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**Committee Responsibility:** Electoral Committee**Adopted:** January 2018**Procedure:** -**Last Amended:** August 2018

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## PREAMBLE

The primary function of the Referenda Policy is to provide for an orderly and democratic process for member-based decision-making. In conduct of referenda, the Students' Union's process shall prioritize respect for the rules and democratic decision-making; respect for those participating in, and those conducting, the referenda process; and, fairness and consistency in the application of rules and the adjudication of complaints and appeals.

## **STATEMENT:**

### **1. DEFINITIONS**

**Act:** the BC Societies Act.

**Approved Posting Location:** a general bulleting board or other area approved for posting notices as per College policy.

**Chief Returning Officer (CRO):** Staff person of the Students' Union assigned by the Board of Directors to take primary responsibility for organizing and overseeing the electoral process (The CRO may be the staff member on the Electoral Committee or contractor employed for the sole purpose of serving as the CRO).

**Committee:** The Electoral Committee as defined by Bylaw VI, Article 1.

**Communication "in writing":** for the purposes of the policy, electronic mail shall be considered written communication and time of receipt shall be the time a piece of electronic mail is received by the Students' Union.

**Deputy Returning Officer (DRO):** Member of the Electoral Committee assigned by the Board to take secondary responsibility for organizing and overseeing the electoral process.

**Member:** A member of the Students' Union as defined by Bylaw II

**Students' Union Employee:** any individual who has been employed by the Students' Union in the four months preceding a general election or by-election.

**Special Resolution:** a resolution requiring 14 days notice and a 66.66% approval rating as per the Act.

**Voting Area:** The area within sight or sound of a balloting station.

**Yes/No Campaign:** a group of members undertaking to campaign either in favour or against a

particular referendum question.

## **2. SCHEDULING OF REFERENDA**

Referenda may only be called by the Board of Directors or as otherwise specified in the Bylaws or the Act.

## **3. ACKNOWLEDGEMENT AND ELIGIBILITY OF YES/NO CAMPAIGNS**

### **3.1 Yes/No Campaign Eligibility**

A yes or no campaign may be formed by either:

- a. A group of members requesting to be designated as a yes or no side being designated as such by the Electoral Committee; or,
- b. The designation by the Electoral Committee of an existing group (the Board of Directors, a club or other student group) in cases where said group has a relationship to the referendum being held.
- c. A group of members seeking to be designated as a referendum side under sub-section a) above may apply to do so provided that no previous group has been recognized or provided that a previous group has been disqualified. To be recognized as a referendum side, a group of members must present to the CRO a completed request form with the names, signatures and student numbers of no less than 35 members wishing to support their campaign.

### **3.2 Referendum Orientation**

Each yes/no campaign shall attend an orientation sessions prior to being permitted to campaign.

The following information shall be presented at the orientation session:

- A review of the referendum regulations and campaigning rules.
- Announcement of the times and locations of polling.
- An overview of the discipline, disqualification and appeals process.

## **4. CAMPAIGNING**

### **4.1 Referendum Bulletin**

The Students' Union shall produce a referendum publication featuring platforms from each recognized yes/no campaign and information about voting. The referendum publication shall be published on the Students' Union's website no later than 48 hours prior to the opening of polling, and copies will provided at each polling station. The following regulations shall apply to the production of the Referendum Bulletin:

- The CRO shall establish a deadline for submission of platforms for inclusion of the Bulletin. Platforms shall be submitted to the CRO or her designate directly by a

representative of the yes/no campaigns. Platforms not submitted directly or submitted following the deadline shall not be published.

- Each platform is limited to 300 words. Platforms longer than 300 words shall be shortened to 300 by deleting words from the end of the platform.
- Following the platform submission deadline, a yes/no campaign may not alter a submitted platform.
- The CRO will ensure that all yes/no sides are treated equally and fairly in the layout of the Bulletin.
- Hard copies of the Bulletin will be printed and provided to members at balloting stations.

#### **4.2 Conduct of Referendum Participants**

The leaders of each yes/no campaign are required to act reasonably, responsibly and in good faith; and shall be required to:

- Ensure that they, and any of their campaign volunteers, are aware of, and comply with, the rules, policies and bylaws of the Students' Union that relate to the holding of referenda;
- Be responsible to the Electoral Committee for their actions as well as the actions of their campaign volunteers;
- Report any breaches of the electoral rules, policies or bylaws; and,
- Comply with the rules, policies and procedures of the College.

Members of the Board shall not participate in campaigning for a yes/no campaign as part of their official duties and, while engaged in work for the Students' Union, shall not provide resources or counsel to yes/no campaign unless the Board has been designated as a side in the referendum.

#### **4.3 Campaign Materials**

To each yes/no campaign, the Students' Union shall provide supplies to make posters, handbills, banners and buttons. The following limitation shall apply to campaigning material:

- Posters shall be limited to standard tabloid sized piece of paper (8.5" by 14") in dimension and shall be limited in number to not more than thirty (30) on each of the New Westminster and Coquitlam campuses. A vandalism allowance of one (1) additional posters per day will be allocated from the first day posters are approved. Posters must be erected in an approved posting location.
- Handbills shall be no larger than one half of a standard letter sized piece of paper (8.5" by 11") and may be printed double-sided. Handbills must be distributed directly to members. Door-to-door distribution of handbills, as well as distribution of handbills on tables, desks and other surfaces is prohibited. Handbill shall be limited to the equivalent of one thousand two hundred (1,200) half-letter sized pieces of paper.
- Banners shall be no larger than three (3) feet wide and six (6) feet long and shall be hung vertically. Each yes/no side may produce one banner for each campus. Erection

of banners shall be done in consultation with the CRO or DRO to ensure that the banners are hung in an approved posting location.

- Yes/no campaigns may produce up to two hundred (200) buttons using the Students' Union button maker.
- All materials must be approved by the CRO, DRO or designate prior to use or posting. In the case of posters and banners, each individual poster and banner must be signed and numbered. The approval process shall occur within one business day of material submission to the appropriate electoral official. Materials containing factual inaccuracies, defamatory statements or those considered to be in contravention of federal or provincial statute shall not be approved.

### **4.3 Electronic Campaigning**

The following regulations shall apply to electronic campaigning:

- Any campaign website, or changes thereto, must be approved by the CRO prior to its publication, and this includes Facebook pages and other social media groups or pages;
- Campaign websites and pages shall only contain information related to the yes/no side platform and related information regarding the schedule of the election;
- Candidates may not collect the personal information of members for the purpose of emailing them or contacting them during the election period regarding the election;
- Electronic campaign materials and their use must not contradict College policies regarding communication and technology use, and must respect the privacy rights of students;
- Posts on an individual's social media platforms are not considered campaign pages or websites, but are considered campaign material in terms of their content;
- With regard to electronic lists, candidates may only post campaign material to "open" lists, meaning ones that are either unmoderated and to which anyone can post, or moderated lists that are open to submissions from everyone regardless of their affiliation; and
- Candidates must keep a record of all electronic posting they make regarding the election, which may be inspected by the CRO, Committee or Board of Directors in assessing breaches of the election rules, or adjudicating disputes.

### **4.4 Campaigning Guidelines**

When engaging in campaigning, yes/no campaigns may not:

- Post or use any material not yet approved by the CRO, DRO or their designate.
- Distribute or erect campaign materials in the Students' Union Building, in Coquitlam Campus Room A1190, or at Students' Union events.
- Deface, remove, vandalize or otherwise alter campaign materials of another yes/no campaign.

- Post or distribute materials in contravention of the College's policies and regulations on postering and materials distribution.
- Engage in campaigning outside of College property or advertise in off-campus media.
- Use copyrighted materials, slogans, logos or characters in any campaign materials.
- Campaign in a classroom during a class period without the prior approval of the course instructor.

All campaign materials must be removed by 5pm on the last day of polling, or by the conclusion of polling, whichever is later.

#### **4.5 Financing**

The following materials shall be provided free of cost by the Students' Union to each yes/no side:

- black and white photocopying/printing up to 500 copies, double sided;
- coloured photocopying/printing up to 100 copies, single sided;
- Banner printing in full colour for two (2) banners of up to three (3) feet by six (6) feet; and
- Colour printing and button making supplies sufficient to make 50 campaign buttons.

Additional materials and printing costs shall be the responsibility of each individual yes/no side. Each yes/no side is limited to a total budget of seventy-five dollars (\$75) for campaign materials and advertising costs, and no candidate shall receive any campaign donations from other persons or organizations, including donations in-kind. The cost of human capital shall not be included in expense calculations for yes/no sides.

Candidates wishing to produce additional materials in accordance with these rules shall be charged the following rates for Students' Union supplies:

- Black and white printing - \$0.05 per copy for 8.5"x 11" paper
- Black and white printing - \$0.10 per copy for 8.5"x 14" paper
- Colour printing/copying - \$0.10 per copy for 8.5"x 11" paper
- Colour printing/copying - \$0.20 per copy for 8.5"x 14" paper
- Buttons - \$0.25 per button including printing costs

#### **4.6 Financial Reporting**

Yes/no sides shall provide a reporting of all their expenses to the CRO using a form provided by the CRO, and these reports must be accompanied by receipts supporting each expense. Yes/no side expense reporting must be provided to the CRO prior to 1pm on the final day of balloting.

## **5. BALLOTING AND RESULTS**

### **5.1 Polling**

Only members of the Committee, hired balloting clerks, or Students' Union staff members approved by the Electoral Committee shall staff balloting stations. Each balloting stations shall have two poling clerks.

Proper ballot boxes shall be used. Prior to the opening of the polling, ballot boxes shall be sealed by the CRO or DRO and witnessed by a Poll Clerk. Ballot boxes shall be sealed throughout the polling process and the Electoral Committee shall be responsible for ensuring the security of the ballot boxes. The CRO or DRO will ensure the safe and secure storage of ballot boxes overnight and between voting days.

The hours and locations of polling shall be determined by the Committee in accordance with direction provided by the Board, but shall never be less than 21 hours of polling across three days on each campus.

Except when casting a ballot, candidates and their volunteers must remain out of the voting area during polling.

### **5.2 Counting of Ballots**

Ballots shall be counted by members of the Committee, poll clerks and Students' Union staff under the direction of the CRO or DRO at a scheduled time following the closing of the voting period. The ballots shall be counted twice to ensure the accuracy of the result. Where the first and second counts do not match, the ballots will be counted a third time by the CRO or DRO.

Each yes/no side may appoint a scrutineer to observe the ballot count provided they do so in writing not less than 48 hours prior to the closing of polling. Scrutineers must be a member of the Students' Union.

During ballot counting, scrutineers are not permitted to speak to ballot counters or to interfere in any way with the process. Questions regarding the ballot counting can be addressed to the CRO or DRO. Any scrutineer found in violation of these rules shall be removed from the counting room.

A yes/no side not on the prevailing side of the vote may request a recount of the ballots if the request is made in writing within seventy-two (72) hours of the announcement of the results. Notwithstanding the above, the Committee shall have the right to recount ballots as deemed necessary or advisable provided that the recount occurs within seventy-two (72) hours of the announcement of the results, or as directed by the Board of Directors.

### **5.3 Announcement and Ratification of the Results**

Following the counting of ballots, the unofficial results shall be communicated to yes/no campaigns participating in the referendum. Once all outstanding appeals and complaints have been dealt with and results adjusted accordingly, the unofficial results will be communicated to the Board for ratification.

The Committee shall produce a Referendum Report and the report shall contain:

- The list of referendum questions being voted on by members;

- The official results, including numerical totals;
- A list of yes/no campaign breaches of the bylaws or policy recorded during the campaign period; and,
- Any recommendations from the Committee regarding improvements or alterations to this policy.

The Referendum Report shall be signed by the CRO and DRO on behalf of the Committee.

The Referendum Report shall be submitted to the Board of Directors not less than one month following the conclusion of the balloting period. Official results shall be published on the Students' Union's website and through the distribution of not less than eight (8) posters on each campus.

#### **5.4 Destruction of the Ballots**

Ballots and associated voters lists shall be destroyed fifteen days after the announcement of the results and following a resolution to do so by the Board of Directors.

### **6. DISCIPLINE AND DISQUALIFICATION**

#### **6.1 Administration**

Contravening any section of this policy or associated bylaws may result in disciplinary action. The CRO and DRO shall administer the discipline and disqualification process on behalf of the Committee except as may be otherwise noted in this policy.

#### **6.2 Complaints**

Complaints may be made by yes/no campaign leaders, volunteers or any general member and may relate to the conduct of referendum campaigners or the implementation of the referendum process. Complaints that relate to decisions of the CRO shall be considered appeals and dealt with under section 6.5 of this Policy.

The following regulations shall apply to the consideration of complaints:

- All complaints must be in writing and contain the name and student number of the complainant; a full description of the cause for complaint with appropriate references to the associated policy or bylaw; the specific individual responsible for the breach, where appropriate; and supporting facts and evidence.
- Incomplete complaints will be returned to the complainant.
- Complaints will be ruled on within forty-eight (48) hours of receipt.
- When a complaint relates to the actions of a third party, that party shall have the right to address the matter before a ruling is made on the validity of the complaint.
- Complaints may be filed up to forty-eight (48) hours following the closing of the balloting period. Complaints filed following this period shall not be considered.

### **6.3 Minor Offenses**

Minor offenses shall be those breaches of policy, bylaws or regulations not listed under section 6.4 of this policy.

#### Minor Offenses of Similar Nature

- In the case that a yes/no campaign commits a minor offense, said campaign shall be issued a written warning outlining the offense and the steps necessary, if any, to correct the situation.
- Should a yes/no campaign commit a second offense of similar nature to his/her first offense, said campaign shall be issued a final warning and shall have their materials allocation reduced by 50%, including the removal of 50% of previously approved and erected materials.
- Should a yes/no campaign commit a third offense of similar nature to his/her first and second offense, said campaign shall be disqualified by the CRO.

#### Diverse Minor Offenses

- In the case that a yes/no campaign commits a second offense, but the second offense is of a different nature than the first, said campaign shall be issued a second letter of warning outlining the offense and steps necessary, if any, to correct the situation.
- In the case that a yes/no campaign commits a third offense that is different in nature to the first two offenses, the campaign shall be issued a third and final warning outlining the offense and the steps necessary, if any, to correct the situation; and shall have their materials allocation reduced by 50%, including the removal of 50% of previously approved and erected materials.
- Upon a fourth offense of any kind, the yes/no campaign shall be disqualified.

### **6.4 Major Offenses**

Major offenses will result in disqualification of a yes/no campaign. Major offenses include:

- Engaging in harassment of any kind against members, other yes/no side volunteers, members of the Board of Directors, staff or College officials;
- Exceeding the poster, handbill or banner limit by more than 50%;
- Campaigning prior to, or after the campaign period;
- Continued loitering in the voting area;
- Interfering in the voting process;
- Removal or vandalism of other yes/no campaign's materials;
- Campaigning via campus publications or other media, other than personal interviews;
- Making, joining, or participating in campaigning that defames other candidates, members of the Committee, or officials of the Students' Union and/or College; and,
- Any violation of policy, bylaws or regulations that is malicious and seeks to undermine



the process.

## **6.5 Disciplinary Action**

The following shall apply to the application of disciplinary action:

- If disciplinary action involves campaign material, the CRO or a member of the Committee shall remove the offending material.
- All decisions regarding disciplinary action shall be communicated to the effected yes/no campaign in writing. Decisions shall also be communicated to the complainant, where deemed appropriate by the CRO.
- Yes/no campaigns or members of the Committee may request a meeting to discuss the application of discipline prior to, or following communication of a formal decision in writing.
- If the discipline applied is disqualification, the yes/no campaign being disqualified will be notified in writing and offered a formal meeting to discuss the reasons for disqualification.

## **6.6 Appeal**

Appeals of disciplinary action or decisions of the CRO may be made to the Committee provided that they are delivered in writing within forty-eight (48) hours of the issuance of the decision or disciplinary action. The decision of the Committee shall be communicated to the appellant within forty-eight (48) hours of the receipt of the appeal.

Decisions of the Committee may be appealed to a quorate general meeting.

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