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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**

**Special Resolution:** a resolution requiring 14 days notice and a 75% approval rating as per the Society Act of BC.

**Committee:** The Electoral Committee as defined by Bylaw VII, subsection 1.

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

**Chief Returning Officer (CRO):** Member of the Electoral Committee assigned by the Board to take primary responsibility for organizing and overseeing the referendum process.

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

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

**Voting Area:** The area within a 15-meter radius of a balloting station.

**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.

**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 Society Act.

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

### **4.1 Yes/No Campaign Eligibility**

A yes or no campaign may be formed by either:

- The presentation to the Electoral Committee of a petition signed by not less than twenty-five (25) members requesting to be designated as a yes or no side; or,
- The designation by the Electoral Committee of an existing group (course union, internal organization or student media organization) in cases where said group has a relationship to the referendum being held.

### **4.2 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.

## **5. CAMPAIGNING**

### **5.1 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, a link to which shall be emailed to all members no later than 48 hours prior to the opening of polling. 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.

### **5.2 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 University.

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. Clubs, campus groups and internal organizations are prohibited from providing resources to a yes/no side.

#### **5.4 Candidate Instigated 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 (11" by 17") in dimension and shall be limited in number to not more than seventy-five (75) on the Nanaimo Campus and not more than ten (10) on each regional campus or centre. A vandalism allowance of three (3) 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 2,000 half-letter sized pieces of paper.
- Banners shall be no larger than fifteen (15) square feet and shall be limited to 3 per referendum side. 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 100 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 twenty-four (24) hours 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.

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 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 University's policies and regulations on posting and materials distribution.
- Engage in campaigning outside of University 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.
- Engage in campaigning during the polling period.

All campaign materials must be removed prior to the conduct of polling.

### **5.5 Online Campaigning**

Candidates may campaign online via Facebook, Twitter, Instagram, and the VIUSU App. Other social media platforms may be considered upon request to the CRO. Online campaign forums must be universally accessible to all members of the Students' Union, and postings must be publicly viewable.

Candidates are responsible for the content of their online campaign, including posts by others. All efforts must be made to ensure that the candidates' online presence fully adheres to the Electoral Policy.

### **5.6 Financing**

The following materials shall be provided by the Students' Union:

- black and white photocopying
- coloured paper
- poster printing
- banner making supplies
- button making supplies

Additional materials and printing costs shall be the responsibility of each individual yes/no campaign. Yes/no campaigns may not spend more than \$100 on their campaign and shall not receive any campaign donations from other organizations, including donations in-kind.

Yes/no campaigns wishing to produce materials using the Students' Union colour printer will be charged \$0.15 per standard letter sheet of paper.

## **6. BALLOTING AND RESULTS**

### **6.1 Polling**

Only members of the Committee, hired balloting clerks, or Office and Administrative staff members approved by the Electoral Committee shall staff balloting stations. Nanaimo campus balloting stations shall have two balloting 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 store ballot boxes in a locked office of the Students' Union Building when not in the custody of poll clerks.

Balloting shall occur for not less than two days on the Nanaimo campus and not less than one day on each regional campus, where applicable. The Committee shall establish balloting times and locations as follows:

- Not less than 6 hours per day on the Nanaimo campus occurring between 9am and 6pm; and,
- Not less than 4 hours per day on regional campuses occurring between 9.30am and 3.30pm.

Except when casting a ballot, yes/no campaign members and volunteers must remain out of the

voting area during polling. Yes/no campaigns may encourage members to vote, but must not engage in campaigning nor walk members to the polling station.

### **6.2 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. All ballots will be counted twice and where the first and second counts do not match, the ballots will be counted a third time by the CRO or DRO. A third count will only occur if the difference in counts is greater than 5% of the overall ballots cast for the position, or the if the difference in counts is great enough to alter the results of the vote.

Each yes/no campaign may designate a scrutineer to observe the ballot count, unless prohibited due to campaign infractions. 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.

To appoint a scrutineer a yes/no campaign must provide written notice to the CRO prior to the conclusion of the campaign period. Such notice may be by email.

### **6.3 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 50 posters on the Nanaimo campus and not less than 5 posters on each of the regional campuses, where applicable.

### **6.4 Destruction of the Ballots**

Ballots and associated voters lists shall be destroyed within one (1) week of the Board of Directors' receipt of the Referendum Report and their ratification of the results.

## **7. DISCIPLINE AND DISQUALIFICATION**

### **7.1 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.

### **7.2 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 7.5 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.

## **7.2 Minor Offenses**

Minor offenses shall be those breaches of policy, bylaws or regulations not listed under section 7.3 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.

## **7.3 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 or University officials;

- Exceeding the poster, handbill or banner limit by more than 50%;
- Campaigning door-to-door anywhere or campaigning off university property;
- Campaigning in or around residence buildings;
- 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 University; and,
- Any violation of policy, bylaws or regulations that is malicious and seeks to undermine the process.

#### **7.4 Disciplinary Action**

The following shall apply to the application of disciplinary action:

- If disciplinary action involves campaign material, 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.

#### **7.5 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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