



Students' Society of McGill University  
Association étudiante de l'Université McGill

**Office of the Speakers**  
Bureau de Présidents du Conseil

### **Notice of Motion Regarding Electoral By-Law Reform**

*Whereas*, By-Law I-1 comprises SSMU's Election and Referenda Regulations;

*Whereas*, the current electoral bylaws are convoluted, wordy, and difficult to enforce;

*Whereas*, the electoral bylaws have been under review since the 2010-2011 academic year;

*Whereas*, due to the Memorandum of Agreement between McGill and SSMU approved by the SSMU Legislative Council on November 3<sup>rd</sup>, 2011, Elections McGill is now known as Elections SSMU;

*Whereas*, the current bylaws provide the Vice-President (University Affairs) as an advisor to Elections SSMU but in recent years this role has been performed by the President;

*Whereas*, endorsements currently occur ad-hoc according to each year's Elections SSMU Chief Electoral Officer's restrictions but are not addressed in the bylaws;

*Whereas*, the current bylaws do not contain specifications regarding student group fee referenda;

*Whereas*, advance polling was eliminated by a bylaw change earlier this academic year;

*Whereas*, a track changes version of the proposed changes has been appended to this motion;

*Resolved*, that the following be adopted to replace Bylaw I-1 Election and Referenda Regulations,

*Resolved*, that these changes shall come into effect on May 1<sup>st</sup>, 2012.

Moved by:  
Maggie Knight, President

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## BY-LAW I-1 ELECTION AND REFERENDA REGULATIONS

### **Part 1: Interpretation**

#### **Article 1 – Interpretation**

- 1.1 In this by-law, the following terms shall be interpreted as defined below.
  - 1.1.1 “Days” as used in this by-law include weekends but not holidays (civic and academic).
  - 1.1.2 “Electoral dates” include, but are not limited to, the dates for the opening and closing of nominations, the opening and closing of campaign periods, the referendum question deadlines, the all-candidates debate, and the polls.



- 1.1.3 “Plebiscite” shall refer to questions of opinion on ballots that are not binding on the Society.
- 1.1.4 “Public notice” shall refer to notice in a written format that is sent to all members of the Society by electronic means. .
- 1.1.5 “Sanction” shall mean any fine or penalty assessed by the CEO, including disqualification from elections or overturning the results of an election or referendum.
- 1.1.6 “Censure” shall refer to a public notice disseminated by Elections SSMU in response to a campaign infraction which describes the infraction and explains why Elections SSMU issued a censure in response to said infraction.
- 1.1.7 “External” shall refer to persons who are not members of the Society and to organizations whose governance bodies do not include representatives from or to the Society. McGill University governance bodies (Board of Governors, Senate, committees, etc) shall also be considered external to the Society.

## **Part II: General**

### **Article 2 – Electoral Officers**

2.1 The Chief Elections Officer (hereinafter “CEO”) shall supervise all electoral officers of the Students' Society of McGill University (hereinafter “Society”), oversee the operations of Elections SSMU and be responsible for administering the Society's elections and referenda.

2.2 The Deputy Chief Electoral Officer (hereinafter “DCEO”) shall assist the CEO in the fulfillment of the CEO's duties as requested. In particular, the DCEO shall be responsible for enforcing and policing the campaign regulations.

2.2.1 In the extended absence of the CEO, the DCEO shall assume all the duties of the CEO.

2.3 The two (2) Elections Coordinators (hereinafter “ECs”) shall be responsible for the preparation and coordination of the polls (including, but not limited to, hiring polling clerks, advertising polling locations and hours) and reviewing all nomination and petition forms submitted to Elections SSMU.

2.3.1 In the event of an extended absence by the DCEO, the ECs shall assume the duties of the DCEO.

2.3.2 The CEO or DCEO may perform any duty that is specified herein for the ECs.

2.2 The Chief Electoral Officer, Deputy Chief Returning Officer, and Elections Coordinators will be selected by the Nominating Committee and ratified by Council. The Vice-President (University Affairs), 2.4 The CEO, DCEO and ECs shall be appointed by the Nominating Committee. The President, Vice President (University Affairs), and previous Chief Electoral Officer may provide recommendations and advice to the Nominating Committee.

2.5 The poll clerks shall be hired by the CEO in accordance with the Society's hiring practices.

2.6 The CEO, the Deputy Chief Electoral Officer and the Elections Coordinator(s) shall be advised by the Vice-President (University Affairs) and/or President. Should the Vice-President (University Affairs) and/or President be a candidate for election, the General Manager shall serve as advisor.



2.7 In the event that the CEO and another officer or employee of the Office of the Chief Electoral Officer make inconsistent rulings or declarations, the ruling or declaration of the CEO shall prevail and be deemed final.

### **Article 3 – Creation of Independent and Impartial Electoral Agency: Elections SSMU**

3.1 The CEO, together with the DCEO, ECs and all of their paid employees shall form an independent and impartial agency of SSMU named “Elections SSMU.” This organisation shall be the sole body to administer the Society’s elections and referenda and shall be synonymous with the “Office of the Chief Electoral Officer.”

3.1.1 The “officers” of Elections SSMU shall be limited to the CEO, DCEO and ECs.

3.1.2 The signing officers of Elections SSMU shall be the CEO and the DCEO.

3.2 Elections for the following positions shall be conducted under the auspices of Elections McGill:

3.2.1 the executive positions of SSMU (excluding that of the General Manager);

3.2.3 the executive members of the First Year Council (hereinafter “FYC”);

3.2.4 the three (3) members of Council representing the Society’s Activities, Productions, Media, Services and Interest groups; and

3.2.5 the (11) eleven undergraduate student Senators;

3.2.6 the three (3) members of Council representing the Senate/Board Caucus.

3.3 Elections SSMU shall administer such other elections or referenda as provided for in the SSMU Constitution and By-laws or which may be assigned to Elections SSMU from time to time by Council. All elections and referenda administered by Elections SSMU shall be subject to the SSMU Constitution and By-Laws.

3.4 The stipends of all of the officers of Elections SSMU shall be set according to the Society’s payscale for student staff. No officer or employee of Elections SSMU shall be deprived of any part of his or her stipend unless the officer resigns or is removed from office for cause, including but not limited to failure to act impartially and with disinterest.

3.5 No officer of Elections SSMU may be on the editorial staff of any campus publications or media source.

3.6 No officer of Elections SSMU may be:

3.6.1 A member of Council (including Speakers), the Executive, Judicial Board, Senate Caucus, or of any Committee of Council or working group;

3.6.2 A former member of Council or the Executive;

3.6.3 A faculty association councillor or executive;

3.6.4 An executive of any group that endorses candidates or holds a public position on referenda;

3.6.5 A SSMU staff member in any other capacity; or

3.6.6 A member of the editorial staff of any campus publication that is published more than six (6) times per year.

3.7 Neither candidates, persons involved with a candidate’s campaign, nor members of “Yes” or “No” committees may work for Elections SSMU. The determination of whether an individual is involved with a candidate’s campaign or a referendum committee is to be made using the standard of the reasonable person.



3.8 Members of Council, the Speaker(s) of Council, paid employees of SSMU and members shall be barred from working for Elections McGill.

3.9 All employees of Elections SSMU shall sign an oath swearing to act impartially for the agency.

3.10 At Council's request, the CEO shall report to Council on any matters pertaining to elections, referenda and their conduct. Council shall reserve the right to censure and/or remove any Elections SSMU officer with a three-quarters majority vote of the entire Council.

#### **Article 4 – Transmission of Motions of Council to Elections SSMU**

4.1 The transmission to Elections SSMU of motions passed by Council pertaining to elections and referenda shall be the responsibility of the Speaker of Council. When the Speaker is absent or not performing his or her duties, the President, or the President's delegate, shall ensure that all motions passed by Council pertaining to elections and referenda be transmitted to Elections SSMU.

4.2 Any and all motions pertaining to elections, referenda or Elections SSMU shall be passed by Council no less than ten (10) days prior to the opening of the polls.

4.3 Any motion of Council pertaining to elections or referenda that is not transmitted to Elections SSMU ten (10) or more days prior to the opening of polls shall be deemed spent and of no force or effect.

#### **Article 5 – Setting of Election Periods**

5.1 The CEO shall submit all electoral dates and poll locations for both the fall and spring electoral periods for the approval of Council. 7.2 Provisional electoral dates for the subsequent academic year shall be submitted to Council by April 15<sup>th</sup>. The finalized dates for the Fall election period shall be determined by September 21<sup>st</sup> of each year. The finalized dates for the Winter election period shall be established by the last Council meeting of the Fall semester.

7.3 In keeping with Constitution article 25.4, exceptional referendum periods may be defined by Council. Such periods must occur between the first and last classes of the Fall or Winter semester.

### **Part III: Elections and Referenda**

#### **Article 6 – Nominations**

6.1 Nominations for executive officers, the undergraduate student Senators, the undergraduate representative to the CKUT board of Directors and the executive board members of FYC, shall be open for at least ten (10) days.

6.2 Where one or fewer students declare themselves as candidates for an elected position:

6.2.1 Nominations for the vacant position shall be extended by 48 hours regardless of the scheduled campaign period. Appropriate public notice must be made of the extended nomination period;

6.2.2 Where no students declare themselves as candidates following the extended nomination period, SSMU Council shall fill the said office using standard conventions at its disposal.



6.3 Nominations must be signed by members of the Society as follows:

- 6.3.1 one hundred (100) for nominations for executive officers of the Society;
- 6.3.2 the lesser of fifty (50) or twenty-five percent (25%) of their respective constituencies for student Senators; and
- 6.3.3 fifty (50) nominations by other first year students for executive board members of FYC;
- 6.3.4 A signature for nomination and petition purposes shall be valid only if it is accompanied by a corresponding name, student identification number, faculty and program year.
- 6.3.5 A member of the Society may nominate more than one (1) candidate for each position.

### **Article 7 – Information Meeting**

7.1.1 Elections SSMU shall organize and promote an information meeting for all candidates before the start of the election campaign period. The purpose of this meeting shall be to inform candidates about electoral regulations and of important times and dates. All candidates and referenda committee chairs absent from this meeting will be deemed to be in full knowledge of the information dispersed at this meeting.

### **Article 8 – All-Candidates Debate**

8.1 Elections SSMU shall organize and promote at least one debate for all candidates for executive officer, to be held no later than twenty-four (24) hours after voting is scheduled to begin. The purpose of this meeting shall be to give students an opportunity to ask questions of the candidates and for candidates to make their views known to the McGill community.

### **Article 9 – Referendum Questions**

9.1 The CEO shall either approve or reject each referendum petition within three (3) days of its receipt.

- 9.1.1 All student-initiated referendum questions shall be circulated to Council within twenty-four (24) hours after the petition is approved.

9.2 Notice of the referendum and detailed instructions regarding the formation of “Yes” and “No” committees shall be distributed by electronic mail to all members of the Society.

### **Article 10 – Referendum Committees**

10.1 A “Yes” or “No” committee can be formed for accepted referenda questions by:

- 10.1.1 A Council motion. The name and phone number of a chair, plus a list of committee members, all of whom are members of the Society, must be submitted to Elections SSMU prior to the opening of the polls. The President of the Society or his /her delegate is responsible for ensuring this committee is properly formed.



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10.1.2 A petition signed by one hundred members of the Society for that purpose. The name and phone number of a chair, plus a list of committee members, all of whom are members of the Society, must be submitted to the EC prior to the opening of the polls.

10.2 Council may not form both a "Yes" and a "No" committee for the same question. No member of the Society may act as a member of both "Yes" and "No" committees for the same question. 10.3 After the "Yes" or "No" committee is formed in accordance with these By-Laws, the chair of the committee may recruit additional committee members by submitting their names to Elections SSMU.

10.3.1 Additional committee members may only begin campaign activities upon receipt of written acknowledgement of their admission to the campaign committee by Elections SSMU.

### **Article 11 – Limitation on Candidacies**

11.1 Members of the Society may present themselves as candidates for one, and only one, elected position within the SSMU at any one time. Candidates attempting to seek more than one elected post in the same electoral period shall be subject to removal from all elections by the CEO.

### **Article 12 – Withdrawals**

12.1 Withdrawals of candidates or referenda questions will be accepted by Elections McGill until twenty-four (24) hours before the opening of the first poll.

### **Article 13 – Plebiscites**

13.1 Council shall approve annually by February 15th 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 election ballot. The President shall be responsible for facilitating a consensus among councillors on what subjects to call the plebiscites.

13.2 Campaigning for plebiscite questions is prohibited.

## **Part IV: Campaigning**

### **Article 14 – Campaigning**

14.1 All provisions in this article shall apply equally, where possible, to both candidates and referendum committees.

14.2 Campaign activities may only be carried out by members of the Society. All campaigning for an election must be carried out by the candidate or his/her authorized representatives (commonly called the "campaign team"). All campaigning for a referendum must be carried out by members of the referendum committee(s).



14.2.1 No organization external to SSMU may be directly or indirectly involved in the activities of, or the implicit or explicit support of, referendum committees or candidates' campaign teams.

14.3 Any referendum committee or candidate believed by the CEO to have received assistance, either direct or indirect, from an external person(s) or organization(s) shall be subject to sanction up to and including public censure, closure of the referendum committee or campaign team, and/or candidate disqualification or nullification of the referendum.

14.4 No candidate, campaign team 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 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 CEO.

14.4.1 No officer, director or employee of SSMU or of a school, faculty or departmental association may use his or her position and any benefits associated with it in order to aid in his or her campaign.

14.4.2 No member of a club, service, independent student group, or media organisation may use his or her position to in order to aid his or her campaign.

14.4.3 During the campaign period, all candidates and members of referendum committees with an on-air position shall forgo their programming and broadcasting responsibilities. Likewise, all candidates and members of referendum committees who have editorial duties, including contributions, with either the *McGill Tribune* or the Daily Publication Society shall refrain from fulfilling those duties during the campaign period.

14.5 Candidates and referendum committees shall respect the spirit of a fair campaign and should conduct themselves with full respect for their opponents. This includes, but is not limited to, refraining from interfering with the distribution of campaign material and engaging in slanderous campaigning.

14.6 Candidates and referendum committees shall be permitted to campaign throughout the voting period, except within the vicinity of the polling stations, which shall also be cleared of all campaign material.

14.7 During the campaign period, candidates and referendum committees will be allowed to campaign using posters according to the following criteria

14.7.1 Each candidate running for an Executive position and each referendum committee shall be entitled to post no more than two hundred (200) eight and half by eleven inches (8.5"x11") posters, no more than two (2) of which may be displayed within the Shatner University Centre, and one poster (no larger than four hundred and thirty-two (432) square inches) in a spot designated by the EC in the Shatner Centre. The CEO shall implement a secured system to ensure that no candidate or referendum committee will exceed this limit. No other type or size of poster shall be allowed.

14.7.2 During the campaign period, each candidate running for the position of undergraduate Senator shall post no more than fifty (50) eight and half by eleven inches (8.5"x11") posters, no more than two (2) of which may be displayed within the Shatner University Centre, and one poster (no larger than four hundred and thirty-two (432) square inches) in a spot designated by the EC in the Shatner Centre.



The CEO shall implement a secured system to ensure that no candidate or referendum committee will exceed this limit. No other type of poster shall be allowed.

- 14.7.3 All campaign posters are to be produced on reused paper (i.e. one-side already used) or Forest Stewardship Council certified recycled paper.
- 14.8 All candidates' pen sketches shall be made available on the Elections SSMU and/or SSMU website at the start of campaign period, provided that they are submitted according to the deadline and requirements set by the CEO.
- 14.9 The CEO shall issue clear regulations concerning the use of websites, social media, and all other means of online campaigning before the start of campaign period.
- 14.9.1 Elections SSMU shall provide up to four hyperlinks from the Elections SSMU website to each candidate or campaign committee's online campaigning platforms (e.g. website, Facebook group, Twitter account, campaign video, etc.).
- 14.9.2 Any further clarification of online campaigning regulations deemed necessary by the CEO during campaign period will be made publicly available on the Elections SSMU website.
- 14.10 The following shall be limitations on candidates' rights to campaign.
- 14.10.1 No banners supporting a candidate, position, slate or referendum committee may be hung anywhere on University grounds. A banner is defined as any campaign material larger than four hundred and thirty two (432) square inches.
- 14.10.2 Campaign literature (e.g. handbills, stickers, etc) may be handed out only in person by a candidate or member of a candidate's campaign team/referendum committee to a member of the Students' Society, and only indoors on McGill campus unless told otherwise, in writing, by the CEO. There shall be no campaigning in any property operated by SSMU other than the Shatner University Centre.
- 14.10.2.1 Any person distributing non-affixed campaign literature must produce their McGill Student ID Card and any other relevant documentation when asked to do so by an officer of Elections SSMU.
- 14.10.2.2 Failure to produce adequate identification will result in the uncompensated confiscation of campaign material in the person's possession as well as any other sanctions the CEO deems appropriate.
- 14.10.3 Campaign stickers may not be attached to University, City of Montreal or SSMU property.
- 14.10.4 Candidates may not distribute food or any other gifts in kind for any purpose during campaign or voting periods, with the exception of food for campaign team members at campaign meetings. Food provided at campaign team meetings must not exceed \$5/person and must be declared as part of the candidate's total campaign expenses. Food may not be used to recruit campaign team members.
- 14.10.5 Candidates may not send unsolicited electronic mail for the purpose of campaigning.
- 14.10.6 Posters may only be affixed indoors in buildings operated by McGill University or SSMU. No paper campaign materials may be distributed, affixed or



publicly shown in classrooms or within the theft security perimeters of McGill libraries.

14.10.7 Postering must respect each building's regulations. The CEO shall not be responsible for enforcing University building regulations, but may issue sanctions if regulations are not followed.

14.10.8 Other than news coverage, no candidate or campaign committee shall have access, either directly or indirectly, to radio features or public service announcements.

14.11 Candidates and referenda committees are responsible for the removal of all campaign posters by 9.00am on the day of the opening of the polls. Candidates who do not remove their posters by said hour shall be subject to sanction by the CEO.

14.12 The CEO may prohibit the dissemination of campaign material that, in his/her judgment, contravenes the Constitution, By-Laws or Policies of the Society. Candidates may choose whether to seek the approval of the CEO before disseminating any information, but they shall nevertheless be held ultimately responsible for any material disseminated on their behalf that contravenes the Constitution, By-Laws or Policies of the Society. Candidates should be made aware at the candidates' information meeting that any such contravention may result in their disqualification from the election.

14.13 No publication supported either directly or indirectly by the Society, with the exception of the *McGill Tribune*, the Daily Publication Society, and any news publication operated by a faculty-level student association, may express or imply any but a neutral attitude in an article, editorial, advertisement or letter towards any candidate or position in a Society election or referendum.

14.14 The campaign period shall last for the ten (10) days preceding the closing of the polls. There shall be no campaigning during any other period, including the nomination period.

## **Article 15 – Campaign Funding**

15.1 Each candidate seeking an Executive position shall be permitted to spend a maximum of \$150.00 on campaigning. Each candidate seeking a position on the executive board of FYC or the McGill University Senate shall be permitted to spend a maximum of \$50.00. Each referendum committee will be entitled to \$200.15.2 All Executive, Senate, and FYC candidates who receive at least ten percent (10%) of the total vote, and all referendum 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 CEO).

15.3 All candidates and referendum committees must pay at least fair market value for their campaign materials. "Fair market value" means "the lowest price for a given product available in the Montreal region to all persons who approach a person or company that sells or deals in that product or service." In cases where a candidate or referendum committee receives or purchases materials for less than fair market value, the candidate or referendum committee must nevertheless declare the fair market value for such materials. The fair market value of materials shall be counted towards total campaign expenditures.

15.3.1 The CEO shall have the final say in what constitutes fair market value.

15.4 At the discretion of the CEO, reimbursement may be withheld from any candidate or referendum committee for any infraction of the Constitution or these By-laws.



15.5 Candidates and referendum committees are to submit their campaign receipts and requests for reimbursement to the CEO within two (2) days of the announcement of the election results.

15.5.1 Elections SSMU shall review all receipts and shall prepare and make available a summary of all requests for reimbursement to all candidates and committee chairs within four (4) days of the announcement of results a summary of all requests for reimbursement.

15.5.2 No candidate or referendum committee shall be entitled to reimbursement of campaign expenses if original itemized receipts are not provided.

15.6 Each candidate or committee is entitled to request an inquiry into the campaign spending of another candidate(s) within 3 days of the CEO's publication of candidate expenditures. In the case of an inquiry, the CEO shall evaluate the campaign spending of the candidate in question on the basis of the fair market value of his/her campaign materials.

## **Article 16 – Sanctions for Campaign Violations**

16.1 Material that contravenes the Constitution, By-Laws or Policy Manual of the Society will be subject to confiscation by the CEO.

16.2 In the case of an election, the CEO is empowered to disqualify a candidate or candidates or invalidate the election of any successful candidate who has continued to use material the same as or substantially similar to that which was previously confiscated by the CEO. In the case of a referendum, the CEO is empowered to invalidate the referendum if a committee on the prevailing side of the question continues to use material the same as or substantially similar to that which was previously confiscated by the CEO.

16.3 In the case of an election, any violation of the campaign funding rules may result in the invalidation of a candidate. If a successful candidate is thus disqualified, the runner up will be deemed the successful candidate. In the case of a referendum, any violation of the campaign funding rules by a committee on the prevailing side of the question may result in the invalidation of the referendum.

16.4 The CEO has the discretion to disqualify, withhold reimbursement from, or officially censure a candidate or referendum committee in addition to declaring an election or referendum invalid for any infraction of the electoral by-laws, depending on the severity of the offence.

16.4.1 The CEO may at his/her discretion provide for other sanctions

## **Article 17– Endorsements**

17.1 Any democratic organization consisting entirely of members of the Society and any democratic organization whose governance bodies include representatives from or to the Society, with the exception of McGill University governance bodies (Board of Governors, Senate, committees, etc), shall be entitled to issue endorsements according to their established democratic procedures for all elections and referenda which are under the jurisdiction of Elections SSMU and in which all members of the Society are eligible to vote.

17.2 Any of the above organizations wishing to issue endorsements which receive direct or indirect support from the Society must:



17.2.1 Invite all candidates for the position in question or representatives from both “Yes” and “No” committees to attend an in-person meeting of, and/or submit a written statement to, the democratic decision-making body in question in advance of an endorsement decision.

17.2.2 Disclose any affiliations of candidates or referendum committee members to their organization (e.g. positions held; financial, material, or in-kind donations received; etc.) to the decision-making body in advance of an endorsement decision and in any public notice regarding an endorsement decision.

17.2.3 Include the URL of the Elections SSMU website which includes information concerning all candidates and referendum questions in any public notice regarding an endorsement decision.

17.2.4 The CEO, President, and Vice President (Clubs & Services) shall make every effort to ensure that all such potential organizations and all eligible voters are aware of these regulations in advance of campaigning period.

17.2.5 Failure to comply with these regulations may result in the CEO issuing public notice of the infractions and/or, at the recommendation of the Interest Group Committee, removal of or disqualification from support from the Society.

17.3 Any of the above organizations wishing to issue endorsements which do not receive direct or indirect support from the Society will be strongly urged to act in the spirit of the above regulations.

17.4 No Executive Officer shall endorse any candidate(s) in a Society election or election run by Elections SSMU.

## **Part V: Polling, Scrutineering, Voting and Counting**

### **Article 18– Polling**

18.1 Elections SSMU shall hire at least two (2) poll clerks for each polling station.

18.1.1 A list with the names of poll clerks and polling stations for any election or referendum shall be provided upon request to candidates and referendum committees. Candidates and chairs of referendum committees are entitled to petition the CEO for the removal, for cause, of any poll clerk.

18.1.2 The CEO's decision regarding the removal of any poll clerk shall be final.

18.2 Each poll clerk is responsible for the conduct of their poll and is responsible for the following:

18.2.1 Removing candidates' election or committees' referendum campaign materials from within 10 feet and general view of the polling station;

18.2.2 Informing candidates or committee members that they are not permitted to loiter in the general area of a polling station except to cast their ballots;

18.2.3 Ensuring the secrecy of the vote;

18.2.4 Taking steps (including, if necessary, the refusal to allow more than a single voter at a time at or near the polling station) to prevent disorderly conduct at or near the polling station, particularly if such conduct is of a nature which may induce any voter to vote in a particular way;

18.2.5 Reporting any breaches of or irregularities regarding the above to the CEO immediately.



18.3 Should the CEO receive any complaints concerning the way in which a poll is being conducted, s/he shall immediately take steps to remedy the situation as s/he deems appropriate.

18.4 Poll clerks disobeying rules are subject to immediate removal without compensation by the CEO.

### **Article 19 – Scrutineering**

19.1 Each candidate or committee is entitled to the services of one scrutineer at each poll. Anyone intending to act in such capacity must present upon request of the poll clerk an explicit written authorization signed by the candidate or chair of the committee.

19.2 A candidate or the chair of a committee must submit to the CEO a list of the names and McGill ID numbers of his or her team's scrutineers.

19.2.1 A polling clerk or an officer of Elections McGill may require any scrutineer to produce a valid McGill ID card.

19.2.2 Use of non-authorized scrutineers may result in the imposition of sanctions by the CEO on the candidate or committee.

19.3 A scrutineer is entitled to object to the conduct of a poll, but not to interfere in its operations. All objections shall be made directly to the CEO or DCEO.

19.4 The poll clerk may expel from the poll a scrutineer who abuses his/her rights by acting in an unreasonable manner. If the candidate or committee for whom the expelled scrutineer was acting wishes to appoint a replacement, a second written authorization to that effect must be presented to the CEO for approval.

19.4.1 If a scrutineer refuses to leave the polling or counting area after being so instructed and warned, the candidate or referendum committee that he or she is representing may be sanctioned.

19.6 No scrutineers may be present for the tabulation of electronic votes.

19.7 Scrutineers disobeying rules are subject to censure and/or removal by the CEO.

19.8 Candidates and referenda committees shall be responsible for the conduct of their scrutineers.

### **Article 20 – Voting**

20.1 All voting shall be conducted using Election SSMU's Online Voting System (OVS).

20.1.1 Only the CEO and DCEO shall have access to the administrative functions of OVS.

20.1.2 Administrative passwords to OVS shall be changed at the beginning of each electoral period.

20.1.3 The CEO shall upload the official ballot to the OVS in the presence of no less than one other Elections SSMU official.

20.2 In the event that OVS is not operational during all or part of an electoral period, Elections SSMU shall make paper ballots available to all eligible electors. A paper ballot may also be made available to any eligible voter who does not have access to the OVS.

20.1.1 The CEO will ensure that a secure system is in place which ensures that each eligible elector may vote once and only once, and that only Elections Officers have access to the ballots.



- 20.1.2 All paper ballots shall be cast in the presence of at least one electoral officer and one other Elections SSMU staff member (poll clerk or electoral officer).
- 20.1.3 Under no circumstances may a student be allowed to cast a paper ballot without a student identification card. No appeals on this matter will be considered.
- 20.3 Poll stations shall be open for at least three hours on each week day during the voting period.
- 20.3.1 An elector may vote at any open poll during an election or referendum.
- 20.3.2 Each qualified elector wishing to vote must do so in person. Voting by proxy is prohibited.
- 20.3.3 Elections SSMU shall make every reasonable effort to ensure that polls are held in a variety of locations across campus and in residences in order to promote voting by the entire membership of the Society.
- 20.3.4 All eligible voters will be informed of the date, time and location of polls by electronic mail no later than twenty-four (24) hours prior to the opening of the first poll.
- 20.3.5 Polls whose locations have not been made public at least twenty-four (24) hours in advance shall be deemed unofficial and all ballots cast at an unofficial poll will be null and void unless all candidates or committees involved agree otherwise before the opening of the poll concerned.
- 20.3.6 At least one polling station with wheelchair access must be accessible to persons with physical, visual or auditory disabilities. Said station must have sufficient facilities to ensure that all members of the Society may be able to vote.
- 20.3.7 At the time designated by Elections SSMU for the closing of any poll, electors who are then waiting in line may vote. No elector shall thereafter be admitted to the waiting line.
- 20.3.8 All ballots, referendum questions, plebiscite questions and instructions shall be available in English and French at all polling stations.
- 20.4 Voting shall be open for seven (7) consecutive days.
- 20.5 Results are to be announced by Elections SSMU at a pre-established time and place.

## **Article 21 – Acclaimed Candidates**

- 21.1 If there is only one candidate for any position, the ballot will offer two options: “Yes” and “No”.
- 21.2 If the candidate receives a plurality of “yes” votes, or an equal number of “yes” and “no” votes, the candidate shall be declared elected.
- 21.3 If the candidate receives a plurality of “no” votes,
- 21.3.1 The candidate shall not be declared elected.
- 21.3.2 The CEO shall be immediately declare a nomination period for 4 business days via a notice to all eligible voters via electronic mail. Regular nomination rules and procedures shall apply.
- 21.3.3 Any member of the Society, including any previously acclaimed candidates, shall be eligible to declare themselves a candidate during this nomination period.
- 21.3.4 Immediately following this nomination period, the CEO shall declare a campaign period of 5 days. Regular campaigning rules and procedures shall apply.
- 21.3.5 Immediately following this campaign period, polls shall be open for 2 business days. Regular polling rule and procedures shall apply.



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21.3.6 If no candidate is declared elected by this procedure, Council shall fill the position using standard conventions at its disposal.

## **Article 22 – The Count**

22.1 Votes cast through the Online Voting System shall be tabulated by the CEO in the presence of at least one other electoral officer.

22.2 If any paper ballots were cast, they shall be counted in the presence of no less than two electoral officials.

22.2.1 At the request of any one candidate or referendum committee, one (1) neutral scrutineer may be appointed to observe the count of paper ballots. This neutral scrutineer may not be a member of any campaign team and shall be chosen by the CEO from a list of members of the Society submitted by the candidate or referendum committee making the request and any opposing candidate(s) or committee. Each candidate or committee must submit at least two names.

22.3 A paper ballot is to be rejected if:

22.3.1 There is no clear indication of preference for a single candidate or referendum question; or

22.3.2 The initials of the poll clerk do not appear on the ballot paper.

22.4 Any candidate or referendum committee chair may request one (1) recount of the paper ballots.

22.4.1 The CEO may order further recounts if he/she deems them necessary.

22.5 All paper ballots shall be kept in a secure location for seven (7) days following the announcement of results.

## **Article 23 – Tie Votes**

23.1 If two or more leading candidates have received an equal number of votes, the CEO will issue a public notice of a new vote for the position in question.

23.1.1 This vote shall be open for three (3) days, beginning the day after the announcement of the previous election's results.

23.1.2 Campaigning shall be allowed throughout this voting period, subject to the regulations in this bylaw.

23.2.3 Should this vote also result in a tie, a drawing of lots shall determine which candidate shall be declared elected.

23.2 In the event of a tie, a referendum question shall be deemed defeated.

## **Part VI: Special Elections**

### **Article 24 – Election of Councillors Representing the Society's Activities, Productions, Media, Services and Interest Groups**

24.1 Three (3) councillors shall be elected annually at a meeting attended by a duly authorised delegate from each SSMU event, production, media, service and interest group (club). The meeting



shall be chaired by the Vice President (Clubs and Services), who shall be aided by the CEO and the DCEO and/or an Elections Coordinator, unless the Vice President (Clubs and Services) is a delegate, in which case another member of the Executive Committee may be appointed by the CEO. This meeting is to be held between the 15th and 31st of March. Public notice shall be given at least ten (10) days prior to the meeting.

24.1.1 The above provision shall not apply to interim status groups.

24.2 Each delegate must be either an executive listed on the relevant executive contact sheet or registered in writing with the Vice President (Clubs and Services) at least twenty-four (24) hours before the start of the meeting.

24.3 A councillor elected under this article may be removed from office by a special assembly called for that purpose if duly authorized delegates representing fifty percent (50%) of the Society's events, productions, publications, services and interest groups so request, in writing, to the Vice President (Clubs and Services). Public notice of such an assembly shall be given at least seven (7) days in advance.

24.4 If a councillor elected under this article resigns or is removed from office before January 31<sup>st</sup>, an election for a replacement shall be held within three weeks of the date of resignation or removal according to the above procedures.

### **Article 25 – Election of Councillors Representing the Senate Caucus**

25.1 Three (3) councillors shall be elected at a meeting attended by undergraduate student members-elect of Senate. This meeting shall be chaired by the Vice President (University Affairs), who shall be aided by the CEO and EC. This meeting is to be held between the 15th and 31st of March. Public notice shall be given at least seven (7) days prior to the meeting.

25.2 The quorum for this meeting shall be 50% of the members-elect.

25.3 The outgoing President and Vice President (University Affairs) may vote at the meeting.

25.4 Should any member-elect be unable to attend the meeting, the incumbent from that constituency shall be entitled to vote in this meeting.

### **Article 26 – First Year Council Elections**

26.1 Elections SSMU shall administer the FYC Elections during the fall semester election period according to the regulations set out in this by-law.

26.2 The executive board members of FYC shall be elected for a term of one year during an election occurring before October 15th.

26.3 The CEO shall be entitled to make alterations to these regulations, subject to the approval of Council, in order to meet the exigencies of a fall election and in order to reduce the costs of such an election.

### **Article 27 – Election of undergraduate representatives to CKUT Board of Directors**

27.1 Two (2) undergraduate members of the Students' Society of McGill University shall be elected to fill the two undergraduate seats on the CKUT Board of Directors, serving a term of one year, beginning on April 1st. 27.2 The election of undergraduate representatives to the CKUT Board of



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Directors shall occur during the winter semester election period along with the regular elections of that period and appear on the same ballot.

27.3 All standard election procedures, stated in these bylaws, shall apply to the election of the undergraduate representatives to the CKUT Board of Directors.

27.4 In the event that no candidates present themselves for election or a representative seat is vacated, it shall be the responsibility of the SSMU executive sitting on the CKUT Board of Directors to ensure that the SSMU Legislative Council immediately undertake measures at its disposal to replace or fill these positions.

## **Part VII: Special Provisions**

### **Article 28 – Announcement of Results**

28.1 Upon completion of the ballot counting, the CEO shall announce publicly the unofficial results of the elections.

28.2 The CEO shall submit the official results in writing to the General Manager on the business day following the tabulation of results.

28.2.1 The CEO shall include the total votes cast, full text of all pen sketches and referendum questions (including whereas clauses), vote count and percentage of votes received for each candidate, and a copy of the ballot.

### **Article 29 – Invalidation and Disqualification**

29.1 In the case of any grave violation of the Constitution, By-laws, or Policies on the part of a candidate, candidate's campaign team or referendum committee, the CEO shall invalidate the election or referendum if, in his/her determination, a violation of the Constitution, By-laws, Policies or electoral decisions by the CEO has adversely affected the outcome of the election or referendum. In making this decision, the CEO may consider the conduct of the parties and the seriousness of the violations.

### **Article 30 – Appeals**

30.1 All appeals to the Judicial Board regarding the conduct of an election or referendum must be made no later than five (5) days after the written announcement of election results or any official announcement made by Elections SSMU.

30.2 All petitions to the Judicial Board regarding elections or referenda that are made more than five (5) days after the written transmission of the official results of elections or referenda to the General Manager shall be deemed absolutely prescribed and equitably stopped.

30.3 The Judicial Board shall not have jurisdiction to examine, try or hear any action that is submitted more than five (5) days after written results are transmitted to the General Manager.

30.4 Notwithstanding Judicial Board rules of practice or procedure, all appeals arising from elections and referenda shall be heard in the semester that they are launched.

30.5 Any case that is not adjudicated during the semester that it is launched shall be deemed moot.



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## **Part VIII: Ancillary Fee By-Laws**

### **Article 31 – General**

31.1 The SSMU shall not authorize any increases in ancillary fees until such a time that students will have voted in favour or against by way of a referendum, except those outlined in these by-laws.

31.2 Referenda regarding Ancillary fee increases shall take place during the regularly scheduled referendum periods in the fall and winter. Despite the current legislation regarding fee referenda only taking place in the fall, ancillary fees shall be viewed as exceptional and can take place in both of these periods.

### **Article 32- Pre-Referendum & Referendum Process**

32.1 The Vice President (University Affairs) shall seek all proposed ancillary fee increases from the Deputy Provost (Student Life and Learning) and compile them for presentation to Council, along with all information relevant to that fee increase (e.g. proposed increases in services to be provided).

32.2 The President and Vice President (University Affairs) will draft a proposed referendum question based on the information to be sent from the relevant University department via the Deputy Provost (Student Life and Learning). This draft will then be sent to the department in question for revisions. Although the President and Vice President (University Affairs) shall consult and discuss with the university on wording, final approval shall be left with SSMU Council.

32.2.1 All ancillary fee referendum questions shall be without bias. No question shall either encourage or discourage action on the fee in question.

32.3 The timeline for presentation of questions shall be as follows:

32.3.1 For fall referenda, the University shall supply information required to formulate the question no later than the end of the second week of September.

32.2.1 For winter referenda, the University shall supply all information required to formulate the question no later than the end of the second week of January.

32.3 By a 2/3 vote, Council will adopt the wording of the referenda question.

32.4 Council shall, in extreme circumstances, reserve the right to reject a question outright. The only time this may occur is in the case that the University has misrepresented information about the fee in question or does not provide sufficient information regarding the fee in question in a timely manner.

32.5 The ancillary fee referenda shall appear on a separate ballot at the same time as the normal referenda period in a manner so as to differentiate University fees from society fees, where technically possible.

32.5.1 Council may authorize the Executive Committee to authorize all fee increases rising



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at the rate of inflation without going to referendum. Inflation shall be determined in the institutional context of McGill, taking into account: McGill salary agreements, energy CPI and Canadian CPI. This provision only covers inflationary increases up to and including 10%. The calculation of this number must be backed up with University documentation and verified by the VP (Finance and Operations).

33.8 Council and/or members of the Society may choose to form “Yes” or “No” Committee for each fee, according to the regulations for referendum questions.

### **Article 33- Elections SSMU Ancillary Fees Referenda Committee**

33.1 There shall be an impartial and independent committee of SSMU, designated to disseminate impartial information about ancillary fees.

33.1.1 This committee shall be comprised of the following membership: The CEO, the President, Vice President (University Affairs), the SSMU Secretary General, and any relevant student representatives from university fee setting committees.

33.1.2 In the situation in which a yes or no committee is formed by SSMU Council, the President and Vice President (University Affairs) and any other committee members who are members of Council must either abstain from the Council campaign or step down from this committee.

33.1.3 All information shall be non-biased and entirely neutral, as will be determined by the CEO.

33.2 Information will only be distributed during the campaign period.

33.3 The Administration may submit information to the committee for distribution.

33.3.1 The Administration shall be allowed to send the content for one mass, informational email to students through the Elections SSMU listserv, of purely informational content to be agreed upon by this committee during campaign period.

33.4 The University may not distribute information directly to society members, except through standard governance channels (e.g. Senate or faculty committees).

33.5 All material must be approved by the CEO prior to its distribution.

### **Article 34- Breach of By-Law**

34.1 Any SSMU executive who authorizes any ancillary fee increase without following these processes shall be considered in extreme derelict of duty and can therefore face impeachment proceedings as per section 34 of the SSMU constitution.

34.2 Any severe breach of these or the SSMU's regular electoral by-laws, as determined by the CEO, by a member of the “Yes” committee or McGill Professor, Employee, or Administrator of McGill University shall result in the immediate rejection of the concerned fee or fees.

34.3 Any breach of these or the SSMU's regular electoral by-laws by a member of the “Yes” or “No” committee shall result in the disqualification of the entire committee.



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## **Part IX: Student Group Fee Referenda**

### **Article 35 – General**

35.1 Society groups with Services status may seek or renew dedicated funding to finance their activities through referendum. If successful, funds will be received by the SSMU on behalf of the Service and allocated to their financial department.

35.2 Society groups with interim or full club status may not seek dedicated funding through referendum.

35.3 Referendum questions regarding dedicated funding for Services must include the amount of the funding per semester or fiscal year as well as the first and final dates (by semester) of the dedicated funding.

35.4 Independent student groups or organizations which involve members of the Society but which may not have any status with the Society may use the Society's referendum process to create or renew fees.

### **Article 36 – Dedicated Funding from the SSMU Base Fee**

36.1 A Council-initiated or student-initiated referendum question may allocate a certain amount from the SSMU base fee to a Service, either annually or in each of the Fall and Winter semesters.

### **Article 37 – Creation or Renewal of an Additional Fee for a Service**

37.1 A Council-initiated or student-initiated referendum question may create a fee separate from the SSMU base fee to be allocated to a Service.

37.2 Such fees are collected by McGill University on behalf of the group in question and then transferred to the SSMU, which in turn provides the funds to the group. Consequently, any such question should be written with the advice of the Vice-President (Finance and Operations) and/or the President, who shall be responsible for liaising with the Office of the Deputy Provost (Student Life and Learning) and Student Accounts to gain confirmation in advance from McGill that they will implement the fee if the referendum question passes.

37.3 Referendum questions for this purpose should include the fee per student per semester, whether it applies to both full-time and part-time students, and whether the fee is opt-outable.

### **Article 38 – Independent Student Group and Third Party Fee Referenda**

38.1 Independent Student Groups (ISGs) may levy fees through a referendum mandate. However, since ISGs are separate legal entities, and the SSMU can consequently not receive such fees on their behalf, they must also reach agreement with McGill University that such a fee will be implemented if the referendum is successful. This may require a separate Memorandum of Agreement between the ISG and the University.

38.1.1 In consultation with the Interest Group Committee, the Vice-President (Clubs and Services), President, and Vice-President (University Affairs) may advocate on behalf of the ISG to McGill University.



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38.2 In exceptional circumstances, a Council-initiated referendum question may seek to create a fee for a third party organization which does not hold Independent Student Group status. Such a referendum question shall only be approved:

38.2.1 If a full and detailed presentation of the third party organization, detailing the benefits the organization can provide to the Society's members, is made to Council;

38.2.2 If the Interest Group Committee recommends approval;

38.2.3 If prior written confirmation that McGill University has agreed that such a fee will be implemented if passed by referendum; and

38.2.4 By a 2/3 majority vote of Council.

38.3 Council-initiated referendum questions shall not be approved for any third party organization with whom the Society's members do not have a substantial demonstrable connection.