



# MOTION REGARDING AMENDMENTS TO THE INTERNAL REGULATIONS OF ELECTIONS AND REFERENDA 2020-01-30

Submitted for: 2020-01-30

<b>Submitted to:</b>	SSMU Legislative Council	<b>Document no.:</b>	LEG-PUB-MOT-2020-01-30-003
<b>Moved by:</b>	Bryan Buraga <i>President</i>	<b>Current Status:</b>	<input type="checkbox"/> FOR APPROVAL <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> POSTPONED <input type="checkbox"/> COMMITTED <input type="checkbox"/> NOT APPROVED
<b>Seconded by:</b>	Maxine Wu <i>Science Representative</i>		

## Issue

The Internal Regulations of Elections and Referenda need to be amended as some information and regulations need to be adjusted prior to the Winter 2020 Executive Elections and Referendum period. This has been brought forward by Elections SSMU, as they have noticed that multiple sections should be updated to properly reflect best practices for elections and referenda.

## Background and Rationale

The Internal Regulations of Elections and Referenda were last updated on October 24, 2019.

This current revision of the IRs is proposed by the Chief Electoral Officer and Deputy Electoral Officer, who have been working on these proposed amendments as they have noticed that our sections of the IRs needed to be updated, or struck.

In order to conduct successful and proper elections and referenda, these amendments should be adopted by the SSMU. For instance, in addition to 'Yes' and 'No' options, we are proposing a 'None of the Above' option for elections.



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<b>Alignment with Mission</b>	This motion is aligned with the SSMU mission, to provide a proper and clear service and representation to our membership.
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<b>Consultations Completed</b>	Elections SSMU (CEO and DEO) were in consultations for these amendments, in addition to the President and the Governance Manager of the Society.
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<b>Risk Factors and Resource Implications</b>	Certain risk factors may occur in regards to these amendments: restriction of food distribution during Electoral Period. Campaigning in libraries will be prohibited.
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<b>Sustainability Considerations</b>	A proposed amendment is to lower the maximum spending amount of \$400 for referendum committees, to a maximum of \$300.
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<b>Impact of Decision and Next Steps</b>	<p>An information guide will be distributed, as needed, during elections and referenda periods, in order to ensure that, if these amendments are approved, the Membership follows the rules and regulations put in place.</p> <p>Any questions regarding elections or referenda may be directed to Elections SSMU or the Governance Manager.</p>
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<b>Motion or Resolution for Approval</b>	Be it resolved that the Legislative Council approve the amendments to the Internal Regulations of Elections and Referenda in Appendix A.
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<b>Results of the Vote</b>	<table><tr><td>In favour</td><td>(20)</td></tr><tr><td>Opposed</td><td>(0)</td></tr><tr><td>Abstain</td><td>(0)</td></tr></table>	In favour	(20)	Opposed	(0)	Abstain	(0)
In favour	(20)						
Opposed	(0)						
Abstain	(0)						

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## Appendix A : Relevant Appendix

# INTERNAL REGULATIONS OF ELECTIONS AND REFERENDA-02: GENERAL

## 2.3. RESTRICTIONS.

No Electoral Officer may be:

- a) a member of the Legislative Council (including the Speaker), an Officer, a member of the Judicial Board, or a member of the Senate Caucus;
- b) a former member of the Legislative Council or a former Officer;
- c) a councillor or executive of a Student Association;
- d) a member of Society Staff in any other capacity;
- e) a member of the editorial staff of any campus media;
- f) a candidate or member of a campaign committee; ~~or~~

## 2.4. APPOINTMENT.

The Electoral Officers shall be a hired position through an application process ~~under the portfolio of the President,~~ reporting to the ~~General Governance Manager.~~

# INTERNAL REGULATIONS OF ELECTIONS AND REFERENDA-03: ELECTIONS

## 1.2 Meeting with the Incumbent

All Members wishing to stand for Election to become an Officer must make all reasonable efforts to meet with the incumbent Officer, or an alternative Officer at the discretion of Elections SSMU, to discuss the position and its responsibilities. Failure to do so ~~will result in disqualification. may result in sanction at the discretion of Elections SSMU.~~



## 4.1. Formation of a Campaign Committee

Each candidate shall be the Chair of their own Campaign. 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.

## 4.2. Addition of Committee Members

After a campaign committee is formed in accordance with these Internal Regulations, the candidate may recruit additional members by submitting their name, student identification number, faculty, and year of studies 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.

## 4.23. Candidate Subject to Sanction

All Campaigns 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.

# INTERNAL REGULATIONS OF ELECTIONS AND REFERENDA-04: REFERENDA

## 1.10. Notice of Questions

Notice of the Referendum and detailed instructions regarding the formation of “Yes” and “No” Campaigns Committees shall be distributed by a Public Notice to Members.

## 1.11. Withdrawals

“Yes” or “No” Campaigns 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 the Referendum



committee for student-initiated committees or by a resolution of the Legislative Council for Legislative Council-initiated committees.

## 3.2. Mandatory Meeting

This meeting is mandatory for all **Referendum committee** Campaign Chairs or a representative from the **Referendum committee**. Absences must be approved by the Chief Electoral Officer. Unapproved absences may be subject to sanction. All **Campaign Chairs committees** absent from this meeting shall be deemed to be in full knowledge of the information disseminated at this meeting.

## 4.1. Formation of a **Referendum Campaign Committee**

A “Yes” or “No” **Campaign committee** can be formed for accepted Referenda questions by way of a petition signed by ten (10) Members a proposal by a Campaign Chair 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, and a list of committee members, all of whom are Members, must be submitted to Elections SSMU.**

## 4.2. Restrictions

No Member may act as a member of both “Yes” and “No” **Campaigns committees** of the same question.

## 4.3. Responsibilities of Members

After the “Yes” or “No” committee is formed in accordance with these **Internal Regulations, the chair of the committee may recruit additional members by submitting their names and student identification numbers 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 Internal Regulations. The Referendum Campaign committee may be subject to sanctions due to violations of the Constitution or Internal Regulations by any of its committee members.**



# INTERNAL REGULATIONS OF ELECTIONS AND REFERENDA-05: CAMPAIGNING

## 1.1 General

The Chief Electoral Officer shall distribute electronic copies of relevant Internal Regulations, Policies and University regulations to all candidates prior to the beginning of the Campaign Period. Failure to comply with these Internal Regulations may result in the disqualification of a candidate or Referendum committee, invalidation of Elections or Referenda, or any other sanctions deemed appropriate by Elections SSMU. All provisions of the Internal Regulations apply equally to all Campaigns candidates, campaign committees, and Referendum committees unless otherwise specified.

## 1.2. Spirit of a Fair Campaign

Campaigns Candidates and Referendum committees shall respect the spirit of a fair campaign and shall conduct themselves with full respect of other candidates and committees. Any activity deemed by the Chief Electoral Officer to impinge on these principles may be subject to sanction.

## 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.

## 1.4. Campaign Period

The Chief Electoral Officer shall designate a specific period in which campaigning is permitted. Such a period shall be called the Campaign Period. Campaigns Candidates and Referendum committees shall be permitted to Campaign throughout the Polling Period. There shall be no campaigning during any other period, including the Nomination Period.



## 1.5. External Bodies

No External Body may be directly or indirectly involved in the activities of, or in the implicit or explicit support of Campaigns, Referendum committees or candidate's campaign committees. Any Campaign Referendum committee or candidate believed by the Chief Electoral Officer to have received assistance, either direct or indirect, from an External Body may be subject to sanction up to and including disqualification of a candidate or Referendum committee and/or invalidation of an Election or Referendum.

## 1.6. Exception - Health Insurance Fee

In the event of a question on the renewal or alteration of the Society's group insurance plan, the plan provider may provide information to a Member when solicited for information by that Member. The plan provider may also provide to the Campaign committee materials for distribution to Members, provided that the materials are declared at fair value, as determined by Elections SSMU, in the campaign committee's budget. This plan provider itself may not distribute campaign materials to Members who are not members of the Campaign committee.

## 1.7. Exception - Student Federation Affiliation

In the event of question on the affiliation with, continued affiliation with, or disaffiliation from a Federation, the Federation may provide information to a Member when solicited for information by that Member. The Federation may also provide to the Campaign committee materials for distribution to Members, provided that the materials are declared at fair value, as determined by Elections SSMU, in that Campaign committee's budget. The Federation itself may not distribute campaign materials to Members who are not members of the Campaign committee.

## 1.8. Interference with Campaigning

Campaigns Candidates and their respective committees shall not interfere with the distribution of campaign material or engage in slanderous campaigning.

## 1.9. Campaigning Areas

Campaigning is not permitted within the vicinity of an Elections SSMU Polling Station, or within University residences, and 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.

## 1.11. Respecting Governance Documents

Campaigns 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.

### 2.1. General

No Campaign 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 Chief Electoral Officer.

### 2.2. Association Executives

No officer, director, or employee of the Society or of a school, faculty, or departmental association may use their position, or any benefits associated with it, in order to aid a Campaign or Referendum committee.

### 2.4. Temporary Suspension of Duties

During the Campaign Period, all Campaigns candidates with a position providing access to broadcasting and/or programming abilities shall forgo their programming and broadcasting responsibilities. Likewise, all Campaigns candidates who have editorial duties, including contributions, with a campus publication shall refrain from fulfilling those duties during the Campaign Period.

### 4.1. Pensketches

All Campaigns' candidates' Pensketches shall be made available through Elections SSMU and/or on the Society website at the start of the Campaign Period, provided that they are submitted according to the deadline and requirements set by the Chief Electoral Officer.



## 4.2. Hyperlinks

Elections SSMU shall provide up to four hyperlinks from the Elections SSMU website to each Campaign candidate or campaign committee's online campaign platforms.

## 5.2. Consultation of Elections SSMU

Where the Chief Electoral Officer has not issued clear regulations regarding campaigning on a specific online platform, the Campaign candidate, campaign committee member, or Referendum committee member must consult Elections SSMU prior to using the platform for campaigning purposes.

## 5.3. Electronic Mail

Campaigns Candidates and campaign committee members may send unsolicited electronic mail or messages on social media platforms for the purpose of campaigning. Campaigns Candidates and campaign committee members may not use distribution lists to this effect, unless such a distribution list was assembled for the purpose of campaigning and with the consent of its recipients, or unless they are otherwise authorized to do so by the Chief Electoral Officer. Electronic communications must not be abusive, and recipients must be able to refuse further communication of the type they have received. The first infraction of this article will warrant a warning to the relevant Campaigns Candidates or campaign committee members, and further infractions may be met with demerit actions.

## 5.4. External Involvement

External Bodies are restricted from any form of campaigning or support on any social media, mobile, or online platform. Each Campaign candidate shall be expected to make a reasonable effort in enforcing this rule. The Chief Electoral Officer shall have final consideration as to what constitutes as unauthorized support on a social media, mobile, or online platform.

## 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. Campaigns 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.

## 6.1. Gifts and Promises

**Campaign candidates** may not distribute or promise gifts of any kind during the Electoral Period. The Chief Electoral Officer shall have the discretion to determine what gifts or promises violate the principles of a fair campaign.

## 6.2. Food

Food may not be distributed by Campaigns during the Electoral Period. **Campaigns Candidates and campaign committee members thereof, 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) 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.**

## 6.3 Campus Media

Other than news coverage, no **Campaign candidate, campaign committee member, or Referendum committee member** shall have access, either directly or indirectly, to radio features or public service announcements. **Campaign Candidates and Referendum committees** are not permitted to approach campus publications or student media; the Chief Electoral Officer shall send the **Campaign candidates and Referendum committees'** contact information to campus publications and student media once they become available.

## 6.5. Restriction on Campaigning

The Chief Electoral Officer may prohibit campaigning activity or the dissemination of any campaign materials that, in their judgment, contravene the Governance Documents or the spirit of a fair campaign. **Campaigns Candidates** should seek the approval of the Chief Electoral Officer before disseminating any materials or engaging in any campaign activity but they shall nevertheless be ultimately responsible for activity engaged in, or material disseminated, on their behalf that contravenes the Governance Documents or the spirit of a fair campaign.



## 7.1. Maximum Campaign Expenses

Each Campaign candidates and Referendum committees shall be permitted to spend the following maximum amount, in Canadian dollars, on campaigning:

- a. Campaigns candidates for Election as an Officer shall be permitted to spend a maximum of three hundred dollars (\$300);
- b. Referendum Campaigns committees shall be permitted to spend a maximum of four hundred dollars (\$400) ~~spend a maximum of three hundred dollars (\$300)~~; and
- c. Campaigns candidates seeking a position as an executive of the First Year Council or as a Councillor representing the Society's Clubs, as a Councillor representing the Society's Services shall be permitted to spend a maximum of one hundred dollars (\$100).

## 7.2. Spending Reports

Campaigns candidates must electronically publish an updated spending report during the Campaign Period as expenses are incurred.

## 7.3. Reimbursement

All Campaigns candidates who receive at least ten percent (10%) of the total vote, and all Referendum Campaigns 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. Campaigns 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 Chief Electoral Officer.

## 7.4. Expense Reports and Reimbursements

All Campaigns candidates shall submit a complete expense report, campaign receipts, and requests for reimbursement to the Chief Electoral Officer within two (2) days of the announcement of the Election results or by the deadline set by the Chief Electoral Officer. No candidate or Referendum committee shall be entitled to reimbursement of campaign expenses if original itemized receipts are not provided.



## 7.5. Fair Market Value

All Campaigns candidates and Referendum committees must pay at least fair market value for any campaign expenses, which shall mean the lowest price for any given product available to the public in the Montreal region. Where a Campaign candidates or Referendum committees receives or purchases materials for less than Fair Market Value, the Campaign candidates or Referendum committees 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 Chief Electoral Officer shall distribute detailed information to the Campaigns candidates and committees in advance and have final say in what constitutes as Fair Market Value.

## 7.6. Publication of Expenses

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

## 7.7. Audits

All Members are entitled to request an inquiry into the campaign spending of a Campaigns candidate within three (3) days of the Chief Electoral Officer's publication of a Campaigns candidate's expenditures. In the case of such a request, the Chief Electoral Officer shall evaluate the campaign spending of the Campaign candidate in question.

## 8.2. Responsibilities of Candidates

Campaigns candidates seeking endorsement must:

- a. ensure that all the relevant decision-making body is aware of these Internal Regulations;
- b. not seek endorsement from any Student Association to assist their campaign; and
- c. disclose any affiliations to the organization from which the endorsement is sought when sharing the endorsement.

## 8.3. Responsibilities of Referendum Committees

Referendum Committees seeking endorsements must:

- a. Ensure that the relevant decision-making body is aware of these Internal Regulations;



b. Disclose any affiliations of members of the campaign committee to the organization from which the endorsement is sought when sharing the endorsement.

## 8.4. Responsibilities of the Organization

An organization wishing to give an endorsement is required to ensure that all Campaigns candidates or referendum committees for or against the question attend an in-person meeting of, and/or submit a written statement to, the organization in advance of an endorsement decision. After meeting the Campaigns candidates and Referendum committees or receiving such written statements, an organization is not obliged to give an endorsement. Should they choose to give an endorsement, the organization shall:

- a. exclude any Campaign campaign committee members or Referendum committee members from the endorsement decision-making process;
- b. disclose any affiliations to Campaigns of candidates or Referendum committee members to their organization in any Public Notice regarding an endorsement decision; and
- c. limit endorsements to electronic communications, such as an electronic mail to the membership, or through any of the organization's social media channels.

## 8.5. Infractions

Failure to comply with these regulations may result in sanctions for the Campaigns candidates or Referendum committees by the Chief Electoral Officer. Organizations who are not affiliated with the Society are urged to act in the spirit of these Internal Regulations.

# INTERNAL REGULATIONS OF ELECTIONS AND REFERENDA-06: POLLING, SCRUTINEERING, VOTING, AND COUNTING

## 4.1. BALLOT ORDER.

The position of each name on an Elections ballot shall be randomized for all ballots. Elections ballots shall include a "None of the Above" option. Referenda options shall appear in the following order unless otherwise required:

- a) "Yes";
- b) "No"; and
- c) "Abstain".



## 4.2. Pensketches

All Campaigns 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 Chief Electoral Officer; the Chief Electoral Officer has the discretion to accept or reject any submissions submitted after this deadline.

## 4.3. Casting of Votes

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

## 4.4. UNSUCCESSFUL CANDIDATES.

If "None of the Above" receives a plurality of votes, no candidate shall be declared elected. The Chief Electoral Officer shall, pending the approval of the Legislative Council, immediately declare a Nomination Period of four (4) business days via a Public Notice to all eligible voters through electronic mail. Regular nomination rules and procedures follow. Any Member, including any previous 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 campaign and polling regulations shall apply. If no candidate is declared elected by this procedure, the Legislative Council may fill the position using procedures outlined in these Internal Regulations.

# INTERNAL REGULATIONS OF ELECTIONS AND REFERENDA-08: SPECIAL ELECTIONS

## 1.1. General

Three (3) Councillors shall be elected annually, 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 administered by Elections SSMU and is to be held before the end of the academic year is to be held



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at the beginning of each academic year, with the Polling Period lasting for at least seven (7) business days. Public Notice shall be given at least ten (10) days prior to the first day of the Polling Period.

APPROVED