



Submitted for: November 15th, 2018

## Notice of Motion Regarding Changes to the Internal Regulations of Elections and Referenda 2018-11-15 (1)

**WHEREAS**, the Society's Internal Regulations of Elections and Referenda have not been significantly revised over the past year;

**WHEREAS**, multiple sections in the Internal Regulations do not reflect practices in the recent years of the Society;

**WHEREAS**, multiple situations in past election and referendum periods have indicated inconsistencies and issues with the existing Internal Regulations of Elections and Referenda;

**WHEREAS**, previous Chief Electoral Officers have provided input on appropriate revisions based off of experience in the role;

**WHEREAS**, basic changes are being proposed to have our Internal Regulations match our current practices, and to resolve existing issues;

**BE IT RESOLVED, THAT** Section 2 "General" of the Internal Regulations of Elections and Referenda be amended by modifying article 5.3:

**5.3 TRANSMISSION OF MOTIONS TO ELECTIONS SSMU.** The Speaker, shall transmit all motions pertaining to Elections and Referenda to Elections SSMU no less than ten ~~(10)~~ **days seven (7)** days prior to the opening of polls. Any motion of the Legislative 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.

**BE IT RESOLVED, THAT** Section 2 "General" of the Internal Regulations of Elections and Referenda be amended by modifying article 6.2:



**6.2 REFERENDUM PERIODS.** Referenda are regularly held during the periods from the fifteenth (15th) of February to the thirty-first (31st) of March and from the fifteenth (15th) of October to the fifteenth (15th) ~~thirtieth (30th)~~ of November.

**BE IT RESOLVED, THAT** Section 3 “Elections” of the Internal Regulations of Elections and Referenda be amended by modifying article 1.8:

**1.8 VACANCIES.** If a non-Officer position is vacant after the extended Nomination Period or as a result of withdrawals, the Electoral Period shall carry on. To fill the position, the Legislative Council may call a by-election, fill the vacancy by appointment, or delegate the responsibilities to a sitting representative. **The Legislative Council may waive electoral period requirements and define exceptional electoral periods by way of a resolution passed by three-fourths (¾) majority, when the replacement of an Officer is deemed urgent and essential for the proper operation of the SSMU.**

**BE IT RESOLVED, THAT** Section 3 “Elections” of the Internal Regulations of Elections and Referenda be amended by modifying article 4.3:

**CANDIDATE SUBJECT TO SANCTION.** All committee members are responsible for adhering to these Internal Regulations, **the SSMU Constitution, and all SSMU Governance Documents.** The candidate may be subject to sanctions due to violations of the Internal Regulations **or any of the above-mentioned Documents** by any of their committee members.

**BE IT RESOLVED, THAT** Section 4 “Referenda” of the Internal Regulations of Elections and Referenda be amended by modifying article 1.2, 1.3, 1.6 and 1.9:

**1.2 LEGISLATIVE COUNCIL-INITIATED REFERENDUM QUESTIONS.** The Legislative Council may initiate a Referendum question by way of a resolution. Any motion to place a question before the Society by the Legislative Council must be presented as a written motion signed by **at least four (4) the number of Councillors stipulated in the Standing Rules, or where none exist, at least three (3)** Councillors and distributed to all Councillors **no later than 72 hours** prior to the meeting of the Legislative Council. If passed, it will be put to Members during the following Referendum period. The wording of a Referendum question must be approved by the Legislative Council fourteen (14) days prior to the opening of polls.



**1.3 STUDENT-INITIATED REFERENDUM QUESTIONS.** Any Member 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 as soon as possible** whether the proposed question respects the requirements of the Internal Regulations. The Member must then collect on a petition, clearly stating the Referendum question at the top of each page, the signatures of one hundred (100) Members with not more than thirty percent (30%) from any one faculty or school. All signatures must 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 may sign multiple petitions for Referendum questions. The Member shall submit the complete petition of signatures to the Chief Electoral Officer at least fourteen (14) days prior to the beginning of the Polling Period. Student-initiated Referenda may not alter the composition of the Society's staff or the Society's base fee. The Chief Electoral Officer 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 the Legislative Council within twenty-four (24) hours after the petition is approved.

**1.6 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 Governance Documents. The Chief Electoral Officer may reject any Referendum question they deem in violation of the Constitution or Internal Regulations. **Student-Initiated Referenda that seek to alter the SSMU Constitution will require approval by the Board of Directors, which shall be rendered at the Board's earliest convenience and upon consultation of relevant Governance Documents, as well as appropriate provisions of Canadian Law where necessary. Where the Board of Directors deems a legal issue may exist with the referendum question, it can vote to present the question to outside counsel for legal consultation. If the question is approved outside of the appropriate electoral timeline, it may be considered pre-approved for the following semester. Moreover, any significant changes to the question from its original form may require the collection of a new set of signatures, at the discretion of the CEO.** Any dispute or uncertainty arising from the Chief Electoral Officer's interpretation of a Referendum question shall be referred to the Judicial Board for an opinion.

**1.9 CONSTITUTIONAL AMENDMENT.** The Constitution may only be amended by Referendum, except for instances otherwise provided by law. 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 and shall be readily accessible on the online ballot. **Any**



**Referendum question proposing an amendment to the Constitution must be approved by a majority vote of the Board of Directors.**

**BE IT RESOLVED, THAT** Section 5 “Campaigning” of the Internal Regulations of Elections and Referenda be amended by adding the following article, 1.11:

**1.11 RESPECTING GOVERNANCE DOCUMENTS.** Candidates and Referendum committees shall act in accordance with all SSMU Governance Documents. Any activity deemed by the CEO to violate provisions of SSMU Governance Documents may be subject to sanction.

**BE IT RESOLVED, THAT** Section 5 “Campaigning” of the Internal Regulations of Elections and Referenda be amended by modifying articles 1.9, 5.3 and 7.6:

**1.9 CAMPAIGNING AREAS.** Campaigning is not permitted **within the vicinity of an Elections SSMU Polling Station, or** within **University residences,** libraries, and designated study areas at the University. Candidates may organize events in University residences as well as put up posters, so long as all candidates are given fair and equal access to such campaigning opportunities. **The use of privileged access to residences, due to working within the residences or official student bodies therein, is strictly prohibited.**

**5.3 ELECTRONIC MAIL.** Candidates **and campaign committee members** may not send unsolicited electronic mail **or messages on any social media platform** for the purpose of campaigning. This refers to any electronic mail **or messages** 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 Student Association listservs.

**7.6 PUBLICATION OF EXPENSES.** Elections SSMU shall **make every effort to** review all receipts and **shall** prepare and make available a summary of all expense reports to the Members within four (4) days of the announcement of Elections results. **If candidates fail to submit expense reports on time, their campaigns may be subject to sanction, at the CEO's discretion.**

**BE IT RESOLVED, THAT** Section 5 “Campaigning” of the Internal Regulations of Elections and Referenda be amended by adding article 5.5:

**5.5 ONLINE ADVERTISEMENTS.** The Chief Electoral Officer will decide, prior to the start of every campaign period, whether to allow the use of online advertising platforms (including but not limited to Facebook, Instagram, and Twitter advertising). The CEO's decision regarding online ads will be included in the online campaigning regulations



discussed in 5.1. Candidates and Campaign Committee members will not be permitted to use advertising platforms that are not explicitly approved by the CEO. They shall also be responsible for keeping official receipts of their transactions on any such platform for the CEO to scrutinize. Exceeding the campaign spending limit, or otherwise violating the CEO's regulations regarding online advertising platforms, is strictly prohibited, and will be subject to sanction at the discretion of the CEO.

**BE IT RESOLVED, THAT** Section 6 "Polling, Scrutineering, Voting and Counting" of the Internal Regulations of Elections and Referenda be amended by modifying article 1.3:

**1.3 LOANING.** The online voting system may be loaned by Elections SSMU subject to a fee and contract established by Elections SSMU. **Elections SSMU reserves the right, at the discretion of the CEO, to refuse loaning the online voting system to any organization that lacks an adequate supervisory body for elections and referenda. A decision by the CEO to refuse loaning the Elections SSMU online voting system may be appealed to the Legislative Council, which can overturn the CEO's decision by a  $\frac{2}{3}$  majority vote.**

**BE IT RESOLVED, THAT** Section 6 "Polling, Scrutineering, Voting and Counting" of the Internal Regulations of Elections and Referenda be amended by adding article 1.4:

**1.4 ONLINE BALLOT CANCELLATION.** Where a ballot is found to be faulty, or in violation of the Internal Regulations of Elections and Referenda, the CEO may decide to cancel the ballot and immediately communicate said cancellation to SSMU Members. In such a case, the CEO shall endeavor to upload a corrected ballot as soon as possible and announce the new ballot to Members. If the CEO decides *not* to cancel a faulty ballot, their decision may be appealed by SSMU Members to the Board of Directors or the Judicial Board, which shall review the ballot with input from both the CEO and the complainant(s) before issuing a ruling regarding whether to accept the CEO's decision, or to cancel the ballot and issue a new one.

**Moved By:**

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