



University Students' Council Of Western University

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## **Elections Procedures of the University Students' Council**

### **Elections Procedure Code**

The University Students' Council of the University Western Ontario, hereinafter called the "Corporation" is a governing body incorporated in 1965 under Letters Patent with Directors and members duly elected by the students of the University of Western Ontario, and, in this capacity, the Corporation finds itself concerned with the democratic operation of electoral rules and procedures by which it abides. As such, the Corporation has approved the procedures and standards set out in this Bylaw in an attempt to accomplish the following:

### **Vision Statement**

To maximize the opportunity for students to be involved in USC-governed elections at the University of Western Ontario, as candidates, voters, and informed individuals.

Principles:

1. To ensure fairness and democracy.
2. To provide a manner of balloting that is efficient, effective, impartial and confidential.
3. To increase student awareness as to the occurrence of student elections.
4. To allow any student to be a candidate in an election regardless of financial status.
5. To raise the level of debate surrounding student issues.
6. To protect the reputation of the University and the USC in the City of London and elsewhere.

### **Statement of Independence**

The USC shall not endorse or support the views of any Candidate in any election. Further, the views of any Candidate during the course of campaigning shall not necessarily represent the views of the USC or current Elected or Appointed Officials.

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## Bylaw #2: Election Bylaw

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### PART A: ELECTIONS

#### 1. DEFINITIONS

- 1.1. For the purpose of this Bylaw, in addition to definitions from **Bylaw #1**, these terms shall be defined as follows regardless of capitalization:
- 1.1.1. **Acting in Contempt** means willful disobedience to, or open disrespect of, the Committee.
  - 1.1.2. **Arm's-length Party** means any individual or group who is not a campaign volunteer.
  - 1.1.3. **Campaign Material** means any item, giveaway, design, social media post or other electronic communication, sound, symbol, or mark that is created or copied in any form in order to and/or likely to influence at least one voter to cast a ballot in favour or in opposition of a candidate.
  - 1.1.4. **Campaign Period** means the designated days during which a candidate may campaign, as set by the CRO.
  - 1.1.5. **Campaigning** means any attempt by an individual or organization to encourage a student to cast a ballot in favour or in opposition of a candidate. This may occur with or without campaign material.
  - 1.1.6. **Campaign Volunteer** means an individual, group, or organization who a Candidate knew, or reasonably ought to have known, would assist that candidate with campaigning and/or the logistics of campaigning.

- 1.1.7. **Candidate** means any individual that appears as a single political entity on the voting ballot.
- 1.1.8. **Committee** means the Elections Governance Committee.
- 1.1.9. **CRO** means Chief Returning Officer of the USC.
- 1.1.10. **Days** means school days unless specified otherwise.
- 1.1.11. **Distribute** means the dissemination of campaign materials by a candidate, or a campaign volunteer, to any individual or group.
- 1.1.12. **Divisional Election** means an election for representatives of undergraduate constituencies (Faculty Councils and Affiliate Councils).
- 1.1.13. **Election** shall include any by-election.
- 1.1.14. **Endorsement** means supporting a candidate either verbally or through the provision of materials, advertisements, campaign volunteering, or financial or non-financial donations.
- 1.1.15. **Fall Semester** means the session of the academic year starting in September and ending at the conclusion of the December exam period.
- 1.1.16. **Plebiscite** means a question posed to Western University's student body, the results of which are non-binding.
- 1.1.17. **Presidential Election** means an election for President of the USC.
- 1.1.18. **Prospective Candidate** means an individual or group of individuals who have expressed an interest in running in a USC Election regardless of having submitted a Declaration of Candidacy. One shall be considered a prospective candidate up until the moment one receives confirmation of the validity of their nomination form from the CRO or their designate.
- 1.1.19. **Proxy** a student who is given the authority by a candidate to attend and act on the candidate's behalf.
- 1.1.20. **Referendum** means a question posed to Western University's student body, the results of which shall be binding only if a minimum of 20% of the student body votes in the referendum.

- 1.1.21. **Regulations** means guidelines released by the Elections Governance Committee indicating how the Bylaw will be interpreted and applied.
- 1.1.22. **Secretary of the University** as defined by the University of Western Ontario.
- 1.1.23. **Spoiled vote** means any ballot cast that is not a valid vote.
- 1.1.24. **Student** includes any individual with undergraduate status registered at the University of Western Ontario, King's University College, Huron University College, or Brescia University College unless otherwise specified.
- 1.1.25. **Third-Party Fee** is a fee that funds a program or service run by an organization other than the USC that benefits Western students.
- 1.1.26. **University** means the University of Western Ontario together with King's University College, Huron University College, and Brescia University College.
- 1.1.27. **USC** means University Students' Council of the University of Western Ontario.
- 1.1.28. **USC recognized organization** shall include but is not limited to: Members of Council, clubs, Faculty Councils, USC Services, Affiliate Councils, and accredited groups.
- 1.1.29. **University recognized organizations** shall include but is not limited to: Western Athletics, sports teams, Residence Councils, and Faculty Associations.
- 1.1.30. **Valid Vote** means any ballot that is cast with x number of candidates selected when the voter can legally select y number of candidates, and where  $y + 1 > x > 0$ .
- 1.1.31. **Vice-Presidential Election** means an election for the Vice-President External Affairs or the Vice-President University Affairs.
- 1.1.32. **Votes Cast** means the total of valid votes and spoiled votes.
- 1.1.33. **Winter Semester** means the session of the academic year starting in January and ending at the conclusion of the April exam period.

## 2. JURISDICTION

- 2.1. Jurisdiction of this Bylaw shall extend to include all students registered at the University.
- 2.2. The provisions of this Bylaw shall extend to the on-campus and off-campus actions of any and all candidates and campaign volunteers, given that those actions are within the scope of a USC election, by-election, plebiscite, and/or referendum conducted by the USC.

- 2.3. The provisions of this Bylaw shall apply to those USC elections, by-elections, plebiscites, and referenda conducted by the USC.
- 2.4. Notwithstanding section 2.2, the Secretary of the University is the Chief Returning Officer of the Board of Governors' and Senate elections. The CRO shall assist the Secretary of the University in the facilitation and regulation of Board of Governors and Senate campaigning.
- 2.5. For the purposes of expediency and fairness, in the event of a by-election for faculty, residence, or college representatives, the Committee may, at its discretion, surrender jurisdiction of the election to the respective faculty, residence, or affiliate college student council.
- 2.6. No Election, referendum, or plebiscite conducted outside of the jurisdiction of this Bylaw concerning the USC shall be recognized by the USC, unless the election is independently administered by a faculty or affiliate council to cover activities solely within the purview of that organization.
- 2.7. All USC-Affiliated Organizations shall be responsible for upholding the provisions of this Bylaw.

### **3. ADMINISTRATION OF BYLAW #2**

- 3.1. It will be the duty of the CRO and the Committee to administer this Bylaw, and to uphold its Visions and Principles.
- 3.2. The CRO and the Committee shall have the sole authority to enforce the provisions of this Bylaw.
- 3.3. The Elections Governance Committee shall:
  - 3.3.1. Be composed of:
    1. The Chief Returning Officer (CRO), *ex-officio*, as chairperson, voting;
    2. The Deputy Returning Officer (DRO), *ex-officio*, as vice-chairperson voting;
    3. The Vice-President Governance and Finance (Secretary-Treasurer), *ex-officio*, as a resource, non-voting;
    4. Up to nine (9) students of the University, voting;
    5. Manager of Governance and Election Services, *ex-officio*, as a resource, non-voting

6. Further details of the Elections Governance Committee composition are noted in the **Elections Governance Committee Terms of Reference**.

3.3.2. Oversee the Spring, Fall, and Vice-Presidential Elections in accordance with the provisions of Bylaw #2.

3.3.3. Develop and maintain a clear set of criteria and considerations to be used by the Committee when making decisions relating to elections.

1. The Committee may release Regulations detailing how Bylaw #2 will be interpreted and applied during an election period. The Regulations shall be binding as though they were a part of the Bylaws, provided that:
  - a. The Regulations are strictly consistent with the Bylaws and the provisions included therein;
  - b. The Regulations are openly available to candidates at the start of nominations; and
  - c. The Committee recommend to Council any Bylaw amendments related to Regulations issued as soon as possible following the conclusion of the Election period if they so choose.

3.3.4. Make recommendations to Council on all matters, including Bylaw amendments that relate to the elections.

3.3.5. Not seek office in an election, support any candidate, or endorse a position in a referendum or plebiscite administered by the Elections Committee during her term

1. Failure to comply with this requirement will result in immediate removal from the Elections Committee.

#### **4. AMENDMENTS TO BYLAW #2**

4.1. Written notice of any amendments to provisions of this Bylaw regarding Board of Governors or Senate elections as approved by the USC shall be provided to the Secretary of the University by the Vice-President Governance and Finance (Secretary-Treasurer) as soon thereafter as practical.

#### **5. ANNUAL ELECTIONS TIMETABLE**

5.1. There shall be three sets of USC elections each year: Fall Elections, Spring Elections, and Vice-Presidential Elections. The Fall elections will consist of Divisional candidates, the Spring Elections will consist of both Divisional and Presidential candidates, and the Vice-Presidential Elections will consist of Vice-Presidential candidates.

- 5.1.1. For the purposes of this Bylaw, a campaign period is determined by the Committee in accordance with Sections 5.3.2 and 5.4.2 of this Bylaw.
  - 5.1.2. Referenda and plebiscites are subject to PART B of this Bylaw, and they shall be held concurrently with either the Fall or Spring election period.
- 5.2. The Board of Directors Nominating Committee shall be struck each year and shall report to Council at the Annual General Meeting. The composition of this Committee shall be determined by **Bylaw #1** of the Corporation.
- 5.3. The CRO will release the elections timetable no later than the end of July each year.
- 5.4. Subject to necessary changes by the Corporation, the Fall Election timetable shall be as follows:
  - 5.4.1. **Nominations:** Nominations for candidates shall open at a date to be determined by the CRO and close the Friday preceding the commencement of the campaign period. In any event, nominations shall be open for at least five (5) days and shall close not more than two (2) days prior to the commencement of the campaign period.
  - 5.4.2. **Campaigning:** The campaign period for candidates shall begin at a date to be determined by the CRO each year and shall continue up to and including the day of the close of balloting. In any event, the campaign period shall be no shorter than nine (9) days.
  - 5.4.3. **Balloting:** Balloting shall take place on-line over a minimum of two (2) consecutive days (from 8:00am on the first day to 8:00pm on the last day) and shall conclude at a date to be determined by the CRO.
- 5.5. Subject to necessary changes by the Corporation, the Spring Election timetable shall be as follows:
  - 5.5.1. **Nominations:** Nominations shall open at a date to be determined by the CRO. In any event, nominations shall be open for at least five (5) days and shall close not more than two (2) days prior to the commencement of the campaign period. For the purposes of the Spring Elections, “days” shall include Reading Week.
  - 5.5.2. **Campaigning:** The campaign period for candidates shall begin at a date to be determined by the CRO each year and shall continue up to and including the day of the close of balloting. In any event, the campaign period shall be no shorter than eight (8) days.



5.5.3. **Balloting:** Balloting shall take place online over a minimum of two (2) consecutive days (from 8:00am on the first day to 8:00pm on the last day).

## 5.6. **Vice-Presidential Elections**

5.6.1. **Nominations:** Nominations for Vice-Presidential candidates shall be open at a date to be determined by the CRO and shall not close before the announcement of the Presidential election results.

5.6.2. **Campaign Period:** The campaign period for the Vice-Presidential candidates shall begin not more than two (2) days following the close of nominations and shall continue up to and including the close of balloting. In any case, the campaign period shall be no shorter than eight (8) days.

## 6. **THE CONSTITUENCY**

6.1. The constituencies and number of Councillors representing each shall be as indicated by Council Composition Policy.

## 7. **CANDIDATE ELIGIBILITY**

7.1. An individual shall be eligible to be a candidate if at the time of their candidacy they have been registered as a full or part-time undergraduate or professional student at the University for two (2) consecutive semesters (i.e., Fall semester, Winter semester) including the one in which the election is to take place as determined by the records of the University.

7.1.1. For the purpose of the Fall Elections, two (2) consecutive semesters shall be taken to mean the current Fall semester and the previous Winter semester.

7.1.2. Individuals enrolled as a first-year undergraduate student or Western English Language Center student at the University shall not be required to meet the “two semesters” criterion for the Fall Elections.

7.1.3. Undergraduate or professional students of the University that are on exchange at another academic institution at the time of voting for a given election shall be entitled to be a candidate and vote in said election.

7.2. Candidates in Divisional Elections shall be planning to remain registered as a full or part-time undergraduate or professional student at the University for the duration of the term of office relating to the position for which they are running; however

7.2.1. Western English Language Center students are not subject to this restriction.

7.3. An individual shall only be eligible to be a candidate in the constituency in which they are enrolled as determined by the records of the University.

- 7.4. Any student who has any outstanding fines as issued by the Elections Governance Committee or the Secretary of the University shall be deemed ineligible to be a candidate for election until such time as those fines are paid.
- 7.5. Any student who has outstanding loans from the USC Presidential, Vice-Presidential, or Divisional elections, and who has not made arrangements for the repayment of said loans with the Senior Manager, Finance of the Corporation, shall be deemed ineligible for election until such time as repayment arrangements are made.
- 7.6. Any student who is an Associate Vice-President, Intern, or Coordinator with the USC is eligible to be a candidate in any election, however they shall be deemed ineligible unless they take an unpaid leave of absence from their duties starting on the day the campaign period begins until the end of the voting period.
- 7.7. **Nomination Forms** - Candidates for all elected positions must complete a nomination form using the form released by the CRO on the date specified by the CRO.
  - 7.7.1. Further details of nomination form requirements are outlined in the **Nominations Procedure**.
- 7.8. **All Candidates Meeting** - Candidates shall be declared ineligible if they fail to attend the All-Candidates Meeting and the candidate fails to send a proxy to the All-Candidates Meeting. The candidate, whether present in person or not, is entirely responsible for understanding and abiding by all information provided at the All-Candidates Meeting.

## 8. VOTER ELIGIBILITY

- 8.1. In order to vote each student must possess, and login online using a unique University email username and password. Further requirements are detailed below.
- 8.2. **USC Elections:**
  - 8.2.1. For the purposes of this section, "USC Elections" refers to any USC-administered election for Faculty Councillor, Affiliate Councillor, Faculty President, Affiliate President, USC President, or USC Vice-President External Affairs or University Affairs.
  - 8.2.2. In order to be eligible to vote in a USC Election, an individual must be registered as a full or part-time undergraduate or professional student at the University and pay tuition to the University for the current academic year.
  - 8.2.3. For elections specific to a particular faculty or affiliate, voters must be registered as a student in the corresponding faculty or affiliate college.

1. The USC will rely on records provided by the University to determine which students are registered as full or part-time undergraduate or professional student and pay tuition to the University, and in which constituency each student is registered.

### **8.3. University Elections:**

8.3.1. For the purposes of this section, "University Elections" refers to the USC-administered elections for Senate and Board of Governors.

8.3.2. The criteria for voter eligibility in University Elections shall be determined by the Secretary of the University.

## **9. ADMINISTRATION OF ELECTIONS**

9.1. The Committee:

9.1.1. Elections sponsored by the Corporation shall be conducted and supervised by the Committee.

1. All committee members must abide by the USC's **Conflict of Interest Policy** and sign confidentiality agreements.

9.1.2. In the event of extraordinary circumstances that may undermine the legitimacy of elections, the Elections Governance Committee shall make changes in line with the vision statement of this by-law.

## **10. THE BALLOT**

10.1. The Fall and Spring ballots shall include the following segments, with electors able to abstain from any or all segments on the ballot without risk of spoiling the ballot:

10.1.1. Fall Elections: the list of constituencies being contested by Divisional candidates and the names of candidates in each constituency, and referendum/plebiscite question(s), if applicable.

10.1.2. Spring Elections: the names of Presidential candidates, as well as a list of constituencies being contested by Divisional candidates and the names of candidates in each constituency; and referendum/plebiscite question(s), if applicable.

## **11. RULES FOR ELECTIONS, REFERENDA, AND PLEBISCITE**

11.1. Rules for elections, referenda, and plebiscites shall be outlined in the Elections Governance Committee Violations Policy.

## 12. VIOLATIONS OF CAMPAIGN RULES

12.1. Violations shall be governed in accordance with the **Elections Governance Committee Violations Procedure**. The CRO shall be responsible to ensure all procedures are properly followed in accordance with that procedure.

## 13. ELECTION RESULTS

13.1. For all elections, referenda, and plebiscites with more than two (2) options on the ballot, excluding divisional elections, the ballots shall be counted and the winner determined in accordance with the Preferential Voting Rules as outlined in section 15.

13.1.1. Where there is an election for multiple positions, the positions shall be filled by the candidates who received the highest number of votes.

13.2. For all elections, referenda, and plebiscites with only two (2) options on the ballot, and for all divisional elections with any number of options on the ballot, a plurality voting system shall be used for the counting of ballots:

13.2.1. For divisional elections, in each constituency the candidate with the highest number of votes shall be declared the winner;

1. Where there are multiple available positions, they shall be filled by the candidates who received the next highest number of votes; and
2. In the event of a tie, a by-election will be held within the constituency at the earliest possible convenience, with the Chief Returning Officer of that constituency administering the election. Responsibility of administering this election does not fall to the USC, but the CRO can offer support at their discretion.

13.2.2. In a referendum or plebiscite, the option with the highest number of votes shall be declared the winner;

1. In the event of a tie, the results of the referendum or plebiscite shall be rendered inconsequential.

13.3. Election results for a referendum, a plebiscite, or a constituency will be valid only if at least half of the votes cast are valid votes.

13.4. At her discretion, the CRO may utilize a grace period of up to a maximum of forty-eight (48) hours following the close of balloting before releasing election results.

13.5. In the event of an invalid election, the Committee shall convene and recommend a course of action to Council.

13.6. If a disqualification is overturned on appeal, the ballots shall be recounted as if the candidate, referendum side, or plebiscite side had never been disqualified.

#### **14. SPECIAL RULES FOR VICE-PRESIDENTIAL ELECTIONS**

14.1. The positions of Vice-President External Affairs and Vice-President University Affairs shall be filled through a Vice-Presidential Election.

14.2. Candidates may make campaign materials available to current Council members through the USC Front Desk.

14.3. Special Balloting Rules:

14.3.1. Balloting for the Vice-Presidential election shall occur online at a date to be set by the EGC. Balloting shall take place not less than eight (8) days after the beginning of the campaign period.

14.3.2. Voting shall take place by secret ballot.

14.3.3. Each Voting Member, including the incoming and outgoing Council Voting Members, shall be entitled to one (1) vote per ballot for the Vice-Presidential position.

1. Individuals who are both incoming and outgoing Council Voting Members shall be entitled to one (1) vote per Voting Member position held.

14.4. Vote of Confidence

14.4.1. If only one candidate stands to be elected for a Vice-Presidential position, a vote of confidence will be included on the ballot. The candidate shall be acclaimed if a simple majority of the eligible Council members vote in favour of the resolution to acclaim the candidate.

#### **15. PREFERENTIAL VOTING RULES**

15.1. All elections, referenda, and plebiscites with more than two (2) options on the ballot, excluding divisional races, will be administered using a preferential ranked ballot.

15.1.1. Each candidate may designate an agent to act as her scrutineer during the counting of the ballots.

15.1.2. Electors shall mark their choices in order of preference.

15.1.3. The system for counting ballots shall be as follows:

1. All first-choice votes shall be counted and separated by candidate.

2. If no candidate receives a majority of the total vote, the candidate with the least votes shall be declared “out of race” and the first-choice ballots of that candidate shall be recounted in accordance with the second choice indicated on the ballot.
3. This system of dropping off the lowest candidate and redistributing ballots according to the next choice of remaining candidates shall continue until one (1) candidate achieves a majority (50% + 1).
4. If a candidate, plebiscite, or referendum side is disqualified or chooses to withdraw after polling has taken place, the disqualified or withdrawn candidate shall be declared “out of race” and his or her first-choice ballot recounted in accordance with the second choice indicated on the ballot.
5. Failure to select a preference in any round of voting shall result in that ballot being spoiled for that and all subsequent rounds of balloting. A ballot shall not be deemed spoiled so long as the voter’s intentions can be reasonably ascertained from the ballot.
6. Abstentions, declined, and spoiled ballots shall not count in the calculation of majority.

15.1.4. Managing ties when counting ballots:

1. **Presidential/Vice-Presidential Election Tie result** – In the event of a tie, whenever possible, ties shall be resolved in favour of the candidate with the most first place votes. If this is not possible, the candidates must unanimously decide whether a coin toss is to be initiated by the CRO or a by-election is to be called at the earliest convenience of the CRO. If the candidates cannot reach consensus, the CRO shall initiate a coin toss. In the instance of a coin toss and the loser shall be declared “out of race” and her first-choice ballots recounted in accordance with the second choice indicated on each ballot.
2. **Referendum/Plebiscite Tie result** – In the event of a tie, whenever possible, ties shall be resolved in favour of the side with the most first place votes. If this is not possible, the results of the referendum/plebiscite will be rendered inconsequential; however, if it is not the final round of redistributing ballots, the winner shall be decided by a coin toss initiated by the CRO and the loser shall be declared “out of race” and the side’s first-choice ballots recounted in accordance with the second choice indicated on each ballot.

3. **Internal Elections Tie result** – In the event of a tie, whenever possible, ties shall be resolved in favour of the candidate with the most first place votes. If this is not possible, the election shall be resolved by a re-vote between the tied candidates to take place at the next Duly Constituted Meeting. The re-vote shall be subject to the following procedures:
  - a. All Voting Members who were eligible to vote at the meeting in which the initial vote was held shall be permitted to vote.
  - b. The votes shall be counted in accordance with rules as set out above.
  - c. Should the re-vote result in a tie between two candidates, the election shall be resolved by way of a coin toss.

## **16. APPEALS OF COMMITTEE DECISIONS OR ELECTIONS RESULTS**

16.1. Any appeals of Committee decisions or elections results shall be heard by the Appeals Board and governed by the procedures contained in the **Appeals Board Policy**.

16.1.1. Notice and grounds for appeal shall be submitted in writing to the Appeals Board no later than 4:30PM, two (2) days after the Committee's decision is released.

## **PART B: REFERENDA AND PLEBISCITES**

### **17. GENERAL**

17.1. Without limiting any section of Bylaw #2 or Part A, Part B covers any referendum or plebiscite conducted by the USC.

17.2. The administration of Part B, unless otherwise stated, is vested with the CRO.

17.3. The results of any referendum shall be binding on the USC unless the results affect the **Letters Patent** or the **Articles of Incorporation** of the USC or unless, by implementing the directive of the referendum, the Board of Directors would be breaching its fiduciary obligations to the corporation.

17.4. The results of a plebiscite shall not be binding.

17.5. Any referendum or plebiscite requiring a motion of Council must be posted as required by **Bylaw #1**. The CRO shall advertise the meetings of Council in which motions and writs to hold referenda or plebiscites will be put forward in *The Gazette* at least forty-eight (48) hours prior to such a Council meeting.

17.6. For the purposes of Part B, the number of students in the student body shall be the number of full-time equivalent students registered at the University during the previous academic year.

17.7. The results of any referendum shall be binding only if a minimum of 20% of the student body votes in the referendum.

17.7.1. Declined and spoiled ballots shall count toward the establishment of quorum for a referendum.

17.8. A referendum may be initiated either by Council or by students at large.

17.9. A plebiscite may be initiated either by Council or by students at large.

## **18. STUDENT-INITIATED REFERENDUM**

18.1. For the purposes of this Section:

18.1.1. A “policy issue” means any issue or proposal which is not likely to have any direct financial or legal implications on the USC.

18.1.2. The Board of Directors, in consultation with any relevant individuals and/or committees, shall determine whether an issue is one which is likely to have direct financial or legal implications on the USC.

18.1.3. An issue shall be deemed to have direct implication on the USC if it will result in the imposition or removal of any fee on students.

18.2. Any student wishing to initiate a referendum shall contact the Vice-President Governance and Finance (Secretary-Treasurer) and the Senior Manager Advocacy and Government Services Manager to review the process to have a referendum question put on the ballot prior to collecting signatures, including the collection of signatures, the campaigning process, and any other pertinent information.

18.3. Any student may present a petition to the CRO requesting that a referendum be held on any matter, subject to the following:

18.3.1. Student-initiated referenda may not establish any fee to fund the activities of a USC Ratified Club, or Clubs.

1. This does not prohibit funding for activities that are simply supported by a USC Ratified Club.



- 18.3.2. Any petition requesting a student-initiated referendum must be submitted to the CRO no later than nine (9) days before the last Council meeting prior to the commencement of the campaign period for the election.
- 18.3.3. A petition is only valid if it contains the following:
1. The names, student numbers, and signatures of at least 10% of the student body when a request is being made for a referendum on any issue.
  2. A clear indication of the issue on which the requested referendum is to be held.
- 18.3.4. The CRO shall check the validity of each name on the petition. If greater than 10% of the names are invalid, the petition is invalid.
- 18.3.5. Any petition that contains any material misstatements of fact or material misrepresentations is invalid.
- 18.3.6. For a petition to contain a clear indication of the issue, it must include at least the following:
1. The amount of any fee which will be levied upon students directly for the purpose of implementing the proposal.
  2. A statement summarizing the question which will be decided by the referendum.
- 18.3.7. Any student-initiated referendum involving levying a student fee shall require:
1. A University administrative advisor to the Board of Governors to be contacted by the USC to determine whether or not the Board would allow such a fee to be collected by the USC.
  2. The Vice-President Governance and Finance (Secretary-Treasurer) to work with the student to determine the exact fee that is to be levied by means of a budget prepared by the student.
    - a. If no such budget exists, the Vice-President Governance and Finance (Secretary-Treasurer) shall assist the student in putting together a budget from which student fee options can be derived.
- 18.3.8. The Committee shall assess the validity of all petitions and shall notify the student submitting the petition if it is found to be invalid.
1. Prior to submitting a completed petition, any student may submit a draft petition question to the Vice-President Governance and Finance (Secretary-Treasurer) for review. Any petition which is reviewed and endorsed by the Vice-President

Governance and Finance (Secretary-Treasurer) shall be deemed to contain a clear indication of the issue and not to contain any material misrepresentations.

- 18.4. If a petition is found to be valid, a “**writ of referendum**” shall be drafted by the CRO in consultation with the Committee, which shall include the following:
- 18.4.1. The particulars of the petition, including the name of the petitioners and the number of student signatures on the petition.
  - 18.4.2. The Board of Directors’ decision about the financial and legal implications of the proposal, with a brief summary of the reasons for that decision.
  - 18.4.3. The proposed referendum question.
    - 1. The Committee shall be responsible for developing an objective referendum question.
  - 18.4.4. A budget outlining the projected cost of holding the referendum.
- 18.5. A valid petition requesting that a referendum be held on a policy issue shall automatically result in the initiation of a referendum and shall not require the approval of Council.
- 18.5.1. The CRO shall present the writ of referendum to Council.
- 18.6. A valid petition requesting that a referendum be held on an issue or proposal which is likely to have direct legal or financial implications on the USC must be approved by Council before a referendum may be initiated. A Simple Majority vote of Council will be required to prevent the referendum as requested from being placed on the ballot.
- 18.6.1. The CRO shall present the writ of referendum as well as a motion to place the referendum question on the ballot.
- 18.7. In addition to the above, the following considerations apply to student-initiated referenda for Third Party Fees.
- 18.7.1. USC Clubs are not considered third parties for the purpose of this section.
  - 18.7.2. Any referendum question imposing a Third-Party Fee must:
    - 1. Include reasonable and meaningful constraints on the way they will be used and must be conditional on adherence to those restraints.
    - 2. Require Council renewal every four (4) years in order to continue.
  - 18.7.3. A petition to hold a student-initiated referendum for a Third-Party Fee will only be valid if the petition states the referendum question.

1. If the petition signed by students contains a referendum question that the Elections Governance Committee finds to be misleading or inadequate, the Elections Governance Committee may determine that the petition is invalid.
  2. The Elections Governance Committee will draft a satisfactory referendum question if approached to do so.
  3. The referendum question appearing on the petition does not need to be identical to the referendum question ultimately approved by the Elections Governance Committee provided that the differences are not material.
- 18.7.4. The referendum shall be classified as a Registered Interested Party referendum and the individual initiating the referendum, or a proxy thereof, shall run the Campaign for the side they wish to advocate for.
- 18.7.5. The USC will enforce the result of a student-initiated referendum to establish a Third-Party Fee, subject to the following:
1. A referendum result may be invalidated by the Committee if there is sufficient impropriety to cast doubt upon the result.
  2. The Board of Governors may refuse to allow the USC to collect the fee.
  3. If a fee is imposed, the Vice-President Governance and Finance (Secretary-Treasurer) must be supplied with financial information describing the use of the fee at least once per year. The Vice-President Governance and Finance (Secretary-Treasurer) shall be responsible for reviewing the way in which the student fee is being used and evaluating compliance with the terms of the referendum.
    - a. If the Vice-President Governance and Finance (Secretary-Treasurer) reports that any conditions of the referendum are not being satisfied, Council may resolve to terminate the fee from future budgets.

## **19. COUNCIL-INITIATED REFERENDUM**

- 19.1. Council may initiate a referendum on any issue through a motion of Council, duly passed by a simple majority of those present and voting.

## **20. STUDENT-INITIATED PLEBISCITE**

- 20.1. The names, student numbers, and signatures of at least 5% of the student body are required when a request is being made for a plebiscite on any issue.

## **21. COUNCIL-INITIATED PLEBISCITE**

21.1. Council may initiate a plebiscite on any issue through a motion of Council, duly passed by a simple majority of those present and voting.

## **22. REGISTERED INTEREST PARTY**

22.1. Registered interested parties are entitled to campaign on behalf of any side in any referendum or plebiscite. More than one registered party may represent each official side.

22.2. Any group may request recognition as a registered interest party provided that the following conditions are met:

22.2.1. They are a student group, or party approved by the Committee, autonomous from the USC that has been in existence for at least six (6) month prior to the writ, including but not limited to the following: clubs, Faculty Councils, Affiliated Colleges, and Residences Council; or

22.2.2. If a student group or party approved by the Committee as described above does not register, then a group of students may register.

22.3. When applying to be a registered interest party, a group must prepare a written submission indicating how they will be directly affected by the result of the referendum or plebiscite.

22.4. All applications for status as a registered interest party must be submitted to the CRO within seven (7) days of the passing of Council of the motion or writ of referendum or plebiscite.

22.5. The Committee will decide on the merit of an application for status as a Registered Interested Party with such decision being subject to appeal to the Board of Directors and finally to Council.

22.6. All registered interested parties must name an official spokesperson and this name must be delivered to ~~handed into~~ the CRO with the request.

22.7. Where there is only one registered party, it will constitute the only official side.

22.8. Subject to the following, all registered interest parties, including the USC when applicable, are deemed to be candidates and are bound by the campaign rules in PART A, Elections Governance Committee Violations Policy and by the rules and procedures governing referendums and plebiscites when representing their side of the issue.

22.8.1. All Campaign Materials produced by a registered party, including electronic materials, must clearly indicate that they are authored by a registered interest party.

### **22.8.2. Consequences of Disqualification**

1. If the disqualified group is a USC-ratified club, they shall be prohibited from further campaigning. Failure to adhere to this prohibition will be reported to the Clubs Governance Board and may result in further sanctions.
2. Individual students cannot be prohibited from further campaigning. However, students that continue to campaign after their group has been disqualified will not be reimbursed for any new campaign expenses.
3. A disqualified group will not be reimbursed for the cost of any campaign materials that continue to be used after the group's disqualification.
4. A disqualified group may not refer to themselves as an "official registered interest party" or as a "registered interest party."
5. The disqualification of a registered interest party does not automatically mean that a referendum fails. The Committee must make a separate determination as to whether the referendum result is valid. In doing so, the Committee must consider the potential impact of the infractions on the result.
6. The disqualification of a registered interest party campaigning on behalf of the *status quo* option (the option which would not result in change) never means that a referendum carries.

### **23. USC-SPONSORED SIDE**

- 23.1. Where the USC has an interest in the outcome of a referendum or plebiscite, or where it is felt that a side of an issue is not being adequately represented by a registered interest party, the Council has the option of campaigning or appointing someone to campaign on behalf of a particular side.

### **24. INFORMATION-BASED CAMPAIGN**

- 24.1. Where the Council supports the provision of information to the electorate, the USC, by a simple majority vote of Council, may provide financing for an information-based campaign in accordance with the financing rules prescribed in Section 25.
  - 24.1.1. Information-based campaign funding can be allotted in addition to registered interest party campaign funding, or in place of registered interest party campaign funding.
- 24.2. The Elections Governance Committee shall be responsible for administering information-based campaigns by selecting an Ad-Hoc Committee for this express purpose.

24.2.1. As a consequence, the Ad-Hoc Committee members shall be prohibited from sponsoring a side whenever an information-based campaign has been approved and shall refrain from participating in Committee discussions of referenda and plebiscites with regards to enforcement of campaign rules and violations proceedings.

24.3. All information-based campaign materials must be reviewed and approved by the Committee before being posted or distributed.

## **25. FINANCES**

25.1. Registered interest parties may apply to the Committee for the funding available for their official side.

25.2. Each official side shall be entitled to funding up to 100% of the Presidential campaign limit as established, unless there is only one official side in which case the spending shall be at 50% of the Presidential campaign limit.

25.2.1. The level of funding available to each official side may be altered at the Vice-President Governance and Finance (Secretary Treasurer)'s discretion provided that funding information is made available at the all-candidates meeting.

25.3. All Information-Based Campaigns shall be entitled to funding as follows:

25.3.1. 100% of the Presidential campaign limit, if there are no registered interest parties;

25.3.2. 75% of the Presidential campaign limit, if interest parties are only registered for one official side; or

1. 50% of the Presidential campaign limit, if interest parties are registered for two or more official sides.

25.4. Registered interest parties shall be entitled to spend the equivalent of 20% of the official side's allowable limit on non-campaign expenditures, which could include:

25.4.1. Research material; and

25.4.2. Administrative costs.

25.5. If any registered interest party overspends their allowable limit, the surplus shall be applied to the official side's spending in addition to an automatic fine of 100% of the surplus.

25.6. All official sides and registered interest parties shall present a full financial statement to the CRO by 12:00pm on the last day of balloting.

25.7. Each official side will give the USC a \$300.00 bond to be used for election fines.

25.8. Interest parties are not eligible for any USC loans for either bonds or expenses.

## **26. APPEALS OF PLEBISCITE OR REFERENDUM RESULTS**

26.1. Any appeals of the validity of any referendum or plebiscite results shall be heard by the Appeals Board and governed by the procedures contained in the **Appeals Board Policy**.

26.2. Notice and grounds for appeal shall be submitted in writing to the Appeals Board no later than 4:30PM, two (2) days after the Committee's decision is released.

## **27. CONTEXT AND ENACTMENT**

27.1. Documents Repealed – N/A

27.2. Supporting/Related Documents – Elections Governance Committee Terms of Reference, Elections Governance Committee Campaign Finances Procedure, Elections Governance Committee Violations Procedure, Bylaw #1: Corporate Bylaw, Appeals Board Policy

27.3. Date Passed – 17 January 2001

27.4. All Previous Amendments – 29 November 2017, 25 November 2015, 11 November 2015, 25 February 2015, 29 October 2014, 29 November 2017.