Referenda Policy

Oversight Body: Bylaw and Policy Review Committee
Date Passed by Council: November 23, 2017
Date of Next Review: November, 2019
Related Policies, Bylaws, Legislation: Bylaw 39, Bylaw 9, Elections Policy

Definitions

Council – The Council of the Dalhousie Student Union (DSU) established in accordance with its Bylaws.

NOTE: All terms will hold the same definition as outlined in the Dalhousie Student Union Constitution.

1) SCOPE–

a. The provisions of this Policy shall apply to Dalhousie Student Union referenda.

2) DEFINITIONS

Spokesperson – A Dalhousie student means the Member of the DSU chosen by a referendum campaign – team to act as the official spokesperson for the team’s campaign and as the team’s liaison with the Chief Returning Officer Elections Committee.

Volunteer – means an individual, other than the spokesperson, registered with a particular campaign team in a referendum campaign.

Campaign – refers to a coordinated effort to elect any candidate or to pass or defeat any referenda during the DSU’s general election-elections.

Campaigning – advertising by any campus medium (including class talks) or the distribution and/or posting of any material including but not limited to social media platforms designed to influence voters.
Campaign worker – a person who has been asked by the spokesperson and has agreed to assist that campaign with campaigning in any capacity. — a person who has been asked by a candidate or referendum campaign and has agreed to assist that candidate or campaign with campaigning in any capacity. —

Official polling station – any polling station, whether stationary or mobile, operated by the Elections Committee or Elections Committee volunteers.

Resource – any material or asset that provides a benefit to a person or organization. —

Member – an individual who meets the membership criteria as outlined in the bylaws.

Non-DSU member – an individual who is not a member of the DSU but has been asked by the spokesperson to assist in a DSU referendum campaign.

CRO – Chief Returning Officer

Society – A student organization that receives resources and funding from, and is subject to oversight by, the DSU and fulfills all necessary requirements to be designated as a DSU society as set out in the Bylaws.

Executive Officer – A Member who is elected as an Executive Officer of the DSU responsible for directing the affairs of the DSU.

Business Hours – shall refer to the hours between 8:00am – 8:00pm Atlantic Standard Time.

Purpose

To outline rules and processes with which to conduct DSU-referenda in order to ensure fair, equitable, democratic, and transparent practices.

Scope

The provisions of this Policy shall apply to spokespersons, campaign workers, members, and all DSU executive officers, staff, and any non-DSU campaign workers.

Policy Statement
1. Spokesperson 3) UNION MEMBERS’ Eligibility

1.1a Any Union member may serve as a Spokesperson.

1.2 It is the responsibility of the Chief Returning Officer to authenticate student status and Spokesperson eligibility with the Registrar’s Office or Student Accounts.

1.3 Members serving as a campaign Spokesperson may not sit on the Elections Committee.

2. Referendum Registration

2.1 A referendum to increase DSU Union Fees over and above the rate of increase of the Canadian Consumer Price Index must adhere to the regulations laid out in Bylaw 9 of the DSU By-Laws.

2.2 Members wishing to register a society levy referendum question in the general election must adhere to the regulations laid out in Bylaw 9 of the DSU By-Laws.

2.2.1 Specifically, the referendum question must be found to meet the objectives of the DSU under Bylaw 3 and determined by Council.

3. DSU initiated Referendum

3.1 In recognition of:

3.1.1 The DSU Council being composed of elected student representatives,

3.1.2 The sometimes diverse and impactful nature of a DSU initiated referendum, often necessitating significant consultation and awareness raising within the Dalhousie community,

any referendum initiated by DSU Council is excluded from sections 4, 5, 6, 7, and 8 of this policy.

4. Campaigning

4.1a General Rules

4.1.1 No campaigning shall take place prior to the campaign period as approved by Council, established by the Chief Returning Officer.
4.1.2 The campaign period shall begin no less than two school days following the announcement of the election at 8 a.m. and end at 8 p.m. the day preceding voting.

4.1.3 The campaign period shall be no longer than five school days.

4.1.4 All campaign spokespersons must attend the campaign information meeting (also known as Candidates Café) for all campaigns. Any spokesperson who does not attend without making prior arrangements with the CRO will have their referendum revoked, at the discretion of the CRO.

4.1.5 All members of the DSU are subject to the Dalhousie University Student Code of Conduct. Offences against persons and property as defined in the Code of Conduct are strictly prohibited. Campaigns are expected to adhere to the Code, and should be aware that the CRO and Elections Committee reserve the right to sanction violators of the Code as is deemed appropriate, and may apply punishments ranging in severity up to and including their referendum being revoked and expulsion from the election. This is irrespective of where the case stands with the University.

4.1.6 The foregoing shall not impede any Executive Officer or member of the Dalhousie Student Union DSU from carrying out all duties reasonably incident to their portfolio.

4.1.7 For the purpose of running a referendum the UnionDSU shall be permitted to use its official multimedia platforms and website to promote their referendum during campaign period. Any oppositional campaign to the UnionDSU referendum must also be granted to the UnionDSU’s multimedia platform.

4.1.8 The Chief Returning Officer CRO shall set the date and time that campaigning is to cease and set the yearly parameters regulating post-campaigning.

4.1.9 Referendum campaigns shall be responsible for the actions of their campaign workers as they relate to campaign violations.

4.1.10 Campaigns must submit the names of all campaign workers to the Chief Returning Officer CRO no later than 12 pm on the day prior to the commencement of campaign period.

4.1.11 Under extenuating circumstances, if a person becomes or ceases to be a campaign worker after the deadline mentioned above, the Elections Committee must be notified immediately via e-mail and a reasonable explanation, as determined by the
Elections Committee, must be provided. If a person becomes or ceases to be a campaign worker after the deadline mentioned above, the CRO must be notified immediately via e-mail.

4.1.1 There shall be no campaigning of any kind at any of the University Libraries, on-campus bars or residences except where the Elections Committee is hosting an official elections event.

4.1.2 Campaigning shall be restricted to Dalhousie University campuses only. Public sidewalks adjoining campus buildings are considered for the purposes of this policy to be part of the University.

4.2 Poster Regulations

4.2.1 It shall be the responsibility of the Chief Returning Officer CRO and the Elections Committee to secure poster display space in as many university buildings as possible.

4.2.2 Poster display spaces secured by the Chief Returning Officer CRO and Elections Committee shall house one poster per candidate and one poster for each registered campaign. These posters shall be grouped, when possible, by position.

4.2.3 Poster space shall be distributed evenly at the discretion of the CRO and Elections Committee.

4.2.4 Posters in the poster display areas shall be the only legal campaign candidate posters.

4.2.5 Candidates and campaigns shall provide the Elections Committee with a maximum of three different posters, of a maximum size determined by the Elections Committee, either by acceptable electronic means or in hard copy. These shall be the posters used by the Elections Committee.

4.2.6 All posters shall be taken down by the CRO and Elections Committee no earlier
than the end of the voting period.

4.3 Other Forms of Campaigning

4.3.1 All forms of media may be used during the campaign period except where explicitly prohibited by the Elections Committee. Advertisements placed in The Gazette and The Sextant, however, are subject to limitations by The Gazette and The Sextant to be made clear to candidates and campaign participants by the Chief Returning Officer at their respective forums.

4.3.2 Campaign displays and the distribution of literature on campus are subject to the approval of the Elections Committee. All candidates and campaigns shall inform and have the approval of the Chief Returning Officer for any such activity that they plan to undertake.

4.3.3 Media restrictions on campaigning shall include:

4.3.3.1 All emails and candidate campaign materials must include a link to the official DSU elections website as stated by the Elections Committee.

4.3.3.2 The Elections Committee shall, on a yearly basis set the guidelines for online campaigning that will be available to candidates and registered campaign teams before the beginning of the campaign period.

4.3.4 The use of posters or campaign materials within the classroom is forbidden.

4.3.5 Verbal campaigning within the classroom requires the express permission of the presiding faculty member, permission must be given in advance of the in-class campaign and, in the event of a complaint, the campaign must be able to present proof of permission to the Chief Returning Officer presented to the Chief Returning Officer.

4.3.6 The use of UnionDSU or University facilities not available to all candidates and campaigns is forbidden. This includes, but is not limited to:

4.3.6.1 The Student Union Building’s video screens and front marquee,
4.3.6.2 DSU Name and Logo,
4.3.6.3 DSU Departments and Services,
4.3.6.4 The University’s ‘tiger mascot’ costume.

4.3.7
The use of Society resources by candidates and campaigns is permitted. This includes, but is not limited to society funds, websites, e-mail accounts and distribution lists.

4.3.8 The use of stickers is forbidden.

4.3.9 Handbills shall be no larger than 4.25 inches by 5.5 inches in size.

4.3.10 All campaigns and campaign workers are obligated to follow DSU and University policy as well as municipal, provincial, and federal laws in the course of campaigning.

4.3.11 No campaign candidate shall engage in libel, nor distribute material which could be construed as slanderous towards an opponent.

4.3.12 Any new interpretation or clarification of referenda election rules or policies by either the Chief Returning Officer (CRO) or Elections Committee shall be noticed to all campaigns and candidates and the entirety of the Committee within 24 hours of being made. The decision will come into effect once all campaign candidates have been notified.

4.3.12.1 A campaign is considered notified six business hours after the email is sent to the Spokesperson.

5. e. Campaign Expenditures

5.1 The total cost of a campaign shall have a value of no more than two hundred dollars ($200), excluding the cost of printing official posters. The Vice President (Finance and Operations) can provide each new Society levy candidate and campaign an advance equal to the amount specified in that candidate’s or campaign’s application projecting their campaign expenses, in any case not to exceed $200.00, for the purpose of facilitating their campaign. Candidates and campaigns will be required to return unused funds to the Vice President (Finance and Operations) within seven (7) days of the close of the elections period.

i. 5.2 No candidate or campaign shall receive discounts that are not available to all students.
5.3 Any in-kind good or service given to a campaign will be assigned a ‘market-value’ price as determined by the Elections Committee and included as part of the total campaign spending limit.

5.4 Goods or professional skills belonging to registered campaign workers the candidate are exempt from this regulation.

5.5 An itemized account of all expenditures must be submitted to the Chief Returning Officer CRO or their appointed agent within twenty-four (24) hours after the closing of the polls, and these accounts must include a written receipt or bill for each separate item of campaign material.

All candidates who receive more than twenty percent (20%) of the vote in an election race with two or less candidates or more than ten percent (10%) of the vote in an election with three or more candidates will be reimbursed for campaign expenses up to $200. For election races with five or more candidates, the Elections Committee may set an alternate threshold, which shall be announced prior to the start of the campaign period.

5.6 Any fines incurred by the campaign candidate will be collected by the VP (Finance and Operations) upon the recommendation of the Chief Returning Officer CRO within one (1) week following the close of campaign period.

5.7 Receipts and bills shall be submitted to the Vice President (Finance and Operations) for all expenditures for which campaign candidates seek reimbursement under Section 5.1.5(d)(i) above.

5.8 Any infractions of this policy regulation by a campaign candidate shall be investigated by the Chief Returning Officer CRO, and spokespersons candidates and/or their campaign workers agents in violation of this policy regulation may be penalized according to the seriousness of the breach, which may result in the campaign candidate owing the DSU funds equivalent to the amount fined by the Chief Returning Officer CRO under section 7.6 (b) of this policy.

6. Referendum Process

6.1 Referenda will run concurrently with the general election period.
Members wishing to register themselves as part of a referendum campaign team, whether the affirmative or oppositional campaign team, shall do so by e-mailing the campaign spokesperson who will inform the CRO as per this policy filling out the standard nomination forms and by attending the public meeting for all campaign teams as set out in this policy.

6.3 A member’s registration for a team shall be accepted when the spokesperson completes the standard UnionDSU registration forms and the Chief Returning Officer CRO is satisfied that the team members do not aim to falsely represent that team by registering for it.

6.4 Non-UnionDSU members may participate with a registered campaign team. A non-UnionDSU member’s registration for a team shall be accepted when the non-UnionDSU member completes the standard UnionDSU registration forms and the Chief Returning Officer CRO and team spokesperson are satisfied that the non-UnionDSU member does not aim to falsely represent that team by registering for it.

6.5 No member or non-UnionDSU member shall register for more than one (1) team for any referendum.

6.6 There shall be no more than one (1) registered campaign for each possible answer to a referendum question, excluding the ‘spoil’ option.

6.7 Referendum questions may be accompanied by a brief preamble approved in accordance with By-Law 9.

6.8 Each registered campaign team shall select at the time of registration one (1) member to act as the campaign’s spokesperson.

6.9 A campaign team must apply in writing to the Chief Returning Officer CRO in order to declare a new spokesperson.

6.10 A spokesperson shall:

6.10.1 Ensure that each registered campaign worker volunteer engaged in campaign activities with their team is made aware of all by-laws, policies, rules and regulations.

7. Rule Violation - Responsibilities and Outcomes

7.1 Charges of violation shall be submitted to the CRO in writing and a decision rendered by the CRO.
7.2 An appeal of a CRO decision must be submitted to the CRO who will bring it to the Elections Committee for review.

7.3 The Elections Committee may also lay charges of violations of campaign rules on its own initiative.

7.4 Charges of violation must be laid in writing within five school days of the close of voting to the CRO.

7.5 The Elections Committee shall meet according to its pre-publicized meeting schedule as publicized at the campaign information meeting to discuss any appeals, and to decide on the appropriate actions to be taken.

7.6 For an appeal decision of the Elections Committee to be valid, three of the Committee members and the CRO must be present at a meeting and the decision must have two-thirds majority.

7.7 A written report of any Elections Committee minutes will be made available to the public on written request within a 48 hour period. Any discussion that may lead to a referendum being disqualified from the election shall be done in camera.

7.8 Fines

7.8.1 Fines shall be assessed on the following basis:

7.8.1.1 Poster outside the regulated Elections Committee display area: $5.00 per poster,

7.8.1.2 Illegal displays: $20.00 per display,

7.8.1.3 Pre/post campaign period campaigning: $20.00 per incident,

7.8.1.4 E-mail violations: $20.00 per incident (i.e. one e-mail “sent” up to 100 recipients. Additional recipients shall incur further fines at $20/per 100),

7.8.1.5 The CRO shall reserve the right to levy a fine up to $50 for any violation not described above or for any gross violations of the aforementioned subsections.

7.8.2 Fines cannot be claimed as a campaign expense.

7.8.3 The CRO must inform the campaign of any fines received via email within 24
The campaign will be considered to have been informed, six business hours after the email is sent to the spokesperson. The email must inform the campaign of their right to appeal. The Elections Committee will also publish a list on the outside of the DSU Election Office doors, concerning the decisions of the CRO and Elections Committee with regards to violations committed by campaigns except those that will result in disqualification.

7.9 Expulsion

7.9.1 Violations of the following nature will result in AUTOMATIC DISQUALIFICATION of the referendum:

7.9.1.1 Non-attendance by the spokesperson or pre-designated representative (by prior arrangement of the spokesperson with the CRO) at the mandatory campaign information meeting for campaigns prior to the campaign period,

7.9.1.2 Tampering with the Elections Committee poster display,

7.9.1.3 Spending over the maximum spending limit as outlined in this policy,

7.9.1.4 Accruing greater than $100 in fines,

7.9.1.5 Any attempted interference in the process of voting in a referendum.

7.9.2 Decisions to disqualify a referendum shall not be made known to any party during the voting period. If a decision to disqualify is taken during the campaign period, the campaign will be notified immediately.

7.9.3 Where the Elections Committee finds there has been an egregious violation, it may declare that an election in its entirety or a specific referendum be ruled void.

8. Campaign Appeals

8.1 A campaign is deemed to be informed of a CRO decision six business hours after the decision is emailed to the spokesperson.

8.2 Appeals regarding decisions made and/or sanctions levied by the CRO shall be made in writing to the Elections Committee CRO within 72 hours of the campaign being informed of the decision. The CRO will then bring the appeal to the Elections Committee.

8.3 Appeals from an Elections Committee decision shall be made in writing to the Judicial Board Elections Appeals Committee only after an appeal to the Elections Committee has been
made. Appeals to the Judicial Board Elections Appeals Committee shall be made in writing within five days of being informed of the results of their appeal to the Elections Committee. The Judicial Board Elections Appeals Committee shall then investigate. The decision of the Judicial Board Elections Appeals Committee will be the final decision.

ii. ensure that non-Union member volunteers are in compliance with all by-laws, rules and Union Policy.

9. Voting (VOTING)

9.1 General Procedures

9.1.1 Voting shall be done using a secret, online ballot.

9.1.2 The purpose of providing electronic balloting is to increase voter participation by making voting more convenient while ensuring that the process remains anonymous, democratic, and free. Any one member’s vote belongs to that member alone – as such, online voting should not be done in a group setting or in the presence of persons who might influence the direction of a member’s vote.

9.1.3 For the days of voting of the election, all Dalhousie University computer rooms and terminals for the purposes of the election shall be considered to be polling stations for the purpose of restricting candidates/campaign worker activity around these sites.

9.1.4 The Online Voting system shall be in operation continuously from the start of the voting period until closing of the polls at 9pm on the second day of voting with the exception of system downtime that will occur during the night of Day 1.

v. Persons elected to the Senate or Board of Governors are subject to approval and appointment by those bodies.

9.1.5 Each candidate and registered campaign is entitled to see a print-out of the official results from the voting software.

9.1.6 There shall be no voting by proxy.

9.1.6.1 In the event that a member with a disability requires assistance to use the online voting software, they should seek it from Dalhousie’s Accessibility Services rather than the DSU in order to ensure impartial assistance.

9.1.7 In the event a referendum results in a tie vote, the question will have failed.
10. Appeal of Referendum Result

8) APPEALS OF REFERENDUM RESULTS

10.1 Any student may challenge the validity of an election or referendum result in a written submission to the Elections Committee within two (2)-school days after the close of voting.

10.2 Written submissions appealing election, referendum, or recount results, shall contain the appellant’s name, student number, telephone number and address, as well as a detailed explanation of the reason(s) for challenging the results.

10.3 The Elections Committee shall investigate the appeal and decide on the appropriate action.

10.4 No record of vote shall be destroyed until thirty (30) days after the close of voting.