least four (4) Councillors and distributed to all Councillors at a meeting of the Legislative Council. The motion shall then be inscribed on the agenda of the next meeting of the Legislative Council at which time it will be discussed and voted upon. If passed, it will be put to the Society during the following Referendum period. The wording of a Referendum question must be approved by the Legislative Council twenty-one (21) days prior to the opening of polls.
- 9.3 **STUDENT-INITIATED REFERENDUM QUESTIONS.** Any Member of the Society may initiate a Referendum question by presenting a question to the Chief Electoral Officer who shall indicate to the Member within twenty-four (24) hours whether the proposed question respects the requirements of the By-Laws. The Member must then collect on a petition, clearly stating the Referendum question at the top of each page, the signatures of five hundred (500) Members from at least seven (7) different faculties or schools, with not more than thirty percent (30%) from any one faculty or school. All signatures shall be collected in the academic year in which the Referendum is to be held. A signature shall only be valid if it is accompanied by a corresponding name, student identification number, faculty, and program year. A Member of Society may sign multiple petitions for Referendum questions. The Member shall submit the complete petition of signatures to the Chief Electoral Officer at least twenty-one (21) days prior to the beginning of the Polling Period. Student-initiated Referenda may not alter the composition of the Society's staff or the membership fees or other financial matters of the Society. The CEO shall either approve or reject each Referendum petition within three (3) days of its receipt. All student-initiated Referendum questions shall be transmitted to the Society's Speaker and President to be circulated to Council within twenty-four (24) hours after the petition is approved.
- 9.4 **WAIVER OF DEADLINE.** The twenty-one (21) day deadline for approval of council-initiated and student-initiated referendum questions may be extended for a question by a motion passed by a two-thirds (2/3) majority



of council and approval by the CEO. If this deadline has been waived or postponed by Council, there shall be a public notice, either posted on the SSMU website or distributed by the SSMU listserv indicating so. Each question shall be considered separately, and a motion to waive or postpone this deadline shall only apply to one question at a time.

9.5 **APPROVAL OF REFERENDUM QUESTIONS.** All Referendum questions must be approved by the Chief Electoral Officer. The Chief Electoral Officer shall ensure that Referendum questions are clear, concise, and do not violate the Constitution or By-Laws (unless they are proposed amendments to the Constitution or By-Laws). The Chief Electoral Officer may reject any Referendum question he or she deems unconstitutional or in violation of the By-Laws. Any dispute or uncertainty arising from the Chief Electoral Officer's interpretation of a Referendum question shall be referred to the Judicial Board for resolution.

9.6 **QUORUM.** Quorum for all Referenda shall be fifteen percent (15%) of the Members of the Society.

9.7 **CONSTITUTIONAL AMENDMENT.** Except as otherwise provided for by law, the Constitution may only be amended by Referendum. All amendments to the Constitution shall be adopted in both official languages. Furthermore, the existing wording as well as the proposed amendment to the Constitution shall be provided at every polling station.

9.8 **NOTICE OF QUESTIONS.** Notice of the Referendum and detailed instructions regarding the formation of "Yes" and "No" committees shall be distributed by a public notice to all Members of the Society.

9.9 **WITHDRAWALS.** "Yes" or "No" Referendum Committees may withdraw up to twenty-four (24) hours before the beginning of the Polling Period by a submission of a petition of two-thirds (2/3) of a referendum committee for student-initiated committees or by a motion passed by Council for council-initiated committees. Referendum questions may not be withdrawn.

## 10. PLEBISCITES

10.1 **APPROVAL OF PLEBISCITES.** Council shall approve annually by the end of the Nomination Period for Referendum questions a list of no more than ten (10) single-part questions on which students will be asked to voice their opinion at the bottom of the Elections ballot. The President



shall be responsible for facilitating a consensus among Councillors on what subjects to call the plebiscites.

**10.2 CAMPAIGNING.** Campaigning for plebiscites is prohibited.

**10.3 NON-BINDING.** Plebiscites are non-binding and are used for acquiring the opinion of the Members of the Society.

## 11. INFORMATION MEETING

**11.1 GENERAL.** Elections SSMU shall organize and promote an information meeting for all Referendum committees before the start of an Election's Campaigning Period. The purpose of this meeting shall be to inform Referendum committees about electoral regulations and of important times and dates. All committees absent from this meeting will be deemed to be in full knowledge of the information dispersed at this meeting.

**11.2 MANDATORY MEETING.** This meeting is mandatory for all Referendum committee chairs or a representative from the Referendum committee; any absences must be approved by the CEO. Unapproved absences are subject to sanction.

**11.3 CLARIFICATIONS.** All clarifications regarding By-Laws and campaigning guidelines made during the information meeting are binding and considered to be a part of the campaigning guidelines during that Campaigning Period.

**11.4 RECORDING.** The information meeting shall be recorded by Elections SSMU. A video recording may be used, but an audio recording must be taken.

## 12. REFERENDUM COMMITTEES

**12.1 FORMATION OF A REFERENDUM COMMITTEE.** A "Yes" or "No" committee can be formed for accepted Referenda questions by:

- (a) a Council motion where the name and phone number of a chair, plus a list of committee members, all of whom are members of the Society, must be submitted to Elections SSMU prior to the beginning of the Polling Period; or
- (b) a petition signed by one hundred members of the Society for that purpose where the Referendum question and goal of the committee must appear at the top of each page of the petition. A signature shall only be valid if it is accompanied by a corresponding name,



student identification number, faculty, and program year. The name and phone number of a chair, plus list of committee members, all of whom are members of the Society, must be submitted to Elections SSMU prior to the beginning of the Polling Period.

- 12.2 **RESTRICTIONS.** Council may not form both a “Yes” and a “No” committee for the same question. No member of the Society may act as a member of both “Yes” and “No” committees of the same question.
- 12.3 **RESPONSIBILITIES OF MEMBERS.** After the “Yes” or “No” committee is formed in accordance with these By-Laws, the chair of the committee may recruit additional members by submitting their names to Elections SSMU. Additional committee members may only begin campaigning upon receipt of written acknowledgement of their admission to the campaign committee by Elections SSMU. All committee members are equally responsible for adhering to these By-Laws. The Referendum committee may be subject to sanctions due to violations by any of its committee members.

## PART IV - CAMPAIGNING

### 13. CAMPAIGNING GUIDELINES

- 13.1 **GENERAL.** The CEO shall distribute copies of relevant By-Laws and University regulations to all candidates prior to the beginning of the Campaigning Period. Failure to comply with these By-Laws may result in the disqualification of a candidate or Referendum committee, invalidation of election or Referenda, or any other sanctions deemed appropriate by Elections SSMU. All provisions of **Article 13.1** apply equally to all candidates, campaign committees, and Referendum committees unless otherwise specified.
- 13.2 **SPIRIT OF A FAIR CAMPAIGN.** Candidates and Referendum committees shall respect the spirit of a fair campaign and shall conduct themselves with full respect of other candidates or committees. Any activity deemed by the CEO which impinges on these principles may be subject to sanction.
- 13.3 **CAMPAIGNING.** Campaign activities may only be carried out by members of the Society. All campaigning for an Election must be carried out by the candidate and his/her authorized campaign committee. All campaigning for a Referendum may only be carried out by members of the Referendum committee. Campaigning shall be considered any activity considered by the CEO to promote the candidate and their candidacy for a position.



- 13.4 **CAMPAIGNING PERIOD.** The CEO shall designate a specific period in which campaigning is permitted. Such a period shall be called the Campaigning Period. Candidates and Referendum committees shall be permitted to campaign throughout the voting period. There shall be no campaigning during any other period, including the Nomination Period.
- 13.5 **EXTERNAL GROUPS.** No organization or individual external to the Society may be directly or indirectly involved in the activities of, or in the implicit or explicit support of, Referendum committees or candidate's campaign committees. Any Referendum committee or candidate believed by the CEO to have received assistance, either direct or indirect, from an external person or organization may be subject to sanction up to and including disqualification of a candidate or Referendum committee and/or invalidation of an Election or Referendum.
- 13.6 **INTEFERENCE WITH CAMPAIGNING.** Candidates shall refrain from interfering with the distribution of campaign material or engaging in slanderous campaigning.
- 13.7 **CAMPAIGNING AREAS.** Campaigning is not permitted within the vicinity of polling stations or within the theft security perimeters of McGill libraries or McGill designated study areas.
- 13.8 **IDENTIFICATION.** Any individual campaigning must produce their McGill Student ID Card and any other relevant documentation when asked to do so by an Electoral Officer. Failure to produce adequate identification will result in the uncompensated confiscation of campaign material in the person's possession as well as any sanctions deemed appropriate by the CEO.
14. **ABUSE OF POSITIONS.**
- 14.1 **GENERAL.** No candidate, campaign committee member, or Referendum committee member may abuse positions they hold with any group to provide greater resources, exposure, or support to their campaign. Such abuses shall include, but are not limited to, subversion of, or exertion of undue influence on, any established systems for issuing endorsements, using privileged access to contact lists or social media platforms to campaign, and any other actions deemed inappropriate by the CEO.
- 14.2 **ASSOCIATION EXECUTIVES.** 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 a campaign or Referendum committee.



- 14.3 **GROUPS, CLUBS, SERVICE EXECUTIVES.** No member of a club, service, independent student group, or media organization may use his or her position in order to aid a campaign or Referendum committee.
- 14.4 **TEMPORARY SUSPENSION OF DUTIES.** During the Campaigning Period, all candidates, campaign committee members, or Referendum committee members with an on-air position shall forgo their programming and broadcasting responsibilities. Likewise, all candidates, campaign committee members, or Referendum committee members who have editorial duties, including contributions, with a campus publication shall refrain from fulfilling those duties during the campaign period.

## 15. CAMPAIGNING LITERATURE

- 15.1 **POSTER LIMITATIONS.** Each candidate or Referendum committee shall be permitted to post posters no larger than eight and a half by eleven inches (8.5" x 11") in accordance with the following limitations:
- (a) candidates running to be an Officer of the Society and each Referendum committee shall be entitled to post no more than two hundred (200) poster; and
  - (b) candidates running to be a Student Senator, an executive of the FYC, a member of Council representing the Society's Activities, Productions, Media, Services, and Interest groups shall be entitled to post no more than fifty (50) posters.
- 15.2 **AFFIXATION OF POSTERS.** Posters may only be affixed indoors in buildings operated by McGill University or SSMU. No paper campaign materials may be distributed, affixed, or **publically shown** within the theft security perimeters of McGill libraries, in the vicinity of polling stations, and in McGill designated study areas. No campaigning literature may be affixed within classrooms.
- 15.3 **REMOVAL OF POSTERS.** Candidates and Referendum committees are responsible for the removal of all campaign posters by the end of the Campaigning Period, in accordance with the deadline established by the CEO.
- 15.4 **HANDBILL LIMITATIONS.** Each candidate or Referendum committee shall be permitted to distribute handbills no larger than a quarter (1/4) of a letter sized page (4.25" x 10.5") in accordance with the following limitations:



- (a) candidates running to be an Officer of the Society and each Referendum committee shall be entitled to distribute no more than two hundred (200) handbills; and
- (b) candidates running to be a Student Senator, an executive of the FYC, a member of Council representing the Society's Activities, Productions, Media, Services, and Interest groups shall be entitled to distribute no more than fifty (50) handbills.

**15.5 DISTRIBUTION OF HANDBILLS.** Single handbills may only be distributed indoors on McGill Campus directly to Members of the Society unless permitted otherwise by the CEO in writing. Handbills shall not be distributed *en masse*.

**15.6 RECYCLED PAPER.** All campaigning literature shall be produced on reused paper (i.e. one-side already used) or Forest Stewardship Council certified recycled paper.

**15.7 APPROVAL.** All campaigning literature shall be approved by Elections SSMU prior to distribution. The CEO shall enforce a system that will indicate whether or not an item of campaigning literature has been approved.

**15.8 CAMPAIGN STICKERS.** Campaign stickers may not be attached to the University, City of Montreal, or SSMU property.

**15.9 BUILDING RULES.** Postering and the distribution of other campaigning literature must respect each building's regulations. The CEO shall not be responsible for enforcing University building regulations, but may issue sanctions if regulations are not followed.

## 16. PENSKETCHES AND THE ELECTIONS SSMU WEBSITE

**16.1 PENSKETCHES.** All candidates' pensketches shall be made available to the Elections SSMU and/or SSMU website at the start of the campaign period, provided that they are submitted according to the deadline and requirements set by the CEO.

**16.2 HYPERLINKS.** Elections SSMU shall provide up to four hyperlinks from the Elections SSMU website to each candidate or campaign committee's online campaigning platforms (e.g. website, Facebook group, Twitter account, campaign video, etc.)



## 17. SOCIAL MEDIA AND ONLINE CAMPAIGNING

**17.1 PUBLICATION OF REGULATIONS.** The CEO shall issue clear regulations concerning the use of websites, social media, and all other means of online campaigning before the start of the Campaigning Period; these regulations shall be made publicly available on the Elections SSMU website. Any further clarifications deemed necessary by the CEO during the campaign period will be made publicly available on the Elections SSMU website.

**17.2 CONSULTATION OF ELECTIONS SSMU.** Where the CEO has not issued clear regulations regarding campaigning on a specific online platform, the candidate, campaign committee member, or Referendum committee member shall consult Elections SSMU prior to using the platform for campaigning purposes.

**17.3 ELECTRONIC MAIL.** Candidates may not send unsolicited electronic mail for the purpose of campaigning. This refers to any electronic mail that the receiver did not opt in or sign up to receive. This includes but is not limited to listservs of which they were automatically included, such as Faculty Association listservs.

**17.4 EXTERNAL MEMBERS.** External groups and individuals are restricted from any form of campaigning or support on any social media, mobile, or online platform. Each candidate shall be expected to make a reasonable effort in enforcing this rule. The CEO shall have final consideration as to what constitutes as unauthorized support on a social media, mobile, or online platform.

## 18. OTHER RESTRICTIONS ON CAMPAIGNING.

**18.1 GIFTS AND PROMISES.** Candidates may not distribute or promise gifts of any kind during the Electoral Period. The CEO shall have the discretion to determine what gifts or promises violate the principles of a fair campaign.

**18.2 FOOD.** Food may only not be distributed during the Electoral Period with the exception of food for campaign committee members at campaign committee meetings. Food provided at campaign committee meetings may not exceed five dollars (\$5.00) per person and must be declared as part of a candidate or Referendum committee's total expenses. Food may not be used to recruit campaign team members.



- 18.3 CAMPUS MEDIA.** Other than news coverage, no candidate, campaign committee member, or Referendum committee member shall have access, either directly or indirectly, to radio features or public service announcements. Candidates and Referendum committees are not permitted to approach campus publications or student media; the CEO shall send the candidates and Referendum committees' contact information to campus publications and student media once they become available.
- 18.4 SLATE CANDIDACY.** Slate candidacy is not permitted. As a general reference, this refers to two (2) or more candidates campaigning together with their names appearing together for the purposes of campaigning. This includes, but is not limited to, any written campaign material or classroom announcements.
- 18.5 RESTRICTION ON CAMPAIGNING.** The CEO may prohibit campaigning activity or the dissemination of any campaign materials that, in his or her judgment, contravenes the Constitution, By-Laws, or Policies of the Society or the spirit of a fair campaign. Candidates should choose to seek the approval of the CEO before disseminating any materials or engaging in any campaigning activity but they shall nevertheless be ultimately responsible for activity engaged in, or material disseminated, on their behalf that contravenes the Constitution, By-Laws, or Policies of the Society or the spirit of a fair campaign.

## **19. CAMPAIGN FUNDING**

- 19.1 MAXIMUM CAMPAIGN EXPENSES.** Each candidate or Referendum committee shall be permitted to spend the following maximum amount on campaigning:
- (a) candidates for a position as an Officer of the Society shall be permitted to spend up to a maximum of one hundred and fifty dollars (\$150.00);
  - (b) Referendum committees shall be permitted to spend up to a maximum of two hundred dollars (\$200.00); and
  - (c) candidates seeking a position as an executive of the First Year Council, as a student senator, or as a member of Council representing the Society's Activities, Productions, Media, Services, and Interest groups shall be permitted to spend up to a maximum of fifty dollars (\$50.00).



- 19.2 **SPENDING REPORTS.** Candidates must publish an updated spending report on their website during the campaign period **as, and only as, expenses are incurred.**
- 19.3 **REIMBURSEMENT.** All candidates who receive at least ten percent (10%) of the total vote, and all Referendum committees, shall be entitled to reimbursement by the Society of the amount they have spent on campaign materials, less the amount of any financial sanctions imposed by the CEO. Candidates who receive less than ten percent (10%) of the total vote may also be entitled to reimbursement so long as the candidate did actively, and earnestly, solicit votes throughout the campaign period as determined by the CEO.
- 19.4 **EXPENSE REPORTS AND REIMBURSEMENTS.** All candidates and Referendum committees shall submit a complete expense report, campaign receipts, and requests for reimbursement to the CEO within two (2) days of the announcement of the Election results or by the deadline set by the CEO. No candidate or Referendum committee shall be entitled to reimbursement of campaign expenses if original itemized receipts are not provided.
- 19.5 **FAIR MARKET VALUE.** All candidates and Referendum committees must pay at least Fair Market Value for any campaign expenses. Where a candidate or Referendum committee receives or purchases materials for less than Fair Market Value, the candidate or Referendum committee must declare the Fair Market Value for such expenses on their expense report. The Fair Market Value of materials shall be counted towards total campaign expenditures. The CEO shall have final say in what constitutes as Fair Market Value.
- 19.6 **PUBLICATION OF EXPENSES.** Elections SSMU shall review all receipts and shall prepare and make available a summary of all expense reports to all members of the Society within four (4) days of the announcement of results.
- 19.7 **AUDITS.** All members of the Society are entitled to request an inquiry into the campaign spending of a candidate within three (3) days of the CEO's publication of a candidate expenditures. **In the case of such a request, the CEO shall evaluate the campaign spending of the candidate in question.**

## 20. ENDORSEMENTS



- 20.1 GENERAL.** Any organization which is not external to the Society shall be entitled to issue endorsements according to their established decision-making processes, subject to the specifications in this article, for all Elections and Referenda which are under the jurisdiction of Elections SSMU and in which all members of the Society are eligible to vote. The CEO, President, and Vice-President (Clubs and Services) shall make every effort to ensure that all potential organizations and all eligible voters are aware of these regulations in advance of the campaign period.
- 20.2 RESPONSIBILITIES OF CANDIDATES AND COMMITTEES.** Candidates or Referendum committees wishing to be endorsed must do the following:
- (a) ensure that all candidates for the position in question or representatives from both Referendum committees attend an in-person meeting of, and/or submit a written statement to, the relevant decision-making body in advance of an endorsement decision;
  - (b) not seek endorsement from, or attend the Council session of, any Faculty Association to assist their campaign; and
  - (c) disclose any affiliations to the organization of which the endorsement is sought from to opposing candidates or the opposing Referendum committee.
- 20.3 RESPONSIBILITIES OF THE ORGANIZATION.** After meeting the candidates or Referendum committees, an organization is not obliged to give an endorsement. Should they choose to give an endorsement, the organization shall:
- (a) exclude any campaign committee members or Referendum committee members from the endorsement decision-making process;
  - (b) disclose any affiliations of candidates or Referendum committee members to their organization (e.g. membership, positions held, financial, material, or in-kind donations received, etc.) in any public notice regarding an endorsement decision;
  - (c) limit endorsements to electronic communications, such as an email to the membership, or through any of the organization's social media channels.



- 20.4 INFRACTIONS.** Failure to comply with these regulations may result in issuance of sanctions to the candidates or Referendum committees by the CEO and/or, at the recommendation of the Interest Group Committee, removal of, or disqualification from, support from the Society. Organizations which do not receive direct or indirect support from the Society are urged to act in the spirit of these regulations.
- 20.5 IMPARTIALITY OF OFFICERS.** The Officers of the Society shall remain neutral in a Society Election or any other Elections run by Elections SSMU. This does not extend to Referendum questions.

## PART V – POLLING, SCRUTINEERING, VOTING, & COUNTING

### 21. ELECTRONIC VOTING SYSTEM

- 21.1 GENERAL.** All voting shall be conducted using Elections SSMU's electronic voting system.
- 21.2 PASSWORDS.** Administrative passwords to the electronic voting system shall be changed at the beginning of each electoral period.
- 21.3 UPLOADING OF BALLOTS.** The CEO shall upload official ballots to the electronic voting system in the presence of no less than one other Electoral Officer.
- 21.4 LOANING.** The online voting system may be loaned to external groups by Elections SSMU subject to a fee and contract established by Elections SSMU.

### 22. PAPER BALLOTS

- 22.1 GENERAL.** In the event that the electronic voting system is not operational, or at the discretion of the CEO, Elections SSMU shall make paper ballots available to all eligible electors. The CEO will ensure that the paper ballot system is secure such that each eligible electoral may vote only once and that only Electoral Officers have access to ballots.
- 22.2 AVAILABILITY AND ACCESSIBILITY.** Elections SSMU shall ensure that polling stations are available on campus for at least three (3) hours on each week day when paper ballots are used. Elections SSMU shall make every reasonable effort to ensure that polls are held in a variety of locations across campus and in residences in order to promote voting by the entire membership of the Society. 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.

**22.3 ANNOUNCEMENT.** When paper ballots are used, all eligible voters shall be informed of the date, time, and location of polls by electronic mail no later than twenty-four (24) hours prior to the beginning of the Polling Period. Polls whose locations have not been made public at least twenty-four (24) hours in advance 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.

**22.4 SETUP.** Polling stations shall be cleared of a campaigning material. The setup of the polling station should ensure that a member of the Society may cast a vote in private. All ballots, Referendum questions, plebiscite questions, and instructions shall be available in English and French at all polling stations.

**22.5 CASTING OF VOTES.** Under no circumstances may a Member cast a paper ballot without a student identification card. No appeals on this matter will be considered. All paper ballots shall be cast in the presence of at least one Electoral Officer or Elections SSMU staff. Each Member wishing to vote at a polling station must do so in person. Voting by proxy is prohibited.

## **23. POLLING STATIONS**

**23.1 GENERAL.** Polling stations may be used during the voting period if deemed necessary by the CEO. A Member may vote at any open polling station during an Election or Referendum, on a computer provided by Elections SSMU.

**23.2 SETUP AND PROVISIONS.** The setup of polling stations should follow same provisions that apply to paper ballots.

## **24. BALLOTS AND CASTING OF VOTES**

**24.1 BALLOT ORDER.** The position of each name on an Elections ballot shall be randomized for all ballots. Referenda options shall appear in the following order **unless otherwise required**:

- (a) "Yes";
- (b) "No"; and



(c) "Abstain".

24.2 **ABSTENTIONS.** All ballots must include an additional option of "Abstain".

24.3 **PENSKETCHES.** All candidates and Referendum committees are entitled to submit a picture, pensketch, and up to two hyperlinks to appear on the ballot. These must be submitted by a deadline set by the CEO; the CEO has the discretion to accept or reject any submissions submitted after this deadline.

24.4 **CASTING OF VOTES.** Each Member shall have a single ballot and may cast their vote once and only once. All votes shall be cast on Elections SSMU's electronic voting system unless a paper ballots are being used, in which case votes may be cast electronically or by authorized paper ballots. A Member must cast a vote themselves. No candidate, campaign committee member, or Referendum committee member shall observe, interfere, or be actively involved in the process of a Member casting their vote.

## 25. **ACCLAIMED CANDIDATES**

25.1 **BALLOT.** If there is only one candidate for any position, the ballot shall offer two options: "Yes" and "No". Elections SSMU shall include a clear explanation in the pensketch to outline the consequences of voting "No" as outlined in Article 25.3.

25.2 **SUCCESSFUL CANDIDATES.** If the acclaimed candidate receives a plurality of "yes" votes, or an equal number of "yes" and "no" votes, the candidate shall be declared elected.

25.3 **UNSUCCESSFUL CANDIDATES.** If the acclaimed candidate receives a plurality of "no" votes, the candidate shall not be declared elected. The CEO shall immediately declare a Nomination Period of four (4) business days via a notice to all eligible voters via electronic mail. Regular nomination rules and procedures follow. Any Member, including any previously acclaimed candidates, shall be eligible to declare themselves a candidate during this Nomination Period, subject to the standard eligibility requirements. Following the Nomination Period, there shall be a five (5) day campaign period followed by a two (2) day Polling Period. Standard campaigning and polling regulations shall apply. If no candidate is declared elected by this procedure, Council shall fill the position using standard conventions at its disposal.



## 26. THE COUNT AND OPTIONAL PREFERENTIAL BALLOT VOTING

- 26.1 GENERAL.** In an Election, or a Referenda in which the ballot offers more than two (2) options, a preferential voting system (instant-runoff voting) shall be employed for the counting of ballots. Electors shall mark their choices in order of preference. All first choice votes shall be counted and allocated to each candidate. If no candidate receives a majority of the total vote, the candidate with the least votes shall be declared eliminated and the first choice ballots allocated to that candidate shall be redistributed in accordance with the following choice indicated on each voters' ballot. This system of eliminating the candidate with the least votes and redistributing ballots according to the next choice of remaining candidates shall continue until one (1) candidate or referendum question option achieves a majority.
- 26.2 PARTIAL PREFERENTIAL BALLOT.** Voters do not need to indicate a preferred rank for all candidates and may indicate preference for only a subset of voters.
- 26.3 MULTIPLE WINNERS.** In an election with multiple winners, the lowest candidate shall be eliminated until the number of candidates remaining is equal to the number of positions available.
- 26.4 DISQUALIFICATION OR INVALIDATION.** If a candidate or referendum option, in referenda where preferential voting is applicable, is disqualified, the disqualified candidate shall be declared eliminated, and his or her first choice ballot recounted in accordance with the stated preference on the ballot.
- 26.5 ABSTENTIONS.** Abstentions, declined, or spoiled ballots shall not count in the calculation of a majority.
- 26.6 PLURALITY VOTING.** In Elections or Referenda where only two options exist, a plurality voting system shall be employed for the counting of ballots.
- 26.7 TABULATION.** Votes cast through Elections SSMU's electronic voting system shall be tabulated by the CEO in the presence of at least one other Electoral Officer.
- 26.8 PAPER BALLOTS.** A paper ballot is to be rejected if there is no clear indication of preference of candidates or Referendum question or if the initials of the poll clerk do not appear on the paper ballot. Any candidate or Referendum committee chair may request one (1) recount of the paper



ballots. The CEO may order further recounts if necessary. All paper ballots shall be kept in a secure location for seven (7) days following the announcement of results.

**26.9 SCRUTINEERS.** Paper ballots shall be tabulated in the presence of no less than two Electoral Officers. At the request of any one candidate or Referendum committee, one (1) neutral scrutineer may be appointed to observe the count of paper ballots. This neutral scrutineer may not be a member of any campaign committee, or Referendum committee and shall be chosen by the CEO from a list of Members submitted by the candidate or Referendum committee submitting this request and any opposing candidates or committees. Each candidate or committee must submit at least two names.

**26.10 TIE VOTES.** If two or more leading candidates have received an equal number of votes, the CEO will issue a public notice of a new vote for the position in question. The vote shall be open for three (3) days, beginning the day after the announcement of the previous Election's result. Campaigning shall be allowed through this voting period, subject to the regulations in these By-Laws. Should this vote also result in a tie, a drawing of lots shall determine which candidate shall be declared elected. In the event of a tie vote for a Referendum question, the Referendum question shall be deemed defeated.

## **27. ANNOUNCEMENT OF RESULTS**

**27.1 OFFICIAL RESULTS.** Upon completion of the ballot counting, the CEO shall announce publically the unofficial results of the Elections. The CEO shall submit the official results in writing to the General Manger on the business day following the tabulation of results. The CEO shall include the total votes cast, full text of all pensketches and Referendum questions, including all clauses, vote count, percentage of votes received for each candidate or Referendum question option, and a copy of the ballot.

**27.2 TIME AND LOCATION.** Results of an Election and Referenda are to be announced by Elections SSMU at a pre-established time and, where applicable, place.



## PART V – INVESTIGATION AND SANCTIONS

### 28. INVESTIGATION

**28.1 GENERAL.** Elections SSMU has the discretion to develop any investigative process as they see fit so long as it is equally applied to all candidates in that elections period.

**28.2 STANDARD OF PROOF.** As a reference, the standard of proof for an investigation of Elections SSMU shall be a balance of probabilities.

**28.3 TESTIMONIAL EVIDENCE.** Where the only evidence of an infraction comes from personal testimony, Elections SSMU shall seek the testimony of the individual who is the subject of the allegation in order to obtain as complete and impartial of an understanding of the situation as possible barring any restrictions due to provisions concerning confidentiality. Elections SSMU should also seek additional evidence that can corroborate testimony. Elections SSMU may also ask that all testimonies that are to be used as evidence be submitted as an affidavit in the presence of a Commissioner of Oaths.

**28.4 CONFIDENTIALITY.** Elections SSMU should ask any individuals submitting a report of an infraction, or a testimony, if they wish for Elections SSMU to keep their identity confidential. Where express permission to reveal an individual's identity has not been given, Elections SSMU shall maintain confidentiality of that individual.

**28.5 PROCEDURAL FAIRNESS.** During an investigation of Elections SSMU, the minimum procedural fairness owed to the party subject to investigation shall be a written explanation of any decisions taken by Elections SSMU regarding such investigation.

### 29. SANCTIONS

**29.1 GENERAL.** The CEO has the discretion to disqualify, withhold reimbursement or deposit from, and/or officially censure a candidate or Referendum committee, and in addition declare an Election of a candidate or Referendum question invalid, for any infraction of the electoral By-Laws or the Constitution, depending on the severity of the offence. The CEO may, at his/her discretion, provide for other sanctions.

**29.2 DEPOSIT.** All candidates and Referendum committees shall be required to give a deposit of fifty dollars (\$50.00) upon submission of their nomination. Elections SSMU shall return the deposit in full minus any fines



from sanctions at the end of the Polling Period. The CEO may waive this requirement at his/her discretion.

- 29.3 **DEMERIT SYSTEM.** The CEO may choose to employ a demerit system as a tool to quantify the severity of infractions and to indicate when it is necessary to consider certain recourses. A demerit system assigns values to particular offences and provides suggested or standard sanctions when particular thresholds of demerits have been exceeded. The demerit system shall be a reference tool for Elections SSMU and the CEO has the final say in the use of such a system.
- 29.4 **CONFISCATION OF MATERIAL.** Material that contravenes the Constitution, the By-Laws, or the Policy Manual of the Society will be subject to confiscation by the CEO.
- 29.5 **REPETITIVE INFRACTIONS.** In the case of an Election, the CEO may disqualify a candidate or invalidate the Election of any successful candidate who has continued to repeat behaviour that is the same as, or substantially similar to, that which was previously sanctioned and prohibited by the CEO. In the case of a Referendum, the CEO is empowered to disqualify a Referendum committee, or declare a Referendum invalid, if a Referendum committee continues to repeat behaviour that is the same as, or substantially similar to, that which was previously sanctioned and prohibited by the CEO.
- 29.6 **GRAVE VIOLATIONS.** In the case of any grave violation of the Constitution, By-Laws, or Policies on the part of a candidate, candidate's campaign team or Referendum committee, the CEO shall invalidate the Election or Referendum if, in his/her determination, a violation of the Constitution, By-Laws, Policies or electoral decisions by the CEO has adversely affected the outcome of the Election or Referendum. In making this decision, the CEO may consider the conduct of the parties.

### 30. **DISQUALIFICATION, INVALIDATION, AND THE ELECTORAL REVIEW COMMITTEE**

- 30.1 **ELECTORAL REVIEW COMMITTEE.** In the case that a disqualification of a candidate or Referendum committee, or the invalidation of an Election of a successful candidate or Referendum question, is to be considered, the CEO shall immediately call for the meeting of the Electoral Review Committee (ERC).
- 30.2 **RECRUITMENT.** Recruitment of a pool of nominated individuals from each category of members who sit on the ERC shall be the responsibility



of the President and Elections SSMU. Recruitment for members of the ERC shall begin immediately following each spring Election.

**30.3 SELECTION.** Upon the calling of the ERC, Elections SSMU shall select from the poll of nominated candidates the final composition of the ERC in accordance with Article 30.5. The selection process should, at the CEO's judgment, maximize diversity of opinions while ensuring impartiality and objectivity.

**30.4 POWERS.** The CEO and DEO shall seek the consultation of the Electoral Review Committee, however, they shall retain the full authority vested in them by the Constitution and By-Laws to make decisions regarding elections. The Electoral Review Committee shall rule on whether or not particular infractions have occurred and Elections SSMU shall rule as to the sanctions or recourses that are to be undertaken in response to the infractions.

**30.5 COMPOSITION.** The Electoral Review Committee shall be composed of the following:

- (a) the Chief Electoral Officer;
- (b) the Deputy Electoral Officer;
- (c) one (1) Post-Graduates' Student Society (PGSS) Councillors, selected from three (3) nominated PGSS Councillors;
- (d) one (1) student from the Faculty of Law, selected from three (3) nominated students from the Faculty of Law;
- (e) one (1) member-at-large, selected from three (3) nominated Members-at-large; and
- (f) the General Manager, who shall be an *ex-officio* non-voting member who may or may not attend meetings of the Electoral Review Committee at his or her discretion.

**30.6 CONFIDENTIALITY.** All meetings and matters of the Electoral Review Committee shall be kept confidential unless the Electoral Review Committee decides to suspend confidentiality. Wherever possible, the ERC should publish a report to the Society which indicates which infractions they determined to have occurred. All members of the Electoral Review Committee shall sign confidentiality agreements.



- 30.7 CONFIDENTIALITY OF MEMBERSHIP.** The list of nominated members of the ERC shall be made public so that any Member of the Society who may have concerns about conflicts of interest that would otherwise be unknown to Elections SSMU may report their concerns to Elections SSMU. The final membership of the ERC called to convene shall be kept confidential to protect the integrity of the process and the individuals involved unless the ERC unanimously consents to suspending this confidentiality.
- 30.8 IMPARTIALITY.** All members of the Electoral Review Committee shall be impartial and shall not be affiliated directly or indirectly with any campaign team or Referendum committee. Where a member of the Electoral Review Committee is found by the CEO to be at a conflict of interest, the membership of the individual shall be suspended and a replacement, of whom holds a position of office of equal or close significance, shall be found by the CEO.
- 30.9 QUORUM.** Quorum for the Electoral Review Committee shall be the CEO plus two (2) additional voting members. Unless otherwise specified, resolutions of the Electoral Committee shall be adopted by Simple Majority.
- 30.10 CONSULTATION.** The Electoral Review Committee should consult legal counsel whenever necessary. The Electoral Review Committee may request the Judicial Board to share their interpretation of the By-Laws and Constitution where there is confusion or whenever necessary. The Electoral Review Committee may also consult retired Electoral Officers or any other individuals so long as these individuals have agreed to keep all matters pertaining to the Electoral Review Committee confidential.
- 30.11 INVALIDATED ELECTIONS.** In the case that the Election of a successful candidate is invalidated, the vote shall be re-tallied where the votes cast in favour of the successful candidate shall be redistributed to the other candidates in accordance with each voter's stated preference. The count shall proceed in accordance with Article 26.4. At the discretion of the CEO, all votes may be declared moot, and an exceptional Polling Period may be called. The exceptional Polling Period must end prior to the end of the academic semester and should last a minimum of three (3) days.
- 30.12 INVALIDATED REFERENDA.** In the case that a Referendum question is invalidated, all votes shall be declared moot and an exceptional Polling Period shall be called. The exceptional Polling Period must end prior to the end of the academic semester and should last a minimum of three (3) days.



## 31. APPEALS

- 31.1 GENERAL.** The decisions and conduct of Elections SSMU may only be overturned by a decision of the Judicial Board, subject to ratification by the Board of Directors. Judicial Board shall consider whether or not the By-Laws or the Constitution have been infringed upon, and should review the conduct of Elections SSMU, an administrative decision making body, on a deferential standard of reasonableness.
- 31.2 DEADLINE.** 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 official transmission of results to the General Manager. 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 to the General Manager shall be deemed absolutely prescribed and equitably stopped. The Judicial Board shall not have jurisdiction to examine, try, or hear any action that is submitted more than five (5) days after the written results are transmitted to the General Manager.
- 31.3 ADJUDICATION.** 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. Any case that is not adjudicated during the semester that it is launched shall be deemed moot.

## PART VII – SPECIAL ELECTIONS

### 32. ELECTION OF COUNCILLORS REPRESENTING THE SOCIETY'S ACTIVITIES, PRODUCTIONS, MEDIA, SERVICES, AND INTEREST GROUPS

- 32.1 GENERAL.** Three (3) councillors shall be elected annual, with two (2) representing the Society's Clubs and one (1) representing the Society's Services. This Election shall be held via an electronic voting system and is to be held before the end of the academic year, with polling lasting for at least five (5) business days. Public notice shall be given at least ten (10) days prior to the first day of polling.
- 32.2 QUORUM.** The quorum for the Clubs Councillor Election is ten percent (10%) of the Society's Clubs, and the quorum for the Services Councillor is thirty percent (30%) of the Society's Services.
- 32.3 BALLOT.** A Clubs Councillor Elections ballot and a Services Councillor Elections ballot shall be sent to all Full-Status Clubs and Services



respectively based on the executive contact sheet provided by the Vice-President (Clubs and Services). Each club will be able to vote for two candidates.

- 32.4 NOMINATION.** Students must declare their candidacy for Clubs or Services Representative to the Chief Electoral Officer by a time determined by Elections SSMU and the Vice-President (Clubs and Services). Detailed instructions will be sent out by Elections SSMU via listservs. All candidates are entitled to submit a pensketch, picture, and/or a video pensketch, which shall be submitted along with the declaration of candidacy. There will be no Extended Nomination Period for these positions; any vacant seats shall be filled in September of the following academic year.
- 32.5 CAMPAIGNING.** Candidates may campaign during the Polling Period, subject to the same campaigning regulations as the Society's Elections and Referenda unless otherwise specified here.
- 32.6 ENDORSEMENTS.** The Society's Clubs and Services may not endorse or publicly support any candidate, nor may candidates seek endorsements from any of the Society's Clubs and Services.
- 32.7 RESIGNATION.** Any Clubs or Services Councillor may resign from office at any time by forwarding a letter of resignation to the head office of the Society by e-mail, courier, or by registered mail. The resignation shall become effective on the date when the letter of resignation is sent to the Society or on such other date as may be specified in the letter.
- 32.8 REMOVAL FROM OFFICE.** A Councillor elected under this article may be removed from office by a special assembly called for that purpose if duly authorized delegates representing ten percent (10%) of the Society's Clubs so request, in writing, to the Vice-President (Clubs and Services). Public notice of such an assembly at least seven (7) days in advance. The same procedure shall apply for the Services Councillor, however the assembly is to be called by delegates representing at least fifty percent (50%) of Services.
- 32.9 VACANCY.** If a Councillor elected under this article resigns or is removed from office before January thirty-first (31<sup>st</sup>), an election for a replacement shall be held within three weeks, not including holidays and exam periods, of the date of resignation or removal according to the above procedures.

### **33. ELECTION OF COUNCILLORS REPRESENTING SENATE CAUCUS**



33.1 **GENERAL.** As per Article 8.2€ of the Constitution, three (3) Councilors shall be elected at a meeting attended by the undergraduate student members-elect of Senate. This meeting shall be chaired by the Vice-President (University Affairs), who shall be aided by the CEO or any other Electoral Officer. This meeting is to be held before the first meeting of Council of the year. Public notice shall be given at least seven (7) days prior to the meeting.

33.2 **QUORUM.** Quorum for this meeting shall be fifty percent (50%) of the members-elect. The outgoing President and Vice-President (University Affairs) may vote at the meeting. Should any member-elect be unable to attend the meeting, the incumbent from that constituency shall be entitled to vote in this meeting.

#### 34. **FIRST YEAR COUNCIL ELECTIONS**

34.1 **GENERAL.** Elections SSMU shall administer the FYC Elections during the Fall semester Electoral Period according to the regulations set out in the By-Laws.

34.2 **TERM OF OFFICE.** The executive board members of the FYC shall be elected for a term of one year during an Election occurring before September thirtieth (30<sup>th</sup>).

34.3 **POWERS OF THE CEO.** The CEO shall be entitled to make alterations to these regulations, subject to repeal by Council, in order to meet the exigencies of a Fall Election and in order to reduce the costs of such an Election.

#### 35. **ELECTION OF THE UNDERGRADUATE REPRESENTATIVES TO THE CKUT BOARD OF DIRECTORS.**

35.1 **GENERAL.** Two (2) Members of the Society shall be elected to fill the two undergraduate seats on the CKUT Board of Directors, serving a term of one year, beginning on April first (1<sup>st</sup>).

35.2 **ELECTIONS PERIOD.** The Election of the undergraduate representatives to the CKUT Board of Directors shall occur during the Winter semester Electoral Period along with the regular Elections of that period and appear on the same ballot.

35.3 **CAMPAIGNING.** All standard Elections procedures, stated in these By-Laws, shall apply to the Election of the undergraduate representatives to the CKUT Board of Directors unless otherwise stated.



- 35.4 **VACANCY.** In the event that no candidates present themselves for Election or a representative seat is vacated, it shall be the responsibility of the SSMU executive sitting on the CKUT Board of Directors to ensure that Council immediately undertake measures at its disposal to replace or fill these positions.

## PART VIII – ANCILLARY FEES

### 36. GENERAL

The SSMU shall not authorize any increases and renewals in Ancillary Fees until such a time that students have voted in favor for, or against, by way of a Referendum, except those which are outlined in these By-Laws.

### 37. PROCESS AND PROCEDURE

- 37.1 **ANCILLARY FEES.** Ancillary Fees are fees charged by the University in addition to the standard tuition fee. Each Ancillary Fee may be raised only once every three (3) years.
- 37.2 **PRESENTATION TO COUNCIL.** The Vice-President (University Affairs) shall seek all proposed Ancillary Fees from the Deputy Provost (Student Life and Learning) and compile them for presentation to Council, along with all the information relevant to that fee increase (e.g. proposed increases in services to be provided).
- 37.3 **WORDING OF QUESTIONS.** The President and Vice-President (University Affairs) will draft a proposed Referendum question based on the information to be sent from the relevant University department via the DPSLL. This draft will then be sent to the department in question for revisions. The final wording of the questions shall be approved by a Resolution passed by two-thirds (2/3) majority of Council.
- 37.4 **DEADLINES.** The University shall supply the information required to formulate an Ancillary Fee question no later than the second week of the semester in which the Referendum is occurring.
- 37.5 **REJECTION OF QUESTIONS.** Council shall, in extreme circumstances, reserve the right to reject a proposed Ancillary Fee question outright. The only time this may occur is in the case that the University has misrepresented information about the fee in question or has not provided sufficient information regarding the fee in question in a timely manner.



- 37.6 **BALLOT.** The Ancillary Fee Referenda shall appear on a separate ballot at the same time as the normal Referenda period in a manner so as to differentiate University fees from Society Fees, where technically possible.
- 37.7 **INFLATION.** Council may authorize the Executive Committee to authorize fee increases rising at the rate of inflation without going to Referendum. Inflation shall be determined in the institutional context of McGill, taking into account: McGill salary agreements, energy Consumer Price Index, and Canadian Consumer Price Index. This provision only covers inflationary increases up to and including ten percent (10%). The calculation of this number must be reinforced with University documentation and verified by the Vice-President (Finance and Operations).
- 37.8 **REFERENDUM COMMITTEES.** Council and/or Members may choose to form “Yes” or “No” Committees for each fee in accordance with the regulations for Referendum questions set out in these By-Laws.
38. **ELECTIONS SSMU ANCILLARY FEES REFERENDA COMMITTEE**
- 38.1 **GENERAL.** There shall be an impartial and independent committee of SSMU, designated to disseminate impartial information about Ancillary Fees.
- 38.2 **MEMBERSHIP.** This committee shall be comprised of the following persons:
- (a) the CEO;
  - (b) the President;
  - (c) the Vice-President (University Affairs);
  - (d) the Vice-President (Clubs and Services);
  - (e) the SSMU Secretary General; and
  - (f) any relevant student representatives from university fee-setting committees.

In the situation in which a Yes or No committee is formed by Council, members of the Ancillary Fees Referenda Committee shall abstain from the Council campaign or step down from this committee.



- 38.3 DISTRIBUTION OF INFORMATION.** The Ancillary Fees Referenda Committee shall distribute information regarding proposed Ancillary Fee questions. Information will only be distributed during the campaign period. All information shall be non-biased and entirely neutral, as determined by the CEO.
- 38.4 UNIVERSITY DISTRIBUTION.** The University may submit information to the committee for distribution. The University shall be allowed to send the content for one mass, informational email through the Elections SSMU listserv. The content of this email shall be approved by the Ancillary Fees Referenda Committee during the campaign period. The University may not distribute information directly to Members, except through the standard governance channels (e.g. Senate or faculty committees). All material must be approved by the CEO prior to its distribution.

### **39. BREACH OF BY-LAWS**

- 39.1 BREACH BY OFFICERS.** Any Officer of the Society who authorizes any Ancillary Fee increase without following these processes shall be considered in extreme derelict of duty and can therefore face impeachment proceedings in accordance with the Constitution.
- 39.2 BREACH BY COMMITTEES.** Any severe breach of the By-Laws, as determined by the CEO, by a member of a Referendum committee, or by a McGill professor, employee, or administrator may result the disqualification of a Referendum committee or an immediate rejection of the concerned fee.

## **PART IX – SOCIETY FEES**

### **40. GENERAL**

- 40.1 SOCIETY FEES.** Council and Services may seek or renew fees through Referendum. Clubs may not seek dedicated funding through Referendum.
- 40.2 WORDING.** All fee questions must include the amount of the fee per student per semester or fiscal year, the first and final dates (by semester) of the dedicated funding), whether it applies to both full-time and part-time students, and whether the fee is opt-outable.
- 40.3 APPROVAL OF QUESTIONS.** All Society fee questions shall be created in consultation with the Vice-President (Clubs and Services) and the CEO. All questions must be approved by Elections SSMU of whom shall liaise with the Office of the DSPLL and Student Accounts to ensure that the



University will implement the fee if the Referendum question passes where applicable.

**40.4 COLLECTION OF FEES.** All fees shall be collected by McGill University and transferred to the Society unless otherwise stated in an agreement between the University and the Society. The Society will then distribute the funds to the respective group.

**40.5 INITIATION.** All fees related funding for Services may be Council-initiated or student initiated, in accordance with Section 40. All other fee questions may only be Council-initiated.

#### **41. SOURCES OF FUNDING**

**41.1 SSMU BASE FEE.** A Referendum question may allocate a certain amount from the SSMU base fee to a Service or a Council initiative either annual or in each of the Fall and Winter semester.

**41.2 CREATION OF DEDICATED FEES.** A Referendum question may create a fee separate from the SSMU base fee to be allocated to a Service or a Council initiative.

#### **42. INDEPENDENT STUDENT GROUP AND THIRD PARTY FEE REFERRALS**

**42.1 GENERAL.** Independent Student Groups (ISGs) may levy fees through a Referendum. However since ISGs are separate legal entities, and the SSMU consequently cannot receive such fees on their behalf, the ISG must also independently reach agreement with the University that such a fee will be implemented if the Referendum is successful. In consultation with the Interest Group Committee, the Vice-President (Clubs and Services), President, and Vice-President (University Affairs) may advocate on behalf of the ISG to the University.

**42.2 CONDUCT OF BY-LAWS.** Any ISGs that choose to conduct Referenda through Elections SSMU must abide by these By-Laws. If these ISGs have their own electoral By-Laws and choose to abide by those, they must conduct their own Referendum independent of Elections SSMU, and be responsible for their Referendum's legitimacy.

**42.3 COUNCIL INITIATED QUESTIONS.** In exceptional circumstances, a Council-initiated Referendum question may seek to create a fee for a third party organization which does not hold Independent Student Group status. Such a Referendum question shall only be approved:



Students' Society of McGill University  
Association étudiante de l'Université McGill

**Office of the Speaker**  
Bureau de Président du Conseil

- (a) if a full and detailed presentation of the third party organization, detailing the benefits the organization the organization can provide to the Society's members, is made to Council;
- (b) if the Interest Group Committee recommends approval;
- (c) if prior written confirmation that the University has agreed that such a fee will be implemented if passed by Referendum is received;
- (d) if the CEO recommends approval; and
- (e) if a Resolution is passed by two-thirds (2/3) majority of Council.

**42.4 RELEVANCY.** Council-initiated Referendum questions shall not be approved for any third party organization with whom the Society's Members do not have a substantial demonstrable connection.

APPROVED