

# Tribune Publication Society Bylaws

## Book 2: Referendum Regulations

Adopted October 11, 2014

## Referenda Regulations

The following by-laws apply only to referenda conducted by the Tribune Publications Society (hereinafter referred to as 'TPS'). Note that reaffirmation/fee-renewal referenda are conducted according to the procedure outlined in Article 13 of the TPS Constitution. All provisions must be consistent with the TPS Constitution. The interpretation of these by-laws shall be limited by their explicit content.

### I INTERPRETATION

#### 1. INTERPRETATION

1.1 In this by-law, the following terms shall be interpreted as defined below.

- a) "Days" as used in this by-law do not include weekends (Saturday or Sunday) or holidays (civic and academic)
- b) "Returning 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 referendum committees debate, the advance poll(s) and the general polls.
- c) "Public notice" shall refer to notice in a written format that is either sent to all members of the TPS, by electronic means or other, or notice that shall be placed in public view or advertised in student media that is freely accessible to all members of Society.
- d) "Sanction" shall mean any fine or penalty assessed by the CEO including disqualification from elections or overturning the results of an election or referendum.
- e) "Censure" shall refer to a public notice disseminated by Elections TPS in response to a campaign infraction which describes the infraction and explains why Elections TPS issued a censure in response to said infraction.
- f) "External" shall refer to any group or individual outside the editorial board of the McGill Tribune and the Tribune Board of Directors.
- g) "Endorsement" shall refer to a singular instance of a public statement of opinion towards a referendum committee reflecting the position of an organization as a whole, or a particular individual, subject to their established decision-making process.

### II GENERAL

#### 2. CHIEF ELECTORAL OFFICER

2.1 The Chief Electoral Officer (hereinafter "CEO") shall oversee the operations of Elections TPS and be responsible for administering the Society's elections and referenda.

2.2 In addition to the duties laid out in the Constitution, the CEO is responsible for ensuring that the Deputy Electoral Officer abides by the rules and guidelines governing elections, and does not contravene the Constitution, By-Laws, or Policies of the TPS.

2.3 In the event that the CEO and the Deputy CEO make inconsistent rulings or declarations, the ruling or declaration of the CEO shall prevail and be deemed final.

### 3. DEPUTY ELECTORAL OFFICER

3.1 The Deputy Chief Electoral Officer (hereinafter "DEO"), should the CEO deem it necessary that a DEO be hired, shall assist the CEO in the fulfillment of the CEO's duties to the extent allowed by the CEO. In particular, the DEO shall be responsible for enforcing the campaign regulations contained in this by-law.

3.2 In the extended absence of the CEO, the DEO shall assume all the duties of the CEO.

3.3 The CEO and DEO shall review all nomination and petition forms after they have been submitted to the Society's office.

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.

### 4. ELECTIONS TPS

4.1 The CEO, together with the DCEO, shall form an independent and impartial agency associated with the TPS named "Elections TPS." This organization shall be the sole body to administer the Society's referenda and shall be synonymous with the "Office of the Chief Electoral Officer."

### 5. TRANSMISSION OF MOTIONS OF THE BOARD TO ELECTIONS TPS

5.1 The transmission to Elections TPS of motions passed by the Board pertaining to elections and referenda shall be the responsibility of the Chair of the Board.

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

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

### 6. SETTING OF ELECTIONS PERIODS

6.1 The CEO shall submit all Returning dates for the approval of The Board. These dates shall be determined in keeping with the TPS Constitution and its By-laws.

## **III ELECTIONS & REFERENDA**

### 7. INFORMATION MEETING

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

### 8. REFERENDUM QUESTIONS

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

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

8.2 Notice of the referendum and detailed instructions regarding the formation of "Yes" and "No" committees shall appear as soon as possible in the Tribune following the acceptance of either a referendum petition by the CEO, or of a Board-initiated referendum.

## 9. REFERENDUM COMMITTEES

9.1 The Board may pass a motion forming a "Yes" or a "No" committee, and not both, for accepted referenda questions. The name and phone number of a chair, plus a signed list of committee members, must be submitted to Elections TPS during the designated nomination. The Chair of the Board or his/her delegate is responsible for ensuring this committee is properly formed.

9.1.1 A member of the Society may form a "Yes" or a "No" committee, and not both, for accepted referenda questions through a petition signed by one hundred members of the Society for that purpose. The name and phone number of a chair, plus a signed list of committee members, must be submitted to the CEO during the designated nomination period.

9.2 Any referendum committee believed by the CEO to have received any assistance, either direct or indirect, with the exception of endorsements, from person(s) or organization(s) apart from the funding and assistance stipulated in this bylaw shall be subject to sanction up to and including; public censure, closure of the Referendum committee and/or nullification of the referendum.

9.3 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 TPS.

9.3.1 Any member, and only members, of the Tribune Publications Society may serve as committee members.

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

## 10. WITHDRAWALS

10.1 Withdrawals of referenda questions will be accepted by Elections TPS until twenty-four (24) hours before the opening of the first advance poll.

## IV CAMPAIGNING

### 11. CAMPAIGNING

11.1 All forms of campaigning are permitted within, and only within, a ten (10) day campaign period, unless they are explicitly prohibited under the by-laws below.

11.2 Each referendum committee shall be entitled to display posters in the Shatner Centre in accordance with regulations set forth by the SSMU.

11.3 During the campaign period all referendum committees shall be entitled to post no more than four hundred (400) posters during the campaign period of eight and half by eleven inches (8.5"x11") each. The CEO shall implement a secured system to ensure that no committee exceeds this limit. No other type of poster shall be allowed.

11.4 The CEO shall not be responsible for enforcing University building regulations.

11.5 The following shall be limitations on referendum committees' rights to campaign.

11.6 No banners supporting a referendum committee, 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.

11.7 Non-affixed campaign literature (handbills) may be handed out only in person by a referendum committee or member of a referendum committee to a member of the Society, and only on McGill campus unless told otherwise, in writing, by the Chief Electoral Officer.

11.7.1 Any person distributing non-affixed campaign literature or participating in any campaign activities must produce their McGill Student ID Card and any other relevant documentation when asked to do so by an officer of Elections TPS or their designate.

11.8 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.

11.9 Campaign stickers may not be attached to University, City of Montreal, or SSMU property.

11.10 Committees may not distribute food or any other gifts in kind for any purpose during campaign or voting periods.

11.11 Committees may not send unsolicited electronic mail as defined by the CEO for the purpose of campaigning.

11.12 No paper campaign materials may be distributed, affixed or publicly shown in classrooms or within the theft security perimeters of McGill libraries.

11.13 Posters may only be affixed indoors in buildings operated by McGill University, SSMU, or PGSS.

11.14 Referendum committees and referenda committees are responsible for the removal of all campaign posters by 9:00am the day following the end of campaigning. Referendum committees who do not remove their posters by said hour shall be subject to sanction by the CEO.

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

11.16 The CEO may prohibit the dissemination of campaign material that, in his/her judgment, contravenes the Constitution, By-Laws or Policies of the Society. Referendum committees 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. Referendum Committees should be made aware at the referendum committees' information meeting that any such contravention may result in their disqualification from the election.

11.17 There shall be no campaigning on any property operated by the SSMU with the exception of the Shatner University Centre.

11.18 Campaign activities may only be carried out by members of the committee.

11.19 All campaigning must be carried out by authorized members of the referendum committee.

11.20 Referendum committees shall not engage in slanderous campaigning or false representations about the opposition. No one shall interfere with the distribution of campaign material.

11.21 Either committee may seek endorsements from, and only from, any external organization or external member of the Society.

## 12. SANCTIONS FOR CAMPAIGN VIOLATIONS

12.1 Material that contravenes the Constitution or Bylaws of the TPS will be subject to confiscation by the CEO.

12.2 In the case of an election, the CEO is empowered to disqualify a referendum committee or referendum committees or invalidate the election of any successful referendum committee 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.

12.3 In the case of an election, any violation of the campaign funding rules may result in the invalidation of the successful referendum committee. If such were to occur, the runner-up will be deemed the successful referendum committee. 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.

12.4 The CEO has the discretion to disqualify, withhold reimbursement from, or officially reprimand/censure a referendum committee or referendum committee in addition to declaring an election or referendum invalid for any infraction of the Returning by-laws at his/her discretion.

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

12.5 Should parties not external to the TPS fail to comply with these regulations or in any way aid or abet the circumvention of these bylaws, the CEO may, at their discretion, issue public notice of the infractions, and/or impose penalties and/or fine to the entities/person(s) involved.

## 13. SPENDING LIMITS

13.1 Each referendum committee shall be permitted to spend and be reimbursed for a maximum of \$150.

13.2 All referendum committees must pay 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 referendum committee receives or purchases materials for less than fair market value,

the 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.

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

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

13.5 Committees are to submit their campaign receipts and requests for reimbursement to the CEO within three (3) days of the announcement of the election results.

13.6 Elections TPS shall review all receipts and shall prepare and make available a summary of all requests for reimbursement to all committee chairs within five (5) days of the announcement of results a summary of all requests for reimbursement.

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

## **V POLLING, SCRUTINEERING, VOTING & COUNTING**

### **14. ONLINE VOTING SYSTEM**

14.1 All voting shall be conducted using an Online Voting System (OVS).

14.2 In the event that OVS is not operational during all or part of a Returning period, Elections TPS shall make paper ballots available to all eligible electors.

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

14.4 Administrative passwords to OVS shall be changed at the beginning of each Returning period.

14.5 The CEO shall upload the official ballot to the OVS in the presence of the DCEO or, if no DCEO has been hired, in the presence of one member of each referendum committee should the committees so desire.

### **15. VOTING**

15.1 The date and time of poll openings and closings will be published no later than twenty- four (24) hours prior to the opening of the polls in the McGill Tribune.

15.2 The polling period shall last seven (7) days.

15.3 Results are to be announced by Elections TPS at a pre-established time and place.

15.4 All ballots, referendum questions, plebiscite questions and instructions shall be available in English.

### **16. COUNT**

16.1 Votes cast through the Online Voting System shall be tabulated by the CEO in the presence of the DCEO or, if no DCEO has been hired, in the presence of one member of each referendum committee should the committees so desire.

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

#### 17. TIE VOTES

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

### **VI FINAL PROVISIONS**

#### 18. ANNOUNCEMENT OF RESULTS

18.1 Upon completion of the ballot counting, the CEO shall announce publicly the unofficial results of the elections, and submit the official results in writing to the Chair of the Board of Directors on the business day following the tabulation of results.

#### 19. INVALIDATION AND DISQUALIFICATION

19.1 In the case of any grave violation of the Constitution or By-laws referendum committee, the CEO shall invalidate the election or referendum if, in his/her determination, a violation of the Constitution, By-laws or Returning regulations 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.

#### 20. APPEALS

20.1 All appeals to the Judicial Board regarding the conduct of an election or referendum must be made no later than ten (10) days after the written announcement of election results or any official announcement made by Elections TPS.

20.2 All petitions to the Judicial Board regarding elections or referenda that are made more than ten (10) days after the written transmission of the official results of elections or referenda to the Chair of the Board of Directors shall be deemed absolutely prescribed and equitably stopped.

20.3 The Judicial Board shall not have jurisdiction to examine, try or hear any action that is submitted more than ten (10) days after written results are transmitted to the Chair of the Board of Directors.

20.4 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.

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