



MOTION REGARDING AMENDMENTS TO THE INTERNAL REGULATIONS OF ELECTIONS AND REFERENDA 2021-02-11

Submitted for: 2021-02-11

Submitted to:	SSMU Legislative Council	Document no.:	LEG-PUB-MOT-2021-02-11-001 (to be assigned by Steering)
Moved by:	Gifford Marpole <i>Vice-President (Finance)</i>	Current Status:	<input type="checkbox"/> FOR APPROVAL <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> POSTPONED <input type="checkbox"/> COMMITTED <input type="checkbox"/> NOT APPROVED
Seconded by:	Jake Reed <i>Engineering Representative</i>		

Issue

Following the Fall 2020 Elections, Elections SSMU believes an addition needs to be made to the Internal Regulations to facilitate student engagement with referenda, and strengthen the SSMU's democratic infrastructure. As such, Elections SSMU proposes an addition to the internal regulations to strengthen student elections and accountability.

Explicit period to form "NO" campaigns

- *Form up to 3 days before polling starts*
- *Lower signature threshold (25) to account for limited formation time.*
- *Additional elections IR meeting to ensure compliance with Internal Regulations.*
- *Commitment to making referendum questions available to students for review as early as possible to allow formation of dissenting opinions.*

Background and Rationale

In the past several SSMU referenda, there has been a noted absence of formal "No" campaigns for proposed referendum questions. While this may just be a result of strong student support for the proposed questions, Elections SSMU notes that the current Internal Regulations have no explicit guidelines for the formation of such campaigns. With this in mind, this



motion seeks to establish a formal period for students to form “No” campaigns, starting when the campaign period begins and referendum questions are released and ending three days before the beginning of the polling period. This period will aid in the empowerment of divergent opinions and foster meaningful discussion surrounding referendum questions by providing dissenting members access to the same platform as members in favor of referendum questions.

Alignment with Mission

This motion aligns with SSMU’s mission to represent all members, and increases accessibility to the formal procedures used to make decisions affecting those members.

Consultations Completed

This motion was drafted in consultation with Elections SSMU, Governance Manager and Vice-President (Finance), and is the result of discussion conducted over both the 2019-2020 and 2020-2021 academic years.

Risk Factors and Resource Implications

There is some concern over the lower signature threshold (25) required for forming a “No” campaign versus proposing a student initiated question (typically 100, changed to 50 during only this academic year). This lower threshold may allow the formation of campaigns that do not hold as strong convictions regarding a given referendum question, and may not treat electoral regulations with sufficient respect. We feel, however, that given the limited time to form a “No” campaign, this lower threshold is a necessity to ensure campaigns are able to effectively promote their position. We believe it is important to review this number should issues arise.

Sustainability Considerations

Given that this motion may promote the formation of more campaign committees, it is important to note that this may increase the amount of resources being used for campaigning. At the moment, this does not present an issue as all campaigning is conducted online. As campaigning transitions to being in-person again, this should be considered. Elections SSMU is committed to informing campaign members of sustainable resources and practice when campaigning is in-person, and will continue to review the means by which campaigning is allowed to occur.



Impact of Decision and Next Steps

Should these amendments be approved before the beginning of the Winter 2021 Referendum campaign period (March 9th), Elections SSMU is committed to enforcing a period for members to form “No” Campaigns. This should include sufficient notice of proposed referendum questions, deadlines for “No” campaigns to form and submit signatures, and information on an additional campaign meeting, should the need for one arise. This information will be disseminated through the Elections SSMU Facebook, website, and email, and supported by SSMU social media and other outlets as necessary.

Should these proposed amendments be approved, the Office of the Governance Manager will update the Internal Regulations of Elections and Referenda and make the document available on the Society’s website.

Motion or Resolution for Approval

Be it resolved that the Legislative Council approves the additions to the Internal Regulations of Elections and Referenda proposed in Appendix A.

Results of the Vote

In favour	(29)
Opposed	(0)
Abstain	(1)



Appendix A : Relevant Appendix

INTERNAL REGULATIONS OF ELECTIONS AND REFERENDA-04: REFERENDA

1. Referendum Questions

1.1. General

Referenda may be initiated by the Legislative Council or by Members.

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 the number of Councillors stipulated in the Standing Rules, or where none exist, at least three (3) Councillors and distributed to all Councillors 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 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.

1.4. Waiver of Deadline

The fourteen (14) day deadline for approval of Legislative 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 the Legislative Council and approval by the Chief Electoral Officer. If this deadline has been waived or postponed by the Legislative Council, there shall be a Public Notice indicating so, posted on the Society's website and distributed via the Society's listserv. Each question shall be considered separately, and a motion to waive or postpone this deadline shall only apply to one (1) question at a time.

1.5. Exception

The fourteen (14) day deadline for approval of Legislative Council-initiated Referendum questions shall not apply to the Referendum Respecting the Election of Councillors to the Board of Directors.

1.6. "No" Campaign Formation Period

Following the beginning of the campaign period and the release of all referendum questions included on the ballot, members may form a campaign in opposition to a referendum question by informing the Chief Electoral Officer. The member must then collect the signatures of over twenty-five (25) members and submit this to the Chief Electoral Officer at least 3 days before the beginning of the polling period in order to begin campaigning. "No" campaigns are subject to the same campaign regulations as "Yes" campaigns and must report all committee members to Elections SSMU.

1.7. 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.

1.8. Fee Questions

All referendum questions proposing Society fees shall follow the requirements outlined in the Internal Regulations of Finances and **must be reviewed by the Vice-President (Finance) during the Nomination Period.**

1.9. Quorum

Quorum for all Referenda shall be fifteen percent (15%) of Members.

1.10. 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.

1.11. Notice of Questions

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

1.12. Withdrawals

"Yes" or "No" Campaigns 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.



2. Plebiscites

2.1. Approval of Plebiscites

The Legislative Council shall approve semesterly 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.

2.2. Campaigning

Campaigning for Plebiscites is permitted. The Legislative Council may make available unbiased information about the topic.

2.3. Non-Binding

Plebiscites are non-binding and are used for acquiring the opinion of Members.

3. Information Meeting

3.1. General

Elections SSMU shall organize and promote an information meeting for all Referendum committees before the start of an Election's Campaign Period. The purpose of this meeting shall be to inform Referendum committees of electoral regulations and important times and dates.

3.2. Mandatory Meeting

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

3.3. Recording

The information meeting shall be recorded by Elections SSMU. An audio recording must be taken but a video recording may also be used.



3.4. Meeting for “No” Campaigns

For “No” Campaigns formed after the beginning of the campaign period, Elections SSMU must ensure that the chairs of those campaign committees are aware of the Electoral Regulations and relevant dates by hosting an additional meeting before the beginning of the polling period. This meeting will also be mandatory and subject to recording.

4. Referendum Committees

4.1. Formation of a Campaign

A “Yes” or “No” Campaign can be formed for accepted Referenda questions by way of a proposal by a Campaign Chair.

4.2. Restrictions

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

4.3. Responsibilities of Members

The Campaign may be subject to sanctions due to violations of the Constitution or Internal Regulations.