



Submitted for: November 15th, 2018

**Motion Regarding Changes to the Internal Regulations of Elections and Referenda 2018-11-15
(2)**

WHEREAS, April 12, 2018 minutes by the Governance Document Review Committee stated multiple concerns about deficiencies in the Internal Regulations governing electoral processes, attached as Appendix A;

WHEREAS, campaign spending limits were lowered in the past due to excessive postering by candidates and was done before online campaigning became mainstream¹;

WHEREAS, increasing campaign spending limits will allow both candidates and campaign committees to reach more Members during their campaigns;

BE IT RESOLVED, THAT Section 2 “General” of the Internal Regulations of Elections and Referenda be amended as follows:

5.1 REPORTS TO THE LEGISLATIVE COUNCIL. At the request of the Legislative Council, the Chief Electoral Officer shall report to the Legislative Council on any matters pertaining to Elections, Referenda, and their conduct. **The Chief Electoral Officer shall also report to the Legislative Council and the Board of Directors in confidential session after each electoral period to disclose all demerits accrued by all candidates and campaign committees during that electoral period.**

BE IT RESOLVED, THAT Section 3 “Elections” of the Internal Regulations of Elections and Referenda be amended as follows:

1.4 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 Constitution, the Internal Regulations, and the electoral guidelines; **that should they be elected, violation of the Constitution or the Internal Regulations is grounds for Censure or their removal from office;** that they

¹ https://ssmu.ca/wp-content/uploads/2010/01/ssmu_history-final1-opt.pdf



understand that they will be subject to sanctions imposed by Elections SSMU; and that they intend to remain a Member of the Society throughout their term in office.

4.1 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 identification number, faculty, and year of study. All members of a campaign committee are required to be Members.

BE IT RESOLVED, THAT Section 5 “Campaigning” of the Internal Regulations of Elections and Referenda be amended as follows:

1.3 CAMPAIGNING. Campaigning and related activities may only be carried out by Members. All campaigning for an Election must be carried out by the candidate and their authorized campaign committee. All campaigning for a Referendum must be carried out by members of the Referendum committee.

7.1 MAXIMUM CAMPAIGN EXPENSES. Each candidate or Referendum committee shall be permitted to spend the following maximum amount, in Canadian dollars, on campaigning:

- a) candidates for Election as an Officer shall be permitted to spend a maximum of ~~one hundred and fifty dollars (\$150)~~ **three hundred dollars (\$300)**;
- b) Referendum committees shall be permitted to spend a maximum of ~~two hundred dollars (\$200)~~ **four hundred dollars (\$400)**; and
- c) candidates seeking a position as an executive of the First Year Council, as an ~~Elected Undergraduate Senator~~, or as a Councillor representing the Clubs, as a Councillor representing the Services, ~~or an elected Undergraduate Representative to CKUT~~ shall be permitted to spend a maximum of ~~fifty dollars (\$50)~~ **one hundred dollars (\$100)**.

7.3 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 Chief Electoral Officer. Candidates who receive less than ten percent (10%) of the total vote may also be entitled to reimbursement so



Office of the Speaker | Bureau de président du conseil

Tel: (514) 398-6800 | Fax: (514) 398-7490 | speaker@ssmu.ca

3600 McTavish Street, Suite 1200, Montréal, Québec, H3A 0G3

Located on unceded, Kanien'kehá:ka traditional territory

long as the candidate did actively, and earnestly, solicit votes throughout the Campaign Period as determined by the Chief Electoral Officer.

Moved By:

Bryan Buraga, Senate Caucus Representative

Imogen Hobbs, Arts and Science Representative

Haoyi Qiu, Science Representative

APPROVED



Appendix A

Elections SSMU

2018/04/12

Present: Husayn Jamal (Speaker of Council), Matthew He (Chief Electoral Officer)

Broad Concerns

- Ugly grey zone: candidates and members of campaign committees have to follow these burdensome regulations but those who operate outside the campaign committee system do not
 - SSMU has no impact on the broader life of students/students at large
- Students lose the right to speak freely if they register as part of the campaign committees
 - E.g., [Name Redacted] distressed by actions of private/non-registered students
 - Stickers, inflammatory online remarks as private students
 - Suggestion: more power over students who don't register as part of campaign committees
 - How and is this even possible?
 - **Consider:** barring students from participating in SSMU organised events (Fac-O, etc.) if they breach elections regulations without being officially registered as part of a campaign committee
 - **Consider:** exclude students who do not officially register as part of a campaign committee that breach elections regulations from running for/holding SSMU elected office in the future
- Elections SSMU does not allow registration of no campaign committees against candidates
 - Created an ugly area where these individuals were not bound by the IRs and could do as they pleased/operate outside the scope of the IRs/elections regulations
 - Some wanted to register a no campaign committee but the IRs do not allow this; shows a demand for this to be possible
 - **Consider:** allowing creation of no campaign committees against candidates with strict regulations on acceptable/unacceptable conduct

Current problems in governance documents (broad or specific)

- Odd: clause in the By-laws (can be changed by CEO): CKUT and TVM can endorse candidates but cannot explain why
 - No good reason for this to exist; CEO will modify
- Demerit system: monetary penalties and a point system; can result in censure or disqualification but these demerits disappear as soon as an election is over



- **Consider:** Mandate Elections SSMU to write a confidential document for Legislative Council and/or Board of Directors on all demerits accrued my candidates during the election
- IR-04 sec. 1.3: 24 hours is not enough time to judge whether referenda questions are acceptable
 - **Consider:** 72 hours instead to allow the CEO/DEO greater time to judge whether referenda questions are congruent with the IRs and Constitution
- No quorum set for candidate elections; always gone by the same 15% for referenda but it should be somewhere
 - **Consider:** explicitly state quorum for candidate elections at the same 15% in the IRs
- Zero benefit of registering people as part of a campaign committee: candidates can suffer and be sanctioned
 - Current reason for campaign committees: “official media liaisons” is the current reason but this is a very weak reason
 - **Consider:** Specify that only members of campaign committees can make in-class announcements and have this rule enforced
 - Elections system seems to be held together by a system of precedent with little institutional knowledge
 - **IMPORTANT:** need to rethink what the values of being part of a campaign committee are, otherwise, this will push people to operate outside the jurisdiction of the IRs and elections regulations
 - If there is no benefit to being part of a campaign committee, then there needs to be thinking about how to reform this process entirely

Issues of broad language or contradictory provisions

- None raised

Provisions that do not reflect current practices that ought to be updated

- Stipulate who is responsible for processing reimbursements
 - Current practice: CEO compiles list and gives to VP Finance
 - **Instead state:** candidates must go to the VP Finance for reimbursement

Grey zones or matters where jurisdiction for complaints is unclear (e.g., Legislative Council versus Elections SSMU versus Equity versus Judicial Board)

- CEO gets a large degree of leeway on decisions concerning censure and disqualification
 - Grants efficiency so cannot take too much away
 - **Consider:** some oversight mechanism during the hiring of the CEO to protect against

Changes to governance documents passed by Legislative Council and the Board but never being formally updated in the text of the document itself



Office of the Speaker | Bureau de président du conseil

Tel: (514) 398-6800 | Fax: (514) 398-7490 | speaker@ssmu.ca

3600 McTavish Street, Suite 1200, Montréal, Québec, H3A 0G3

Located on unceded, Kanien'kehá:ka traditional territory

- Official text of IRs should ideally be updated more than once per year (after each change by LC so a single consolidated text exists and not a pathwork of motions and resolutions amending the IRs)

Governance fragmentation

- No issues raised; everything largely constrained to IRs/By-laws

Other changes that, in your opinion, would improve SSMU's governance and documents for Elections SSMU to operate with greater certainty and more efficiency

- None raised

To follow up:

- Alex Nehrbas (former CEO)
- Isaac Levy (current DEO)

APPROVED



Black Students' Network (BSN)

2018/04/13

Present: Husayn Jamal (Speaker of Council), Andreann Asibey (President, Black Students' Network), Christelle Tesson (Black Students' Network)

Broad Concerns

- Governance documents are boring and largely inaccessible
 - Not read by Services and important information is passed down internally through institutional knowledge
- **Suggestion:** Services Summit should be hosted at the beginning of each semester
- Governance documents are often repetitive in nature
- Important to increase community awareness of these issues
 - **Suggestion:** Should create infographics that provide an easy to understand governance structure
- Issue of Services representation to Legislative Council
 - Services representative to Legislative Council but they have a tendency to advocate only for their own interests
 - **Suggestion:** two Services representatives to Legislative Council; one for the "people focused" projects (e.g., BSN, UGE, QPIRG, MK, M-SERT) and one for the "student life" services (e.g., plate club, walksafe, drivesafe, flat bike collective)
- Cycles of change in SSMU; level of continuity across years is not maintained

Accountability and Oversight

- Board of Directors: do services ever come up? Does the BoD ever reach out to services?
- In the rare cases when the BoD does reach out to the BSN, they do so in an authoritative way and based on hierarchy
- Board of Directors selection needs to be reformed; idea of implementing quotas (quotas as equity)
 - **Suggestion:** blind hiring and review of applications for BoD members at the application stage
 - Board members should not be selecting the members at large for the BoD because they already have seats; BoD members should not be selecting their fellow Directors
 - **Suggestion:** no executives or Councillors on the nominating committee for BoD
- System of reporting for greater accountability: if there is a concern with the conduct of an Executive or Councillor, who does this get reported to? What is the procedure?
- Governance loop: LC, Executives, Councillors are accountable to the BoD, BoD made up of executives and Councillors. **Where is the accountability?**



Office of the Speaker | Bureau de président du conseil

Tel: (514) 398-6800 | Fax: (514) 398-7490 | speaker@ssmu.ca

3600 McTavish Street, Suite 1200, Montréal, Québec, H3A 0G3

Located on unceded, Kanien'kehá:ka traditional territory

- Executives should not be responsible for hiring as this can unnecessarily bring politics into staffing decisions (e.g., Speaker, Parliamentarian, GSVP Coordinator)

Other Concerns

- Vetting for Executive positions: need to be interviewing
- No system for hiring within SSMU and within services
- Look at how SSMU gives feedback post-interview: should not be flat and should not harm the person long-term; feedback that is overly negative
 - Need a very strictly set up HR policy that prevents blacklisting and harmful punitive action

APPROVED